

**THE BIBLE AND THE WHIP – ENTANGLEMENTS AROUND THE RESTITUTION OF  
ROBBED HEIRLOOMS**

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## **The Bible and the Whip – Entanglements surrounding the restitution of looted heirlooms<sup>1</sup>**

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### **Introduction**

At times, seemingly obvious and simple actions expose fundamental contradictions. This is true of the postcolonial situation that exists between Namibia and Germany. In the course of the first restitution by a German state entity of objects looted from its former colony, unexpected conflicts, pitfalls, controversies and in particular, postcolonial entanglements became apparent. In the following, I shall endeavour to reconstruct the first experience of restitution of cultural goods acquired by a German institution in a colonial context; as this points to some fundamental issues regarding the postcolonial state and the specific postcolonial situation of Namibia, these will be addressed as vital dimensions of the germane experience that is at the core of this contribution. As justified and necessary as restitutions are, they can still in no way undo the impact and consequences of colonialism. It can even be said that such consequences become re-articulated in fresh conflicts on the ground.

On the evening of 25 February 2019, at Frankfurt airport, a delegation from the Ministry of Science and Arts (MWK) of the German state of Baden-Württemberg boarded a plane for Windhoek. In addition to the head of the Ministry, Minister Theresia Bauer, and State Secretary Petra Olschowsky and various officials, the delegation comprised academics, archivists, artists and journalists of various German media. The main item, however, was a solid wooden box that was allocated its own seat in business class. The box contained a bible (New Testament) in Nama (Khoekhoegowab) from the possessions of the Namibian national hero, Hendrik Witbooi (Auta !Nanseb), as well as a riding whip also having belonged to him. Both had been looted by German troops during their ignominious raid on Witbooi's mountain fastness of Hornkranz on 12 April 1893. Since 1902, they had been in the

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<sup>1</sup> The following is an expanded and adapted version of a shorter, more impressionistic piece published in *Peripherie* 153 (2019) and titled 'Die Bibel und die Peitsche – Verwicklungen um die Rückgabe geraubter Güter'.

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possession of the ethnological museum in Stuttgart, the Linden Museum. The delegation's objective was to bring these items back to Namibia and in this way, to make a contribution towards healing the wounds of colonial injustice, as far as this is possible today. At the same time, the restitution was intended to mark the beginning of more long-term contacts and exchanges in the realm of science and the arts.

### **Colonial injustice: How to deal with holdings in museums**

As noted, the bible and the whip had been looted when German troops raided Hornkranz. As we shall see below, this assault was a turning point in the history of colonisation in southern Namibia. After having been placed in the Linden Museum, the objects seem to have remained rather inconspicuous, but they surfaced in 2007, when the museum staged a special exhibition entitled “‘Hottentotts” or Khoisan: Towards rehabilitating a group of peoples’. Like its title, the exhibition was somewhat quaint and old-fashioned; one might also wonder why a derogatory term was used to denote Khoisan, and also why they might need ‘rehabilitating’ and by whom. The exhibition itself displayed the whip, but the bible was only mentioned, along with a picture, in the catalogue.

This mention prompted efforts by the German-Swiss committee of the *Archives of Anti-Colonial Resistance and Liberation Struggle* programme, which had recently been formed. Funded by Germany, this programme was based in Windhoek and administered by the German agency GTZ.<sup>2</sup> Its main objective was precisely the repatriation of historical documents to Namibia. However, at that time, approaching the Linden Museum proved futile. Another initiative, this time in the form of a minor interpellation (*Kleine Anfrage*) by a deputy of the Green Party in the state parliament (*Landtag*) of Baden-Württemberg, met a similar fate. Despite the evident injustice that lay behind the presence of the bible and the whip in the museum, the political situation was not yet ripe.<sup>3</sup> Meanwhile, the Namibian Embassy in Berlin had begun discussions with institutions in Baden-Württemberg about various issues of possible restitution. These talks dragged on for a considerable time. In 2014, fourteen human skulls from the anthropological Alexander Ecker Collection were repatriated to Namibia. Roughly five years later, the bible and the whip followed.

There is no doubt about the way these two artefacts, originally the possessions of Hendrik Witbooi, ended up in the museum. It was deeply illegitimate. In the catalogue, this was noted explicitly by referring to ‘booty’ taken in the raid at Hornkranz (Forkl 2007: 89, 111). However, the context in which this injustice was perpetrated merits still further attention. Consistently and with clairvoyant arguments against colonial rule, Hendrik Witbooi had refused to sign a protection treaty that would have placed him under the colonial control of the German Empire. He was the last among the traditional leaders in southern and central Namibia not to sign such a treaty. In various statements, mainly directed to other traditional leaders in the region, Witbooi underlined his unwillingness to ‘surrender ... under the government by another, by White people’ (Witbooi 1995: 52) and stressed his claim to untrammelled control and ownership of his realm, as he recognised those of others,

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<sup>2</sup> Gesellschaft für technische Zusammenarbeit, now Gesellschaft für internationale Zusammenarbeit (GIZ)

<sup>3</sup> The present author was personally involved in various capacities; see also Kößler 2015: 290<sup>46</sup>.

