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21st Century: The Socio-Legal Context of Claims under International Law by the Herero against Germany for Genocide in Namibia, 1904–1908, Jeremy Sarkin (Westport, CT: Praeger Security International, 2009), ix + 308 pp., cloth \$75.00, Kindle eBook \$54.00, Holocaust and Genocide Studies, Volume 24, Issue 3, Winter 2010, Pages 491–493, <https://doi.org/10.1093/hgs/dcq057>

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In Colonial Genocide and Reparations Claims in the 21st Century: The Socio-Legal Context of Claims under International Law by the Herero against Germany for Genocide in Namibia by Jeremy Sarkin-Hughes, a number of 100,000 victims is given. German author Walter Nuhn states that in 1904 only 40,000 Herero lived in

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German South West Africa, and therefore "only 24,000" could have been killed.

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## Herero and Namaqua genocide - Wikipedia

In 2001, the Herero became the first ethnic group to seek reparations under the legal definition of genocide by bringing multi-billion-dollar suits against Germany and German companies in a number of U.S. federal courts under the Alien Torts Claim Act of 1789. The Herero genocide, conducted in German South-West Africa (present-day Namibia) between 1904 and 1908, is recognized by the UN as the first organized state genocide in world history.



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Colonial genocide and reparations claims in the 21st ...

The Herero and Nama genocide perpetrated by the German colonial authorities, under the command of General Von Trotha has left a controversial legacy in Namibia. It was during the period of 1904-07 when an estimated 80 percent of Hereros and 50 percent of Namias perished in their quest to reclaim their lands from German

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settlers. Due to the political situation of that period before Namibia's independence in 1990, little was said about the genocide until the descendants of the genocide ...

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¶ The German special envoy in the ongoing genocide negotiations has rejected claims that his country had offered to pay Namibia about ¶10 million, or N\$180 million, as reparations. In June this year, President Hage Geingob said in his state of the nation address that Namibia rejected a ¶10 million offer by Germany as reparations for the genocide perpetrated by German settlers between 1904 and 1908.

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## Reparations Demand Expanding Among African People ...

All of the colonial, neo-colonial and imperialist states charged with human rights violations, genocide and other crimes against the people have either rejected the claims made against them or have provided inadequate responses. The U.S. has never even apologized

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The centuries of enslavement and national oppression of African people.

The reparations claims filed in US courts by the Herero of Namibia for genocide committed by Germany in 1904-1908 raise critical international law issues bearing on the potential claims of many indigenous peoples against former colonial powers.

More and more, the descendants of indigenous victims of genocide, land expropriation, forced labor, and other systematic human rights violations committed by colonial powers are seeking reparations under international law from the modern successor governments

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and corporations. As the number of colonial reparations cases increases, courts around the world are being asked to apply international law to determine whether reparations are due for atrocities and crimes that might have been committed long ago but whose lasting effects are alleged to injure the modern descendants of the victims. Sarkin analyzes the thorny issues of international law raised in such suits by focusing on groundbreaking cases in which he is involved as legal advisor to the paramount chief of the Herero people of Namibia. In 2001, the Herero became the first ethnic group to seek reparations under the legal definition of genocide by bringing multi-billion-dollar suits against Germany and German companies in a number of U.S. federal courts under the Alien Torts Claim Act of 1789. The Herero genocide, conducted in German South-West Africa (present-day Namibia) between 1904 and 1908,

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is recognized by the UN as the first organized state genocide in world history. Although the Herero were subjected to Germany's First Genocide, they have, unlike the victims of the Holocaust, received no reparations from Germany. By machine-gun massacres, starvation, poisoning, and forced labor in Germany's first concentration camps, the German Schutztruppe systematically exterminated as many as 105,000 Herero women, and children, composing most of the Herero population. Sarkin considers whether these historical events constitute legally defined genocide, crimes against humanity, and other international crimes. He evaluates the legal status of indigenous polities in Africa at the time and he explores the enduring impact in Namibia of the Germany's colonial campaign of genocide. He extrapolates the Herero case to global issues of reparations, apologies, and historical human rights

