

## Colonialism: The ‘perfect crime’ relentlessly reproducing its victims

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### 1. *Repairs and remedies. An introduction*

Denunciations of the ‘evils’ of colonialism occur over and over again, as does an intermittent readiness to listen to them.<sup>1</sup> But the wounds that have been inflicted cannot be healed, not least because the colonial systems in all their forms have upset the deep structures of the social, economic and political organization of the societies they have targeted. By now colonialism is no longer seen to be limited to the era of Imperialism, but has been extended to cover the conditions defining it - exploration,

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<sup>1</sup> In every epoch, there are different reactions to events and situations, but political steps are taken to redress and correct events only if they suit those in power – abolitionism has given us ample lessons on the subject. Though the slave trade was opposed by the papal bulls of Pope Eugene IV (1431-1447) it was encouraged by Nicholas V (1447-55) and Alexander VI (1492-1503), who were both criticized from within the Church, eg by the Dominicans De Vitoria and Las Casas, who were later recognized as precursors of the defence of human rights. Yet slavery has continued to increase dramatically over the centuries. The ‘international community’ embraced abolitionism – under strong pressure from Great Britain, whose parliament had abolished the slave trade in 1807 and slavery in 1833, at a time when the economy no longer needed the input from slavery. In fact, underpaid and self-reproducing workers continued to serve on site to further the exploitation of local resources. It should not be forgotten that in enlightened France an abolitionist like Victor Schoelcher (1804–1893) used the diaries of the expeditions of illustrious explorers, to reveal the human nature of Africans and Creoles and persuade his contemporaries to be pro-abolitionists. See V Schoelcher, *Per L’abolizione della schiavitù. Esame critico del pregiudizio razziale* (M Sioli ed, Ibis 2006).



slavery and human trafficking. It should indeed be remembered that once the slave trade was over, borders ignoring pre-colonial political and social dynamics were imposed to further exploitation, thus creating improbable amalgamations of communities, forms of retribalization<sup>2</sup> and indigenization.<sup>3</sup> This has caused conflicts and cacophonies of identity resulting in trauma, hybridizations and annihilation as well as adaptive changes characterizing the cultures and political cultures of nations which were once colonies. But it is difficult not to think that the various phases functioned as the premise for the systematic marginalization of ‘service continents’. The exploitation was mostly violent (not infrequently arriving at forms of genocide),<sup>4</sup> serving only the needs of the distant motherlands on their

<sup>2</sup> Forms of colonial ‘retribalization’ are firstly the process of hardening into racial categories of fluid ethnicity and then referring to spontaneous and/or imposed relocations. They also result from forms of *ethnic cleansing* in the phase of colonial territorialization, especially during the deterritorialization of native populations to make room for European settlers. The indigenous reserves, mostly adopted in the ‘settler colonies’, were the most striking example because they were mapped, while there are no traces of many other relocations – except in oral memory. Moreover, another form peculiar to South Africa is the institutionalization of reserves in semi-autonomous systems, with native administrations, treasuries and schools. They were undergoing a process of transformation, to become artificial Homelands accessible via passports. In this way, their black inhabitants were to become non-South African citizens. Obviously, forms of retribalization are being experienced everywhere, and given its past, Africa is certainly not immune to them, even in the post-colonial era. Ali A Mazrui has denounced some, like the new political structures in independent Africa and forms of aggregation belonging to the phase of grabbing resources and suffocating political demand. They have marked the progressive decline of African nationalist inspiration since the end of the 1960s. See AA Mazrui, ‘Violent Contiguity and the Politics of Retribalization in Africa’ (1969) 23 J Intl Affairs 89-105.

<sup>3</sup> ‘Indigenization’, a word coined by Arjun Appadurai, refers to the process by which indigenous cultures absorb external behaviours, visions or objects impacting on the local situation. Colonial ‘modernization’, with its specific labour divisions, linguistic impositions and teaching restrictions, limited by the very cultural codes transmitted linguistically, have led to behaviours and linguistic forms and cultural expressions not innate in the original indigenous cultures. The grade of tolerance or intolerance for these behaviours, which motivates the cultural rebellion calling for the decolonization of knowledge nowadays, depends on the basic unwillingness to accept them in post-colonialism.

<sup>4</sup> See section 3 for a clarification of how the word ‘genocide’ is used in this essay. For the connection between colonialism and genocide, see D Moses (ed), *Empire, Colony, Genocide: Conquest, Occupation and Subaltern Resistance in World History* (Berghahn Books 2008) particularly Ch 19, ‘Savages, subjects, and sovereign conjunctions of modernity’, by A Hinton, according to whom colonialism and genocide are closely interlinked. (...) to more fully understand the relationship of colonialism and genocide,



own terms and rules. This has deeply affected the collective and individual identities of the peoples involved, humiliating generations and even breaking them apart, which is much remembered by those living in dire poverty.

It is a wound that cannot be healed because no-one accepts responsibility for the different phases and because the same processes continue to be carried on in the neo-colonialist phase, often hidden in the rhetorical evocation of ‘historical relations’ between the ex-colonizers and their ex-colonies.<sup>5</sup> Moreover, no healing is possible while there is constant emphasis on the need for the ‘first world’s’ endorsement of the ‘third worlds’ as a stimulus towards achieving the same standards. It is almost as if dependence created on the basis of a ‘*standard of civilization*’ has been re-proposed as ‘*standards of development*’.<sup>6</sup> A persistent disadvantage seems to remain in the parameters used to measure distinct and hierarchically distributed worlds, as well as the corrective actions suggested, whatever the interpretations and vocabulary adopted by the economy under development in representing degrees of wealth and poverty, or via their indexes, without any consideration of the disparities accumulated in time wasted in maintaining the exploitation targets. In the same way ‘top’ and

we must take into account broader and related processes associated with modernity, which are intimately tied to savages, subjects, and sovereigns’.

<sup>5</sup> The term neocolonialism was coined by the first President of independent Ghana, Kwame Nkrumah, and made explicit in the essay *Neocolonialism. The last stage of Imperialism* (Thomas Nelson & Sons 1965), where he denounced it and cited numerous cases in Africa, the excessive power of specific multinationals, and named Anglo-American plc. It seems a meaningful coincidence that, while conceiving this essay, Anglo-American has again avoided responsibility for the lead poisoning its mines caused over 50 years ago in Zambia, thus frustrating the 140,000 people who had presented a class action to the Johannesburg Supreme Court: F Njini, O Kumwenda-Mtambo, ‘South African court denies class action against Anglo-American’ *Reuter* (16 December 2023).

<sup>6</sup> On the ‘standard of civilization’ (SOC) question, see DP Fidler, *The Return of the Standard of Civilization* (2001) 2 *Chicago J Intl L* 137-157 and A Linklater, ‘The “Standard of civilization” in World politics’ (2016) 5 *Social Character, Historical Processes* <<https://quod.lib.umich.edu/>>. Fidler makes a distinction between ancient and return SOC. While the former dominated in the 1800s and early 1900s, Fidler argues: ‘This embarrassing piece of international legal history has been forgotten or has remained obscure to many students of international law in the second half of the 20th century. The SOC is, however, a critical protagonist in the universal expansion of international law as part of the development of Westphalian civilization’. Reviving it would demonstrate how international law is being used after the fall of the Berlin Wall to globalize Westphalian civilization.



‘down’ areas (and world perspectives) are bound to a geographical conception as old as it is omnipresent, orienting the North (rich) upwards and the South (poor) downwards, ignoring the arbitrariness of the choice concerning a globe orbiting in space with no above or below with which to parameterize.

And, finally, and most importantly, these are standards that afflict the reading of all spheres of life, science and experience in political, social and economic organizations.

The current, on-going neoliberal system is based on the gap forged since the 1850s and increasingly fortified in the Age of Imperialism – its consequent capitalism, imperialism, colonialism and racism forming the mode of power at the basis of the world today. Acknowledging this and embarking on an imaginary path of decolonization of the imaginary on both sides of this ‘abyssal line’, as defined by Sousa Santos,<sup>7</sup> and bringing the West out of its ‘mental isolationism’ evoked by Tibor Mende in the 1970s,<sup>8</sup> is an almost impervious, but nevertheless obligatory road to go down, not to mention a long overdue one. In fact, as set out by Sadri Khiari, it can be said that the racialization achieved by colonialism has led to a constant, palpable tension.<sup>9</sup> The macroscopic contrast between the extreme poverty of the peoples living in regions rich with the agricultural and mineral goods that the world needs and the treatment reserved for outgoing migrants worsens the situation to such a point that any outlook makes us fall into despair. Especially considering how the persistent economic disparity, which forces people to abandon their home-lands in search of their right to well-being, is caused by limitations on access to land and therefore food due to the *land* and *water* grabbing (or *large scale land acquisition*, LSLA) that has been on the increase since 2000. Or as a side-effect of the perverse practice of carbon credits, blocking the availability of large areas of forest and woodland in developing countries. It is

<sup>7</sup> Reference is made to B de Sousa Santos, ‘Para além do pensamento abissal’ (2007) 79 *Novos Estudos* 71-94. The Portuguese sociologist argues that structurally abyssal cartographic lines delimiting the Old and New World in colonial times still survive in modern Western thought with in their exclusionary characteristics, constitutive of political and cultural relations. Thus, global social injustice is closely associated with the global cognitive injustice that results from those furrows. Consequently, the struggle for global social justice calls for ‘post-abyssal’ thinking to be constructed.

<sup>8</sup> T Mende, *De l’aide à la recolonisation, les leçons d’un échec* (Le Seuil 1972).

<sup>9</sup> S Khiari, ‘We need a decolonial strategy’, in F Boggio Éwanjé-Épée, S Magliani-Belkacem (eds) *Race and Capitalism* (Syllepse 2012).



not uncommon for people tied to them by values and culture to be evicted by States and large international corporations, in exchange for money claimed by governments as the 'communal lands' are considered part of the state property. The aim of such 'contemporary' phenomena – that recall a colonial tradition - is 'to guarantee access to food to developed states that have squandered their lands and to 'rebalance' their right to pollute'.<sup>10</sup> It is clear that depriving entire communities of access to food further distances any dream of equalization.

No lesser a 'distraction' is caused by multinational monopolies (the new 'empires') of the energy supplies and raw materials essential to digital technology. Local workforces desperate to do anything to survive are exploited to the full. To all this, it must be added that unless actions are taken, climate change and the worsening conditions of the planet making areas unliveable,<sup>11</sup> will lead to worsening ongoing tensions. Continuous exploitation will rupture relations tragically annihilating any aspirations to reconfigure the *standard of civilization* (still invoked by those with a certain right-wing rhetoric) to give substance to a post-European global order, supposedly based on the standards of a universal culture of human rights, the promotion of democracy and the reconstruction of the state, in order to avoid feasible distrust in a civilization belonging to the global market. As scholars, many of us have elected to use the 'new standards of civilization' as the only way to contrast with the feared cultural revolt against the West, illustrated by Norbert Elias (1939) and projected to result in an inescapable polarization by Samuel P Huntington (1993, 1996).<sup>12</sup> Its success is mainly due to the obstacles put in place by the same governments promoting them, apparently in order to hide their endemic absence of creative ideas, which a large part of civil society courageously pursues.

