

**Alternative Report to the 7<sup>th</sup> Periodic Report submitted by  
the Federal Republic of Germany under Article 40 of the  
International Covenant on Civil and Political Rights  
(ICCPR)**

**Submitted by the alliance of  
the Nama Traditional Leaders Association (NTLA)  
the Ovahereo Traditional Authority (OTA)  
the Botswana Society for Nama, Ovaherero and Ovambanderu  
(BOSNOO)  
Berlin Postkolonial e.V.  
and the European Center of Constitutional and Human Rights e.V.  
(ECCHR)**

**OVERVIEW:**

<b>A. BACKGROUND OF COALITION .....</b>	<b>3</b>
<b>B. INTRODUCTION.....</b>	<b>5</b>
<b>C. FACTUAL BACKGROUND.....</b>	<b>6</b>
<b>I. SUMMARY HISTORICAL EVENTS .....</b>	<b>7</b>
<b>II. BACKGROUND NEGOTIATIONS BETWEEN GERMANY AND NAMIBIA LEADING UP TO THE JOINT DECLARATION OF 2021 .....</b>	<b>8</b>
<b>D. SPECIFIC INFORMATION ON THE IMPLEMENTATION OF ARTICLES 1–27 OF THE COVENANT, IN PARTICULAR ARTS. 1 AND 25 OF THE COVENANT ..</b>	<b>17</b>
<b>I. ANY TYPE OF INTER-STATE NEGOTIATION OR AGREEMENT MUST RESPECT HUMAN RIGHTS.....</b>	<b>18</b>
<b>II. THE GERMAN- NAMIBIAN JOINT DECLARATION IS A VIOLATION OF GERMANY’S OBLIGATION TO RESPECT THE PARTICIPATIONS UNDER ART. 25 ICCPR.....</b>	<b>19</b>
<b>E. CONCLUSION AND SUMMARY: .....</b>	<b>22</b>
<b>F. ANNEXES: .....</b>	<b>23</b>
<b>I. ANNEX I: JOINT DECLARATION BETWEEN THE REPUBLIC OF NAMIBIA AND THE FEDERAL REPUBLIC OF GERMANY, JUNE 2021.....</b>	<b>23</b>
<b>II. ANNEX II: NTLA AND OTA STATEMENT: OUR REJECTION OF THE RECONCILIATION AND RECONSTRUCTION AGREEMENT BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND THE REPUBLIC OF NAMIBIA AND OUR DEMAND FOR RESTORATIVE JUSTICE, 7 SEPTEMBER 2021 .....</b>	<b>23</b>
<b>III. ANNEX III: PARLIAMENTARY MOTION OF 2006 .....</b>	<b>23</b>
<b>IV. ANNEX IV: PARLIAMENT BRIEFING ON THE CONCLUSION OF THE NEGOTIATIONS ON GENOCIDE, APOLOGY AND REPARATIONS BETWEEN THE REPUBLIC OF NAMIBIA AND THE FEDERAL REPUBLIC OF GERMAN, 8 JUNE, 2021.....</b>	<b>23</b>
<b>V. ANNEX V: MEDIA CONFERENCE ON OUR POSITION ON THE NEGOTIATIONS AGREEMENT BETWEEN THE GERMAN AND THE NAMIBIAN GOVERNMENT ON THE 1904-1908 OVAHERERO AND NAMA GENOCIDE TO BE TABLED IN PARLIAMENT 6 SEPTEMBER 2021.....</b>	<b>23</b>
<b>VI. ANNEX VI: KLEINE ANFRAGE DIE LINKE DRUCKSACHE 19/32075.....</b>	<b>23</b>

## A. Background of Coalition



**The Nama Traditional Leaders Association (NTLA)** is a Namibian association comprising of traditional leaders of the Nama indigenous peoples. NTLA is working toward bringing together all of its community engagement activities under one overarching strategy aiming to ensure community engagement is planned meaningful and carried out in a timely manner. The association hope to get everyone involved and plays a part in ensuring that the Nama people participate directly and actively in their socio-economic development in the regions where they live, be it in Namibia or in the diaspora. Contact: Deodat Dirkse ([deodatdirkse@yahoo.com](mailto:deodatdirkse@yahoo.com)): NTLA Secretary-General.



**The Ovaherero Traditional Authority (OTA)** is an officially gazetted Ovaherero people's non-hereditary republican governance structure with a jurisdiction over all peoples of Ovaherero descent, be they resident in Namibia which historically, particularly in respect of central, north-western and eastern regions, was known as Ovahererland or in the diaspora where many fled following the 1904-08 genocidal war with Germany. The OTA chiefly seeks to advance Ovaherero peoples socio-economic, cultural, linguistic and political interests both in Namibia and elsewhere. In pursuit of justice from Germany which at the turn of the last century assaulted Ovaherero people through an act of genocide, the OTA had established the Ovaherero Genocide Foundation (OGF) as its vehicle for restorative justice campaign. Contacts: Mutjinde Katjiua ([mkatjiua@gmail.com](mailto:mkatjiua@gmail.com)): OTA Secretary-General, and Chair of the OTA Transitional Committee & Nandi Mazeingo ([nandimazeingo@ogfnamibia.org](mailto:nandimazeingo@ogfnamibia.org)), Acting OTA Secretary-General and OGF Chairperson.



**The Botswana Society for the Nama, Ovaherero and Ovabanderu (BOSNOO)** is a legal entity registered in terms of the laws of the Republic of Botswana. The Society is comprised of and represents the Nama, Ovaherero and Ovabanderu who are now citizens of the Republic of Botswana. These people were expelled from their ancestral land by the German Imperial genocide of 1904 to 1908 and displaced into present day Republic of Botswana. The descendants of the survivors of this genocide currently living in Botswana it is critical to underscore the fact that the atrocities led to the above cited genocide started as early as 1890's when the indigenous peoples of the then German South West Africa mounted resistance against the German encroachment and taking control of essential life sustain resources such water, land, cattle and hunting grounds. The resistance of the indigenous people culminated in the issuing of the extermination order, the massacre of the people and their scattering into the diaspora. All these people are therefore equally affected by the consequences of this genocide regardless of their ethnicity. They all deserve restorative justice, healing and closure. Contact: Rupert Isaac Hambira ([ruperthambira@gmail.com](mailto:ruperthambira@gmail.com)), Secretary General BOSNOO.



**Berlin Postkolonial** is an association that seeks to critically reappraise the colonial history of Berlin and the Federal Republic of Germany. The non-governmental organisation was founded in 2007. It organises cultural tours of the city, lectures, exhibitions, conferences and campaigns. Since Germany's first return of stolen ancestral remains to the Ovaherero and Nama in 2011, it has been involved in the campaign „No Amnesty on Genocide!“ Berlin Postkolonial is currently a cooperation partner in the joint project "Dekoloniale. Memory Culture in the City".

Contact: Christian Kopp ([buero@berlin-postkolonial.de](mailto:buero@berlin-postkolonial.de)), Board Member Postkolonial.



The **European Center for Constitutional and Human Rights (ECCHR)** is a Berlin-based independent, non-profit legal and educational organization dedicated to enforcing civil and human rights worldwide. It was founded in 2007 by Wolfgang Kaleck and other international human rights lawyers to protect and enforce the rights guaranteed by the Universal Declaration of Human Rights, as well as other human rights declarations and national constitutions, through legal means. Together with those affected and partners worldwide, ECCHR uses legal means to end impunity for those responsible for torture, war crimes, sexual and gender-based violence, colonial crimes, corporate exploitation and fortified borders.

Contact: Karina Theurer ([theurer@ecchr.eu](mailto:theurer@ecchr.eu)), Director Institute for Legal Intervention, ECCHR.

## B. Introduction

The Federal Republic of Germany will be considered for its 7th periodic review by the Human Rights Committee in its 133th Session in 2021.

We, the Coalition, would like to bring to the attention of the Committee a new issue regarding Germany's implementation of the International Covenant on Civil and Political Rights (ICCPR) that is not on the latest list of issues prior to submission of the seventh periodic report of Germany.<sup>1</sup>

It is the question of **participation rights under Arts. 1 and 25 ICCPR**, complemented by the fundamental right to self-determination as further laid out in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP)<sup>2</sup>, and the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (Basic Principles).<sup>3</sup> We submit that Germany in the inter-state negotiation of the Joint Declaration between the Government of Namibia and the Government of the Federal Republic of Germany in regard to Germany's responsibility for the Genocide of the Ovaherero and Nama 1904-1908<sup>4</sup> violates those rights by not including the affected communities of the Ovaherero and Nama directly in the negotiation process.

It is highly relevant and timely to add it to the list of issues for consideration during the state report review process because this accord is the first of this nature and central to understanding participation rights under the ICCPR in the wider frame of the UNDRIP and the principle of prior, free and informed consent (PFIC). The matter is particularly urgent since the text of the Joint Declaration was only made public this year, 1 (to the German parliament) and 6 June 2021 (to the general audience)<sup>5</sup>.

We hereby ask to put the matter up for consideration in order to fill this lacuna.

- The German government failed to include the affected communities of the Ovaherero and Nama in a meaningful representative way. Yet it is exactly those communities whose ancestors suffered from the Genocide in 1904-1908 that are not part of the negotiation process preceding the joint declaration on the responsibility for exactly that

---

<sup>1</sup> CCPR/C/DEU/QPR/7.

<sup>2</sup> United Nations Declaration on the Rights of Indigenous Peoples, GA Res. 61/295, 13 Sept. 2007 (UNDRIP).

<sup>3</sup> UN Doc A/Res/60/147.

<sup>4</sup> Publicly available at: <https://mission-lifeline.de/auf-dem-weg-zu-einer-aussohnung-mit-namibia/>  
Also, please find as Annex I for your consideration.

<sup>5</sup> Announcement of conclusion of the negotiations leading up to the Joint Declaration:, 28 May 2021 <https://www.auswaertiges-amt.de/en/newsroom/news/-/2463598> (last accessed 9 September 2021); the text was made public by Polenz, the German chief negotiator of the accord on 6 June 2021, cf. Fn. 4.

genocide. Germany has kept that position, despite very public criticism, hence it cannot argue to not have known about the problem and demands for tripartite negotiations.