asserting ‘essentially European concepts of territoriality in the Namibian context’ (Wallace 2011: 125). This concept was based, Witbooi argued, on the divine right of kings, ‘for every leader on this earth is merely a steward for our common great God, and is answerable to this great God alone’ (Witbooi 1995: 50). This notion of heavenly ordained rule was maintained by Witbooi spokespersons also in later years, such as in the face of South African rule (see Kößler 2005: 226). On this basis, Witbooi asserted sovereignty on an equal footing with European powers: ‘Damaraland [Hereroland] belongs to the Herero nation alone and is an independent kingdom on its land, and Namaland belongs solely to all the red coloured nations, and these are also independent kingdoms just as it is said of the White man’s countries, Germany and England and so on ...’.<sup>4</sup> Moreover, Witbooi underscored his right to ownership of all of Great Namaqualand, which historically had been the realm of the Red Nation (Gai-//khaun) but had passed over into the hands of his grandfather and later his own, because they had vanquished the Red Nation’s Kaptein, //Oaseb, and later //Oaseb’s successor, Manasse !Noreseb, in war. Here, Witbooi clearly asserted the right of property through conquest: ‘Namaqualand has been bought twice over with blood ... and old //Oaseb’s land is now mine ... according to the universally recognised law of conquest.’ For Witbooi, this entailed full rights of disposal of his own free will: ‘I can do with my land as I see fit’ (1995: 100). It would, however, be mistaken to read this solely in the sense of a claim to full rights of property in a modern sense,<sup>5</sup> since Witbooi immediately declares his main concern, his exclusive right to grant or refuse rights of residence to outsiders. As he states several times in his correspondence, this right had been violated by other actors, including other chiefs in the region but in particular the fledgling German colonial power. He consistently warned his fellow chiefs about the dangers of the expanding colonial rule.

When cornered in the Naukluft mountains in August 1894, Witbooi continued to defy the demands of commissioner Theodor Leutwein: ‘I have never in my life met the German Emperor ... God has given us different kingdoms on earth [...] I ... want to remain the independent chief of my country and my people.’ He further stated that he was prepared to die ‘for that which is my own’.<sup>6</sup>

Witbooi thus asserted that he was on an equal footing with the emperor. One might say, he stated the fundamental principle of the Westphalian system, which is based on the mutual recognition of sovereigns and on the equality and mutual independence of these sovereigns. It is important to note that, precisely at the time when Africa was divided into colonial realms and German colonial rule was enforced in Namibia, the notion of sovereignty, along with that of legitimate belligerents and those deemed capable of entering international treaties, was undergoing fundamental change. In particular, Asian and African sovereigns, who until that time had been treated as equals by their West European counterparts, were now stripped of their status as equal participants in the international system. As a consequence, existing treaties were openly abrogated and broken (cf. Kleinschmidt 2013).

Witbooi combined political acumen with a charismatic personality and a claim to be pursuing a divinely ordained mission intimated to him by visions (Witbooi 1995: 38–41). In projecting

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<sup>4</sup> Witbooi 1995: 50; compared with the original Cape Dutch version 1929: 78.

<sup>5</sup> *ius utendi et abutendi*, cf. Kant (1797: 366, 387)

<sup>6</sup> Witbooi 1995: 174/1929: 223.

this image, he was very successful in attracting followers from diverse groups across southern Namibia. These people went well beyond what might be considered an ethnically bounded polity, /Khowesen, but rather represented a socio-political movement or a kind of proto-party. As such, Hendrik Witbooi and his group constituted the 'greatest obstacle to the early establishment of colonial power' and to the completion of German conquest in southern Namibia (Wallace 2011: 125).

The raid on the mountain fastness of Hornkranz, then, was of great strategic significance. This was also acknowledged by commissioner (Landeshauptmann) Theodor Leutwein. In a response to Witbooi, Leutwein stressed that the modalities of this attack might be questioned, but overall, it had been instrumental in providing the 'calm and peace' of the region (see Witbooi 1995: 179). As any graduate of a German grammar school, such as Leutwein, would have been aware, the idea of such 'pacification' was a time-worn euphemism for the most brutal forms of conquest, going back to Caesar's account of his exploits in the Roman conquest of Gaul. In this case, 'pacification' by brute force served the aim not only of eliminating the one serious challenge to the fledgling colonial power in southern Namibia, but also of forestalling the potential consequences of the negotiations that Witbooi was conducting with other regional chiefs to form an alliance against the colonialists (see Witbooi 1995: 93–97, 103–106, 108–118, 124f). Again, such an alliance, which was intended to include also Samuel Maharero, the head of the most powerful Ovaherero community based in Okahandja, would not only have overcome long-standing feuds, but would also have constituted a very serious threat to the still fragile colonial dominion the Germans had established.

The raid, then, can be considered to symbolise a watershed. It also constituted a brutal attempt to violently enforce that which the colonialists had not been able to achieve by negotiation. It should be remembered that the carnage took more than eighty lives, the great majority of them women and children. Most of the mounted fighters managed to escape and continue guerrilla warfare for another one and a half years before being forced to surrender when encircled in the Naukluft mountains. The protection treaty Leutwein had extracted forcibly in this way obliged Hendrik Witbooi to provide auxiliary troops for the numerous punitive expeditions during the following decade. A considerable Witbooi detachment was present at the battle at the Waterberg on 11 August 1904, which signalled the beginning of the genocide against the Ovaherero. On 4 October 1904, Hendrik Witbooi, now well into his seventies, resolved to resume his resistance and launched a guerrilla war that was to last for several years and involved the majority of the Nama groups in southern Namibia. As his motivation, Witbooi confessed that 'all the souls which have for the last ten years perished ... without guilt or cause, without the justification of warfare in time of peace, and under treaties of peace, accuse me' (1995: 193). He was killed in action on 29 October 1905 at Vaalgras, northeast of Keetmanshoop. During the months that followed, most Nama detachments, including /Khowesen, capitulated to the Germans. Contrary to assurances, /Khowesen were not allowed to remain settled in Gibeon. They were deported, first via Kub to the concentration camp in Windhoek and then to the even more deadly concentration camp on Shark Island in the harbour of Lüderitz. In a petition to the South African authorities more than a decade later, the group reported that of 3500 persons taken there, 3307 had

died (Kößler 1999: 51/61). Witbooi were also deported to Togo and Cameroon (Hillebrecht and Melber 1988; Kößler 2005: 182)

The bible and the whip carry manifold symbolical meanings. They represent an emblematic crime committed in order to enforce colonial rule. Not only was the raid on Hornkranz a brutal massacre, it also marked a milestone in the process of consolidating the territory of what is now Namibia. The colonisation of the South of this country could only be completed by subjugating Hendrik Witbooi and thus the raid was instrumental in creating the territory of the present-day independent state.

