



## **“ISSUES OF RESTITUTION AND REPATRIATION OF LOOTED AND ILLEGALLY ACQUIRED AFRICAN OBJECTS IN EUROPEAN MUSEUMS”**

### **THE NAMIBIAN EXPERIENCE**

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### **INTRODUCTION AND BACKGROUND**

The German military campaign against the Ovaherero and Nama communities of 1904-1908 has been labelled ‘the first genocide of the twentieth century’. A research project conducted in 2007 consulted members of the affected communities about their perceptions of the genocide and their views on the form that possible reparations should take. The project concluded that, despite the length of time that had passed since the genocide there is still ‘a lot of deep seated resentment against Germany’. It noted that “interviewees did not seek direct monetary recompense, but instead favoured development in their area”. Whilst the focus in the media has been on these economic and developmental aspects of ‘restorative justice’ it will also be important that the concept of ‘restoration’ is applied to the cultural heritage and identities of affected communities which were damaged by the spiritual and physical destruction or violent removal of many artifacts. The interviews also revealed a recognition that whilst the genocide targeted particular groups of Namibians the impact of the actions that took place had a far wider impact. Chief Hoveka is quoted as saying “When the veld is on fire it takes with it many things. And if you are accidentally

affected you are entitled to compensation, even if you were not the main target".<sup>1</sup> Genocide was the extremity of the racial violence and disempowerment that was a feature of colonialism. This paper will focus on the complex relationship between the Germans and one Nama community, the Witbooi. It will argue that the dispossession of heritage items and forced removal of members of the community before, during and after the genocide all formed part of a process of emasculation

### **The Political Context – the National Assembly Motion of 2006:**

The late Hon. Kuaima Riruako tabled a motion to the National Assembly on 19<sup>th</sup> September, 2006. The motion sought support for 'the demand for reparations from the German Government as well as those private companies who have benefitted from the demise of the Namibian people'.<sup>2</sup> The motion followed the initial acknowledgements relating to the 1904-1908 atrocities made by Hon. Wieczorek-Zeul on 11<sup>th</sup> August, 2004.

Hon Riruako explained the principle of reparations as

*"If you break something that belongs to someone else, you must repair it. If you steal something, you give it back to the rightful owner".*

He argued that the most important themes that should be emphasized in the claim were

*". . . accountability for the atrocities, respect and self-respect for the survivors; reclaiming our memories; narrating our stories, and reclaiming what is ours".<sup>3</sup>*

The significant argument is made that the return of stolen property is an essential component of reconciliation. Furthermore, the return of physical objects can be seen within the context of the psychological importance of 'reclaiming our memories'. Objects can perform a memorial function within the context of community-based museums as story-telling places where the Namibian narrative of the genocide is preserved. Hon. Riruako, in his closing remarks, highlighted the fact that

*"the Namibian government should be an interested party in any discussions between its nationals and the German Government on the issue of reparations."*

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<sup>1</sup> Erichsen, Casper, "What the Elders Used to Say: Namibian Perspectives on the Last Decade of German Colonial Rule", NID, Windhoek, 2008: 19 & 59.

<sup>2</sup> National Assembly *Hansard*, Fourth Parliament, Fourth Session, No 47, 2006, p. 73.

<sup>3</sup> *Ibid*: 35.

The request was that a ‘dialogue be convened’ (Hon. Riruako suggested that this should take the form of a ‘consultative conference’). Hon. Riruako’s conclusion was

*“That dialogue be convened between, on the one hand, the German Government and on the other hand, the Namibian Government and representatives of the affected parties to try and resolve this matter amicably and thereby strengthening and solidifying the existing excellent relationship between the two countries (Germany and Namibia).<sup>4</sup>*

*The restitution of cultural artifacts taken from Namibia during the German colonial period must, therefore, be located within the context of the current negotiations and the development of a framework for reconciliation between Namibia and, particularly, the affected communities and Germany.*

This paper will focus on the particular relationship between the genocide and the pillaging of items from one of the icons of anti-colonial resistance, Hendrik Witbooi. The relationship between Germany and the Witboois is a complex one. When Hendrik Witbooi declared war on the Germans, there was still a contingent of about 110 Witbooi and other Nama troops fighting under German command as required under the Treaty that the Witbooi’s had signed with the Germans. They were immediately disarmed and taken prisoner, and in November 1904 deported to Togo, a climate with tropical illnesses against which they had no immunity. In July 1905, the Governor in Togo reported that 63 of the Nama had already died, and requested their return. [Von Trotha refused and requested that they be sent instead to East Africa. The surviving 48 were, instead, deported to Cameroon, where the Governor was horrified about their conditions and also requested their repatriation. Eventually 41 survivors were repatriated to Namibia on 26<sup>th</sup> June 1906.