- The problem of (direct) participation rights of affected communities in interstate negotiations on state responsibility in general is an important issue which is overdue for a ‘constructive dialogue given recent developments in regard to participation rights and the principle the principle of prior, free and informed consent (PFIC) in particular.
- It is even more so in regard to the very concrete question of affected communities’ rights to participation in interstate negotiation between Namibia and Germany on Germany’s responsibility for the Genocide committed against the communities of the Ovaherero and Nama during its colonial rule in order to redress and restore colonial repercussions and racist discrimination through exclusion from negotiations of formerly colonized peoples that directly affect their fate today.

We therefore present to the committee the following:

### **C. Factual Background**

While to some extent historically, the German colonial crimes in Namibia have been relatively well addressed, legally they have not been dealt with on any level.

- 2015: beginning of interstate negotiations between Namibia and Germany; In early November 2015 Ruprecht Polenz, former Chairman of the Foreign Affairs Committee of the German Federal Parliament was appointed as the first Special Envoy for German-Namibian relations. Namibia appointed Dr. Zedekia Ngavirue, former Ambassador to the European Union and Omuhherero, as special envoy.
- 2018: in May 2018, the Human Rights Council Working Group on the Universal Periodic Review recommended that Germany ensure that the Nama and Ovaherero peoples be included in the ongoing negotiations between the Namibian and German governments.
- 2019/ 2020: President Geingob rejects German offer based in terminology used by German government.<sup>6</sup>

---

<sup>6</sup> <https://www.dw.com/en/namibia-germany-reparations/a-54535589> (last accessed 9 September 2021).

- 2021 (until date of submission 13 September): publication of Joint Declaration that sparked outrage and protests and questioning in Germany and Namibia by affected communities, civil society and in the parliaments.<sup>7</sup>

In more detail:

## **I. Summary Historical Events**

At the end of the 19<sup>th</sup> century, German companies, traders, settlers and military troops started dispossessing the local population in the region that is known today as Namibia. A systematic transfer of wealth occurred: the colonizers grabbed natural resources, cattle and land. Gruesome violence was deployed against communities that had lived in the region for centuries, among them the Ovaherero, Nama, Damara and San, rather than recognizing them as equal, sovereign political entities. A formal German colony was established. Both the transfer of wealth and the brutality against the local population were “justified” by racist beliefs and the so-called “civilizing mission.” The apartheid system was formally legitimized by German colonial law, and an arbitrary and biased administration and justice system. In 1904 and 1905, German General Lothar von Trotha issued extermination orders against the Ovaherero and Nama. An estimated 90,000 people were directly killed or starved to death. Wells were poisoned and refugees were systematically driven back into the desert to starve to death. The Germans built concentration camps, for instance in Lüderitz, where they forced people to work to death, and systematically raped women and girls. The latter also had to scratch the flesh from skulls, sometimes those of family members or friends, so that they could be shipped to Germany for further “scientific” research. Whites “hunted” San as a leisure activity in the following years.

---

<sup>7</sup> <https://www.namibian.com.na/213207/archive-read/Genocide-deal-reflects-crime-denial>  
<https://neweralive.na/posts/chiefs-reject-genocide-reparations-deal>  
<https://www.berliner-zeitung.de/kultur-vergnuegen/debatte/voelkermord-namibia-herero-aktivist-aus-berlin-heiko-maas-hat-keine-ahnung-li.161817?pid=true>  
<https://www.namibian.com.na/211784/archive-read/German-genocide-offer-an-insult>  
<https://www.gruene-bundestag.de/presse/pressemitteilungen/vereinbarung-mit-namibia-ein-wichtiger-erster-schritt-auf-dem-weiten-weg-zur-aufarbeitung-der-kolonialzeit>  
<https://www.phoenix.de/sendungen/ereignisse/phoenix-vor-ort/ua-bundestag-live-a-2150495.html> (Minute 32:38 and 38:32); (all last accessed 9 September 2021); Annex VI and Annex VII.

## II. Background Negotiations between Germany and Namibia leading up to the Joint Declaration of 2021

The colonial past did not play a prominent role in the German public discourse for a long time. The development of a limited attention to the German colonization was closely connected with the development of the international relations to the independent Namibian state starting from 1989. In 1989 the German Federal Parliament adopted a motion recognizing a not further specified “special responsibility” (besondere Verantwortung) for Namibia. At that time, the motion did not include a specific reference to colonization or historical dispossession and genocides against the Ovaherero and Nama peoples. Respective debates in the Parliament referred to the close connection to the German speaking Namibians, the relationship between Western Germany and South Africa during Apartheid as well as the colonial period.

In 1995 German Federal Chancellor Helmut Kohl visited Namibia,<sup>8</sup> without explicitly referring in his speech to the German colonization beyond stressing the close ties to the German speaking minority. When President Roman Herzog visited Namibia in 1998, he mentioned “a short period of common history, which was not very happy” (eine kurze Periode gemeinsamer Geschichte, die nicht sehr glücklich war).<sup>9</sup>

In 2004, on the occasion of the centenary of colonial crimes, another parliamentary motion was adopted, which addressed the event from 1904-1908 as source for a “special responsibility” of Germany. This responsibility is described as being of a political-moral nature, an assessment that by the way has prevailed until today.

On a visit to Namibia in 2004, the German Minister for Development Cooperation Heidemarie Wieczorek-Zeul (SPD) found words that were better received on site. In a speech on 14 August 2004, she said:

*“The atrocities at the time were what one would describe as genocide today – a General von Trotha would now be brought and sentenced before court. [...] We Germans accept our historical-political and moral-ethical responsibility and guilt incurred by Germans at that time.”*<sup>10</sup>

---

<sup>8</sup> <https://www.bundesregierung.de/breg-de/service/bulletin/offizieller-besuch-des-bundeskanzlers-in-suedafrika-und-namibia-vom-9-bis-15-september-1995-besuch-in-der-republik-namibia-offizielles-essen-im-state-house-in-windhoek-801922> (last accessed 9 September 2021).

<sup>9</sup> [http://www.bundespraesident.de/SharedDocs/Reden/DE/Roman-Herzog/Reden/1998/04/19980404\\_Rede.html](http://www.bundespraesident.de/SharedDocs/Reden/DE/Roman-Herzog/Reden/1998/04/19980404_Rede.html) (last accessed 9 September 2021).

<sup>10</sup> Die damaligen Gräueltaten waren das, was man heute als Völkermord bezeichnen würde – ein General von Trotha würde dafür heute vor Gericht gebracht und verurteilt. [...] Wir Deutsche bekennen uns zu unserer



Asked by the audience for an apology, Wieczorek-Zeul made it clear that the whole speech was intended as an apology. However, this view was not shared by other members of the German federal government at that time. Then Foreign Minister Joschka Fischer went on record stating that “there will be no apology with relevance for compensation”.<sup>11</sup> Wieczorek-Zeul herself mentioned that she feared losing her parliament-post over the intervention.<sup>12</sup>

During the following years, there was not much development regarding the topic beyond select initiatives by the parliamentary opposition. After the visit of Wieczorek-Zeul to Namibia, a special initiative was launched from 2007-2015, which should involve the distribution of development aid to the especially affected areas.<sup>13</sup> Already at that point in time, the relevant communities impacted by the genocide, especially Ovaherero have criticized the initiative for them having been excluded from the decision-making process, which was referred to as a reason for the overall ineffectiveness of the initiative on site.<sup>14</sup>

In 2015, the centennial of the Genocide against the Armenians opened a window for new developments. In a speech on 23 April 2015, the Federal President Joachim Gauck referred to the killing of the Armenians as genocide, effectively abandoning the before common argument that events before the Holocaust could not be referred to as such. In May 2015, an opinion of the Research Service of the German Parliament of May 2015 confirmed that “the massacres and deportations, which the German colonial troops committed in the years 1904-1910 against the members of the Nama and Herero nations, according to widely shared argument, falls under the concept of genocide [...]”.<sup>15</sup> Shortly thereafter, a petition called „genocide is genocide“ (Völkermord bleibt Völkermord), was launched in Germany asking for an official recognition, apology, return of human remains deported from Namibia and an open dialogue for descendants of the victims and the Namibian government concerning measures which could be

---

historisch-politischen, moralisch-ethischen Verantwortung und zu der Schuld, die Deutsche damals auf uns geladen haben.“Kößler Ü: JH <https://www.dhm.de/archiv/ausstellungen/namibia/rede.pdf>

<sup>11</sup> Reinhart Kößler, *Namibia and Germany: Negotiating the Past*, Verlag Westfälisches Dampfboot, Münster, 2015, p. 242, quoting an article in the *Namibische Allgemeine Zeitung (AZ)*, 30 October 2003.

<sup>12</sup> Kößler – WZ 2007

<sup>13</sup> [https://www.bmz.de/en/countries\\_regions/subsahara/namibia/index.jsp](https://www.bmz.de/en/countries_regions/subsahara/namibia/index.jsp) (last accessed 9 September 2021).

<sup>14</sup> See only: Heiner Naumann, „Einigung ohne Aussöhnung? Was bei den Verhandlungen mit Namibia über den Völkermord falsch läuft“, 25. Juli IPG 2016, <https://www.ipg-journal.de/kommentar/artikel/einigung-ohne-aussoehnung-1545/>. (last accessed 9 September 2021).