Moreover, the plunder of the bible and the whip constitute particularly clear cases of the unjust acquisition of objects that were then placed in museums. In addition to this clear background of injustice, both objects could be clearly attributed to their original owner, which also sets them apart from the majority of museum pieces. In this way, these were particularly clear cases for restitution. The decision of the ministry of Baden-Württemberg to move ahead in this matter can be seen as an important pioneering act, also in the face of the stagnation that for years has beset the negotiations between the Namibian and German governments on the consequences of the genocide of 1904–1908. In this protracted process, many in Namibia painfully long for what would be a decisive step towards a true settlement: the official recognition by Germany of the genocide and further colonial injustice, along with a recognition of responsibility for the crimes committed in its former colony. Words and deeds by the delegation from Baden-Württemberg were received in Namibia as unequivocal in this respect. In this way, this approach was perceived to differ clearly from the one taken by the German Foreign Office, which has chosen to treat the wording of a recognition of these crimes, and of the genocide in particular, as part of the objects in the negotiations that have dragged on since November 2015. Along with this process, the Foreign Office has been seen to retract from its approach made known in July 2015 to address the genocide in such terms, and to refer merely to ‘atrocities’.

### **Countervailing claims**

Given the property rights involved with the Linden Museum, the decision to restitute the bible and the whip had to be enacted by the state parliament of Baden-Württemberg as well as by the Stuttgart city council. As it turned out, problems were by no means resolved with these path-breaking decisions. To be sure, the MWK had made sustained efforts in preparing the ground, in contacts with the relevant state authorities in Namibia, in particular the Minister for Education and Culture, Katrina Hanse-Hirmawa, as well as with various representatives of the Witbooi group. This had been effected in such steps as a brief visit to Windhoek a few months prior to the restitution, but also in further negotiations. There were meetings not only with officials at the Ministry of Education, Arts and Culture in Windhoek, but also with a number of members of the Witbooi group. It was therefore reasonable to assume that all relevant problems had been solved and that the actual restitution would go smoothly.

Only a few days before the restitution of the two heirlooms was to take place in late February 2019, however, a serious conflict emerged. For a short while it seemed that this

confrontation might place the entire plan in jeopardy. The root issue concerned claims of property and the right of disposal. Viewed from the angle of the preparatory process, this conflict was clearly an unwelcome surprise. Yet the controversy clearly highlights the difficult situation of subnational groups in Namibia – and arguably in other postcolonies – inasmuch as they claim the right and the competence to address autonomously, well beyond and independent of governmental policy, the anti-colonial resistance of their ancestors, their sacrifice and their suffering.

In this way, the controversy that evolved highlighted an important dimension within the overall complexity of the postcolonial situation: colonisation implied above all the imposition of the modern state onto the colonised regions. In most cases, this process was marked by violence. In this respect, colonial state making was not so different from the emergence of the modern state in its region of origin, Western Europe. Generally, the modern state was a result of external war making and the violent internal enforcement of 'peace' (cf. Giddens 1985; Tilly 1985; Krippendorff 1985).

What happened in southern and central Namibia during the 1880s and 1890s, then, was the projection of this kind of state overseas, by a foreign, colonial power. As mentioned, this process had come to a first conclusion with the enforced signing of a protection treaty by Hendrik Witbooi. In this way, the raid on Hornkranz, along with the taking of the bible and the whip as booty, can be seen as an important milestone in the imposition of modern statehood. Again, this process of installing a state, with a claim of encompassing sovereignty over its territory, is not something that can be reversed easily in a world where the international community is made up exclusively of such entities. It certainly was not reversed by independence. As has been observed many times, the end of formal colonial rule has not brought back precolonial conditions, but has merely changed the face of modern statehood. Namibia is no exception in this respect.

This continuity of the state is inscribed into the postcolonial situation. What is more, it was already inherent in the quest for independence, as far as this quest was aimed at establishing a sovereign, modern state on the colonially defined territory. Even Liberation nationalism, which has long been seen as the most radical form of resistance to colonialism and also as a kind of prophylaxis against the ravages of neo-colonialism, has consistently referred to these territorial frameworks. Such a perspective feeds into the pervasive insistence on national unity that characterises much of the rhetoric of post-colonial states, and certainly the discourse of the Namibian government (cf. Akuupa and Kornes 2013; Becker 2015).

Against the backdrop of a highly diversified historical experience of colonialism in Namibia's regions (cf. Kössler 2007), since independence the Namibian government has pursued a historical narrative that underscores national unity and is focused on the military and diplomatic dimensions of the liberation struggle of the 1960s to 1990. Not least, primary anti-colonial resistance is relegated to the margins. This concerns also the genocide of 1904–1908, which – due to the limited regional extent of colonial power at the time – was perpetrated in central and southern Namibia, while the northern regions were spared most of the carnage as well as the expropriation of land and the implantation of settler colonialism. Over the years, this hegemonic narrative has known certain variations. Thus, in