<sup>10</sup> This is an observation that I heard during a recent trade union conference in the mining sector in Namibia: MANWU, Social Dialogue 'Occupational, health and safety, climate change just transition and digitalization and future of work, Windhoek, Gateway Centre, 20 October 2023.

<sup>11</sup> During COP 27, Somalia, Chad and Syria were pinpointed as the most vulnerable countries in the world out of a count of ten. They were followed by the Democratic Republic of Congo, Afghanistan, South Sudan, the Central African Republic, Nigeria, Ethiopia and Bangladesh.

<sup>12</sup> A Linklater, *The Idea of Civilization and the Making of the Global Order* (BUP 2020).



A global civilization (yes, even of the market) does not allow for walls. Via the current '*frontiérisation*' denounced by Mbembe,<sup>13</sup> the West favours China's global order with neo-colonialist outcomes, with its market structured on state-owned commercial and extractive companies controlling the production and distribution of various goods, in exchange for infrastructure and access to customs concessions guaranteed to third countries.<sup>14</sup>

As an Africanist, I am guided by the experiences of the continent I deal with, but as my sociological background leads me to treat social bodies as living organisms, I will try to address the question that has been posed – '*is colonialism remediable?*' – as if it were a disease afflicting the relationship between social bodies. Between social bodies that demand recognition for past crimes and repatriation of cultural assets and relics as a premise for equal opportunities on one side, and establishments that fear requests for repair funds, and stubbornly attempt to overcome the past by not observing it and relegating its descendants to CPT, CIE and CPE or to prison ships, on the other.<sup>15</sup> They do not disdain, as in our case in Italy, to seek to contain migration by signing onerous automatically renewable agreements with nations practicing torture and slavery, and also to provide the means of stopping the boatloads of desperate souls trying to reach dignity and respect.<sup>16</sup>

<sup>13</sup> A Mbembe, *Brutalisme* (La Découverte 2020) 68.

<sup>14</sup> See C Fiamingo (ed), Dossier: 'China in Africa' (2008) 2 *Afriche e Oriente*; A Violante, C Fiamingo (eds) *The Great Wall Collapsed* (Mimesis 2014); C Fiamingo, 'Il ritorno della Cina in Africa', in F Montessoro, E Giunchi, S Dossi (eds), *L'Asia fra passato e futuro – Scritti in memoria di Enrica Collotti Pischel* (Giuffrè 2014) 197-218.

<sup>15</sup> CPT, CIE and CPE are the Italian acronyms for Temporary Detention Centres, Identification and Expulsion Centres, and Detention and Expulsion Centres. 'Prison ship' refers to Bibby Stockholm, built by a Dutch company in 1976, flying the Barbados flag and converted in 1992 into an accommodation barge. Like Floatel Stockholm, it was used from 1991 to 1998 to house the homeless and asylum seekers in Hamburg. J Askew, 'Bibby Stockholm: The chequered past of Europe's 'floating prison'', Euronews (7 August 2023) <[www.euronews.com/](http://www.euronews.com/)>.

<sup>16</sup> This refers to the Italy-Libya Memorandum – the 2017 renewal agreement with which countries on both sides of the Mediterranean officially committed themselves to 'processes of cooperation, combating illegal immigration and strengthening border security'. Automatically renewed on 2 November 2022, it effectively legitimizes 'the spiral of violence, torture, abuse and arbitrary detention to which men, women and children who remain trapped in Libya are subjected or are returned to Libya after being tracked at sea', as reported by Médecins Sans Frontières (MSF). Under the agreement, which provides for support in terms of funds, means and training to the Libyan coast guard,



It is not easy to approach the issue in historical terms with a diagnosis, prognosis and treatment, which I am trying to anticipate as I write because it is not easy to draw boundaries between historical trends, political motivations, socioeconomic perspectives and reparations. But I thought it worthwhile to try, inspired by the path set out by the South African *Truth and Reconciliation Commission* (TRC).<sup>17</sup> Sharing the trauma suffered during the apartheid regime via the broadcast public sessions has often been associated with the aim of '*healing the Nation*'. Partial success in restoring the attitudes of South African society towards its internal colonialism has indeed been achieved. The process has not been exhausted or has been judged to be imperfect, or, again, the born-free are not fully aware of the past, but in a post-apartheid era, the culture of organized externalization of discomfort towards the absent corrective measures has remained, precisely because of the act of courage that the TRC represented and the narratives that emerged. This explains the #RMF (Rhodes Must Fall) and #FMF (Fees Must Fall) campaigns and the South African version of #BLM (Black Lives Matter) – also present in limited contexts in the West – finally and magically giving the world a lesson on *historia magistra*: the recent referral of Israel to the ICJ on behalf of South Africa to protect Palestinian civilians from further genocidal acts in the immediate;<sup>18</sup> or the Namibian recall of Germany's refusal to recognise the genocide of the Herero and Nama peoples, effectively refuting Germany's ability to determine what is or is not an act of genocidal nature now that it has sided with Israel.<sup>19</sup> South Africa is backed by a large number of non-western Countries – well beyond the OIC (Organization of Islamic

Italy is committed to providing patrol boats, contributing directly to turning back men, women and children but also supporting detention centres (not 'reception' as could be hoped) where, as proven in 2017 by *France24* reporters and repeated as recently as this summer by the United Nations, inmates are subjected to inhuman, degrading treatment, abused and even killed. See MSF Report *Out of Libya* (2022) and 'UN-backed probe finds proof of torture, sex slavery in Libya', InfoMigrants (28 March 2023) <[www.infomigrants.net](http://www.infomigrants.net)>.

<sup>17</sup> C Fiamingo, 'Eredità della Truth and Reconciliation Commission sudafricana', in C Fiamingo (ed) *Culture della memoria e patrimonializzazione della memoria storica* (Unicopli 2014) 193-247.

<sup>18</sup> See below (n 84).

<sup>19</sup> Namibia condemns Germany for defending Israel in ICJ genocide case, Al Jazeera (online) 14 January 2024: 'The Namibia presidency slams Germany for failing to draw lessons from its own genocide against Namibian people in the early 20th century'; and E Mumbuu, 'Namibia blasts Germany' *New Era* (15 January 2024).



Cooperation) – and the foreseeable changes in the world’s precarious equilibrium on such a divisive global issue, compels everyone to look beyond the ‘abyssal lines’ while recognizing that the Non-Aligned Movement is still alive and vibrant. In addition, the difficult but current debates around the need to decolonize the imaginary, cultures and teaching programmes in the rest of the world are a stimulus to make further attempts and to try the medical approach.<sup>20</sup>

I therefore accept the challenge that the stimulating round table organized in Macerata has launched and which has resulted in this publication and insist on the far from subtle distinction between repairing and remedying.

## 2. *Anamnesis*

In dealing with the anamnesis of the colonial phenomenon<sup>21</sup> without going into particular local experiences, we will focus on its basic characteristics of colonialism and the hypotheses of the difficulty of ‘healability’ unless specific conditions are brought to bear.

The imperialist course of colonialism introduced racism, the slave trade (initially where it could avoid Arab competition) and capitalism, transforming the societies on which it was imposed mostly by means of violence and superior arms.<sup>22</sup> I do not intend to idealize the pre-colonial institutionalized power structures in Africa. Slavery existed, as did clientelism as well as territorial competition, mostly around water resources, as the evidence of the Bantu expansion explains clearly. The Bantu mi-

<sup>20</sup> C Fiamingo, ‘Da decolonising memory a decolonising knowledge. Le conseguenze del movimento RhodesMustFall in Sudafrica: un modello per l’Italia?’, in A Baldinetti, M Cassarino, G Maimone, D Melfa, (eds), *Oltreconfine. Temi e fonti per lo studio dell’Africa*, (Aracne: Collana Africa - La ricerca e la storia 2019), 317-334.

<sup>21</sup>The word ‘anamnēsi’, from the Greek ἀνάμνησις, ἀναμνήσκω “to remember”, can indicate (1) reminiscence or remembrance, or (2) the clinical history of a sick person, compiled by the medical staff as an indispensable element in the formulation of the diagnosis. In this case, a distinction is made between hereditary-familial, physiological or pathological anamnesis.

<sup>22</sup> See F Fanon, *Les Damnés de la terre* (Maspero 1961), I Wallerstein, ‘Frantz Fanon: Reason and Violence’ (1970) 15 Berkeley J Sociology 222-231 and the masterful documentary *Concerning Violence* (G Olsson 2014).





gration itself or the violent *Mfecane*, with which the Zulu empire established itself in the predominantly ethnolinguistic region of the Nguni, have indeed been interpreted as ‘colonial’ practices.<sup>23</sup> By insinuating themselves into the existing economic and social relations of power, European colonialists then unbalanced them by introducing firearms and insisting on exchanging goods and power for slaves. Such a transformation had an effect on a multiplicity of levels: cultural, religious, political, institutional, legal, economic and psychological, as Frantz Fanon taught us so well. But have these operations come to an end?

In acknowledging the debates centred on the complexity of colonial and post-colonial relations and the failure of the theory of modernization, as opposed to the accusations of economic backwardness caused by the saprophytic and extractive colonial economies, we need to understand how consciousness – that everything is anything but victimization – has come into being in Africa as in other institutionally decolonized contexts.

Critics would like to overcome once and for all the continuous parameterization of the colonial phenomenon (opposing the historical cadence that recognizes a pre-colonial, colonial and post-colonial period), because it is conditioning *in itself*. However, there is no denying the persistent prospect of the ‘psychologization’ of colonialism and the consequent need to go on talking about it, in the climate of neocolonialism.<sup>24</sup> So, we find ourselves in an extremely confused situation, in which anti-capitalist movements, today fused with environmentalist objectives and the earth’s survival, demonstrate a broad awareness but also an incapacity to organize an effective reaction. While Anthropocene’s discourse is reformulated in Capitalocene’s terms in parameterizing it, actors try to elaborate projects, but most of the time they give in to the difficulty of measuring themselves up against their own nations’ imperialist past, and instead actively interact with the drivers of power politics the governments of their respective states are faced with today. The heterogeneity of the ‘working classes’ (an apparently obsolete definition) seems to have led to such an identification being abandoned, ‘fractured’ by capitalism – borrowing from Dahrendorf, but also Baudet – an element which guaranteed a common identity and strengthened transversal capacities of solidarity among

<sup>23</sup> J Iliffe, *Africans, the History of a Continent* (CUP 1995).