<sup>15</sup> “Die Massaker und Deportationen, die deutsche Kolonialtruppen in den Jahren 1904 bis 1910 an Angehörigen der Nationen der Nama und Herero begingen, unterfallen nach weithin geteilter Auffassung dem Völkermordbegriff, insbesondere in seinen Begehungsvarianten a) und c).“ and „Auf der faktischen Ebene besteht im wissenschaftlichen Fachdiskurs in den relevanten Punkten weitgehend Einigkeit darüber, was sich in den Jahren 1904 bis 1910 in Deutsch-Südwestafrika zugetragen hat, nämlich die Ausrottung von etwa 80 Prozent der Herero (65.000 Personen) und 50 Prozent der Nama (10.000 Personen).“, Sachstand, Zur Einordnung historischer Sachverhalte als Völkermord, WD 2 - 3000 - 092/15, 29. Mai 2015, p. 10, <https://www.bundestag.de/resource/blob/459004/ca4beaf04bbf08916db7ba711331184e/WD-2-092-15-pdf-data.pdf> (last accessed 9 September 2021).

taken to achieve reconciliation.<sup>16</sup> On 6 July 2015, the petition was submitted to the Federal President of Germany. However, the delegation of Ovaherero and Nama,<sup>17</sup> who had traveled to Berlin on this occasion, was not received in the presidential residence, but were asked to submit the petition at a side entry. Again, another occasion very much telling as to how attempts by the affected communities to participate and contribute directly to the debate about the responsibility for the Genocide 1904-1908 and the German colonial legacy in general were received by German officials. On 9 July, at least the President of the German Federal Parliament published a guest article in the newspaper *die Zeit*, in which he described the events in Namibia as “merciless war” (erbarmungslosen Krieg), accusing the German side of a strategy of “race war” (Rassenkrieg), which would, yet again only according to present day standards, be qualified as genocide.<sup>18</sup>

One day later, on 10 July 2015, for the first time a speaker of the Federal Government indirectly confirmed the qualification of the 1904-1908 events as genocide. Martin Schäfer, press speaker of the Foreign office, reported about the topic of the German-Namibian relationship. He mentioned an exchange of the German Foreign minister with his Namibian counterpart starting from 2014 and described the goal of the German Namibian dialogue, as aiming at a reaching common understanding of what happened and a common language, to publish it and on this basis develop a collection of projects, aiming at responding to and addressing the effects that can be felt today of the deeds committed in the German name between 1904-1908.”<sup>19</sup>

Schäfer quoted Wiczorek-Zeul’s abovementioned statements on a moral-ethical responsibility resulting from the German colonization and the qualification of the events as genocide according to present-day standards. He was then asked whether the Federal Government’s position was: “Yes, this was a genocide”, and confirmed: “This is what I have just read out loud to you; Indeed”.<sup>20</sup> Asked about a potential apology, he continued that this was the subject of the ongoing official bilateral talks between Germany and Namibia under the agreed terms between the two governments.

---

<sup>16</sup> <https://genocide-namibia.net/start/appellpetition/#page-content> (last accessed 9 September 2021).

<sup>17</sup> <http://genocide-namibia.net/start/appellpetition/#page-content> (last accessed 9 September 2021).

<sup>18</sup> <https://www.zeit.de/2015/28/voelkermord-armenier-herero-nama-norbert-lammert> last accessed 9 September 2021).

<sup>19</sup> “[...] gemeinsames Verständnis über das, was geschehen ist, zu gewinnen, das auch in Sprache zu fassen und dann irgendwann, wenn es denn fertig ist, zu publizieren und auf dieser Grundlage eine Sammlung von Projekten zu entwickeln, mit denen den auch heute noch spürbaren Folgen dieser im deutschen Namen begangenen Taten zwischen 1904 und 1908 beantwortet und begegnet werden kann. [...]”

<sup>20</sup> Some have considered this as an en passant acknowledgment of the events of 1904-1908 as genocide and war crimes by the German Foreign office during a press conference. Dr. Martin Schäfer, Bundespressekonferenz vom 10. Juli 2015, <https://www.bundesregierung.de/breg-de/aktuelles/pressekonferenzen/regierungspressekonferenz-vom-10-juli-847582> (last accessed 9 September 2021).

In the following months, a vivid debate regarding the format for the German-Namibian dialogue ensued. Germany was quite clear that the format for the negotiations should be an intergovernmental dialogue and the government of Namibia seemed to support this approach. As a result, the organized Ovaherero and Nama started to demand their inclusion in the process together with the Namibian state, as set out in the parliamentary motion of 2006. Namibian Ovaherero Paramount Chief, the now deceased Vekuii Rukoro set a deadline for the inclusion in the talks on 2 October 2015. On 3 October 2015, the Ovaherero Traditional Authority issued a press-release by Vekuii Rukoro and David Frederick<sup>21</sup> as Chairperson of the Nama Traditional Leaders Association. This press release referred to a conversation with the German ambassador Christian Schlaga, who was quoted that the Ovaherero and Nama could not be part of the negotiations as they did not represent a sovereign state. The statement accused the German side of pushing Namibia to accept this format in violation of the Namibian Parliamentary Resolution of 2006, which demanded the inclusion of the affected parties. It also criticized the German position that the dialogue could not extend to the matter of reparations. The press release for the first time used the slogan

*“Nothing can be about us, yet without us; anything about us, but without us is necessarily against us”*

and announced further legal steps.

In early November 2015 Ruprecht Polenz, former Chairman of the Foreign Affairs Committee of the German Federal Parliament was appointed as the first Special Envoy for German-Namibian relations.<sup>22</sup> Namibia appointed Dr. Zedekia Ngavirue, former Ambassador to the European Union and Ovaherero, as special envoy.<sup>23</sup>

After the appointment, Polenz made it clear in an interview that Germany intended to talk only to the Namibian government, a position he kept until today:

*“The direct counterpart of the Federal Republic [of Germany] is of course the government of Namibia. I assume that the Namibian government will lead the dialogue in a way that the Namibian population as a whole will be involved – and thus also the descendants of those who have particularly suffered under the German colonial rule.”<sup>24</sup>*

---

<sup>21</sup> [adv. vekuii rukoro, ovaherero paramount - genocide-namibia.net](http://adv.vekuii.rukoro.ovaherero.paramount-genocide-namibia.net) (last accessed 9 September 2021).

<sup>22</sup> <https://www.deutschland.de/en/topic/politics/development-dialogue/close-dialogue-with-namibia> (last accessed 9 September 2021).

<sup>23</sup> <http://www.namibia-botschaft.de/aktuelles/701-ngavirue-appointed-as-special-envoy-on-genocide.html> (last accessed 9 September 2021).

<sup>24</sup> “Der direkte Ansprechpartner der Bundesrepublik ist natürlich die Regierung Namibias. Ich gehe davon aus, dass die namibische Regierung die Gespräche so führen will, dass die namibische Bevölkerung insgesamt einbezogen wird - und damit auch die Nachfahren derer, die unter der deutschen Kolonialherrschaft besonders

This was later confirmed by the Namibian special envoy:

“The outcome of the motion of parliament [of 2006 in Namibia] was that the government must facilitate the process, but the affected communities must speak for themselves. The position is not that the affected communities do not want their government, but it is that they want to negotiate directly with the Germans, which the Germans have declined and deemed impossible”.<sup>25</sup>

In spring 2016, the Namibian government set up a technical committee advising the Special Envoy, which however did not have standing on itself. In April 2016, OCD-04 issued a press release declaring their involvement in the provided governmental framework.<sup>26</sup> The Nama Organizations NTLA, NGTC as well as the OGF, linked to the Paramount Chief, opposed the process and asked for a return to the format adopted in the 2006 parliamentary resolution.<sup>27</sup>

While the organized Nama were thus not represented on the technical committee, the Ovaherero organizations were split along the lines of their traditional double-representation, with parts of the Ovaherero supporting and other parts opposing the process. In an interview on 16 July 2016, Dr. Zedekia Ngavirue confirmed this assessment and said that the “Ovaherero are divided and there are two committees. We called in the chiefs, but their answers were clear, and they said they wanted to speak for themselves, which is not logical in international law, because only two States can negotiate. They excluded themselves and government decided to go on with those who were willing to comply with the rules.”<sup>28</sup>

On 27 September 2016, a legal opinion of the Research Service of the German Parliament was drafted regarding the qualification of the events under international law and related liability risks. This opinion denied, referring to the principle of intertemporality, the illegality of the conduct under international law:<sup>29</sup> “The German Empire has in principle not violated international contract law through the suppression of the uprisings [...]. As for international customary law, it can be concluded in contrast that individuals already enjoyed a rudimentary

---

gelitten haben.“, <https://www.dw.com/de/polenz-ich-habe-erfahrung-mit-heikler-au%C3%9Fenpolitik/a-18828724> (last accessed 9 September 2021).

<sup>25</sup> <https://www.observer.com.na/index.php/national/item/6558-rukoro-not-alpha-and-omega-ngavirue>

<sup>26</sup> <http://genocide-namibia.net/wp-content/uploads/2015/03/OCD-1904-Media-Statement-7-April-2016-1.pdf> (last accessed 9 September 2021).

<sup>27</sup> <http://genocide-namibia.net/wp-content/uploads/2015/03/PRESS-CONFERENCE-17-FEBRUARY-2016.pdf>; <http://genocide-namibia.net/wp-content/uploads/2016/05/The-Dichotomy-of-Historic-Responsibility-and-the-Quest-for-Restorative-Justice.pdf> (both last accessed 9 September 2021).

<sup>28</sup> <https://www.observer.com.na/index.php/national/item/6558-rukoro-not-alpha-and-omega-ngavirue>

<sup>29</sup> Ausarbeitung, Der Aufstand der Volksgruppen der Herero und Nama in Deutsch-Südwestafrika (1904-1908) Völkerrechtliche Implikationen und haftungsrechtliche Konsequenzen, WD 2 - 3000 - 112/16, 27. September 2016, <https://www.bundestag.de/resource/blob/478060/28786b58a9c7ae7c6ef358b19ee9f1f0/wd-2-112-16-pdf-data.pdf> (last accessed 9 September 2021).

protection in the beginning of the 20<sup>th</sup> century, dictated by the imperatives of humanity and civilization. However, the legal conviction of the community of international law at the time excluded the in their view “uncivilized” indigenous peoples also from this minimum protection.”<sup>30</sup>

The opinion shows an evolving more restrictive approach in addressing the colonial past, that thence crystallized in the wording of the Joint Declaration between the two governments in 2021. In general, the Federal government avoids the use of the term, and never in an unconditional way<sup>31</sup> The opinion also referred to a report of Ruprecht Polenz reported to the German Foreign Committee on 21 September 2016.<sup>32</sup> According to the opinion Polenz emphasized that the negotiations were not about legal, but political-moral questions and that Germany was not inferring any legal, but only moral consequences from the acknowledgment, again a position that influences the final joint declarations wording in every sense.