2006 the adoption of a resolution by the National Assembly that called on the government to facilitate negotiations with Germany concerning the genocide ushered in a phase where the government can be said to have co-opted the concerns of the victim communities (cf. Niezen 2018: 561–62). As emerged in early 2014, when the second repatriation of human remains from Germany to Namibia coincided with the opening of the Independence Memorial Museum in Windhoek (cf. Kößler 2015: 306–16; 324–26), such co-optation implied less the accommodation of specific concerns, but rather the re-assertion of the hegemonic narrative. This view of history may be seen graphically in the exhibitions and particularly in the murals displayed in the Independence Memorial Museum.<sup>7</sup> For present purposes, the most relevant features are the projections of precolonial harmony, which are represented mainly by unspecified ethnographic objects, and the representation of unified resistance of all ethnic groups in Namibia in a mural featuring an array of leaders from across the country as well as the time period of ca. 1850–1930. Accompanying photographic images also flatten the chronology, thus inserting pictures from the South African Northern Campaign of 1917 into the ‘Scramble for Africa’, which is usually referred to as having taken place from the 1860s to early 1890s. In this way, the northern regions of Namibia, which at that time were virtually untouched by German colonialism, are made to appear as though they had been part of the story. Again, the Genocide Memorial outside the museum, featuring the ‘lean, muscular ... and erect’ bodies of a woman and a man with raised fists, represents less the ‘unspeakable torment of the genocide’ of 1904–1908 than the heroism that eventually achieved liberation (Becker 2018: 15–16). It was this overall approach that also informed the Namibian government’s handling of the issues concerning the bible and the whip.

The Namibian government pressed its claim to ownership of the heirlooms of the ‘national hero’, Hendrik Witbooi, over the supposedly particularistic or tribalistic opposing claims to ownership by the Witbooi family or /Khowese ethnic group. Largely in the person of Minister Hanse-Hirmawa, the government insisted on precisely the kind of national narrative outlined above. Ostensibly in the interests of the unity and sovereignty of independent Namibia, this narrative obliterates actually existing differences in historical experiences as well as current challenges. Denial of the deep contradiction between the aspiration to overcome colonialism on the one hand and the strictly speaking postcolonial situation in which Namibia – and certainly the world, including former colonial powers such as Germany – finds itself, does not help to resolve real-world conflicts, such as that which emerged with regard to the restitution of the bible and the whip.

In very similar ways, this contradiction – the consequences of the colonality inscribed in the postcolonial situation – is articulated in the negotiations that have been conducted since November 2015 between the Namibian and the German governments on the consequences of the genocide of 1904–1908. As far as these negotiations go, large sections of the victim communities do not see their concerns and interests adequately represented by the Namibian government. Reasons given include the preponderance of one ethnic group in the Namibian establishment, but also issues such as the extended Ovaherero and Nama diasporas that exist in neighbouring countries, mainly Botswana and South Africa, as a consequence of the genocide and of flight from the carnage. The consequent claim for an

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<sup>7</sup> I refer to a number of visits in 2014, 2018 and 2019.

autonomous role in the negotiations for victim communities in their own right is based, inter alia, on the rights guaranteed to indigenous minorities under ILO and UN conventions. The Namibian government counters this by claiming its own democratically founded mandate to represent all Namibians. Moreover, the government points to the need to uphold Namibia's hard-won independence and sovereignty, as the last colony on the African mainland to gain independence, only in 1990. There is little chance for an easy compromise in this conflict, let alone for a constructive solution of this fundamental contradiction.

Thus, the claims and argumentative stances that arose around the bible and the whip – even at a rather late hour – are difficult to reconcile. These stances indicate clearly distinct perspectives on the experience of colonialism and anti-colonial resistance as well as the liberation struggle, which in Namibia lasted altogether for more than a century. The government insists on a version that sees the Namibian people as united from the very beginning in its struggle against colonial rule and also uniformly subjected to the sufferings this rule entailed. This militates against the diversity of a country that, even though sparsely populated, is vast in its geographical extent. As has already been observed, processes of colonisation evolved in very uneven and diverse ways, and the same applies to anti-colonial resistance. After the advent of colonial rule in 1884, such resistance mostly involved specific, localised groups, and only in 1904 did these struggles and conflicts coalesce into the first serious challenge to colonial domination after the subjugation of Hendrik Witbooi in 1893/94. Of course, the latter's passionate exhortations to his fellow chiefs in the region not to succumb to colonial rule and to the lure of the protection treaties (cf. Witbooi 1995), in and of themselves speak to the diversity and also to the divisions which marked the situation at the advent of colonialism and also the responses of the various groups and their leaders. It must not be forgotten that the attempt to forge an anti-colonial alliance ultimately failed, and the appeals to revoke the protection treaties went unheeded.

Thus, it is precisely the raid on Hornkranz that stands emblematically for the unevenness and temporal extension of the colonisation and along with it, in one and the same process, the constitution of the territory that today is Namibia. The raid was aided by the Rehoboth Basters,<sup>8</sup> as is also documented even today on the memorial in Windhoek's Zoo Park. Often known as the 'Witbooi Memorial', it honours, however, not Witbooi fighters but exclusively German soldiers who died fighting Hendrik Witbooi and his followers, along with their Baster auxiliaries. The participation of this group highlights the policy of divide and rule that in the end succeeded in suppressing the anti-colonial resistance led by Hendrik Witbooi as well as numerous later instances of resistance. However, only the defeat of Witbooi in August 1894 formally as well as materially consummated the colonial subjugation of southern Namibia. The bible and the whip, then, had been looted under circumstances in which – at least in the eyes of Witbooi (/Khowesen) – colonial statehood not only did not exist. What is more, Hendrik Witbooi and his followers resisted this fledgling construction, with all their might and energy. The raid was aimed precisely at breaking this resistance. It is therefore hard to see how the looted and now restituted heirlooms could be seen as the property of the Namibian state, which is inevitably the successor of the colonial state, as outlined above,

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<sup>8</sup> Like the Orlam, among them the /Khowesen, the Basters had moved into southern Namibia from the Northern Cape and settled in Rehoboth in 1870; 'Baster' is their own denomination.

and not the property of Hendrik Witbooi's descendants or possibly the /Khowese group as a whole.