# Download File PDF Colonial Genocide And Reparations Claims In The 21st Century violations, especially in Africa.

In February 2003, the Herero People's Reparations Corporation filed a complaint against Germany in the District Court of the District of Columbia alleging violations of international law, crimes against humanity, genocide, slavery, and forced labor before, during, and after the German-Herero War (1904-07). The German government, modern scholars, and other commentators have long taken the position that genocides committed by colonial governments in the nineteenth century did not violate international law at that time. Arguments for this position rely, inter alia, on the belief that all forms of genocide were first criminalized and made



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punishable by the 1948 U.N. Convention on Genocide. However, an analysis of contemporaneous international customary and treaty law shows this position to be wrong and supports the position that colonial acts of annihilation in Africa were illegal by the end of the nineteenth century. This article further argues that this law was directly applicable to the German-Herero War. It concludes that the Hereros' case for legal redress is stronger than heretofore assumed and examine the implications for the claims of other similarly situated victims of genocide.

Published in concomitance with the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, this volume brings

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Together a group of renowned legal experts and activists from different parts of the world who, from international and comparative perspectives, investigate the right of indigenous peoples to reparation for breaches of their individual and collective rights. The first part of the book is devoted to general aspects of this important matter, providing a comprehensive assessment of the relevant international legal framework and including overviews of the topic of reparations for human rights violations, the status of indigenous peoples in international law, and the vision of reparations as conceived by the communities concerned. The second part embraces a comprehensive investigation of the relevant practice at the international, regional, and national level, examining the best practices of reparations according to the ideologies and expectations of indigenous peoples and offering a comparative perspective on the

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The ways in which the right of these peoples to redress for the injuries suffered is realized worldwide. The global picture painted by these contributions provides a view of the status of relevant international law that is synthesized in the two final chapters of the book, which include a concrete example of how a judicial claim for reparation is to be structured and prescribes the best practices and strategies to be adopted in order to maximize the opportunities for indigenous peoples to obtain effective redress. As a whole, this volume offers a comprehensive vision of its subject matter in international and comparative law, with a practical approach aimed at supporting legal academics, administrators, and practitioners in improving the avenues and modalities of reparations for indigenous peoples.

This book analyses the debates on colonial genocide in the 21st

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century and introduces cases where states are reluctant to acknowledge genocides. The author departs from traditional studies of the work of Raphael Lemkin or U.N. definitions of genocide so that readers can examine genocide recognition as a political act that is bound up in partial perceptions and political motivations. The study looks at the Tasmanian genocide, Al-Nakba, and several other tragic events. It also looks at the ways that these historical and contemporary debates about colonial genocides are related to today's conversations about apologies and other restorative justice acts. This work will be of interest to a wide range of audiences including researchers, scholars, graduate students, and policy makers in the fields of political history, genocide studies, and political science.

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In the 1904-1908 genocide in German South-West Africa, the German colonial power eliminated 80 percent of Herero and 60 percent of Nama indigenous communities. Following Namibian independence from South Africa in 1990, descendants of genocide survivors began petitioning Germany for reparations. While legal scholars have debated the technical merits of their case, this project adopts a legal anthropology perspective to examine the Herero/Nama reparations movement in its contemporary sociolegal context of localized political disputes, ethnic identity contests, and international justice initiatives. Based on eight weeks of ethnographic research in Windhoek, Namibia in the summer of 2012, the project focuses on the ways in which reparations activists imagine and invoke domestic and international law as they establish continuities between their historical memories of domination by the