The ensuing communication with the affected communities continued to be difficult. On 26 October 2016, The Cross-Cultural Trust of Namibia (CCTN) requested the special envoys to arrange a journey to the Federal Republic of Germany also on behalf of the Damara and San people massacred in the Herero and Nama uprisings in 1904.<sup>33</sup>

On 24 November 2016, a meeting with Ruprecht Polenz and the German Ambassador to Namibia Christian Schlaga took place at the premises of German embassy in Windhoek. Reports about this meeting vary, what they have in common is that the matter of participation was again sensitive.<sup>34</sup> Members of the Namibian civil society delegation referred to talks

---

<sup>30</sup> „Das Deutsche Reich hat durch die Niederschlagung der Herero und Nama am Waterberg grundsätzlich nicht gegen Völkervertragsrecht verstoßen. [...] Im Hinblick auf das Völkergewohnheitsrecht lässt sich feststellen, dass Individuen demgegenüber schon zu Beginn des 20. Jahrhunderts einen rudimentären Schutz genossen, der sich aus den Geboten der Menschlichkeit und Zivilisation herleiten ließ. Die Rechtsüberzeugung der damaligen Völkerrechtsgemeinschaft schloss allerdings die in ihren Augen „unzivilisierten“, indigenen Völker auch von diesen Mindeststandards aus.“, Ausarbeitung, Der Aufstand der Volksgruppen der Herero und Nama in Deutsch-Südwestafrika (1904-1908) Völkerrechtliche Implikationen und haftungsrechtliche Konsequenzen, WD 2 - 3000 - 112/16, 27. September 2016, p. 16.

<sup>31</sup> “Die geschichtliche Aufarbeitung der Ereignisse besteht auf deutscher Seite im Wesentlichen aus Zugeständnissen im Bereich der Entwicklungszusammenarbeit und Verhandlungen zwischen der Regierung Namibias und der Bundesrepublik. Taten wurden zudem durch das Auswärtige Amt und den Bundestagspräsidenten als Genozid bezeichnet.“, Ausarbeitung, Der Aufstand der Volksgruppen der Herero und Nama in Deutsch-Südwestafrika (1904-1908) Völkerrechtliche Implikationen und haftungsrechtliche Konsequenzen Ausarbeitung, WD 2 - 3000 - 112/16, 27. September 2016, p. 5.

<sup>32</sup> Ausarbeitung, Der Aufstand der Volksgruppen der Herero und Nama in Deutsch-Südwestafrika (1904-1908) Völkerrechtliche Implikationen und haftungsrechtliche Konsequenzen, WD 2 - 3000 - 112/16, 27. September 2016, <https://www.bundestag.de/resource/blob/478060/28786b58a9c7ae7c6ef358b19ee9f1f0/wd-2-112-16-pdf-data.pdf> (last accessed 9 September 2021).

<sup>33</sup> Republikein, 26 October 2016 <https://www.republikein.com.na/nuus/damara-and-san-must-also-be-invited-to-germany> (last accessed 9 September 2021).

<sup>34</sup> NAMA / HERERO GENOCIDE MEDIA CONFERENCE ... (Last accessed 9 September 2021).

regarding the Holocaust that were held with Jewish groups, who also were over different countries, as well as the German state and Israel. From that point onwards reports vary. Ovaherero and Nama organizations said they wanted to leave the meeting, because Polenz said that the historical events were not comparable and “only a small number of Ovaherero and Namas were killed”. However, this had at first been impossible, as the German Ambassador blocked the door.<sup>35</sup> The embassy released a press relapse, stressing that they were convinced that every human life is equal and that the ambassador had only referred to an embassy rule that visitors need to be accompanied by an embassy staff member at the premises.<sup>36</sup>

Another low point in the process was an interview given by the German Special envoy on 6 January 2017 where he confirmed that from their point of view, the subject of the negotiations were political-moral and not legal.<sup>37</sup>

Yet in 2017, the Working Group on Peoples of African Descent visited Germany. On 17 August 2017, in their report to the Human Rights Council, the Working group identified the slaughter, enslavement and forced displacement of the Nama and Ovaherero peoples as genocide.<sup>38</sup>

*“The suffering of the Ovaherero and Nama peoples at the hands of the German authorities, also known as the ‘first genocide of the twentieth century’, has left an indelible mark on the souls of both victims and perpetrators. The colonial past of Germany, the genocide of the Ovaherero and Nama peoples and the sterilization, incarceration and murder of people of African descent under the Nazi regime in Germany are not addressed in the national narrative.”<sup>39</sup>*

In their conclusion, the Working Group regretted that

*“the Government of Germany has thus far not consulted seriously with the lawful representatives of the minority and indigenous victims of that genocide to discuss reparations”<sup>40</sup>*

and recommends that

*“Germany should recall its role in the history of colonization, enslavement, exploitation and genocide of Africans, and should make reparations to address the continued impact*

---

<sup>35</sup> <http://genocide-namibia.net/wp-content/uploads/2015/03/PRESS-RELEASE-NOV-2016.pdf> (last accessed 9 September 2021).

<https://neweralive.na/posts/genocide-meeting-turns-ugly> (last accessed 9 September 2021).

<sup>36</sup> <https://www.namibian.com.na/158918/archive-read/Nama-committee-calls-for-new-German> (last accessed 9 September 2021).

<sup>37</sup> 6 January 2017, <https://www.dw.com/de/völkermord-klage-berlin-bleibt-gelassen/a-37042060-0> (last accessed 9 September 2021).

<sup>38</sup> See A/HRC/36/60/Add.2, para. 61.

<sup>39</sup> A/HRC/36/60/Add.2, para. 7.

<sup>40</sup> Para 53.

*of those acts. The Ovaherero and Nama people must be included in the negotiations currently ongoing between the Governments of Germany and Namibia. The Working Group emphasizes that the history of racism in Europe should also be understood through an analysis of the events preceding the Second World War, taking into account the correct sequence of historical events.”<sup>41</sup>*

Moreover, in May 2018, the Human Rights Council Working Group on the Universal Periodic Review recommended that Germany ensure that the Nama and Ovaherero peoples be included in the ongoing negotiations between the Namibian and German governments.<sup>42</sup> The Council's findings were based at least in part on the earlier report from a visit to Germany by the Working Group on Peoples of African Descent. In a letter of 2 November 2018 to the German Foreign Minister Heiko Maas, the High Commissioner for Human Rights of the United Nations Michelle Bachelet asked Germany to ensure:

*“[...] that Ovaherero and Nama peoples are included in the negotiations between the Governments of Germany and Namibia following the apology by Germany for the genocide of these people.”<sup>43</sup>*

So, what we clearly can see from the previous findings, is that it was only in 2015 that serious attempts were undertaken to enter into serious negotiations about Germany's responsibility for its colonial past, colonial crimes and the Genocide of 1904-1908 in particular. However, still until today, mayor questions prevail about the opacity of the whole process and why the governments decided to seal off the negotiations from the public, which seems quite counter-intuitive given that their subject is so highly relevant for both societies in both countries. Yet, still now, where the whole process is finalized, there aren't any publicly available sources that could explain why both governments made the decision to seal off all information from the public that could explain the reasoning behind the decision to negotiate behind closed doors, a decision that has been leading up to a total opacity throughout the negation process up to the final drafting of the Joint Declaration in 2021.<sup>44</sup> For instance, it was never made public why

---

<sup>41</sup> Para 61.

<sup>42</sup> Human Rights Council Working Group on the Universal Periodic Review, Thirtieth Session, 7 – 18 May 2018, A/HRC/WG.6/30/DEU/2, para 29.

<sup>43</sup> Letter by the High Commissioner to the Foreign Minister, 2 November 2018, available at: [https://lib.ohchr.org/HRBodies/UPR/Documents/Session30/DE/HC\\_LetterGermany\\_30Session.pdf](https://lib.ohchr.org/HRBodies/UPR/Documents/Session30/DE/HC_LetterGermany_30Session.pdf) (last accessed 9 September 2021).

<sup>44</sup> <https://www.rosalux.de/en/news/id/44421/not-enough-for-true-reconciliation?cHash=2441b71393b264603d0ae50b5e76cc39> (last accessed 9 September 2021).

and following which criteria the governments agreed on the two men that lead the whole process or which were the reasons behind the choices of some community representatives whose name weren't made public either, hence leading to a situation of arbitrariness. Hence many Ovaherero and Nama traditional chiefs, being as such recognized by the *Traditional Authorities Act*, as well as parliamentarians are criticizing the exclusion of legitimate representatives of the affected communities, making the German government well aware of the problem.<sup>45</sup> Another central problem is that representatives from the affected communities that now live in Botswana and South Africa exactly whose ancestors had to fled in the neighboring countries exactly because of the German colonial rule and the crimes committed during that period have never been heard.

As of June 2021, the German and the Namibian government announced the Joint Declaration that to the surprise of many used the format of a declaration and not an agreement. In this declaration, as one can see from the document/ Annex I, the Germany government acknowledged its responsibility for the 'events' of 1904-1908 and deemed it genocide only from 'today's perspective' leading merely to a 'moral responsibility' but never a legal one. As a consequence, the term reparations is not mentioned whatsoever. The German government only agree to make available the amount of 1.1 Billion Euros, as a grant to implement projects as part of reconstruction and development programs, The Joint Declaration ignites protests both on the side of the affected communities of the Ovaherero and Nama (*Royal Houses, Traditional Authorities*, the *Nama Genocide Technical Committe* (NGTC), the *Nama Traditional Leaders Association* (NTLA) und *Ovaherero Genocide Foundation* (OGF)), but also in the midst of the Namibian parliament and civil society that are still ongoing.<sup>46</sup>

Concluding while the German and Namibian governments have negotiated possible reparations for the crimes, especially the genocide of the Ovaherero and Nama, major concerns remain. This step held enormous potential for reconciliation and providing a sustainable basis for Germany and Namibia's future relationship. But this opportunity was lost for many reasons, one being the final and persistent refusal to think about the acknowledgement of Gemany's responsibility in terms of the (international) law, human rights and reparations, the other central one, addressed here being the persistent refusal to include the affected communities with their

---

<sup>45</sup><https://www.rosalux.de/en/news/id/44421/not-enough-for-true-reconciliation?cHash=2441b71393b264603d0ae50b5e76cc39> (last accessed 9 September 2021).