The conflict about the modalities of the restitution of the bible and the whip, which surfaced in February 2019, clearly articulated these contradictions. The Namibian government, mainly in the person of Minister Katrina Hanse-Hirmawa, sternly insisted that the objects which had been looted from Hendrik Witbooi must be treated as national property. In a press statement issued prior to the restitution, she insisted that 'this is a State to State hand-over' and that the handover would be to 'the Government and the people of Namibia'.<sup>9</sup> Accordingly, the programme of the planned proceedings described in the press statement did not provide a visible role for the Witbooi, but it was mentioned that the ceremony would be 'presided over by His Excellency, Dr Hage Geingob, President of the Republic of Namibia'. However, the statement did mention a 'traditional welcoming ceremony in Gibeon' on 28 February, the day before the actual handover.

Precisely the 'narrative ... that the assets of the legendary Kaptein Witbooi are state assets due to his National figure profile and inscription of the journals of Kaptein Hendrik Witbooi in the memory of the World Register' was found to be 'disheartening and disrespectful' in a press statement by the Witbooi Royal House.<sup>10</sup> The statement further stressed that it was 'the surviving direct descendants ... of Auta !Nanseb'<sup>11</sup> – the three surviving great-granddaughters of the old Kaptein – who ought to 'receive these items on behalf of the Witbooi Royal House and Clan at large'. It was further argued that at the time of the attack on Hornkranz 'in 1893 ... Kaptein Hendrik Witbooi was neither under a German protection treaty nor was he party to a Peace accord. Therefore, the return of these artefacts cannot be treated as an exclusive state to state handover event'. Finally, the Royal House stated that they 'did not abdicate the rights and privileges vested in them and have never asked any other clan, formation or Government to speak on their behalf'. They therefore demanded that 'the Namibian and German governments ... involve the affected community in this process'. The press statement underlined that the '/Khowese Royal House supports the return of the artefacts, however, takes exception to the manner in which the return ... are [sic] handled by the Ministry of Education, Arts and Culture, who is yet to formally communicate to the /Khowese Royal House in terms of the propositions put to them'. The blame for the whole predicament was clearly at the door of the Ministry, as the statement concluded with a plea that the 'repatriation process' be 'escalated' to 'the higher echelons of the state and remove[d] from what has become the proverbial "poisoned chalice" ... the Ministry of Education, Arts and Culture'.

There was no question about what would eventually happen with the bible. It was clear that if only in the interests of conservation, the bible could not stay in Gibeon and should be placed under the care of the relevant state institution, the National Archives. Also, the Minister mentioned in her statement the idea of creating a 'Hendrik Witbooi memorial

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<sup>9</sup> Republic of Namibia, Ministry of Education, Arts and Culture. Press Statement by Hon. Katrina Hanse-Hirmawa, MP, Minister, on the return of Witbooi bible and whip by the Linder (sic) Museum, City Council of Stuttgart and the State of Baden-Württemberg (sic). Windhoek, 14 February 2019 pp. 6, 3.

<sup>10</sup> Office of the Witbooi Royal House: Press Statement for immediate release, 19.2.2019.

<sup>11</sup> Auta !Nanseb is the Nama name of Hendrik Witbooi.

museum in Gibeon ... where all his artefacts, belongings ... will be held for exhibition to all Namibians, scholars and international tourists'.<sup>12</sup> The press statement of the Witbooi Royal House did not refer to this explicitly, although there is clear evidence that they are in agreement with the plan of a museum.<sup>13</sup>

However, the conflict was very real and evident, and it was couched in terms that were reminiscent of the on-going controversy over the negotiations between the Namibian and the German governments on the consequences of the 1904–1908 war. This is clear from the claims raised by the Witbooi Royal House for their own autonomous role and their refusal to consent to being represented by the Namibian government. The same language is quoted in the closing phrase of their statement, that the 'repatriation process, CANNOT BE ABOUT US, IF IT IS NOT WITH US'.

This exchange had been preceded by an intervention of the Nama Traditional Leaders Association (NATLA), which in turn claimed a proprietary interest in the heirlooms superior to that of the Republic of Namibia, both in the name of the Witbooi Traditional Authority as well as in its own right.<sup>14</sup> The statement gives the impression of very hasty composition, not least since it attributes the loot of the heirlooms to the 1904–1908 genocide. The objective here seems to be to stop the entire procedure. The same aim was pursued by a lawsuit filed with the Baden-Württemberg constitutional court, which was rejected on procedural grounds.<sup>15</sup>

All these documents spoke explicitly or implicitly to one of the central points of the controversy that since 2015 has shaped much of the surroundings of the negotiations between the Namibian and German governments on the consequences of the 1904–1908 genocide. One central point of contention remains the role of the affected communities in this process. The NATLA has sided with those who demand that the affected communities be present at the negotiating table in their own right, not merely represented by the Namibian government. The pervasive slogan of this movement is 'Not about us without us', clearly alluded to in the statement of the Witbooi Royal House.

These conflicts were also noted in Germany. Here, it turned out to be difficult to keep the diverse actors apart. A liberal deputy in the Baden-Württemberg parliament saw reason for a minor interpellation to question the state government about, for example, the 'objections of the Nama Traditional Leaders Association'.<sup>16</sup> Similarly, the application to the constitutional court was noted in a Bundestag debate as an instance for the complexity of restitution issues. In a debate on the issue of cultural goods acquired in a colonial context,

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<sup>12</sup> Republic of Namibia, *op.cit.* p. 6.