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The Social Legal Content Of Claims Under German colonial authorities, and their lived experiences of marginalization by the Namibian state. Their demands for symbolic acknowledgement and material redress foreground their colonial-era victimhood in ways that challenge the hegemonic narrative of the Namibian liberation struggle -- a hegemonic narrative that canonizes the anti-apartheid resistance efforts of the ruling SWAPO party and devalues earlier Herero and Nama wars against the German colonial regime. I find that reparations activists' traditionally political claims about memory, ethnicity, and cultural survival are being contested in legal arenas, and that despite their pessimistic approach to domestic law, they hold faith in international law as neutral, fair, and on the side of justice. Herero and Nama reparations activists draw on the global normative discourse of genocide to present legal claims in ways that challenge

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not only the German government's refusal to pay reparations, but also the Namibian government's exclusionary practices of ethnic favoritism and corruption.

This important collection of essays expands the geographic, demographic, and analytic scope of the term genocide to encompass the effects of colonialism and settler colonialism in North America. Colonists made multiple and interconnected attempts to destroy Indigenous peoples as groups. The contributors examine these efforts through the lens of genocide. Considering some of the most destructive aspects of the colonization and subsequent settlement of North America, several essays address Indigenous boarding school systems imposed by both the Canadian and U.S. governments in attempts to "civilize" or "assimilate" Indigenous children.

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Contributors examine some of the most egregious assaults on Indigenous peoples and the natural environment, including massacres, land appropriation, the spread of disease, the near-extinction of the buffalo, and forced political restructuring of Indigenous communities. Assessing the record of these appalling events, the contributors maintain that North Americans must reckon with colonial and settler colonial attempts to annihilate Indigenous peoples. Contributors. Jeff Benvenuto, Robbie Ethridge, Theodore Fontaine, Joseph P. Gone, Alexander Laban Hinton, Tasha Hubbard, Margaret D. Jabobs, Kiera L. Ladner, Tricia E. Logan, David B. MacDonald, Benjamin Madley, Jeremy Patzer, Julia Peristerakis, Christopher Powell, Colin Samson, Gray H. Whaley, Andrew Woolford



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Since the mid-nineteenth-century abolition of slavery, the call for reparations for the crime of African enslavement and native genocide has been growing. In the Caribbean, grassroots and official voices now constitute a regional reparations movement. While it remains a fractured, contentious and divisive call, it generates considerable public interest, especially within sections of the community that are concerned with issues of social justice, equity, civil and human rights, education, and cultural identity. The reparations discourse has been shaped by the voices from these fields as they seek to build a future upon the settlement of historical crimes. This is the first scholarly work that looks comprehensively at the reparations discussion in the Caribbean. Written by a leading economic historian of the region, a seasoned activist in the wider movement for social justice and advocacy of historical truth,

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**Britain's Black Debt** looks at the origins and development of reparations as a regional and international process. Weaving together detailed historical data on Caribbean slavery and the transatlantic slave trade with legal principles and the politics of postcolonialism, the author sets out a solid academic analysis of the evidence. He concludes that Britain has a case of reparations to answer which the Caribbean should litigate. The presentation of rich empirical historical data on Britain's transatlantic slave economy and society supports the legal claim that chattel slavery as established by the British state and sustained by citizens and governments was understood then as a crime, but political and moral outrage were silenced by the argument that the enslavement of black people was in Britain's national interest. International law provides that chattel slavery as practised by Britain was a crime

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against humanity. Slavery was invested in by the royal family, the government, the established church, most elite families, and large public institutions in the private and public sector. Citing the legal principles of unjust and criminal enrichment, the author presents a compelling argument for Britain's payment of its black debt, a debt that it continues to deny in the face of overwhelming evidence to the contrary. Britain's Black Debt brings together the evidence and arguments that the general public and expert policymakers have long called for. It is at once an exciting narration of Britain's dominance of the slave markets that enriched the economy and a seminal conceptual journey into the hidden politics and public posturing of leaders on both sides of the Atlantic. No work of this kind has ever been attempted. No author has had the diversity of historical research skills, national and international political

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Involvement, and personal engagement as an activist to present such a complex yet accessible work of scholarship for both activists and academics.

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