<sup>24</sup> F Cooper, *Colonialism in question. Theory, Knowledge, History* (UCP 2005): in particular, see the chapter ‘The rise, fall and rise of colonial studies’ 33-55.



workers. Today, polarization dominates: ‘rural workers vs. urban workers, precarious vs. permanent workers, men vs. women, residents vs. immigrants, immigrants vs. everyone else’.<sup>25</sup> In contrast, organized networks that feed on reactionary ideologies come to the surface, unleashing the old themes of racism, ethnicity and nationalism that were thought to be out of date. The new emancipation is difficult to predict because there are no glimpses of a new internationalist identity, although voices are heard invoking a path to emancipation for the whole world.

### 2.1. *Lesions: identity and race hierarchization*

During the period of explorations, ‘discoveries’ and appropriations, local populations were decimated as their defences broke down in the face of unknown viruses and the commodifying of batches of human beings arriving from overseas, all achieved through political strategies, agreements and arms trading with unscrupulous local leaders. Not infrequently, this contributed to the creation of new political-economic partners and new potentates who lived by depopulating and impoverishing vast areas and destabilizing consolidated systems of power to ‘meet the demand’ of the European economy. In mapping the ‘new lands’ which, according to the ‘doctrine of discovery’, were part of Crown possessions, places and peoples acquired new names, which served commercial purposes. We will never know the original name of the island now called Madeira (wood in Portuguese), whose lush forests were an enormous potential for the naval arsenal of Henry the Navigator, who took possession in 1419. Gold and ivory coasts, shrimps, copper belts and other colonial states followed on, taking over the names of navigable rivers useful for internal trade.

The fact that peoples were permanently renamed during the exploration occupation period, with consequently profound effects on their identities illustrates the ‘irremediability’ of colonialism. The labels are, at the very least, a constant reminder of the objectification of communities, but, at most, they indicate cultural inferiority. And not only because of the ‘possibility’ that we claim in naming them and for the permanence of

<sup>25</sup> P Baudet, ‘The Left in the Face of Colonialism’, Dossier ‘Imperialism in the Twenty-First Century: Empires and Confrontations’ (2015) 13 *Les nouveaux Cahiers du socialisme* 196-205.



such names, but also because they often refer to an etymology that defines negativity.<sup>26</sup> Apparently neutral, these names transcribed on the maps have defined terms of recognizability that have remained universal.

Although Westerners were not the only colonizers – other civilizations and religions were also active in different moments and circumstances (as John Iliffe shows for Africa) – the European operations legitimized a hierarchization of humanity in order to use parts of it (at low or no cost) in areas delimited by competing powers. This happened through agreements that differ in conception and category involved, between the exclusive rights and legal concepts such as property, possession, borders and legitimacy, becoming therefore the ‘unequal treaties’. By means of these instruments, over the centuries local populations and their institutions have been deceived or excluded and denied international legal identity. The European states rejected the ‘doctrine of discovery’ (condemned only in 2023 by the papacy that had legitimized it in the name of God).<sup>27</sup> In refuting the monopoly held by the two great colonial contenders, Portugal and Spain, the Europeans produced, adapted and domesticated the *ius publicum europaeum*. To justify their right to the systematic acquisition of lands and peoples, the European States formed in the 19<sup>th</sup> century an ‘international community’ legitimizing their presence particularly in Africa. Indeed, it must not be forgotten that the fundamental practices of international law were structured to coordinate the partition of Africa.

<sup>26</sup> Thanks to the National Geographic and films such as *Mary Poppins* (directed by Robert Stevenson, 1964), or *The Gods must be crazy*, (directed by Jamie Uys, 1980) these examples from southern Africa will certainly be recognizable. The now obsolete appellation ‘Hottentots’, once attributed to the Khoe-san people, derived from the mocking Dutch expression ‘hot en tot’ to describe stutterers, attributed by the Boer colonizers to the exceptional linguistic phenomenon of clicks (which can give up to seven different emotional values to one word), or ‘Himba’ attributed to the ethnic matrix Herero ethnolinguistic origin in north-eastern Namibia – derived from *ondjimbandjimba*, the mammal *aardvark* that digs up roots from the earth. The undignified name was conferred by other Herero tribes to those who had decided not to continue their migration southwards, stepping back’ from the traditional status-symbol cattle to sheep farming, more suited to the sandy soil and local vegetation. Not to mention the ‘Bushmen’, from the Dutch *bosje-man* (man of the bush).

<sup>27</sup> ‘La “dottrina della scoperta”. Nota congiunta dei Dicasteri per la cultura e l’educazione e per il servizio dello sviluppo umano integrale’, *L’Osservatore Romano* (30 March 2023) <[www.osservatoreromano.va/it/news/2023-03/quo-075/la-dottrina-della-scoperta.html](http://www.osservatoreromano.va/it/news/2023-03/quo-075/la-dottrina-della-scoperta.html)> and C Fiamingo, ‘La Santa Sede e il ripudio della dottrina della scoperta tra riduzionismo e negazione di responsabilità’ (2024) 6 NAD Nuovi Autoritarismi e Democrazie 1-37.

The regulatory processes, legitimized through the Berlin Conferences of 1878 and 1884-85, and later perfected by the European border agreements, aimed at legitimizing the spheres of influence exercised in Africa and delimited the principle of the 'Hinterland'. In fact, a devastating *large-scale land acquisition* (LSLA) scheme was put into action.<sup>28</sup> At the most, within the constituent colonial states, specific forms of local rights for the management of community lands were legitimized through the so-called 'customary law'. These are distillations made by colonial administrations that codified selections of lineage rules – thereby distorting them from the orality in which they were conceived – and extended them to peoples who had not formulated them, radically transforming them where the principles therein contained contravened Western morality and interests. Metropolitan law was by contrast applied to trade and the management of land grabbed through restatements, where necessary and always in a patriarchal sense.

Aside from a few exceptions, some equally impactful actions denied the existence of local institutions, invalidating partner organisms, deconstructing local power relations based on clan and lineage rules and replaced them. Women's clan organizations were destroyed, and patriarchy encouraged. By relying on relations of unequal forces (especially armed ones), those resisting the indigenous codes applied everywhere in Africa in varying degrees, were forced into obedience. Downgraded to collaborators and colluders, mollified by the prospect of shared tax revenues (the devious way to force the monetization of labour), patronage relationships were created with the leaders of the communities managing the workforce. Alongside the peripheral structure, functioning in line with the exclusive interests of the 'motherlands', these facts give the lie to those claiming that colonialism 'imported the model of the modern state' into Africa.

<sup>28</sup> The principle of the Hinterland applied during the Berlin Conference and approved by the whole international community was structured by the 1815 Vienna Conference. It presumed that each European State with subjects present in a coastal area of Africa, could exercise an effective economic and political interest to be limited by another similar exercise of interests by other States. In the absence of opposition to such a notification, the silent consent of the remaining States would be valid. On the hypothesis that such a method had systematically initiated the processes of LSLA, see C Fiamingo, 'Considerazioni sulla "tradizione" del land grabbing in Africa', in C Fiamingo, L Ciabbarri, M Van Aken (eds), *Conflitti per la terra. Accaparramento, consumo e accesso indisciplinato* (Altravista 2014) 133-154.



Survival mechanisms have been overtaken by the mantra of ‘modernization’, which was intended to coincide with ‘colonialism’ as if it were a cure for the evils of ‘incivility’. In this way thinking was brought into line with Hegel’s depiction of ahistorical Africans in his 1830 lectures at Jena University. The entire colonial construct is based on this assumption, though in the varying degrees assumed by the European models and matrices. Thus, satisfaction was gleaned from healing the ‘colonial subject’ produced as an image by counterpoint – no matter the violent means of coercion. There still remains the perspective of the ‘*white saviour*’, still recognizable in many models of development cooperation.<sup>29</sup>

The stereotyped image of Africa is comforting in that it legitimizes Western superiority, which takes the form of (pre)judgment and arrogance, leading from indifference to breaking relations and corrective interventions if not to preventive wars. The result is a standardized Afro-pessimism which, in the words of Jean-Marc Ela, ‘(...) hinders any political analysis of development problems. By reproducing the stereotypes of colonial ethnology, continuing to ‘distract’ Western opinion’.<sup>30</sup> This attitude, especially as reproduced by various (in)formation agencies like television, encourages the prejudice in our increasingly multicultural societies which do not feel represented for what they are. This inhibits calls for integration, to the point of stirring resentment and conflict, not only between cultures but physically in those living in a constant state of rejection and denial.

This trauma is also lengthened by the legacies of colonialism. As Mahmood Mamdani demonstrates, the stratification of law, sometimes called legal pluralism, has produced a bifurcation of the state system in Africa. It has left community lands under customary law while placing under ‘modern’ law commercial agriculture and the urban economy and society of the most African States.<sup>31</sup>

In such a context, the privatization and land ownership policies encouraged by the World Bank end up imposing exclusive rights which are ill-suited to the survival strategies of an extremely poor population, which

<sup>29</sup> E Said, *Orientalism* (Pantheon Books 1978).

<sup>30</sup> JM Ela ‘After the failure of the Western system of development: the paths of African rebirth’ *Le Monde Diplomatique* (October 1998).

<sup>31</sup> M Mamdani, *Citizen and Subject* (PUP 1996).



have produced ‘*bundles of rights*’ for support.<sup>32</sup> In this way, the States have found themselves having facilitated in ceding rights over communitarian lands whose occupants were enjoying *de facto* government concessions unprotected on a territory which is, in fact, State property. Only recently, in the wake of the denunciations against abuses of *land grabbing*, have there been more useful footholds to guarantee respect for customary rights through FAO guidelines guaranteeing food access.<sup>33</sup>

No less impactful is the cultural trauma resulting from the exclusion of most African languages, in this case, from literary and scientific use, in a subordination that has been repeated within the post-colonial African states themselves. It is undeniable that, because of the colonial relationship, forms of hybridization and even cultural integration have emerged, favoured by colonialism and linguistic neo-colonialism. Colonial languages, elected as the national languages of independent states, cultivated not only in international political relations but in schools, art and business, have given rise to original contributions while parameterizing with the colonial matrix and with forms of economic-cultural dependence, first and foremost induced by educational standards. They have been maintained when facing the test of passage to differing standards for a long time, in fact, and also by Western publishing houses that have set up agencies in the ex-colonies. Both phenomena are on the wane. As far as publishing is concerned, although it favours access (far from ‘open’, given the exorbitant costs of publications), doubts remain about the actual target of such widespread writings, betrayed by a certain language and not always satisfying the needs of the authors’ compatriots.<sup>34</sup>

<sup>32</sup> SF Joireman, *Where There is No Government: Enforcing Property Rights in Common Law Africa* (Oxford Academic 2011).

<sup>33</sup> Eg FAO, *Statutory recognition of customary land rights in Africa. An investigation into best practices for lawmaking and implementation* FAO Legislative study 105 (2010). We are far from mapping the impacts of such an encouragement, but there are excellent comparative studies such as that of G Paradza, L Mokwena, W Musakwa, ‘Could Mapping Initiatives Catalyze the Interpretation of Customary Land Rights in Ways that Secure Women’s Land Rights?’ (2020) 9 Land 1-17 <[www.mdpi.com/](http://www.mdpi.com/)>. Although providing a good in-depth analysis of best practices in sub-Saharan Africa, based on case studies that are significant to the thesis they intend to support, they fail to meet the necessary statistical and quantitative needs.