<sup>46</sup> For instance: <https://www.observer24.com/na/ota-ntla-lpm-nudo-and-ipc-reiterate-joint-declaration-rejection-chorus/> ; <https://www.namibian.com/na/211784/archive-read/German-genocide-offer-an-insult> (all last accessed 9 September 2021).



own standing within a format of tripartite negotiations. Another important criticism from a human rights perspective is the fact that the governments agreed upon strict secrecy for the negotiations. Civil society in both countries therefore did not have adequate access to information.

**D. Specific information on the Implementation of Articles 1–27 of the Covenant, in particular Arts. 1 and 25 of the Covenant**

*Article 1*

*1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.*

*Article 25*

*Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:*

*(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;*

From the beginning, representatives of the victims' descendants and the affected communities criticized that they were not properly involved. That the "reconciliation agreement" will be published as a mere Joint Declaration speaks volumes. The preceding negotiation process furthermore disregarded international participation rights based both in treaties, customary international law and jurisprudence. The German government has relied on formal gestures while refusing all legal responsibility for the colonial crimes. Germany wants to initiate "aid programs" in the coming years – but development aid is neither legal recognition between partners on equal footing nor actual reparations.

We believe that engaging concerned indigenous peoples through their leaders in processes of historical truth-seeking, through legal acceptance of the past harm and its repercussions at the time they were committed and into the present, is crucial to unravelling structural discrimination, and to harnessing the reconciliation that would enable a country like the

Republic of Namibia to realise its full potential. Such a process would be crucial to establishing restorative justice as a groundwork for a sustainable, peaceful future. Nama and Ovaherero leaders have always sought comprehensive acknowledgement and acceptance of accountability for the genocide committed against their peoples. They thus celebrated the opening of negotiations to address these issues in 2015.

However, since then, the processes have been taken over and run by the Government of the Republic of Namibia and Germany and conducted in a confidential way that has effectively sidelined the communities. While a superficial level of participation has been sought, the affected communities both within the country and in the wider diaspora who (the latter) were forced to flee because of becoming victims of mass murder, gender-based crimes, sexual violence, rape and forced motherhood, were ignored.

Therefore, we submit that the Joint Declaration that has been agreed between the Federal Republic of Germany and the Republic of Namibia, should be deemed invalid, with both parties urged towards further and deeper consultation with and direct participation of the affected communities in Namibia and the diaspora if true restorative justice, reconciliation and healing remains the goal of the process.

#### **I. Any Type of Inter-State Negotiation or Agreement must Respect Human Rights**

States are bound to adhere to human rights and international law in their sovereign actions and in international relations. This applies not only to an agreement's content but also the respective negotiation process. There can never be justice in a truly restorative sense when affected communities like the Nama, Ovaherero, San and other communities are not included in negotiations.

Several UN bodies have criticized the lack of adequate participation from a legal point of view. Already in 2017, the Working Group on the Rights of People of African Descent stated that it was regrettable “the Government of Germany has thus far not consulted seriously with the lawful representatives of the minority and indigenous victims of that genocide to discuss reparations” (HRC/36/60/Add.2, paragraph 53), and that “[t]he Ovaherero and Nama people must be included in the negotiations currently ongoing between the Governments of Germany and Namibia” (HRC/36/60/Add.2, paragraph 61). In a letter dated 2 November 2018, during the last Universal Periodic Review, the United Nations High Commissioner for Human Rights

Michelle Bachelet asked the German Minister of Foreign Affairs Heiko Maas to ensure “...that Ovaherero and Nama peoples are included in the negotiations between the Governments of Germany and Namibia following the apology by Germany for the genocide of these people.” Also in May 2018, the Human Rights Council Working Group on the Universal Periodic Review recommended that Germany ensure that the Nama and Ovaherero peoples be specifically included in the ongoing negotiations between the Namibian and German governments.<sup>47</sup>

In support of our argument, we advance the following claims:

## **II. The German- Namibian Joint Declaration is a violation of Germany’s obligation to respect the participations under Art. 25 ICCPR**

Adequate participation is not “only” a political issue – but a question of human rights. This is even more evident since the Indigenous people’s right to adequate participation, and the collective human rights to free, prior and informed consent and to freely choose a group’s representatives have become part of customary international law. They are furthermore enshrined in the United Declaration on the Rights of Indigenous Peoples (UNDRIP), and are laid out in core human rights treaties, such as the International Covenant on Civil and Political Rights (ICCPR) and the International Convention on the Elimination of Racial Discrimination (ICERD). The human rights established in ICCPR Articles 1 and 25, and ICERD Article 5 are complemented in the fundamental right to self-determination and the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law<sup>48</sup> which guarantees effective legal protection and the right to reparations in cases of human rights violations and breaches of international humanitarian law. Finally, Germany has underlined its commitment to the protection of indigenous and tribal peoples’ rights with the very recent ratification of ILO Convention, 1989 (No. 169)<sup>49</sup> and shall now abide by its obligation as laid out in Art. 6 of the ILO Convention.

The German-Namibian Joint Declaration and the process leading up to it are a violation of Germany’s obligation under Art. 25 ICCPR to respect the participation rights in the light of

---

<sup>47</sup> A/HRC/WG.6/30/DEU/2, paragraph 29.

<sup>48</sup> UN Doc A/Res/60/147.

<sup>49</sup> [https://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/indigenous-and-tribal-peoples/WCMS\\_807508/lang--en/index.htm](https://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/indigenous-and-tribal-peoples/WCMS_807508/lang--en/index.htm) (last accessed 9 September 2021).

the peoples' right to self-determination and indigenous people rights and the principle of Free, Prior and Informed Consent (FPIC).

Despite the prominence of Ovaherero and Nama leaders' and communities' advocacy in gaining eminence and attention for a range of crimes perpetrated between 1904 and 1908, the communities have effectively been sidelined in the negotiations that have taken place since 2015. There is a clear lack of Community Participation contrary to Arts. 1 and 25 ICCPR on the side of the German government in the light of its commitments derived in particular from UNDRIP, but since this year also from the ILO Convention, 1989 (No. 169). Above all human rights are also applicable in foreign relations and states are bound by them not only internally towards their own citizens but also externally, meaning also in their interstate relations as made clear in founding instruments like the UN Charter (cf. Arts. 1 (2) and (3) and 2 (2)) and the jurisprudence of international courts.<sup>50</sup> Hence given obligations from UNDRIP (Arts. 2, 3, 18, 19) and the principle of FPIC the same is true for collective rights of affected communities, if the subject of an interstate negotiation concerns, as in our case so clearly, their substantive rights, their rights to justice and restoration of harm done to them.

The Namibian Prime Minister's Briefing of the of 8 June, 2021, entitled *Parliament Briefing on The Conclusion of the Negotiations on Genocide, Apology and Reparations between the Republic of Namibia and the Federal Republic of Germany*<sup>51</sup>, claims that there was significant participation of the community (para. 11) which we contest. The claim of the participation of the so-called "esteemed traditional leaders" gives the false impression that the representatives of the affected communities also took part in the negotiations. None of the co-signatories, holding a mandate from the majority of affected communities, were involved in good faith, despite repeated attempts to be closely involved in the discussion.

In 2015, the new President of Namibia insisted on his appointed Envoy to speak on behalf of the victim communities, in a bilateral type of negotiations process between Namibia and Germany. The NTLA and OTA refused to participate in a bilateral discussion, and instead insisted on a tripartite discussion in line with the 2006 Parliamentary resolution. President Geingob refused this solution and insisted that OTA and NTLA join the discussions as advisors to the government team. On 15 May 2017 he held a meeting with OTA and NTLA in which he

---

<sup>50</sup> Cf. For overview on the question of extraterritorial application of human rights treaties and respective jurisprudence: Marko Milanovic, *Extraterritorial Application of Human Rights Treaties: Law, Principles, and Policy* (OUP 2011).

<sup>51</sup> Annex V.

agreed to a tripartite arrangement. A follow-up meeting was to be held two weeks after. As nothing happened, the NTLA and OTA wrote again a letter to the President in 2019 to resume discussions on the issue. This letter was ignored. In 2021 the Prime Minister announced that NTLA and OTA refused to participate.

As a result, not a single Nama Traditional Authority recognized by the Namibian Government in terms of the Traditional Authorities Act ever participated, neither at the beginning of the negotiations nor at its conclusion.

OGF never participated in any negotiation. OGF is an executive organ of OTA, with the specific task to focus on issues of genocide, on behalf of OTA. As such it is accountable to OTA. The Paramount Chief is the supreme leader of the Ovaherero people and is the supreme traditional head of OTA.

For years, OTA and NTLA had joined forces to reject a bilateral negotiation between the two states and instead insisted on the need for a tripartite negotiation process. The Namibian government refused to accept this and instead chose to negotiate on its own with Germany.

Our insistence on a tripartite negotiation process, in which we demanded to represent ourselves as victims of genocides, (as nationals of Botswana, Namibia, South Africa, the United States of America and elsewhere) was rejected by the government. This is the basis for the current claim by the Namibian government that we refused to participate in the process. Our insistence for self-representation is now presented as a refusal on our part to participate.

Other non-representative groups were involved to a certain extent in the discussion. Some of them resigned or withdrew their support from the government negotiations when they saw the final agreement for the first time.