<sup>13</sup> Consent was evident in numerous personal communications.

<sup>14</sup> Nama Traditional Leaders Association, Repatriation of Artefacts (Captain Witbooi bible and whip) from Germany, c. 13.9.2019 (received by email from Michael Lockman).

<sup>15</sup> Verfassungsgerichtshof Baden-Württemberg, 1 VB 14/19 (21.2.2019); there was a separate intervention by McCallion & Associates, who serve as lead counsel in the Ovaherero and Nama class action suit in New York, by letter addressed to the Linden Museum, cc'ing several Ministries of the state of Baden-Württemberg. This letter stated the concerns of the Witbooi about property interests related to the heirlooms but did not ask for the process to be stopped (conversation with Michael Lockman, 14.4.2019).

<sup>16</sup> Landtag von Baden-Württemberg, 16. Wahlperiode, Kleine Anfrage des Abgeordneten Nico Weinmann, FDP/DVP: Restitution der Bibel und Peitsche aus dem Hause Witbooi, Drucksache 16/5739, 13.2.2019.

Christian democratic Bundestag deputy Ansgar Heveling noted that the case had been dismissed but did not address the questionable merits of the court application, such as its having been addressed to a constitutional court, while clearly not dealing with constitutional issues.<sup>17</sup> A similar echo could be noted in the regional press in Baden-Württemberg.<sup>18</sup>

As noted, the issue between the Witbooi and the Namibian state, represented by Minister Hanse-Hirmawa, was mostly a symbolic one, to be addressed in the protocol of the restitution of the bible and the whip. In this context, it may be noted that Hanse-Hirmawa is a native of the Witbooi area and was formerly governor of Hardap Region, which comprises Gibeon. In lengthy negotiations, which lasted into the early morning hours of 23 February 2019<sup>19</sup> a way was found to avoid an outright collision between the state's claim to ownership of the heirlooms on the one hand and the ritual needs as well as property claims of the family. This *modus vivendi* was enshrined in a roadmap for the proceedings to be followed, which significantly provided for the bible and the whip to be received first in Gibeon at the fountain whose discovery by Kaptein Kido Witbooi in 1863 had occasioned the founding of the /Khowese traditional capital.

It could appear that in this way, the various concerns associated with the bible and the whip had been accommodated in a fashion that might be seen to leave the contentious issue of claims to property and right of disposal somewhat in abeyance. This was certainly made possible by the clear wish of all actors not to impede the return of the heirlooms as such. Still, the preceding controversy as well as the actual restitution process cast a clear light on the diverse claims and demarcations that influence not only this aspect of memory politics in Namibia, but also the wider issues surrounding the commemoration of the period of German colonialism in the country. Inevitably, this entails also serious questions about restitution as such, as well as the unresolved issues surrounding the consequences of the genocide and the line taken by the German Federal Government, which was as it were overtaken by the initiative from Baden-Württemberg.<sup>20</sup>

### **Restitution in the face of countervailing goals**

When the Baden-Württemberg delegation arrived before sunrise at Hosea Kutako International Airport in the early hours of the morning of 26 February 2019, an image of unity presented itself. The bible and the whip, along with the delegation, were received by a military detachment lined up on both sides beneath the stairway leading down from the aircraft. This was in keeping with previous ceremonial arrangements, such as during the repatriation of human remains.<sup>21</sup>

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<sup>17</sup> Deutscher Bundestag, Stenografischer Bericht 83. Sitzung Plenarprotokoll 19/83, 21.2.2019, 9777A (Ansgar Heveling, CDU/CSU).

<sup>18</sup> See e.g. Stuttgarter Zeitung, 25.2.2019.

<sup>19</sup> Oral communication, Talita ≠Ui!nuses, 23.2.2019.

<sup>20</sup> As a member of the Baden-Württemberg delegation, I had an opportunity for participant observation, for which I would like to thank MWK.

<sup>21</sup> Oral communication Larissa Förster, 9.3.2019.

It seemed essential that all parties to the controversies of the preceding days should be present at the welcoming ceremony, which was celebrated along with a whole series of performances by a Namibian Police band as well as a brass band from Gibeon. These features could be seen as symbolic for the compromise achieved. Meanwhile Minister Hanse-Hirmawa, apparently elated by the success for which she clearly claimed much of the credit, committed a breach of protocol when she touched and held up the bible already at this stage. It had previously been stressed that such first contact must be reserved for the President.<sup>22</sup>

Later in the morning, the heirlooms were received at the office of Deputy President Nangolo Mbumba. Here, one could gauge some fault lines. After introductory statements, Mbumba led the celebrities present to a table in the middle of the room, where the wooden box containing the bible and the whip had been placed along with a number of bibles in various Namibian languages. While the group, along with media representatives, thronged around this table, they engaged in animated conversation which – possibly on account of remarks about potential use of the whip – erupted in merry laughter. The overwhelming majority of Nama present, including a good number of Witbooi in traditional attire, had been seated in rows of chairs more to the back of the reception room. In stark contrast to the officials, they remained seated and almost pointedly composed during this episode.