<sup>34</sup> The first of the many to request a decolonization of knowledge is undoubtedly Ngũgĩ wa Thiong’o, a tireless promoter of the use of Swahili in Kenya and East Africa, and author of *Decolonising the Mind: The Politics of Language in African Literature* (Heinemann Educational 1986).



These unequal relationships and their penetration into the deep fabric of societies afflict a global system – forged and never seriously negotiated since Bretton Woods – which, reinforced by neoliberalism, constantly revives serious questions about an apparently indelible imprint, a persistent border and mostly imposed with/perceived as violence, including that of a cultural nature.

### 3. *Diagnosis and prognosis*

From reflections on the alienation and trauma suffered by the colonized, the theoretical elaboration figured through the ‘non-being’ characterizing humanity under colonialism up until the declaration of the writer Cheikh Hamidou Kane, a few years ago, that ‘L’Afrique n’existe plus, elle a été dépossédée de son espace’.<sup>35</sup> Focusing on the outcomes of the relationship between violence reproducing itself along ‘racial’ lines (a parameter that persists in spite of the now widespread belief that human races do not exist) and the uprooting, if not the disintegration, of local political and social structures, Colonial Studies specialists have highlighted the construction of colonized people: physically humiliated and wounded in their souls as they come down through the generations, immortalized in Albert Londres’s comment,<sup>36</sup> or in Frantz Fanon’s well-articulated reflection.<sup>37</sup>

It is my intention to furnish a diagnosis, and that cannot be dissociated from a prognosis,<sup>38</sup> given the continuities that characterize some of the

<sup>35</sup> This is the concept of ‘néant’, developed by JP Sartre, a profound anti-colonialist, in *L’Être et le néant: Essai d’ontologie phénoménologique* (Gallimard 1943), further elaborated in references to colonized societies by Frantz Fanon in *Peau noire, masques blancs* (Éditions du Seuil 1952) and *Les Damnés de la terre* (n 22). For Cheikh Hamidou Kane (Mattam, Senegal, 1928), see the interview in *Le Monde Afrique*, released on 28 August 2018, web version.

<sup>36</sup> A Londres *Terre d’ébène (La traite des noirs)* (Albin 1929).

<sup>37</sup> Frantz Fanon (Fort-de-France, Martinique, 20 July 1925 – Bethesda, Maryland-USA, 6 December 1961), psychiatrist originally from Martinique, practiced in Algeria under French colonial occupation, becoming the author of important anti-colonial essays including: *Peau noire, masques blancs* (n 35); *Pour la révolution africaine, (écrits politiques)*, Cahiers libres 53-54 (François Maspero 1964); *L’An V de la révolution algérienne* (François Maspero 1959) and *Les Damnés de la terre* (n 22).

<sup>39</sup> ‘Diagnosis’, from the Greek theme διαγιγνώσκω ‘to recognize through’, means in the medical field, a clinical judgment useful for recognizing a morbid condition based on

phenomena described and justify the title chosen for this contribution. My title – ‘Colonialism: the perfect crime relentlessly reproducing its victims’ is derived from Jean-François Lyotard’s *Le différend* (1983).<sup>39</sup> It aims at covering the entirety of the colonial and post-colonial phenomena, starting from the title of Mekondjo Kaapanda-Girnius’s very interesting reading of the Nama and Herero quest for the recognition of genocidal crimes by the Germans during the *Herero Aufstand* (1904-1907), in Dierk Schmidt. *The Division of the Earth* (2010): ‘A Third World Perspective on the History of International Law. The Herero Genocide as the Perfect Crime’.<sup>40</sup> The study which accompanies Dierk Schmidt’s catalogue of plates recording the systematic German land requisition in South-West Africa is an important interdisciplinary survey aimed at critically unravelling the content and development of legal concepts conceived of and adapted for the appropriation of lands and peoples, under the pretence of attributing legitimacy to a colonial project disguised as *Schutzgebiet*, ie a protectorate. In this portrait of the Nama and Herero genocides, the team have tried to analyse all the implications and historical, cultural and juridical dynamics that justified the massacre of entire peoples as the German governments have continued to do.<sup>41</sup>

At this point I feel it necessary to make a brief digression, given the legal context this paper is written in and the discipline needed when treating specific cases of genocide. Although as a non-jurist, I understand and accept the definition of the crime of genocide as the intentional destruction of a population or part of it based on ethnic discrimination, fully aware that there are at least two main perspectives to be considered: that of international law and that of history. It is a compromise as a less common, but more versatile expression such as Rummel’s ‘democide’, that includes the Lemkin’s ‘genocide’, mass murders or politicide, have

laboratory and instrumental research. Its companion *prògnōsi*, from the Greek theme *προγινώσκω* ‘to know before, to foresee’, in the medical field, means a prediction of the further course and/or outcome of a given disease. We speak more precisely of possible ‘scenarios’ in the international political dimension.

<sup>39</sup> JF Lyotard, *Le différend* (Les Éditions de Minuit 1983).

<sup>40</sup> MN Kaapanda-Girnius, ‘A Third World Perspective on the History of International Law. The Herero Genocide as the Perfect Crime’ in L Arndt, C Krümmel, D Schmidt, H Schmutz, D Stöller, U Wuggening, Dierk Schmidt. *The Division of the Earth. Tableaux on the Legal Synopsis of the Berlin Africa Conference* (Walter König 2010) 94-98.

<sup>41</sup> For an in-depth examination see R Kößler, *Namibia and Germany. Negotiating the past* (UNAM Press 2015).





different meanings, regarding the instigators of the massacres and other different implications. Nonetheless it is not easily interchangeable, although the Greek word δῆμος (dêmos) would avoid the use of the word γένος (genos), often translated as ‘race’, mostly rejected nowadays as a *forma mentis*, reducing cultural characteristics to biological ones, which was a choice in line with Lemkin’s times.<sup>42</sup> But we should consider the shared interpretations the term has acquired. The experience and debates coming from the Darfur war (2003-) constitute a global common ground of understanding that no legal specificity, in the case of prosecution, should have a conditioning force, thus accepting significance being adapted into the permanence of the significant, that the difference between genocide and mass murders lies in the will to eliminate a specific part of a population. As scientists, we should embrace a larger vision of the social phenomena and escape those limited ‘catechisms’ identified by Dirk Moses,<sup>43</sup> and work via comparative studies towards a better understanding of their essence, without self-imposed limits in order to distinguish their presence, forms and nuances with greater clarity.<sup>44</sup> This is the perspective adopted by Germany – after intensive decades-long debates – in accepting moral responsibility for the

‘abominable atrocities committed during periods of the colonial war culminated in events that, from today’s perspective, would be called genocide’,<sup>45</sup>

<sup>42</sup> RJ Rummel, *Statistics of Democide: Genocide and Mass Murder since 1900* (LIT Verlag 1998).

<sup>43</sup> J Zimmerer, M Rothberg’s article ‘Enttabuisiert den Vergleich! Die Geschichtsschreibung globalisieren, das Gedenken pluralisieren: Warum sich die deutsche Erinnerungslandschaft verändern muss’ [*Take the taboo out of the comparison! Globalizing historiography, pluralizing memory: why the German landscape of memory needs to change*] ZeitOnline (4 April 2021), called for the taboo to be removed from the Holocaust, allowing it to be compared to colonial genocides, a theme dear to Rothberg (see also M Rothberg, *Multidirectional Memory: Remembering the Holocaust in the Age of Decolonization* (SUP 2019)), raising a hornet’s nest of highly violent comments against this line of thought, after which Moses wrote an article discussing the taboo and reactions. Taboos that now, in the present circumstances of the Western support to the Israeli war in Gaza, we should not consider a prerogative of Germany alone. D Moses ‘Der Katechismus der Deutschen’ (23 May 2021) <<https://geschichtedergegenwart.ch/>>.

<sup>44</sup> In this sense, I interpret the misunderstood connection between the German attitude towards the Holocaust and its support for Israeli politics, which has been barely grasped by the critics of Moses’ essay (see the previous note).

<sup>45</sup> See below (n 48).



in South-West Africa, carried out in obedience to the *Schießbefehl* (order to shoot, leading to civilians dying) issued by a Prussian officer in command 117 years earlier. All the more so, as historical studies prove that he had been put in command because of his efficiency in several previous military campaigns in China and East Africa. No matter if the Court of Justice had specified that under no circumstances can anyone be punished for a crime of genocide that did not constitute a crime prior to the introduction of the 1948 Genocide Convention and the refusal of colonial powers to assume legal responsibility for consequences of what in the past were considered simply extensive slaughters if not historical accidents and a price to pay in times of war.<sup>46</sup> It is not about trivializing an extremely evocative concept,<sup>47</sup> but preventing legal limits on annihilating either the peoples' demand for recognition of historical responsibility or our scope as historians, which is to continue our research into historical facts and circumstances. No exemption can be given to any State still enjoying the institutional, cultural, social and economic status deriving from a colonial heritage. Such were the motives that led to the *Joint Declaration by the Federal Republic of Germany and the Republic of Namibia 'United in remembrance of our colonial past, united in our will to reconcile, united in our vision of the future'*, in May 2021, although the OvaHerero Traditional Authorities (OTA) and the Nama Leaders Association (NLA), reject the turns of phrase adopted to prevent Germany from taking responsibility for (another) genocide.<sup>48</sup>

<sup>46</sup> And this is most probably the answer that will be served to the Ovaherero Traditional Authorities (OTA) and the Nama Leaders Association (NLA) that immediately after the Namibian President Hage Geingob's rejection of Germany's support for Israel's genocidal actions in Gaza, issued a joint statement asking him 'to take assertive legal action' in referring Germany to the ICJ. D Matthys, 'Geingob urged to take Germany to International Court of Justice' *The Namibian* (16 January 2024) <[www.namibian.com.na/](http://www.namibian.com.na/)>.

<sup>47</sup> See JSM Willette, 'Jean-François Lyotard: "The Différend," Part Three' Art History Unstuffed (2014) <<https://arthistoryunstuffed.com/jean-francois-lyotard-the-differend-part-three/>>, for an intriguing examination of the issue of trivialization of the Jewish genocide.