We urge the Committee to use its mandate to recognize that the Joint Declaration constitutes a state-centred approach to reparation and reconciliation which does not live up to the standards established under contemporary international law. Rather it is a continuation of an outdated and dangerous conception of international law that negotiations regarding colonial injustice can only be conducted on an inter-state or inter-governmental level, treating victim communities as objects and not subjects of law. Modern international law requires states to

seek active participation and self-representation of the representatives of affected communities engaging their full, free, prior and informed consent. The questions of genocide, reparations and legal responsibility belong together and need to be addressed as such. In the (i) ascertaining the needs and wishes of the affected communities; (ii) excluding its representatives in the negotiating process; (iii) framing the Joint Declaration; and (iv) arriving at its conclusion without the communities' free, prior and informed consent, the two concerned states have ignored applicable international standards of responding to gross human rights violations, in particular, the rights and role played by victim communities.

#### **E. Conclusion and Summary:**

- *Nama and Ovaherero representatives were not able to participate adequately in the negotiations leading up to the recent agreement between Germany and Namibia. Their participation rights according to Articles 1 and 25 of the International Covenant on Civil and Political Rights (ICCPR), the International Convention on the Elimination of Racial Discrimination (ICERD), Articles 3, 18 and 19 of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), and the UN Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law have been violated.*
- *Germany must assume full responsibility for colonial crimes committed in its former colonies. Therefore, we demand that the Joint Declaration should be pronounced as invalid for reparation purpose. We demand a fresh start of the negotiations for reparations in accordance with contemporary international law. We ask that this time the negotiation and drafting process and the final agreement itself will adequately involve civil society actors and communities especially affected by colonial crimes, including those in the diaspora. Their interests and needs must be principally considered, individual and collective human rights must be respected. Thereby the following rights must be taken into consideration: the communities' right to participate pursuant to the principle of free, prior and informed consent (FPIC), ICCPR Articles 1 and 25, UNDRIP Articles 2, 3, 18, 19, and the UN Declaration on the Granting of Independence to Colonial Countries and Peoples and Article 6 of the ILO Convention.*

**F. Annexes:**

- I. Annex I: Joint Declaration between the Republic of Namibia and the Federal Republic of Germany, June 2021**
- II. Annex II: NTLA and OTA Statement: Our Rejection of the Reconciliation and Reconstruction Agreement between the Federal Republic of Germany and the Republic of Namibia and our Demand for Restorative Justice, 7 September 2021**
- III. Annex III: Parliamentary Motion of 2006**
- IV. Annex IV: Parliament Briefing on The Conclusion of the Negotiations on Genocide, Apology and Reparations between the Republic of Namibia and the Federal Republic of German, 8 June, 2021**
- V. Annex V: Media Conference on our Position on the Negotiations agreement between the German and the Namibian Government on the 1904-1908 Ovaherero and Nama Genocide to be tabled in Parliament 6 September 2021**
- VI. Annex VI: Kleine Anfrage Die Linke Drucksache 19/32075**

**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”.**

**Introduction**

The Government of the Federal Republic of Germany and the Government of the Republic of Namibia, as democratically elected by the people of Germany and Namibia respectively,

- *Responding* to the Resolution of the National Assembly of the Republic of Namibia of 2006 and the Resolutions of the German Bundestag of 1989 and 2004,
- *Mindful* of the deep wounds inflicted on particular communities and other peoples of Namibia by the atrocities perpetrated during German colonial rule between 1904 and 1908, which echo down and through time and are still felt by Namibians today,
- *Recognizing* the need for development in order to address the lasting economic, social and psychological hardship of the communities most affected,
- *Underlining* the special nature of German–Namibian relations as stressed by Resolutions of the German Bundestag in 1989 and 2004 confirming a special historical and moral responsibility towards Namibia,
- *Recalling* the Motion of the National Assembly of the Republic of Namibia of 2006 calling for an amicable solution to the outstanding questions of the past,
- *Considering* the previous efforts by the German and Namibian Governments, as well as by churches and civil society to address the injustice of the past and strive for reconciliation,
- *Mindful* of the strong and cordial relations between their countries since the independence of the Republic of Namibia that include a very close network of contacts between citizens from all walks of life in both countries,





- *Recalling* the support for Namibia's independence, in particular the implementation of United Nations Security Council Resolution 435 (1978) from the two states in Germany in the long Namibian struggle for independence, and from the united Germany to the development of Namibia thereafter,
- *Acknowledging* that the two Governments have enjoyed strong and cordial relations since the independence of the Republic of Namibia and wish to improve upon this relationship further,
- *Affirming* their firm resolve to maintain and strengthen their excellent bilateral relations and the need to urgently redress a dark past in order to build a better future,

*Jointly declare* the following:

## I.

1. In 1904, Germany waged a war, which annihilated large parts of indigenous communities that were residing in what is now Namibia. The German forces adopted and implemented policies to exterminate clearly identified communities. These measures also affected other communities of what today is Namibia.
2. In this context, Lieutenant General Lothar von Trotha issued an Order on 2nd October 1904 which led to the death and suffering of thousands of Ovaherero, including women and children. This Order was rescinded by the German Government on 8th December 1904, but by then, many thousands of Ovaherero had been killed and perished.
3. Notwithstanding the revocation of the first Order by Germany, Lieutenant General von Trotha issued a second Order on 22<sup>nd</sup> April 1905. This was directed against the Nama and also threatened them with a similar fate to that of the Ovaherero unless they surrendered. These threats were later carried out, resulting in the further substantial annihilation of the Nama communities.
4. In 1905, German authorities created concentration camps, notably at Swakopmund, Shark Island and Windhoek (Alte Feste), in which the internees were enslaved and forced to work under inhumane conditions, resulting in the death of thousands of people from hunger, disease and forced labour. Some of the Nama fighters and their families were banished to Togo and Cameroon.

Q.

4/1

5. The severity of the conditions and the bleakness of life prospects in these camps were such that many internees were doomed to die. By the time these camps were finally closed in 1908, thousands of people had died from hunger, disease and exhaustion from forced labour.
6. In the aftermath of the war, large swathes of territory, constituting ancestral land historically inhabited by and belonging to indigenous communities, were seized and occupied by the German State. These actions led to the expulsion and displacement of indigenous communities from their ancestral lands. In some cases, communities were forced out of what today is Namibia itself and have remained uprooted to this day.
7. Furthermore, human remains of members of indigenous communities were removed unlawfully and shipped to Germany for pseudo-scientific racial purity and eugenic 'research' without respect for human dignity, cultural and religious beliefs and practices. The shipments also included cultural artifacts of these communities.
8. Overall, tens of thousands of men, women and children were subjected to the orders and associated German policies. They were shot, hanged, burned, starved, experimented on, enslaved, worked to death, abused, raped and dispossessed, not only of their land, property and livestock, but also of their rights and dignity.
9. As a consequence, a substantial number of Ovaherero and Nama communities were exterminated through the actions of the German State. A large number of the Damara and San communities were also exterminated.

## II.

10. Both Governments affirm that the Preamble to the United Nations Convention on the Prevention and Punishment of the Crime of Genocide (1948) "recognises that at all periods of history genocide has inflicted great losses on humanity". The German 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.



### III.

11. On the basis of this acknowledgement, the German Government recognizes Germany's moral responsibility for the colonization of Namibia and for the historic developments that led to the genocidal conditions between 1904 and 1908, as described above, with its gross human rights violations and human sufferings thereof. On the same basis, Germany accepts a moral, historical and political obligation to tender an apology for this genocide and subsequently provide the necessary means for reconciliation and reconstruction.
12. The German Government further acknowledges the grave guilt incurred by individuals in positions of military and political responsibility at the material time and Germany's superordinate responsibility for their actions, particularly with regard to Ovaherero and Nama communities.
13. Germany apologizes and bows before the descendants of the victims. Today, more than 100 years later, Germany asks for forgiveness for the sins of their forefathers. It is not possible to undo what has been done. But the suffering, inhumanity and pain inflicted on the tens of thousands of innocent men, women and children by Germany during the war in what is today Namibia must not be forgotten. It must serve as a warning against racism and genocide.

### IV.

14. The Namibian Government and people accept Germany's apology and believe that it paves the way to a lasting mutual understanding and the consolidation of a special relationship between the two nations as affirmed by the two Bundestag Resolutions of 1989 and 2004, respectively. This shall close the painful chapter of the past and mark a new dawn in the relationship between our two countries and peoples. This relationship will be characterized by a much more thorough and meaningful process of reconciliation and reconstruction, an appropriate culture of remembrance, as well as a new level of political, economic and cultural partnership.

The Namibian Government deeply appreciates its friendly relationship with Germany, which also extends to numerous partnerships and initiatives launched from all walks of life.



## V.

15. In view of the acknowledgment provided in Chapter II, and pursuant to the apology in Chapter III of this Declaration, the two Governments jointly decided to embark upon measures to heal the wounds of the past and create a lasting partnership for the future. Both Governments further decided on the need for a forward-looking special relationship framework that gives meaning to the letter and spirit of this Declaration and the resolutions unanimously adopted by the Bundestag and Namibian National Assembly.
16. A separate and unique reconstruction and development support programme will be set up by both Governments to assist the development of descendants of the particularly affected communities, in line with their identified needs. Representatives of these communities will participate in this process in a decisive capacity. Under this programme, projects will be implemented in the following regions: Erongo, Hardap, //Kharas, Khomas, Kunene, Omaheke, and Otjozondjupa. The projects will include the following sectors: Land Reform, in particular Land Acquisition, within the framework of the Namibian Constitution, and Land Development, Agriculture, Rural Livelihoods and Natural Resources, Rural Infrastructure, Energy and Water Supply, Technical and Vocational Education and Training.
17. Both Governments decide to promote and support reconciliation between the people of Namibia and Germany through preserving the memory of the colonial era, in particular the period between 1904 to 1908, for future generations by, inter alia, finding appropriate ways of memory and remembrance, supporting research and education, cultural and linguistic issues, as well as by encouraging meetings of and exchange between all generations, in particular the youth. Both Governments further decide to jointly develop and put into place a separate legal structure, i.e. a joint trust or fund in order to select and fund projects which aim to improve reconciliation.
18. The Government of the Federal Republic of Germany will make available the amount of 1100 (one thousand one hundred) Million Euros, as a grant to implement the envisaged projects within the framework of the above-mentioned programmes. Germany commits herself to allocate this amount over a period of 30 years.