Despite this experience, in 1910, again a group of 90 Nama prisoners (men, women and children) were deported to Cameroon because they allegedly posed a security risk, and, in this case, only 42 survivors were repatriated in September, 1913 (following the intervention of the German Parliament) after the majority had died. Plans were discussed to deport entire Nama communities to other German colonies (such as Papua New Guinea), despite the lethal death rate, and only abandoned because of the high costs involved. Whilst Herero prisoners were ‘released’ when their camps were closed on 1<sup>st</sup> April, 1908, the majority of Nama prisoners remained in camps, far from their homes, until the end of German rule in 1915.

The Government of the Republic of Namibia has constituted a Technical Committee (TC) on Genocide, Apology and Reparations with an open-ended invitation to all particularly affected communities and their representatives to

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<sup>4</sup> Ibid, 26<sup>th</sup> October, p. 226.

join hands in the process. The TC reports to the Political Committee which was established by the Cabinet Committee on Policy and Priorities for the same purpose. The latter is chaired by the Vice President.

## **ISSUES TO BE ADDRESSED**

The state of Germany was founded in 1870 and in pursuit of its ambition to become a nineteenth century imperial power claimed a number of overseas colonies, including, in August 1884, German South West Africa (Namibia). The Berlin Conference later that year confirmed and consolidated Germany's colonial empire. However, the imposition of colonial rule on the independent African polities of the time led to sustained resistance.

In 1904 the central and southern parts of Namibia were thrown into a state of political, social, economic and cultural turmoil, when the German imperial government waged a war and committed genocide in its quest to suppress the anti-colonial resistance of the Herero and Nama communities. The historical legacies of injustice and the psychological scars brought about by the colonial policy of genocide has been borne across generations to this very day. In 2015, the Governments of the Republic of Namibia and the Federal Republic of Germany agreed to enter into structured bilateral negotiations with the view of finding redress to this dark experience of shared history of our two countries.

The bilateral negotiations between the Governments of the Republic of Namibia and the Federal Republic of Germany are based on three core principles. The talks should be:

- (a) Framed within the context of the concept of 'transitional justice'. In short, this is the argument that any conflict leaves a legacy in the form of a number of social, economic and cultural issues. A post-conflict society needs to deal with these issues to prevent the continuation of simmering social tensions due to unresolved legacies of the historical injustice issues.<sup>5</sup>
- (b) Focus on the development of a mutually agreeable position on a reparation package that will strengthen future co-operation between the two countries.
- (c) Provide the German and Namibian Governments with the unique opportunity to mould a special relationship and bring the two peoples closer as we chart a new picture in our bilateral relations.

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<sup>5</sup> Professor Yonah Seleti, the former Heritage Manager of The Freedom Park Trust has argued the crucial nature of this process within the Southern African context. He argues that it is important "... to promote this conversation of the present with the past with the aim of healing the wounds that the past opens for the sake of a healthy tomorrow" Freedom Park Trust, One step backwards, two steps forward: Towards diversity, unity, reconciliation and nation building, 2003:3. GOOD QUOTE. I WOULD INCLUDE IT IN YOUR MAIN TEXT.

The official recognition of the 1904-1908 Genocide by the Federal Republic of Germany will provide the opportunity to affirm and strengthen the relationship between Namibia and Germany. The recognition should take the form of the acknowledgement of the Genocide by the German State at the highest level and an official apology. The recognition of past wrongs should be accompanied by agreement on a suitable package of economic activities and memory work that will address the consequences and legacy of the genocide.

The aim of reparations is that they must “*... as far as possible, wipe out all the consequences of the illegal act and re-establish the situation which would, in all probability, have existed if that act had not been committed*”. The basis of reparations is, therefore, not just compensation for losses, but restoration. The return of objects should be seen in the context of the restoration of cultural identity and provision of markers of memory.

### **Cultural and Social Impact**

The impact of the genocide destroyed the economic foundations of the affected communities - land, labour and livestock. However focusing only on the economic impact of the genocide would be to underestimate the devastation that it caused. The traditional leadership of the communities were killed or forced into exile, destroying the social structure of communities. The extermination of communities was accompanied by the weakening and, in some cases, destruction of traditional beliefs and rituals. For example, the existence of a large community of Ovaherero living in Botswana as a result of the genocide meant that they were separated from traditional sacred sites and objects. After independence, the Namibian government faced a major expense to organize the repatriation of the majority of this group to their ancestral homeland.