<sup>48</sup> The *Joint Declaration by the Federal Republic of Germany and the Republic of Namibia 'United in remembrance of our colonial past, united in our will to reconcile, united in our vision of the future'* of the 28 May 2021, as in para II c 10 establishes: 'Both Governments affirm that the Preamble to the United Nations Convention on the Prevention and Punishment of the Crime of Genocide (1948) "recognizes that at all periods of history genocide has inflicted great losses on humanity". The German



The basic problem we are dealing with here is exactly that, the infinite disavowal of the same crime. This is not a call for punishment (legal or vengeful) or ransom, as they do not lead to acknowledgement and memorialization. This is precisely the turning point that led Kaapanda-Girnus to reference in her title the passage in which Lyotard expressed how:

‘The perfect crime does not consist in killing the victim or the witnesses ... but rather in obtaining the silence of the witnesses, the deafness of the judges, and the inconsistency (insanity) of the testimony. You neutralize the addressor, the addressee, the sense of the testimony; then everything is as if there were no referent (no damages)’.

Today’s Namibia, led by a state-party (SWAPO – South-West Africa People’s Organization) which after being the main player for 30 years of liberation struggle and another 30 years of government has not freed itself from the conditioning brought about by Germany’s long-term refusal to disavow itself of the crime of genocide. 5% of the Namibian population are of German origin and Germany is one of its main cultural and commercial partners. The descendants of the Herero and Nama populations have clearly been affected by the events: a *vulnus* which is well-highlighted in Kaapanda-Girnus’s essay, and is still on-going with the State intervening in the case of German compensation rather than working on the recognition and analysis of the tragedy and its impact, thus raising the stakes and disregarding the real will of the committee of the descendants of the survivors and those who lost their lives.<sup>49</sup> The next steps that will be taken by the Namibian government after the important *j’accuse* against Germany will say a lot in terms of true commitment in defending the Herero and Nama cause as a national one.

Government acknowledges that the abominable atrocities committed during periods of the colonial war culminated in events that, from today’s perspective, would be called genocide’.

<sup>49</sup> K Ahmed, ‘Descendants of Namibia’s genocide victims call on Germany to “stop hiding”’ *The Guardian* (3 February 2023).



### 3.1. *Continuity*

Diagnosis and prognosis ultimately end up merging, mainly because the state of affairs drags on and on. Colonialism is unanimously condemned, although there are differences in the impact, strategies and dynamics of collaboration and negotiation between the colonized and the colonizers at local levels, which are then studied over years by the literature on the sector, which then relegates it to more general evaluations in both manuals and specialized publications.<sup>50</sup>

The judgment of one of the most accredited Africanist scholars, Mamdani, is lapidary: ‘As a form of rule, apartheid is what Smuts in 1936 called institutional segregation, the British termed indirect rule, and the French association. It is this common State form that I call decentralized despotism’.<sup>51</sup> This despotic relationship used to be imposed both on the peripheries which were merely functional to the ‘motherlands’, the *settler colonies* where European subjects were relocated, and also the regions occupied only for the sake of ‘domination for domination’s sake’. It was far from introjecting, even remotely, a model of state similar to the European one, as a redundant meme in the parlour-politics states. And it was certainly an unlikely premise for a democratic state.<sup>52</sup> In many cases, collaboration with the former colonial powers, and the new actors and forms of exploitation recognizable in neo-colonialism, have produced effects that are reflected both in the process of nation-building and in the concept of state-building, once independence has been achieved. The consequent sense of dependency influences the ‘meaning’, and formation of citizenship, but while citizenship laws that exist from state to state, are often recognized as arbitrary, discriminatory, or contradictory in Africa,

<sup>50</sup>The categories of coloniality have played on the levers of identity, relations with colonial power and between powers and, in this doing, this have reached the ‘construction’ of the colonized. The recognized categories of postcoloniality, on the other hand, are those of representativeness, based on identity and (self-) referentiality, competition for power and, finally, the construction of citizenship, i.e. the maturation of an era that can be reached, according to Ralf Dahrendorf through the two epochs of law and politics (see below).

<sup>51</sup>M Mamdani, *Citizen and Subject* (PUP 1996) 8.

<sup>52</sup>The hypertrophy of the State in Africa, in the words of JF Bayart, is easily explained by its *artificial* construction on colonial foundations, as opposed to a desirable ‘organic growth from the entrails of civil society’. JF Bayart, *L’Etat en Afrique, la politique du ventre* (Fayard 1989, English translation Longman 1993) 32 ff.



or because of this, after a generally late access to multipartism the fight to obtain and defend citizenship rights is still vivid in many African Countries, in contrast with the worldwide shared opinion that the concept of citizenship is the victim of a distrust of politics that now crosses the globe inexorably.

In demonstrating the continuities between colonialism, neo- and post-colonialism, we are helped by Jean Suret-Canale, an Africanist of Marxist origin who, in a fine article 'L'Afrique et les stigmates de la colonisation', in a volume of *Pensée*, 1995, dedicated to the Future of Africa,<sup>53</sup> denounces the *stigmates* of colonialism. He demonstrates how in addressing the African development in its different historical phases the ghost of colonial responsibility goes on being distanced simply by the act of naming and renaming political-economic phenomena. The phase of neo-colonialism began for Suret-Canale in the 1960s, when the United Nations and its agencies ruled out any recognition of the responsibility of the colonial powers, in the name of 'developmentism',<sup>54</sup> suggesting that Africa's backwardness could be remediated by savings and aid. A declaration of this kind underestimates the continuing malaise, evaluates the dependency relationship as 'dead and buried' from an institutional point of view while stimulating another, apparently unequal one with labels such as 'partnership for development cooperation'. Thus, no proper assessment has been made of the confusion created by the economic structure of the colonialism, which continues to be parameterized to the alien standards of those who have created it. Of a saprophytic nature, it aimed at inducing an

<sup>53</sup>J Suret-Canale, 'L'Afrique et les stigmates de la colonisation' (1995) 301 *La Pensée* (janvier-mars 'Afrique quel devenir?') 17-28.

<sup>54</sup>Among the first publications of a growing trend opposing neoliberal development policies, the denunciation of T Mende, *De l'aide à la recolonisation* (n 8) should be remembered. He was no less critical than R Dumont, the agronomist who expressed strong doubts about the development projects of African nations and those planned by the European powers (in *L'Afrique noire est mal partie*, 1962 or *L'Afrique étranglée: Zambie, Tanzanie, Senegal, Cote-d'Ivoire, Guinee-Bissau, Cap-Vert*, 1966). A later work is Axelle Kabou's milestone, *Et si l'Afrique refusait le développement?* (L'Harmattan 1991), whose critique refers to the obvious flaws of the first generation of PAS (Structural Adjustment Programs), which sacrificed services established with great difficulty to privatization. On the British side, the publication *British Aid-5 Colonial Development: A Factual Survey of the Origins and History of British Aid to Developing Countries by The Overseas Development Institute* (ODI 1964) remains of considerable interest, and effectively demonstrates how development cooperation policies allowed colonial regimes 'to leave in order to better stay'.



‘extraction’ of raw materials from colonized lands (on the peripheries of empires), meeting the needs of the motherlands, thus reproducing the triangle trade originally established with the Atlantic slave trade. The African pole guaranteed the slave labour, the American one produced raw materials, while the processing of extracted materials went to Europe, retaining and encouraging industrialization, while discouraging it on the outskirts, once slavery and trafficking had been outlawed, in favour of indentured labour on commercial farms or in mines, inhibiting competition in agriculture, approaching instead agricultural commercial production in the name of the modernization and European interests.<sup>55</sup> Delays increased to such a point that Africa is said to have skipped the industrialization phase – associated with the parasitic attitudes of capitalism constantly hunting for ‘virgin lands’,<sup>56</sup> while attributing exclusive responsibility for the permanent gap to the government elites’ attitude as *gatekeepers* using their power to control the exit of natural and human resources.<sup>57</sup>

Repeatedly declaiming the ‘failure’ of the decade of development (a downward trajectory articulated in the eloquent titles of René Dumont’s essays, from the early 1960s: from *L’Afrique noire est mal partie*, to *L’Afrique étranglée* and *Démocratie pour l’Afrique*), in the name of the theory of dependency, which became a niche interpretation, we move on to the ‘anti-Third-Worldism’ of the late 1980s. This further absolved colonialism and its inheritance of any responsibility, instead placing it firmly on African leaderships without assessing the role of the stock exchanges firmly rooted in the West giving rise to the decade of Structural Adjustment Plans (SAPs). The first generation of the SAP crushed what had been achieved in the construction of citizenship and the ‘social contract’ in Africa by encouraging privatization, including services such as education and health. There followed in the 1990s a second-generation politically minded SAP intent on democratization. Having overcome bipolarity and the Cold War, Africa used these instruments to join a system of

<sup>55</sup> W Rodney, *How Europe Underdeveloped Africa* (Bogle-L’Ouverture Publications 1973).

<sup>56</sup> Z Bauman, *Capitalismo parassitario* (Laterza 2013), and R Luxemburg, ‘*Die Akkumulation des Kapitals: Enthält auch die posthum veröffentlichte ‘Antikritik’*’ (Paul Singer 1913), explicitly referred to by the first, 4.

<sup>57</sup> F Cooper, *Africa since 1940: the past of the present* (CUP 2002 and 2019).



political legitimacy of the capitalist economy, considered the only condition suitable for the realization of liberal-democratic ideals, adapting to the Capitalocene that thrives by leveraging the social divisions of societies that are not at all free or open, not to say unfair. Blindly satisfied, it undermines the progress of democratization, which is extremely young in Africa.

Research in the political and social sciences is making great strides in this field, which calls for a reconsideration of the strict parameters of judgment adopted in evaluating institutions and political modalities in Africa. From François Bayart's judgement of a hypertrophic or absent state,<sup>58</sup> immediately preceding the processes of democratization, we arrive at accusations of corruption and patrimonialism (which at the best is bureaucratic). These judgments are not only discouraging, but they act as a driving force behind a generalized Afro-pessimism, feeding attraction towards political and market alliances like China's, based on international programmes speaking of markets and soft power and non-interference in the internal affairs of partner states.

In the third decade since the start of the democratization processes, African analysts agree that the categories of evaluation used by liberal political economists for Africa produce the stigma responsible for reproducing 'inadequacy' in the institutions of developing countries. By attributing political instability, insecurity, and poor development dynamics to ethnicism, weak institutions, inadequate leadership and neopatrimonialism, if not corruption, attention is drawn to symptoms that require a 'desperate need for salvation' because they are considered threats to the existence and survival of the economies of the *Global South*. This diverts attention from the neo-colonial system imposed on the less developed countries, ensuring they continue to be exploited by a 'non-physical colonization'. Not only have the enthusiastic momentum, the dynamics of solidarity, and the sense of belonging of the people achieved by decolonization been undermined by these parameters of judgment, but also the historical processes needed to facilitate the productive capacity of incorporation in the global economy.

Attempts to 'reinvent Africa', to nurture the colonial legacy of the neo-colonial relationship have been frustrated, creating what Akinrinde &

<sup>58</sup>JF Bayart, *L'Etat en Afrique, la politique du ventre* (1989), consulted in the English edition, *State in Africa: The politics of the Belly* (Longman 1993) 32.