Of this, the amount of 1050 (one thousand fifty) Million Euros will be dedicated to the reconstruction and development support programme for the benefit of the descendants of the particularly affected communities. 50 (fifty) Million Euros will be dedicated to the projects on reconciliation, remembrance, research and education.

19. The governing and implementation structures for both programmes will operate on the basis of the principles of equal partnership, joint decision taking, good governance and transparency as well as affected community participation. Provision will be made for monitoring of implementation, including audits and periodic comprehensive impact assessment at agreed intervals.
20. Both Governments share the understanding that these amounts mentioned above settle all financial aspects of the issues relating to the past addressed in this Joint Declaration.
21. Both Governments decide on the establishment of a Bi-National Commission, as a forward looking and lasting political framework for the consolidation of this special relationship between Germany and Namibia.
22. The Government of the Federal Republic of Germany renews her commitment to continue the bilateral development cooperation at an adequate level within the framework of the UN Agenda 2030 for Sustainable Development to contribute to the development of Namibia, as a whole and to the benefit of all Namibians.





---

**Enquiries:**

Mr. Nandiasora Mazeingo (+264 814655780/ [nandimazeingo@ogfnamibia.org](mailto:nandimazeingo@ogfnamibia.org)) :

OTA Acting Secretary-General

Mr. Deodat Dirkse (+264811290915 [/deodatdirkse@yahoo.com](mailto:deodatdirkse@yahoo.com)): NTLA Secretary-General

**OUR REJECTION OF THE RECONCILIATION AND RECONSTRUCTION  
AGREEMENT BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND THE  
REPUBLIC OF NAMIBIA**

**AND**

**OUR DEMAND FOR RESTORATIVE JUSTICE**

**ISSUED ON 7 SEPTEMBER 2021**

**WINDHOEK, NAMIBIA**

1. The Prime Minister of the Republic of Namibia is set to table the above agreement for ratification to the Namibian Parliament when the latter resumes in September 2021.
2. During the months that followed the announcement of the declaration / agreement in May 2021, our representative organizations, the Ovaherero Traditional Authority and the Nama Traditional Leaders Association, have been consistent in our condemnation of it for the following reasons.
3. We **REJECT** the so-called Reconciliation and Reconstruction Agreement to be signed between the Governments of Germany and Namibia **as long as** it does not make reference to the Nama and Ovaherero Genocide. We are not affected parties, we are the Nama and Ovaherero people and shall not allow any government to disown us off our identity, for which explicitly quoted extermination orders was issued.
4. We thus **DEMAND** that the National Assembly must not entertain the so-called reconciliation and reconstruction declaration / agreement, which deliberately disrespected and contravened the Resolution of the National Assembly of 2006.



5. We **REJECT** any Genocide, Apology and Reparations (GAR) negotiations which excludes the principles of the Resolution which was unanimously adopted by the National Assembly of the Republic of Namibia on October 26, 2006.
6. The **PRINCIPLES** of this Resolution are that the Nama and Ovaherero Peoples (or their direct Representatives) shall negotiate directly with the Federal Republic of Germany, and that the Namibian Government will be an interested party in an issue that affects its citizens. The refusal of the German and Namibian governments to include and negotiate with the actual victim descendants is no longer tolerable, and therefore amounts to a denial of our Namibian citizenship. We repeat that there was never any extermination order against the Namibian Government, therefore it has no legal standing to negotiate **ANYTHING** on our behalf.
7. Our **INALIENABLE** right of self-determination and self-representation, in line with the Namibian Constitution and applicable United Nations Conventions to which both the Republic of Namibia and the Federal Republic of Germany are signatories, as well as International Law Principles, shall remain intact throughout our fight for restorative justice.
8. We shall **FIGHT** for a comprehensive reparations package for **ALL** Nama and Ovaherero peoples in Namibia, Botswana, South Africa, and the rest of the World. This fight shall take many innovative dimensions. In fact, we are prepared to sacrifice our lives in the same way our forebearers sacrificed their lives. We know where our land is and how it was brutally taken.
9. The tortures and rapes, barbaric killings and subsequent trade in human remains, the destruction of families and community structures, the consequent systemic intergenerational poverty, and the ongoing psychological trauma cannot ever be rectified, but comprehensive compensation must be applied to address permanent damages.
10. The expropriation of all moveable and immovable properties of the Nama and Ovaherero People, including our ancestral land, through the Imperial Decree of December 1905 and affirmation in May 1907 must be redressed through the principle of restitution before compensation. The seven (7) regions identified as the ancestral land of the affected communities in the joint declaration of the two governments of Namibia and Germany constitutes 82% of the total geographical area of Namibia – this is the land lost by the Nama and Ovaherero communities.
11. The 1.1 Billion Euro offer made by Germany is not a legally binding reparation payment. On September 10, 1952, after six months of negotiations an agreement on reparation between Israel and Germany and 23 Jewish Organizations was signed in Luxembourg. The agreement was ratified and came into effect on 21 March 1953. In 1988 Germany allocated millions for reparations, enabling remaining Holocaust survivors to receive monthly payments of 290 US Dollars for the rest of their lives. In February 1990, East Germany admitted for the 1<sup>st</sup> time that it was also responsible for the war crimes committed by the German people during the 2<sup>nd</sup> World War and agreed to pay reparations. Recently Germany has agreed to pay more than 560 million Euros in further aid to compensate for Holocaust victims.

12. To Namibia, Germany has made a final offer which will conclude any reparation negotiations for an amount of a mere 1.1 billion Euros. All Namibians must understand and accept that the bilateral negotiations of the two governments of the Republic of Namibia and the Federal Republic of Germany failed the Namibian nation. There cannot be an illusion that the so-called reconciliation and reconstruction agreement can be fixed because this deal is dead on arrival.

**13. Finally, we DEMAND that the Nama and Ovaherero Genocide negotiations start on a new page with the direct participation of the LEGITIMATE representatives of the Nama and Ovaherero communities.**

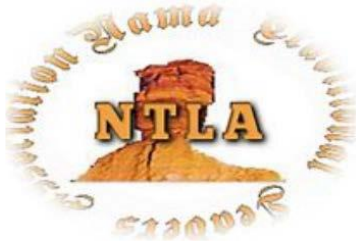
**Prof. Dr. Mutjinde Katjiua**  
**Chairperson: OTA Transitional Committee**

**Gaob Johannes Isaack**  
**Chairperson: Nama Traditional Leaders Association**



**REQUEST FOR THE COMMITTEE ON THE ELIMINATION OF RACIAL  
DISCRIMINATION TO CONSIDER THE RECONCILIATION AND RECONSTRUCTION  
AGREEMENT BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND THE  
REPUBLIC OF NAMIBIA ON THE OVAHERERO AND NAMA GENOCIDE UNDER ITS  
EARLY WARNING AND URGENT ACTION PROCEDURE**

**8 JULY 2021, WINDHOEK, NAMIBIA**



The **Ovaherero Traditional Authority (OTA)** is an officially gazetted Ovaherero people's non-hereditary republican governance structure with a jurisdiction over all peoples of Ovaherero descent, be they resident in Namibia which historically, particularly in respect of central, north-western and eastern regions, was known as Ovahererland or in the diaspora where many fled following the 1904-08 genocidal war with Germany. The OTA chiefly seeks to advance Ovaherero peoples socio-economic, cultural, linguistic and political interests both in Namibia and elsewhere. In pursuit of justice from Germany which at the turn of the last century assaulted Ovaherero people through an act of genocide, the OTA had established the Ovaherero Genocide Foundation as its vehicle for restorative justice campaign.



**The Nama Traditional Leaders Association (NTLA)** is a Namibian association gathering traditional leaders of the Nama indigenous peoples. NTLA is working toward bringing together all of its community engagement activities under one overarching strategy aiming to ensure community engagement is planned meaningful and carried out in a timely manner. The association hope to get everyone involved and plays a part in ensuring that the Nama people have participation in business-making in the regions where they live.



**The European Center for Constitutional and Human Rights (ECCHR)** is a Berlin-based independent, non-profit legal and educational organization dedicated to enforcing civil and human rights worldwide. It was founded in 2007 by Wolfgang Kaleck and other international human rights lawyers to protect and enforce the rights guaranteed by the Universal Declaration of Human Rights, as well as other human rights declarations and national constitutions, through legal means. Together with those affected and partners worldwide, ECCHR uses legal means to end impunity for those responsible for torture, war crimes, sexual and gender-based violence, colonial crimes, corporate exploitation and fortified borders.



**Minority Rights Group International (MRG)** is a London-based international non-governmental organisation working to secure the rights of ethnic, religious and linguistic minorities and indigenous peoples worldwide, and to promote cooperation and understanding between communities. MRG works with over 150 organisations in nearly 50 countries. MRG has consultative status with the United Nations Economic and Social Council, observer status with the African Commission on Human and Peoples' Rights, and is a civil society organisation registered with the Organization of American States.

Contacts:

**Prof Mutjinde Katjiua** (+264810328248/ mkatjiua@gmail.com): OTA Secretary-General

**Mr. Deodat Dirkse** (+264811290915 /deodatdirkse@yahoo.com): NTLA Secretary-General

## **Introduction**

We, the Nama & Ovaherero indigenous peoples represented under the Nama Traditional Leaders Association (henceforth NTLA) and the Ovaherero Traditional Authority (henceforth OTA) with our partners, the *European Centre for Constitutional & Human Rights* and *Minority Rights Group*, urge the Committee to act under its early warning measures and urgent action procedure in the context of the reconciliation and reconstruction agreement (henceforth the Joint Declaration, as attached) set to be ratified and signed by the Government of the Republic of Namibia and the Government of the Federal Republic of Germany rumoured to be in September 2021, but unknown to the Ovaherero and Nama peoples, and to the public at large.