The actual handover took place two days later, on 28 February 2019 in Gibeon. The day before was reserved for travelling from Windhoek. Gibeon is situated some 320 km south of Windhoek and is easily reached by the main thoroughfare to South Africa, lying just five km off the main road. This distance is covered by a tar road. The schedule for the day had been agreed upon by the two Ministries, but the execution lay entirely in the hands of the Namibian Ministry of Education, Arts and Culture. Up to the preceding evening, there were discussions about making a detour via Hornkranz, which had been the actual site of the raid in 1893. Such a visit had also been included in the plan Minister Hanse-Hirmawa had revealed to the press on 14 February, though in a somewhat different sequence. Later it was made known that the stopover at Hornkranz had been cancelled but that three ‘15-minute prayer stops’ along the road, in Rehoboth, Kalkrand and Mariental were still included.<sup>23</sup> During the morning of 27 February, further rescheduling took place, and as a result, the delegation from Baden-Württemberg, along with the bible and the whip, set off on their journey only at 2pm, which meant a four-hour delay from the original schedule, which had still seemed to be valid in the morning. The heirlooms travelled not in the bus with the delegation, but separately under heavy guard by the Namibian Police and Namibian Defence Force. Overnight, they stayed in special safe places, again under heavy guard. This mighty security effort may be seen as a further demonstration of the state’s claim to be entitled to the heirlooms. It came as a surprise to many, including the Baden-Württemberg delegation – and as it turned out later, also leading Witbooi – that two human skulls were also taken along. These human remains had been repatriated from Germany on earlier occasions and

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<sup>22</sup> The Minister’s action was also problematic since she did not take the precautions that are necessary when handling museum holdings that have been rendered toxic by treatment with insecticides.

<sup>23</sup> See also Statement, *op.cit.*, pp. 5–6. The three places mentioned are the only settlements on the road from Windhoek to Mariental, in an extremely sparsely populated region.

are now under the care of the National Museum in Windhoek. From there, they were now taken along to form part of the ceremony.

At the three stops along the road, as mentioned in the programme, the heirlooms as well as the skulls were laid out on tables to be viewed by the public. Pupils from local school hostels paraded past these tables. In Rehoboth, a small group of dancers and musicians performed Nama Stap, giving the occasion a distinct cultural flavour. Mainly, however, the occasions were dominated by speeches, above all from Minister Hanse-Hirmawa as well as from the Namibian Ambassador to Germany, Andreas Guibeb, in addition to some prayers. In these speeches, the national importance of Hendrik Witbooi, or Auta !Nanseb, was stressed, as against his role as leader and Kaptein of the /Khowesen. Occasionally, the mood was reminiscent of a popular festival. With Hanse-Hirmawa and Guibeb presenting the repatriated items, there was the impression that they were also conveying to the public their decisive role in the whole process. These events lasted more than half an hour each.

Gibeon, which had been the actual destination of this trip, was not reached on the same day. The delay in leaving Windhoek and the three stopovers had made this impossible. In Gibeon, hundreds of people, along with numerous riders on horseback, had been ready to ceremoniously receive the heirlooms at the fountain that forms the symbolic centre of the village. Now it transpired that their long hours of waiting had been in vain. It seems that Hanse-Hirmawa meant to blame the Baden-Württemberg delegation for this debacle. It became known that she had declared on Nama/Damara-Radio that 'the Germans were too tired' to proceed on to Gibeon on the same day.

From the point of view of the Witbooi Royal House, the roadmap negotiated under such travails, to accommodate the various concerns connected with the heirlooms, was now blocked. The main concern on the part of the Royal House had been for the bible – as a symbol of those slaughtered at Hornkranz – to first pass by the fountain when entering Gibeon. This ritual is observed whenever a community member has died outside Gibeon; upon return for burial, the coffin must first pass by the fountain. As can be seen also from other important rituals, such as Heroes Day to commemorate the death of Hendrik Witbooi in the fight against the Germans in 1905 (Kössler 2005: 251; 2015: 204–6), this fountain is of the utmost symbolic importance. In this way, a germane ritual had been pre-empted and in addition, the prior accommodation between the Royal House and the Namibian government had been undermined.

On very short notice, a solution for the ceremonial handover of the bible and the whip on the following day was eventually found. It seemed to satisfy all those concerned so that their diverse and in part countervailing goals and needs were accommodated in a way that made it possible to go ahead with the handover without letting the lingering conflict come out into the open. The main contention had been about the order in which the various representatives of the state and the community would receive the heirlooms. Now, Minister Theresia Bauer of Baden-Württemberg handed the bible and the whip to the Namibian state, embodied in President Hage G. Geingob. However, the President immediately passed the heirlooms on to the three surviving great-granddaughters of the great Hendrik Witbooi. They represented the claim of the family and thereby, the Witbooi Royal House, to be the proprietors of these objects. Although not originally part of the plan, all three recipients then

made speeches and insisted vehemently on the stance taken by their group. As the last in this line of speakers, Ana Kok further demanded that Germany return all objects that were looted and are now kept in museums. As could be gauged from numerous conversations at the event as well as in other contexts, with these words, Kok voiced a widespread expectation and concern.

In this way, the speaker addressed a central issue currently being debated fiercely also in Germany as well as in other former colonial powers: coming to terms with their own colonial past. In the German case, this past had long been ignored, and is now being revisited precisely with the question of how to deal with stolen artefacts as well as deported human remains. This may appear as a largely symbolic issue, but it has shown considerable potential for setting off a wider-ranging conversation. In Germany, this conversation has been carried on for some time at a rather principled level in the sustained controversy surrounding the Humboldt Forum in Berlin. In the centre of Berlin, a replica of the castle of the Hohenzollern dynasty is almost completed, which gives more urgency to the plan for the building to house the extensive ethnological collections of the former kingdom of Prussia and Imperial Germany. Roughly at the same time, the German Museums Association (*Deutscher Museumsbund*) has come up with a first version of guidelines about how to deal with 'collections from colonial contexts',<sup>24</sup> which is rather reticent on the issue of restitution. Much of public discourse, sparked by criticism of the plans regarding the Humboldt Forum, has focused on the issue of the provenance of museum holdings, and thus, on potentially lengthy research needed to establish contexts of acquisition and also legal issues. This is also reflected in the coalition accord that was reached during the formation of the federal government in early 2018 and mentions the promotion of research into 'provenances of cultural goods stemming from colonial heritage in museums and collections' as one of the aims of the government, while being silent about restitution.<sup>25</sup> Again, these issues are typically dealt with in a complex process involving the web of concurrent and exclusive competences of the federal and state governments. As experience with the repatriation of human remains shows, this federal structure can be confusing and opaque to outsiders and also may be used to divert responsibility (see Kößler 2015: 289–98).