Families were separated from gravesites that played an important role in the Herero belief system and the Holy Fire was extinguished in hundreds of households. It was reported that after the end of the German colonial period some of the Herero in exile had to return to revive the Holy Fires. A massive loss of faith in traditional religion was recorded after the genocide. Indeed, the concentration camps were an active site for Christian conversion and the displacement of Herero and Nama communities from important graves and heritage sites had a devastating impact on traditional belief systems. Herero ancestral graves were now located on new commercial farms and became inaccessible for ritual purposes. In addition the removal of children from their families led to a loss of culture and identity. Sexual abuse in the camps was also linked to the introduction of sexually transmitted diseases and a pronounced drop in the birth rate. The rape of women had a cultural impact too as the children that resulted were not, culturally, entitled to the same status within the family structure.

## **Human Remains and Cultural Artifacts**

The bodily remains of Namibians that had been stored in a number of German museums for over a hundred years have been returned to Namibia in three separate episodes. The return of the remains has highlighted the complicity of German museums in the collection of 'human remains' as 'specimens'. The export of bodies was directly related to the high death rate of prisoners in the Namibian concentration camps.

The most well-known example was the export of the heads of 18 Nama and Herero prisoners from Shark Island (which were identified and returned as part of the first repatriation) and the export of blanched skulls of deceased Herero prisoners from the concentration camp at Swakopmund. However, the collection of human remains as part of the racist scientific practices of the time continued after the end of the 1904-1908 war (see Rassool and Legassick, 2000 for evidence of the collection of skeletal remains from Namibia for South African museums).

The 'return of the skulls' should have highlighted the wider looting and export of cultural artifacts that also fed German museums as a direct consequence of German colonial rule. The most well-known example, although it pre-dates the 1904-1908 war, were the 'Witbooi Diaries', most of which have been returned to Namibia since 1990. Namibia does not yet even have an inventory of all the objects that were taken from Namibia as a direct or indirect consequence of the war.

A project entitled 'Africa Accessioned', which received some initial funding from the International Council of Museums (ICOM), has been contacting museums in Germany to try and map the holdings in their collections from Namibia. The project uses the slogan 'Museum Collections Make Connections' with the concept that museums should make contact with 'source communities' and enter a dialogue with them. One part of this dialogue may involve the repatriation of artifacts that are of particular significance and/or were obtained illicitly. However, the collection might also be used as a basis for creating contemporary links between communities in Germany and communities in Namibia in the form of exhibitions and cultural exchanges. Africa Accessioned is committed to establishing a network and ensuring that the return of objects is seen as a way of generating dialogue between people, rather than leaving a silence about the colonial past in Germany.

## **The Witbooi Bible and Whip**

In 2018 the **Linden Museum Stuttgart, Germany** (in the Federal State of Baden Württemberg) expressed their readiness to hand the Hendrik Witbooi Bible and whip back to the Witbooi family. This was confirmed during a visit to Namibia by a delegation including the Director of the Museum. The delegation met with

the Namibian Minister of Education, Arts and Culture as well as a select group of Witbooi family members to convey their intentions.

The delegation also met with a delegation of the Museums Association of Namibia (MAN) where the matter was also discussed. The Museums Association of Namibia is an NGO and membership organization that has responsibility for regional museum development in Namibia. We welcomed the report that the Witbooi Bible will be returned to Namibia, possibly in February, 2019. MAN believes that the return of the Bible will be an important act of reconciliation. However, MAN argues that the return should not be viewed as an isolated act, but rather as an opportunity to develop a link with the Witbooi family and the community of Gibeon. The community have had a long term ambition to develop a museum in the town and the return of the Bible could be used as an opportunity to make a longer term commitment to support the development of a museum. Gibeon has high rates of unemployment and poverty, but lies only nine (9) kilometers off the main B1 road (that runs through the heart of the country from north to south). In 2005 MAN worked with a group of unemployed youth in the town to create an exhibition (see below) which could form the basis for the development of a new exhibition and/or museum.

In the discussions I cautioned that these two important objects should not be perceived and treated simply as "Witbooi" family heirlooms. The Old Captain did not take up his fight against German colonial occupation in his personal capacity, but for his clan and country. The late Rev. Dr. Hendrik Witbooi was at pains on numerous occasions to reiterate this historic fact. There is a recognized Witbooi Traditional Authority based at Gibeon who needs to be brought into this equation. The current approach whereby only a select group of Witbooi family members (divided, as they are presently, into two factions) were consulted on the matter spells disaster and will further divide the clan. I pointed this out during the discussions with the full Baden Württemberg delegation as well as in a subsequent one-on-one discussion session with Dr de Castro, the Director of the Linden Museum, Stuttgart.