Oyewole define as an ‘almost unbreakable prison of social, economic, political, and technological dependence and subservience’. The short season of the ‘African renaissance’ promoted African responsibility and neoliberal economic restructuring while putting African economies at the mercy of overwhelming market forces and supra-national institutions, over which ‘responsible’ African elites had no control.<sup>59</sup> To remove the fetters, it is necessary ‘to deconstruct and reconstruct the imperial, colonial, neo-colonial constructions and imprinted stereotyping of African race, histories, philosophies, culture, politics, economics, and the developmental achievements, challenges, and solutions as well future trajectories of the region.’<sup>60</sup> A series of studies follows this line and urges us to avoid making judgments on phenomena considered particularly negative, and which are viewed as the cause of the inadequacies of Africa’s economic, political and social development. The list is long, including neopatrimonialism, focusing on ways of circumstantiating, circumscribing and evaluating the phenomena on the basis of their origins, the actual impact and any concomitant negative mechanisms that they attempt to balance. In effect, managing each phenomenon and making the necessary distinctions between regulated practices of developmental neopatrimonialism or predatory neopatrimonialism, which inhibits any form of development, is more useful than condemning it outright.<sup>61</sup>

The effects of what has been briefly described are undeniable: European states are paying the price for the rhetoric of relations that have been renegotiated with postcolonial societies. However, they have never fully and publicly recognized the weight of their colonial legacy – the results of relationship based on an unequal economic dependence ensuring repercussions in the public consciousness. A ready example is to be seen in Italy, where evidence of a colonial past of unequal relations has been allowed to slide into oblivion. This has fuelled the spread of rewritings of

<sup>59</sup> J Ferguson, *Global Shadows. Africa in the Neoliberal World Order* (DUP 2006) 153.

<sup>60</sup> OO Akinrinde, S Oyewole, ‘Neo-colonialism and the developmental challenges of post-colonial Africa’ (2021) 7 *J Pertahanan* 398-410 <<http://jurnal.idu.ac.id/index.php/DefenseJournal>>.

<sup>61</sup> *ibid* and A Pitcher, MH Moran and M Johnston, ‘Rethinking Patrimonialism and Neopatrimonialism in Africa’ (2009) 52 *African Studies Rev* 125-156; R Real, P Sousa, J Cuadrado, ‘Neopatrimonialism in Africa. A Review of Concepts, Practices and Implications’ (2023) 15 *Africa Rev* 316-337.





the original colonial propaganda projecting the relationship in more positive connotations (with the saying: 'Italians are good people'). As a consequence, in the name of an 'imperfect decolonization', nostalgic re-enactments of colonial methods are generally seen as plausible solutions for healing a 'Third World' that is often defined as immature. Thus the 'white saviour' syndrome is re-enforced, more or less consciously reserving the right to replay this card at an appropriate moment.<sup>62</sup> More concretely, in the French case, with the adoption of the law on memory no 158/2005, the National Assembly also approved Article 4, which calls for schools to adopt textbooks with an edifying interpretation of France's colonial relationship with its colonies.<sup>63</sup>

#### 4. *Therapy*

It is a sobering thought, especially for those who, like the writer, were born in the 1960s ('the Africa years'), that in 2024 we are still uncertain about the appropriateness of the decolonizing mindset or of the hypotheses of remediability of colonialism. Exactly 120 years ago, in 1903, A C McClurg and Co., a well-known Chicago publishing house, had to reprint Du Bois's *The Souls of Black Folk* twice, to answer a compelling interest in the United States, in a society built on racial subordination. It was not the black minority, which was living in a state of semi-illiteracy,<sup>64</sup> which showed all the interest. That black American diagnosis of colonial oppression, described by the progenitor of intellectual Pan-Africanism and Colonial Studies as a social pathology, was to become a theoretical problem. It would influence the debates between activists and scholars working in the humanities and political sciences, but paradoxically it

<sup>62</sup> The Italian government is, for example, proposing the 'Mattei Plan' an international development scheme aiming at boosting non-European economies (equipped with hydrocarbon reserves).

<sup>63</sup> C Palmiste, 'The Colonies and the Law on "Good French"' (2006) 67 *Past and Present* 1-15. D Costantini, 'History and Law: Materials for the Reconstruction of a French Controversy' *DEP – Deported Refugee Exiles* (2008) 9 <[www.unive.it/pag/fileadmin/userupload/dipartimenti/DSLCC/documenti/DEP/numeri/n9/12\\_Dep009Lois-documenti-a.pdf](http://www.unive.it/pag/fileadmin/userupload/dipartimenti/DSLCC/documenti/DEP/numeri/n9/12_Dep009Lois-documenti-a.pdf)>. 'Lois mémorielles: la loi, le politique et l'Histoire' *Vie Publique* (2021) <[www.vie-publique.fr/eclairage/18617-lois-memorielles-la-loi-le-politique-et-lhistoire](http://www.vie-publique.fr/eclairage/18617-lois-memorielles-la-loi-le-politique-et-lhistoire)>.

<sup>64</sup> William Edward Burghardt Du Bois (Massachusetts-USA, 1868 - Accra, Ghana, 1963), known by his acronym, is considered one of the fathers of Pan-Africanism.



would also lead to difficulties in forming societies that seem incapable of managing their own multiethnicity and only incidentally study international relations. In the meantime, academia is obliged to question the appropriateness of considering colonialism a form of mass violence, asking whether reparations can be made, whether decolonization could not have been better managed and whether we can still talk about decolonization once its institutional stage has been understood. We have been in a paradoxical if not hypocritical realm, considering the attempts to set the tone for possible reparations by the former-colonized countries since the appointment, on June 28, 1992, under the aegis of the Organization of African Unity, of the Group of Eminent Persons: twelve authoritative Africans with the mandate to set the goal of obtaining reparations for Africa; to the World Conference against Racism (WCAR) in Durban, in 2001, which predictably failed because of the fear that reparations would be demanded from the major beneficiaries of colonialism.<sup>65</sup>

The reverberations of the unresolved tensions between past and present are seen both where colonialism was experienced and the host countries of the previous, contextual and consequent diasporas to its presumed end for job opportunities. The governments that are the heirs of the colonial powers today relegate their historical responsibilities to the past, mostly in the illusion that they decant at the regional level, in their anxiety to contain the migration, dreaming of walls, forces and bits of intelligence which distract from rethinking inclusive and systematic strategies of connection and enhancement of the potential of each continent, especially now, in the face of the planet's worsening health.

From a political point of view, it is undeniable that the transformation of colonialism has often led to authoritarian and violent regimes which, faced with the challenges of the global world, have ended up turning their rage on their own populations and worsening their wounds. The brutality and corruption of such regimes have stimulated the studies of *Postcoloniality*, whose categories have been extended to *Subaltern Studies*, furnishing critiques of a world that only apparently makes transversal changes and expands, if anything, the inequity of power relations along the lines of wealth. There is, however, a current of thinking that rejects such a polarization and proposes a more constructive and honest critique

<sup>65</sup> RE Howard-Hassmann, *Reparations to Africa and the Group of Eminent Persons*, (2004) 44 *Cahiers d'Études africaines* 81-97.



(given that the fratricidal nature of the struggles within pre- and post-colonial societies is admitted), aiming at facilitating a possible collaboration for a shared world: this is the position of Mbembe. The Cameroonian philosopher has put it to good use in his work *De la postcolonie* (2000) accepting Macron's invitation in 2021 to help realize the France-Africa Summit. After seven months of discussions with twelve African States, he produced a report containing thirteen proposals delivered to the Elysée Palace on October 5.<sup>66</sup>

Mbembe's warning also aims to reflect on what the goal to reach is: is it possible to accommodate the imbalance even in defining the gap? The imbalance had brought it to the fore and in a provocative and shocking way in *Brutalisme*, in 2020! Together with Mbembe, we can ask if it is possible to consider colonialism in the reparation phase through mechanisms of restitution and recognition without looking at the whole (not a universal but sharing level).<sup>67</sup> And while the social injustice created by colonialism is reproduced, in so many areas of the world, approved and supported by the West that invented, experienced and organized it, constantly experimenting with it to create new versions to put into action in

<sup>66</sup> A Mbembe, 'Is a New Deal between Europe and Africa possible?' Groupe d'études géopolitiques WP (February 2022).

<sup>67</sup> So argues Achille Mbembe in *Brutalisme* (La Découverte 2020 – consulted in the 2023 Kindle ed): '(...) tout projet de réparation de la Terre devra tenir compte de ce que, dans cet essai, nous appelons le devenir-artificiel de l'humanité. Le XXI<sup>e</sup> siècle s'ouvre en effet sur un retour spectaculaire de l'animisme. Il ne s'agit pas de l'animisme du XIX<sup>e</sup> siècle, mais d'un animisme nouveau qui s'exprime non sur le modèle du culte des ancêtres, mais du culte de soi et de nos multiples doubles que sont les objets.' at 29. He continues: '(...) Quoi qu'on en ait, le monde n'est pas extensible à l'infini. Les humains n'en sont ni les seuls habitants ni les seuls ayants droit. Ils ne sauraient dès lors exercer sur ce monde une souveraineté illimitée. Cela étant, la véritable démocratie ne saurait être que celle des vivants dans leur ensemble. Cette démocratie des vivants appelle un approfondissement non dans le sens de l'universel, mais dans celui de l'«en-commun», et donc un pacte de soin, le soin de la planète, le soin apporté à tous les habitants du monde, humains et autres qu'humains. Au cœur d'un tel pacte de soin figure, d'emblée, le devoir de restitution et de réparation, premiers jalons vers une véritable justice planétaire. Dans les pensées antiques d'Afrique, les actes de réparation englobent l'ensemble du vivant. Ce dernier est envisagé comme un tissu en devenir, et par conséquent disponible au travail de raccommodage. Ces actes ne concernent pas seulement les blessures et les traumatismes qui s'ensuivent. La clinique n'a pas véritablement pour objet le recouvrement des propriétés perdues. Elle vise avant tout à recomposer la relation.' at 195 ff.

different conditions. Can we declare the supranational superiority of international law (the culmination of the standards of universal human rights) to be proclaimed when the agencies of the international community, starting with the UN Secretary-General, are derided when they denounce colonial-style abuses that are still taking place?<sup>68</sup> Or deny that a Criminal Court of Justice loses credibility in dismissing allegations of crimes against humanity dating back to the years prior to its establishment, in this way protecting colonizers, bloody regimes and the states that have supported them, and growing in wealth, because of them? Everything helps in such a context, in the restoration of a possible relationship. The reparation practices, on which the current debate is focused,<sup>69</sup> seem essential for restoring the dignity and independence of the ex-colonized, but we are far from being able to interpret them as processes of collective healing as certain discourses do. Even certain discussions of postcoloniality, which seek to rehumanize deficient modes of sociality, aim to overcome the trauma of explicitly colonial relations and their consequences, which are responsible for having divided humanity. Postcoloniality is not a finite dimension because it remains a possibility among intellectuals and risks bringing about an excessive polarization. We are the witnesses and protagonists of an endless process of asking questions about old, unresolved problems, as demonstrated by the resurgence in different ways and times of the movement #BLM, also, paradoxically, in Africa<sup>70</sup>. Not so many listen, however, and their answers are non-committal.