Further, as has been underlined in recent pronouncements, provenance research and restitution – though absolutely indispensable – are clearly insufficient when it comes to addressing the issues connected with illegitimate holdings of collections, let alone the colonial past as such (see also Kößler and Melber 2018). Thus, a group of concerned German and international scholars has stressed recently the need to seriously engage the colonial past and the risks involved in 'limiting the debate to demands for restitution and reparations'.<sup>26</sup> Out of an international workshop convened in Ghana comes the further appeal that African 'scholars and practitioners' need to be involved in such work in a much

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<sup>24</sup> <https://www.museumsbund.de/wp-content/uploads/2018/05/dmb-leitfaden-kolonialismus.pdf> (18.4.2019).

<sup>25</sup> Ein neuer Aufbruch für Europa – eine neue Dynamik für Deutschland – ein neuer Zusammenhalt für unser Land. Koalitionsvertrag zwischen CDU, CSU und SPD, 19. Legislaturperiode, p. 169. <https://www.bundesregierung.de/resource/blob/975226/847984/5b8bc23590d4cb2892b31c987ad672b7/2018-03-14-koalitionsvertrag-data.pdf?download=1> (30.4.2019).

<sup>26</sup> 'Was wir jetzt brauchen. Für Restititionen und einen neuen Umgang mit der Kolonialgeschichte. Ein Appell von Wissenschaftlern aus der ganzen Welt' Die Zeit, 13.12.2018.

more systematic way than has been the case thus far. At the same time, the workshop noted 'the lack of trust of African restitution advocates' in European institutions, precisely since the attitudes of the latter have been far less than forthcoming in the past and actual restitutions have been limited to exceptional cases. They also noted the need to look carefully into the various claims that may be involved in any restitution. At the same time, this statement stresses that all this must not 'slow down the process of restitution'.<sup>27</sup>

While debate has been intensifying, then, actual steps in the sense of enacted restitutions have thus far been lacking. In the Namibian case, this state of affairs is clearly related also to the approach taken by the German Federal Government and the Foreign Office with reference to the on-going government negotiations to block everything which might be read as an official step towards reconciliation and apology for colonial rule and in particular, the 1904–1908 genocide. Apparently, priority is given to minimising the risk of prejudicing these negotiations, which have been going on since late 2015.

On the other hand, the Federal Government has opted to regard the recognition of the genocide and the wording of the apposite apology also as an object in the negotiations. Accordingly, these necessary and much awaited statements from the German side are still forthcoming. Many Namibians voice their frustration and dismay that 'they have still not apologised'. In July 2015, there were indications that with the quite informal announcement of a turn in the language used, the Foreign Office had, after long years of 'skirting the g-word' (Kößler 2015: 248), at last acceded to calling the genocide a genocide (Kößler and Melber 2017: ch. 3). Seemingly, a door had been cast open. Meanwhile, many see this door closing again, while the government negotiations have been dragging on without an end in sight.

With her resolve to return the bible and the whip, Minister Theresia Bauer has demonstrated that a different approach is possible. Doubtlessly, this turn was also made possible by the circumstances of the looting of these artefacts. The injustice involved is crystal-clear, maybe not on the part of the Linden Museum, when the bible and the whip first arrived in 1902, but certainly on the part of the person who brought them to Stuttgart. Bauer's speech in Gibeon observed the language policy of the Foreign Office, once again addressing the genocide merely in terms of 'atrocities'. Still, she underlined the genuine and credible remorse that is held as germane to a *deep apology*, as must stand at the beginning of any serious effort at reconciliation in the aftermath of crimes against humanity such as genocide. This was also acknowledged by President Hage G. Geingob when he noted that he had shelved a more poignant text for his keynote address, since the Minister's words had changed the terrain. Still, he stressed the central importance of overcoming colonialism, which he saw symbolised in the return of the bible and the whip. Appealing also to the emotions of his audience, he closed with a repeated 'never again' to stress that colonialism must be overcome once and for all.

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<sup>27</sup> Statement of workshop participants, International workshop on Issues of Reparation and Restitution of Looted and Illegally Acquired African Objects in European Museums. University of Ghana, Legon, Ghana, 13.–14.12.2018.  
<https://www.ug.edu.gh/sites/default/files/images/Statement%20of%20restitution%20workshop%20participants%20final.pdf> (3.5.2019).

By their enthusiasm, the large audience which welcomed the bible and the whip in Gibeon not only underscored the importance of these heirlooms; it made palpable how important seemingly simple symbols and signs of a genuine will for reparation can be when it comes to advancing the act of coming to terms with a dire past and serious, state-ordained mass crimes.

The initiative from Baden-Württemberg may well have created an opening for wider German memory politics. It may be hoped that other state governments will take up the cue for further restitutions to follow. This was one further reason why it was important for this pioneer feat to succeed. At the same time, this experience has clearly highlighted the fault lines and potential cleavages that are most likely inevitable features that accompany the restitution of cultural goods. Similar issues have also been experienced regarding the repatriation of human remains: the claims for ownership and control on the part of the modern independent state countervail the expectations and hopes of the communities whose forebears have been robbed of the objects that are now to be returned. It remains a decisive challenge to deal with these issues. In the final analysis, the experience surrounding the bible and the whip has shown that doing the right thing is not always without risk. However, in this case at least, the resolve to run such a risk has been the right decision.

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