The Director of Heritage and Culture Programmes at the Ministry of Education, Arts and Culture is presently in dialogue with the regional government (who legally, "owns" the museum collections) about the repatriation of Witbooi's bible and whip from the collection of the Linden Museum. The regional government of Baden-Württemberg are discussing whether to draft a special legal document that can also be used in future cases or to repatriate the Bible and the whip as special exceptions. The coalition members apparently are not in accord about how to handle this. Captain Witbooi's New Testament volume and the whip are (as we speak) being exhibited in the museum with a notice that they are in the process of being repatriated, until they will actually be sent to Namibia.

**Collaborative Research on the Historical Photograph Collection at the Linden Museum.** When Dr Silvester, the Director of MAN was able to spend a short time at the Linden Museum he noted that the museum also has an

extensive and interesting photograph collection featuring colonial Namibia. MAN has had useful experiences with the use of digital copies of historical photographs to create new exhibitions with community involvement. MAN recommends that a further interesting collaborative project might be established, possibly at the level of a collaboration between the University of Namibia and a counterpart in the state using images to create a Namibian narrative to contextualize the objects that will be returned to Namibia. However, it will be important to conduct an initial evaluation of the photograph collection to assess its size and significance. MAN argues that the Linden Museum (and other German museums) should provide a set of digital images and captions for the photographs and objects from Namibia as the next step to developing a collaborative project. However, if this is not possible, we could be invited to make initial appraisals of the various collections to map the way forward for further collaboration.

## **LESSONS LEARNT**

A common misconception is that **reparation** is synonymous with compensation. Although compensation is common, other forms of reparation include: restitution, rehabilitation, satisfaction and guarantees of non-repetition.

**Restitution** seeks to restore the victim to the situation that would have existed had the crime not happened. This may include restoration of liberty, legal rights, social status, family life and citizenship; return to one's place of residence; and restoration of employment and return of property.

However, for the most heinous crimes, it is often impossible to restore victims to their original situation making other forms of reparation necessary.

**Satisfaction and guarantees of non-repetition** include such individual and collective elements as revelation of the truth, public acknowledgment of the facts and acceptance of responsibility, (prosecution of the perpetrators), search for the disappeared and the identification of human remains, the restoration of the dignity of victims through commemoration and other means, activities aimed at remembrance and education and at preventing the recurrence of similar crimes.

## **Museums**

Whilst the genocide was an event that changed the course of Namibian history we do not have a museum that provides a comprehensive narrative of the genocide. The Independence Memorial Museum has been structured as a memorial to those 'whose blood waters our freedom', although it is, symbolically, located close to the site of one of the 'concentration camps' where 'rebel' communities were confined. The museum does not provide a narrative, but, rather, a visual representation of iconic events in the struggle for independence. Museums in towns which contained the two worst concentration camps, Swakopmund and Lüderitz, do not feature this history. Namibia would benefit

from a dedicated museum that provided a Namibian narrative of the 1903-1908 war and the Namibian Genocide. Ideally, this museum should be located at a site of conscience (where one of the significant events associated with the war/genocide took place).

The Okakarara Community, Culture and Tourism Centre (OCCTC) is close to the battlefield of Ohamakari. However the OCCTC, which opened ten years ago, needs serious renovation and has not been able to obtain sufficient income to maintain adequate staff. OCCTC has a gallery which can house temporary exhibitions, but does not have a permanent collection or display about the war.

It seems relevant to report that the Museums Association of Namibia is currently working on a mobile exhibition entitled '*The Ovaherero and Nama Genocide: Learning from the Past*'. MAN's travelling exhibition is a temporary solution, but Namibia needs permanent community-based museums that serve as an education resource for Namibian learners about the genocide and the German colonial period. However, modern interactive display technologies mean that exhibitions might also serve as a point of dialogue between young people in Namibia and Germany. New generations should learn lessons from the past so that they challenge racism and discrimination in contemporary Namibia and contemporary Germany. A museum could provide an effective physical and virtual platform where the ongoing processes of reconciliation could take place.

## **EXPECTED OUTCOMES**

Mahmood Mamdani uses the term 'Race branding' to describe the discrimination that forms the ideological framework which facilitates the process of genocide.<sup>6</sup> A principled approach to the past can, thus, present a visible marker of the position of the German Government and wider German society to contemporary issues of race. The new German position can provide a platform for future collaborative 'memory work' between Namibia and Germany which can help strengthen our bilateral relationship.