<sup>68</sup> In recent months Antonio Guterres has raised controversy by arguing that the escalation of violence in Palestine is not taking place '*in a vacuum*', thus implying that the premises were all there and repeatedly denouncing the violence against Palestinian civilians.

<sup>69</sup> M Fisher, 'Calls grow for colonial reparations. Paths vary in gaining restitution for past abuses, their effects' *The Capital* (Annapolis) (30 August 2022).

<sup>70</sup> See the #EndSARS campaign, a #BLM drift, directed against the *Special Anti-Robbery Squad* (SARS), then closed in 2020, without an attempt to re-educate the Nigerian police force. In Africa, the violence of the military and the police can be traced back to the colonial matrix. Violent during the colonial period, they have remained so afterwards, with a confusion of roles not in line with democracies. Worse, they can become a driving force of systemic violence arising from tensions with the civilian population. On the other hand, as classes organized during colonialism, they often guarantee the stability of the state transiting to civil regimes, as has often happened in the Sahel, recently.



Dahrendorf's keys of interpretation are an appropriate starting point for evaluating current social and political dynamics and trying to explain this schizophrenia.<sup>71</sup> It is clear that the *life chances* with strong elements transversal to societies cannot be merged with *provisions* (ie the possibilities of choice and action allowed by the social structure of reference), according to their roles and social position (*entitlements*) and with *ligatures* (like the social and emotional relational nodes with their community). In situations where the majority is not entitled to access opportunities, the prerequisite for better *life chances* is the strong support provided by ties to exercise options, the systematic breaking of the ligatures will further invalidate them.<sup>72</sup> In the African case, starting with colonial relations, there has been no continuity in this destructuring, except during the brief 'suns of Independence' phase, which passed through the laborious processes of state-building, originating in the Cold War (in several regions) and later, in the context of a phagocytic global economic system. Not only have global world bonds not been strengthened, but the belated consolidation of the nation-state has further contributed to breaking the bonds, inhibiting the dynamics of civil society by pandering to colonial borders and attempting to introduce new ways of development and integration into the global system, alongside the adoption of the ways of economic liberalism, in an uninterrupted and uncontrolled process of urbanization. And it is a modality that is transversal to the globe. Although there are extraordinary examples of past solidarity, how can we recall the exceptional resistance of the liberation struggles and the international support they have gained? How can we recall that example of a civil society globally organized as a system to achieve an objective of justice, such as the anti-apartheid movement, to face a radical change of 'decolonization of the imaginary', on both sides of the 'abyssal line', if young people do not know what has happened?

A documented recognition of abuses in the past could reproduce societies that demand more equitable and sustainable relations, but for this to happen, colonial studies need to be re-introduced into school programmes, so as to make pupils aware of the origin of the gap between

<sup>71</sup> R Segatori, 'Ripartire da Dahrendorf: attualità di un inattuale' (2019) 10 Società Mutamento Politica 19, 23-35

<sup>72</sup> R Dahrendorf, *Life chances: Approaches to Social and Political Theory* (Weidenfeld and Nicolson 1979).



nations. I am thinking, of course, of Italian schools, where history programmes are limited to the global North, and only university students (mostly from 3<sup>rd</sup> year Political Sciences, or – more rarely – Contemporary History) access the history of Asia, Africa and the Americas. Historical reflections on the 85% of the world's population living on 64% of the global surface – percentages that rise to 90% of the population on 77% of the world's surface, if we include North America and Canada – and our relationships with them are revealed to only a small number of Italians in their early twenties!

Everything still seems to be expendable in the name of a permanent *status quo*, in a sort of *pax* based on imbalance and inequality, with assumptions ignored. The world is schizophrenic, structured according to a global system equipped with international institutions and supranational aspirations, officially dedicated to the defence of human rights, but tolerating ever more victims with over-ridden rights. Proof of this is to be found in the systematic support of and political-economic collaboration with illiberal regimes in many parts of the world. Think of Ethiopia. Neither the United Nations nor civil society for example have managed to press the international community and its institutions into action over the half a million people massacred in Tigray, now prey of an unprecedented state of dearth.<sup>73</sup> And then there is the ongoing status of insecurity in the state of Amhara with allegations of potential genocide, that is being monitored by the Lemkin Institute.<sup>74</sup> And today, at the very time of writing, notwithstanding the South African referral of Israel to the both International Criminal Court (ICC) and the International Court of Justice (ICJ), the international community tolerates – or rather legitimizes – Israel's use of military force against international law and the Geneva Conventions (white phosphorus bullets, the bombing of hospitals, closing aqueducts), while in its control of the occupied areas, Israel is sacrificing the civilians

<sup>73</sup> This is the projection formulated by the University of Ghent Geography Department which has been involved in Tigray since the 1990s. It forecasts a death toll ranging from 311,000 people to 808,000. See Ghent University & Every Casualty Counts, 'Call for Input to inform the High Commissioner's report to the Human Rights Council on the impact of casualty recording. Submission by the Tigray War Project' (20 February 2023) 2.

<sup>74</sup> Lemkin Institute, 'Active Genocide Alert - Ethiopia in Amhara Region - Update 1' (10 December 2023) <<https://www.lemkininstitute.com/>>.



it is supposed to be protecting. These are areas where settlers and structures have been transferred from Israel since the military occupation, contrary to the Fourth Geneva Convention. In the name of the 'right to defend itself' Israel has systematically and deliberately stifled for 75 years the birth of a Palestinian state in a land occupied for thousands of years by the Philistines, in the name of the Zionist principle according to which Palestine is a 'land without a people'.<sup>75</sup> The assumption underlying the Israeli policy has received the support of the international community, brought about by favouring the veto system in such a way as to guarantee this imbalance. Thus, consciences are relieved over the centuries-old anti-Jewish feeling which led to expulsions, pogroms and organized extinction, but with the final cost now being paid by the *Palestinian fellahin* and their lands.<sup>76</sup>

In that indeterminate (*without 'a' people*), there is expressed the whole essence of colonialism: the affirmed political 'non-existence' of an institutionally recognizable people in favour of the right to exist of a people recognized as such. A history too, too familiar to African ears.

Today, the execrable massacre carried out by Hamas, the violence against women, the kidnappings and the introjection of those kidnapped in the 'open-air prison' of Gaza, on October 7, 2023, has revealed this imbalance with shocking violence. It is the rift mentioned previously.

<sup>75</sup> Zionist propaganda remains faithful to the principle of 'ארץ ללא עם לעם ללא ארץ' 'A land without a people, for a people without a land', therefore legitimizing the Jewish 'people' and delegitimizing Palestinians, whose international juridical position is admitted not only by the UN General Assembly resolutions (from no 181 of 29 November 1947), but also repeatedly by the UN Security Council. Of the immense literature analysing this assumption, see the texts of I Pappé, *The Making of the Arab-Israeli Conflict, 1947-1951* (IB Tauris 1992) and *History of Modern Palestine: One Land, Two Peoples* (CUP 2003) and N Masalha, *A Land without a People: Israel, Transfer and the Palestinians, 1949-1996* (FF 1997).

<sup>76</sup> Antisemitism understood as anti-Judaism is a paradox as the Semitic ethnolinguistic stock includes several languages (Hebrew, Aramaic, Arabic, Tigrinya, Amharic and even Maltese). Defining *tout-court* as *anti-Semitic* those who oppose Israel's violent methods is even more a political nonsense, and interpreting it as anti-Judaism is a misleading as it seeks to leverage religious discrimination while the condemnation is related to political attitudes. Moreover, the internal dissent would make of the Jewish Israeli anti-Israeli politics, antisemitic. Amplified as it is by the media, and passively absorbed by those in power, it risks misleading generations and distancing any hypothesis of pacification for further generations.

And it is deepened by the way it is treated with distinctly different sensitivities. While most of the Western establishments give their unconditional support to Israel, and renew its weaponry and collaborate with the institutions not in opposition, peoples clamour for the defence and implementation of human rights and humanitarian aid for colonized civilians/non-citizens and demand a ceasefire in vain. Indeed, after a long time and with greater support than that given to Ukraine, city squares all over the world are crowded with millions of demonstrators. Still, of no avail.

As of May 10, the day the General Assembly of the UN voted for sustaining the Palestinian Authority requesting membership in the United Nations,<sup>77</sup> OCHA, the UN Agency for Humanitarian Affairs, reports the following asymmetric ‘impact’ on the Palestinian civilians since 7 October 2023: 34,904 Palestinian casualties (7,797 children included, but not including 10,000 reported missing or under the rubble), and 78,514 reported injuries (data of the Ministry of Health of Gaza/MoH Gaza), and over 1,200 on the Israeli side, including people involved in the 7 October attack (data of the Israeli authorities) and 5,400 reported injuries, and 266 reported fatalities with 132 estimated hostages still there, and 1,610 reported injuries, in Gaza. There are more than 88,000 destroyed housing units in Gaza (MoPWH). In the meantime, in preparing the Tsahal (Tsva ha Hagana le Yisrael, the Israeli Army) attack on Rafah,

‘277 square kilometres or about 76 per cent of the Gaza Strip have been placed under evacuation orders; this includes all areas north of Wadi Gaza, whose residents were ordered to evacuate in late October, as well as specific areas south of Wadi Gaza slated for evacuation by the Israeli military since 1 December’.<sup>78</sup>

This gap between the leaders and the social bodies in the perception of such a disproportional reaction to the Hamas’ attack cannot be neglected, although the recent vote at the UN General Assembly seems to

<sup>77</sup> UN, Press Release AG/12599, ‘L’Assemblée générale vote à une écrasante majorité pour l’admission de l’État de Palestine à l’ONU et rehausse son statut d’Observateur permanent’ (10 May 2024) <<https://press.un.org/fr/2024/ag12599.doc.htm>>.

<sup>78</sup> ReliefWeb, ‘Hostilities in the Gaza Strip and Israel/ Flash Update #162’ (6 May 2024) <<https://reliefweb.int/report/occupied-palestinian-territory/hostilities-gaza-strip-and-israel-flash-update-162-enarhe>>.





reduce it. Still Western States tend to oppress the spontaneous reactions to such statistics. It is clear that Western government institutions – perhaps strongly influenced by memory politics, as suggested by Masha Gessen,<sup>79</sup> apply double standards. And in their constant role as censors of other people's systems of government, they define as 'democratic' regimes that are the West's 'wall', defending it against the 'kafirs',<sup>80</sup> in the never dismissed 'clash of civilizations' syndrome, fuelling at the same time myths like the 'ethnic replacement' plot.<sup>81</sup> These are concepts and strategies that ought to have been metabolized through the history of the South African apartheid regime and the '*total onslaught*', if their knowledge had been extended wider, and that are parameterized to a compass measuring humanity – which has been found limited, to say the least.