Genocide is the most extreme consequence of prejudice by a group with the power and means to implement it. The genocide and the way it is remembered shaped (and continues to shape) perceptions and politics in both Germany and Namibia. Negotiations should not be viewed as seeking 'closure', but, rather as opening up a new chapter in German-Namibian relations. 'Memory work' is a process that is an important feature of 'transitional justice'. Constant review and reaction to the past can shape contemporary social attitudes and build new, forward-looking relationships.

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<sup>6</sup> Mamdani, Mahmood *When Victims Become Killers: Colonialism, Nativism and the Genocide in Rwanda*, James Currey, Oxford, 2001: 13. Hannah Arendt argued that "African colonial possessions became the most fertile soil for the flowering of what later was to become the Nazi elite. Here they had seen with their own eyes how peoples could be converted into races and how, simply by taking the initiative in this process, one might push one's own people into the position of the master race." The origins of totalitarianism, Harcourt, New York, 1951: 206-207.

The opportunity exists to build collaborative projects which complement the economic measures that will be implemented. German and Namibian history for this period is a shared history that had a significant impact on both countries. A number of past and present projects have attempted to conduct memory work on the genocide through memorials, the repatriation of human remains and collaborative work that makes use of our entangled archives, history and heritage. Collaborative projects that link communities in Germany and Namibia should form part of the ongoing process of reconciliation.

## **THE WAY FORWARD**

- 1) **Returning the Dead - Africa.** Support and technical assistance are required from the Governments and peoples of Togo and Cameroon to trace the burial sites and remains of our people. We have engaged respective Governments through diplomatic channels, but these are proving to be slow and cumbersome. Universities and related civil society institutions could support our efforts to get information and material. Likewise, we need assistance with provenance research to return all human remains that were removed unethically during the German colonial period to be studied as 'specimens' and which are now held in German museum collections. The process of 'rehumanisation' requires that these ancestral remains are reunited with the descendent communities.

**Germany** -Consultations with affected communities have repeatedly raised the issue of the human remains of victims of the genocide that were taken to German museums and scientific institutes and contributed to the development of racist theories in Germany. It is important that Germany clearly denounces the unethical way in which these human remains were 'collected' and used.

It is important that any human remains held in Germany that were collected in Germany are returned and that the process through which this takes place is guided by the rituals and beliefs of the descendants' communities. Hence; their participation in the whole process of the return of human remains and the ceremonies that take place after their return is of cardinal importance in order to provide an opportunity for meaningful acts of reconciliation. It should be noted that the issue of cultural artifacts taken to Germany during the period should be linked to the museum development in Namibia.

It is important that there is a clear public awareness that unethically collected human remains held by German museums or in private collections are being identified and that a process that is acceptable to the relevant descendants' communities has been followed during their return.

It is, therefore, recommended that letters should be sent to all the museums in Germany through the network of the German Museum Association requesting

each museum to indicate if its collection includes human remains from Namibia. If the collection does contain Namibian human remains the number of remains should be indicated and information provided about the provenance of these human remains. Namibians should be involved in the provenance research that seeks to establish, as far as possible, the means by which remains were obtained and the descendants' communities that should be consulted. The aim should be to establish a complete inventory of Namibian human remains in German museums to avoid the piecemeal return of ancestral remains and to facilitate a single large scale return. Namibia should demand that a comprehensive mechanism is put in place as part of the reconciliation process with Germany.

It is recommended that an Advisory Committee, involving descendants' communities, is established that will be involved in the research and the return of human remains. The return can be an event that helps strengthen the spirit of reconciliation between Namibia and Germany.

2. **Building Partnerships.** We believe in strengthening ties between German and Namibian institutions, communities and peoples through the exchange of ideas, experiences and resources for ongoing memory work.
3. **Collaborative Provenance Research.** Research about the place of origin of objects taken to Germany unethically should be conducted in both Germany and Namibia. International collaborative research between Germany and Namibia will be able to combine archival and oral history to document the narrative of the German colonial rule in Namibia and the 1904-1908 Genocide in particular. .
4. **Repatriation as an Act of Reconciliation.** The return of 'stolen' or 'taken' artefacts should be seen as the beginning of a relationship and not simply in terms of 'closure'. Returns can be used to establish friendship groups and cultural cooperation (for example, exchange visits of descendant families of those involved in the genocide, memorial events at set dates/ intervals both in Namibia and Germany).
5. **Museum Making.** Existing museums do not prominently feature the 1904-1908 Genocide. We recommend a dedicated museum (or museums) that will provide a shared German and Namibian narrative of the 1904-1908 Genocide. The museum will also locate, collect and store all objects related to the Genocide. The museums should be supplemented by a number of display centres at memorial sites across Namibia.