The world has little recall, but not so South Africa. On 17 November 2023, the International Criminal Court (ICC) received from South Africa, Bangladesh, Bolivia, Comoros and Djibouti, a referral of the situation in the State of Palestine. Under the Rome Statute of the International Criminal Court (ICC), a State Party may refer to the Prosecutor a situation in which one or more crimes within the jurisdiction of the Court appear to have been committed, inviting the Prosecutor to ascertain that individuals are responsible for the commission of those crimes, with the apparent intent of indicting Benjamin Netanyahu.<sup>82</sup>

<sup>79</sup> M Gessen, 'In the Shadow of the Holocaust. How the politics of memory in Europe obscures what we see in Israel and Gaza today' *The New Yorker-Weekend Essay* (9 December 2023).

<sup>80</sup> This is the word once used by the Afrikaner community to define the black people in South Africa, during the apartheid regime: kfr are the Arabic letters used to define the infidel.

<sup>81</sup> During the X Confederal Congress, 18 April 2023, the Italian Minister of Agriculture, Food Sovereignty and Forestry, Francesco Lollobrigida, made a call 'not to surrender to the idea of ethnic replacement'. This myth is disavowed and stigmatized on the Italian government website, which defines it as a 'neo-Nazi myth according to which whites are replaced by non-whites' and which would be based on two assumptions: 'The first claims that Western identity is under siege by massive waves of immigration from non-European countries, leading to a demographic replacement of white Europeans. The second claims that this substitution was orchestrated by a mysterious group as part of their grand plan to dominate the world. The reference is to Nazi-Fascist anti-Semitic theories. <[www.governo.it/it/dipartimenti/coordinatore-nazionale-la-lotta-contro-lantisemitismo/noantisemitismo-def-grandesostituzione](http://www.governo.it/it/dipartimenti/coordinatore-nazionale-la-lotta-contro-lantisemitismo/noantisemitismo-def-grandesostituzione)>.

<sup>82</sup> ICC, 'Statement of the Prosecutor of the International Criminal Court, Karim A.A. Khan KC, on the Situation in the State of Palestine: receipt of a referral from five States Parties'



On 21 November, the African National Congress (ANC) and the National Assembly decided to break diplomatic relations with Israel in support of the Economic Freedom Fighters' (EFF) motion, despite strong domestic pressure.<sup>83</sup>

Ultimately, on 29 December 2023, South Africa filed an *Application instituting proceedings in the name of the Republic of South Africa against the State of Israel* which includes a request to the International Court of Justice (ICJ), tasked to settle disputes between States, to adopt interim measures to protect the rights invoked due to imminent and irreparable losses. Israel is accused of acts 'genocidal in character because they are intended to bring about the destruction of a substantial part of the Palestinian national, racial and ethnical group'.<sup>84</sup> It is meaningful that in Section II, paragraph 12 of this Application, in the list of States that openly accuse Israel of committing genocidal acts, divided between ratifying and non-signatories of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide – since the beginning of Israeli operations in Gaza, not one belongs to the 'Western front', although Slovenia and Ireland joined or sustained the ICJ motion against Israeli practices in West Bank, Gaza, and East Jerusalem later.

Such an enduring, exclusionary 'measure of the world' further reinforces the polarization between 'the producers of 70% of finished goods and the controllers of 70% of the land and related natural resources',<sup>85</sup> in which there can only be a legitimate distrust of an international system that has continued to be built on the ashes of colonialism, which evidently reverberates in the transversal readings of 'autrism' and the categories of subordination.<sup>86</sup>

(17 November 2023) <[www.icc-cpi.int/news/statement-prosecutor-international-criminal-court-karim-aa-khan-kc-situation-state-palestine](http://www.icc-cpi.int/news/statement-prosecutor-international-criminal-court-karim-aa-khan-kc-situation-state-palestine)>.

<sup>83</sup> 'National Assembly Adopts Motion to Suspend Diplomatic Relations with Israel' (21 November 2023) <[www.parliament.gov.za/press-releases/national-assembly-adopts-motion-suspend-diplomatic-relations-israel](http://www.parliament.gov.za/press-releases/national-assembly-adopts-motion-suspend-diplomatic-relations-israel)>.

<sup>84</sup> 'Application instituting proceedings in the name of the Republic of South Africa against the State of Israel' (28 December 2023) <<https://www.icj-cij.org/sites/default/files/case-related/192/192-20231228-app-01-00-en.pdf>>.

<sup>85</sup> Grammenos Mastrojeni at the Roundtable Ecological Transition and the Global South, during the Ecological Transition Day: 'L'Italia verso il 2030 - Scelte urgenti per un domani vicino, tra sostenibilità e responsabilità' Università degli studi di Milano (23 novembre 2023).

<sup>86</sup> A Langaney, 'Comprendre l'autrisme' (1981) 1 *Le genre humain* 94-106.



#### 4.1. *Credible solutions*

The unsustainability of the thesis of the remediation of colonialism, finds its synthesis here: individual *reparative* interventions are not only possible and plausible, but also necessary for educating to ensure the ‘never again’. However, they are not enough to transform the glimmer of hope that they could offer towards a new regulation aiming to *repair structurally* the imbalance of an unequal system from which we have never broken free.<sup>87</sup> Acknowledgements, reparations and restitutions must not be limited and punctual in their attempt to remedy the past, but will only be able to contribute in repairing a relations-system if they are in done in parallel to the promotion of equality in political, economic and decision-making relations. In this sense, I argue here that *remedying* is different from *repairing*. It is a matter of ‘repairing the fabric and the face of the world’ (as Mbembe puts it),<sup>88</sup> by systematically recreating a healed relations-system in order to thwart the uninterrupted resurgence of strong, prevaricating systems stagnating and reproducing weakness, given such an imbalance.

One is tempted to think that where today we imagine forms of recognizing the evils originating in the unequal colonial relations of the past,

<sup>87</sup> See L Bellocchio *Tutto è potenza. La competizione tra le grandi potenze nell’era post-bipolare* (Guerini Scientifica 2023).

<sup>88</sup> A Mbembe, *Brutalisme* (n 67). Here Mbembe advocates the conceptual dyad ‘restitution-repair’. This is the cornerstone of the politics of the living being *at large*, to be developed not so much in terms of compassion or charity but (quoting Édouard Glissant) of a need for ‘memory of the other’ which, in a new lucidity, points to relationships. In this passage, he recalls to our memory the important theorizer of the ‘moral witness’, coined by A Margalit in *The Ethics of Memory* (HUP 2009). Sharing a sustainable world lies in understanding, sharing, and memorizing the sufferings of everybody: ‘Nous devons apprendre à nous souvenir ensemble et, ce faisant, à réparer ensemble le tissu et le visage du monde’ (*Brutalisme* at 60). Such a commitment would remove the world from the feared ‘combustion’, which goes beyond the danger of global warming, but includes the complexity of the processes with which capitalism systematically affects the Earth and ‘the ability of human beings to make history with other species’. This is a dimension often surreptitiously recognized in Africa by a whole series of clichés attributable to tourist propaganda, which does not take into account the upheaval that the African ecosystem suffers, and with such inexorable repetitiveness and gravity as to inhibit the proverbial resilience of its people. See C Fiamingo, ‘L’Africa verso COP27. Una riflessione alla luce della Giornata della Terra’ (2022) 4 NAD 136-149. See also A Simoncini, ‘Sul ‘divenire negro del mondo’. Nanorazzismo, ragione negra ed etica del passante nel pensiero di Achille Mbembe’ *Altra parola* (2021) <[www.altraparolarivista.it/](http://www.altraparolarivista.it/)>.

the implementation of more or less cautious forms of reparation or restitution repatriating at least a part of the stolen goods, including bodies catalogued by universities and museums for study purposes, will never come to an end. Of course, much can be learned in the evolution of the process, as the Namibian case has shown. Archaeological relics, symbolic, religious and political objects and bodies are often subject to complex negotiations. Objects and symbols, as evidenced by the very structure of certain exhibitions, even the more recent ones convey mostly distorted meanings, given the Western aesthetical criteria of evaluation adopted. Often political symbols are 'downsized' to the artistic, which are exhibited without a historical narrative supporting them, witnesses of a generalized cultural incomprehension, and spurned by increasingly isolated scholars and centres of specialization, if not entirely swallowed by 'global' aspirations. The body-parts gathered in Western museums and universities are mostly skulls: they testify to all the acts of slaughter, albeit the victims were dead at the time of their removal. Moreover, as part of collections exhibiting of differences and anthropometric studies, they have been denied the respect that we are led to believe is inescapable, for their very essence as a human person. Although we can be in favour of them returning to their homelands, we would do better to heed Mbembe's invitation and leave them where they are so Europeans can learn from them and spread their 'message' from the colonial past.<sup>89</sup> Provocative challenges apart, it should also be borne in mind that such an exchange can never be equal, complete, or fully satisfactory unless it is framed in a process with a precise beginning, course and end, foreseeing cultural repercussions and their diffusion through generations, with a defined historical range and with a range of areas affected by the consequences of colonialism evaluated. This is the organization envisaged by the Truth Commissions and by the South African one. Seemingly, the ground is not yet fertile enough to accommodate the increasingly pressing proposals to reach TRCs in order to resolve the knots of the colonial past.<sup>90</sup> In fact,

<sup>89</sup> A Mbembe, *Brutalisme* (n 65) 247-48.

<sup>90</sup> This proposal is not infrequently associated with Belgium's past in the Congo. See the interesting webinar curated by the Institute for European Studies at Cornell University as part of the Migration Series 'Repair and reparations', 'Belgium to Congo: Colonialism Reparation and Truth & Reconciliation Commissions' (24 February 2021) <[www.youtube.com/watch?v=PtGaN2A\\_tC4](http://www.youtube.com/watch?v=PtGaN2A_tC4)>.



TRCs are thought to be paths of transitional justice to be followed precisely because they focus on societies capable of leveraging the adaptability of the context. However, they are not a panacea and they represent a challenge, especially in the post-colonial perspective. But as a thorough, recent analysis by the Law Humanities and Social Sciences Collective of the Maharashtra National Law University in Mumbai concludes, it would have options in a productive association between available resources and *true commitment* to the actual purpose of the enterprise, which ensures a holistic approach to justice and reconciliation, in a conscious and educative process of enforcement of social (human) relations, provided that States demonstrate creative, transparent attitudes and a willingness to respond fully to challenges.<sup>91</sup> These are challenges that should frame all the consequences of such a decision.

<sup>91</sup> V Pratap, S Rathod, 'Truth Commissions in Post-Colonial Transition: A Viability Assessment for Contemporary Transitional Justice' LHSS Collective Blog (30 October 2023) <<https://lhsscollective.in/truth-commissions-in-post-colonial-transition-a-viability-assessment-for-contemporary-transitional-justice/>>.