The Joint Declaration is effectively an agreement that the two governments have arrived at after concluding their last round of negotiations on the 15<sup>th</sup> of May 2021. It only became known to the public, including to the Nama and Ovaherero indigenous peoples, after a press statement by the Foreign Minister of Germany on 28 May 2021. The Joint Declaration is scheduled to be ratified as a final settlement in the matter concerning the genocide perpetrated by the German colonial government in the then German colony of South West Africa, today known as Namibia, against the Ovaherero and Nama communities in 1904 and 1905.

We urge the Committee to address this matter with urgency in view of its flawed process and outcome in seeking compensation for a colonial crime, and call on the Committee to adopt a decision recommending that the two governments stop final ratification of this agreement pending further consultation and right to self-representation of the Nama and Ovaherero indigenous peoples, on the basis that:

- (a) The Joint Declaration has been adopted without the active self-representation and participation of the two indigenous communities against which two written genocides of intent were declared and who therefore are directly concerned;
- (b) there has been no attempt to map out the descendants of the victims of the crime, nor any effort to directly engage with the two communities within and dispersed outside the Republic of Namibia, who the Joint Declaration is ostensibly aimed to serve;
- (c) the scope of the agreement is more of a development plan for the Republic of Namibia rather than a reparation for the victims' communities;
- (d) a community framed reparation agreement is likely to be materially different from that proposed by the Government of the Republic of Namibia, and the opportunity to address these underlying issues pertaining both to historic and contemporary racial discrimination against the communities, could be lost as a consequence of the Joint Declaration becoming accepted.

## **Context**

1. In 1904 and 1905, German General Lothar von Trotha issued extermination orders against the Ovaherero and Nama indigenous peoples living in southern Africa. An estimated over 100,000 people were directly killed or starved to death. Water wells were poisoned and refugees were systematically driven into the desert to starve to death. The Germans built concentration camps, the most notorious being Shark Island near Lüderitz also known as the "Death Camp", where they forced people to work to death, and systematically raped women and girls as a military strategy of total native subjugation and ultimate colonial domination. The latter also had to scratch the flesh

from skulls, sometimes those of family members or friends, so that they could be shipped to Germany for further “scientific” research.

2. Germany deported Nama fighters, women and children to Cameroon and Togo. There they were worked to death on railway lines and plantations.
3. The racist oppression did not stop with the end of German colonialism, but continued during the South African apartheid regime until the 1990s. Even today, most Namibian land belongs to white farmers. A few companies and individuals exploit the natural resources. The colonial transfer of wealth, the genocides and century-long racist oppression have created a legacy of transgenerational social, economic and cultural exclusion and impoverishment. The complex repercussions of German and South African colonialism have not been adequately addressed in general terms. The specific wounds of the genocide itself, a single incident within this continuum, remain open.
4. In this context the openness of the Government of the Federal Republic of Germany to face-up with its genocidal history is dampened by the fact that the agreement states that the crime is to be “recognised as genocide from today’s perspective”. Thus, Germany does not recognise any obligation to make reparations in the current “reconciliation agreement”, but rather presents the services to Namibia as a voluntary aid action, to financially support social projects in the regions affected by the genocide. In this sense the acknowledgement reflects a denial that it was a crime in 1904 and 1905 when it was commissioned and executed against Ovaherero and Nama people respectively.
5. Nonetheless, this acknowledgement of responsibility has come after a long struggle of advocacy by Nama and Ovaherero indigenous peoples, which culminated first, in a resolution in the Parliament of Namibia in 2006 (see attached), and, after a long period of sustained pressure by community members and others, of a change in Germany’s willingness to open discussions about seeking to address, apologise and mitigate its actions.
6. We believe that engaging concerned indigenous peoples through their leaders in processes of historical truth-seeking, through legal acceptance of the past harm and its repercussions at the time they were committed and into the present, is crucial to unravelling structural discrimination, and to harnessing the reconciliation that would enable a country like the Republic of Namibia to realise its full potential. Such a process would be crucial to establishing restorative justice as a groundwork for a sustainable, peaceful future. Nama and Ovaherero leaders have always sought comprehensive acknowledgement and acceptance of accountability for the genocide committed against their peoples. They thus celebrated the opening of negotiations to address these issues in 2015.
7. However since then, the processes have been taken over and run by the Government of the Republic of Namibia and conducted in a confidential way that has effectively side lined the communities. While a superficial level of participation has been sought, the affected communities both within the country and in the wider diaspora who were forced to flee as a consequence of becoming victims of gender-based crimes, sexual violence, rape and forced motherhood, were ignored. As a consequence we submit that The Declaration that has supposedly been agreed between the Federal Republic of Germany and the Republic of Namibia, should be deemed invalid, with both parties

urged towards further and deeper consultation with the affected communities if true restorative justice, reconciliation and healing remains the goal of the process.

8. We urge the Committee to use its mandate as the keeper of standards for the elimination of racial discrimination to recognise that the Joint Declaration, constitutes a state-centred approach to reparation and reconciliation which does not live up to the standards established under contemporary international law. Rather it is a continuation of an outdated and dangerous conception of international law that negotiations regarding colonial injustice can only be conducted on an inter-state or inter-governmental level, treating victim communities as objects and not subjects of law. Modern international law requires states to seek active participation and self-representation of the representatives of affected communities engaging their full, free, prior and informed consent. The questions of genocide, reparations and legal responsibility belong together and need to be addressed as such. In the (i) ascertaining the needs and wishes of the affected communities; (ii) excluding its representatives in the negotiating process; (iii) framing the Joint Declaration; and (iv) arriving at its conclusion without the communities' free, prior and informed consent, the two concerned states have ignored applicable international standards of responding to gross human rights violations, in particular, the rights and role played by victim communities.
9. In support of our argument, we advance four claims as below.

## **I Lack of Community Participation**

10. Despite the prominence of Ovaherero and Nama leaders' and communities' advocacy in gaining eminence and attention for a range of crimes perpetrated between 1904 and 1908, the communities have effectively been side-lined in the negotiations that have taken place since 2015.
11. The Namibian Prime Minister's Briefing of the of 8 June, 2021, entitled *Parliament Briefing on The Conclusion of the Negotiations on Genocide, Apology and Reparations between the Republic of Namibia and the Federal Republic of Germany* (henceforth The Briefing), claims that there was significant participation of the community (para. 11) which we contest. The claim of the participation of the so-called "esteemed traditional leaders" gives the false impression that the representatives of the victim communities also took part in the negotiations. None of the co-signatories, holding a mandate from the majority of victim communities, were involved in good faith, despite repeated attempts to be closely involved in the discussion.
12. In 2015, the new President of Namibia insisted on his appointed Envoy to speak on behalf of the victim communities, in a bilateral type of negotiations process between Namibia and Germany. The NTLA and OTA refused to participate in a bilateral discussion, and instead insisted on a tripartite discussion in line with the 2006 Parliamentary resolution. President Geingob refused this solution and insisted that OTA and NTLA join the discussions as advisors to the government team. In 2017 he held a meeting with OTA and NTLA in which he agreed to a tripartite arrangement. A follow-up meeting was to be held two weeks after. As nothing happened, the NTLA and OTA wrote again a letter to the President in 2019 to resume discussions on the issue. This letter was ignored. In 2021 the Prime Minister announced that NTLA and OTA refused to participate.

13. As a result, not a single Nama Traditional Authority recognized by the Namibian Government in terms of the Traditional Authorities Act ever participated, neither at the beginning of the negotiations nor at its conclusion.
14. OGF never participated in any negotiation. OGF is an executive organ of OTA, with the specific task to focus on issues of genocide, on behalf of OTA. As such it is accountable to OTA. The Paramount Chief is the supreme leader of the Ovaherero people and is the supreme traditional head of OTA.
15. For years, our organisations OTA and NTLA had joined forces to reject a bilateral negotiation between the two states and instead insisted on the need for a tripartite negotiation process. The Namibian government refused to accept this and instead chose to negotiate on its own with Germany.
16. Our insistence on a tripartite negotiation process, in which we demanded to represent ourselves was rejected by the government. This is the basis for the current claim by the Namibian government that we refused to participate in the process. Our insistence for self-representation is now presented as a refusal on our part to participate.
17. Other non-representative groups were involved to a certain extent in the discussion. Some of them resigned or withdrew their support from the government negotiations when they saw the final agreement for the first time.

## **II Failure to understand the nature of victims of the crimes of 1904 - 1908**

18. With the entire Joint Agreement focussed on the events of 1904-1908 we find the failure of the Government of the Republic of Namibia to consult with the primary victims of the genocide particularly concerning. The crimes dispersed members of our communities across the Southern African peninsula where they were forced to be assimilated into foreign cultures and live in isolation from each other. Thus members of the Nama and Ovaherero nations today live as minorities in Botswana and South Africa, with a loss of their names, cultures, religion and livelihoods, but no outreach was made to these communities - a key deficiency in seeking reparations for such crimes on an inter-governmental rather than community basis.
19. Further the attempt to direct the agreement of the compensation to be paid to specific regions of Namibia, which albeit are a fundamental part of the ancestral homelands of the Nama and Ovaherero, privileges the notion of territories over peoples, especially since they would not then be directed as reparations for crimes, but rather as part of development funding.

## **III The Nature of the Compensation**

20. In general, we submit that the Joint Agreement in its tone and content is effectively a demand from the Government of the Republic of Namibia from its former colonial master Germany, for development funding in lieu of reparations. While this may constitute a legitimate pursuit as compensation for the crime of colonization, it does not, in anyway address the issue of reparation for the crime of genocide which is acknowledged but not accepted in the Joint Agreement.

21. The types of activities sought for funding are incongruous with a reparation payment for the crime of genocide. While we appreciate that a process of this kind may be commendable, and may constitute a way forward in the acknowledgement by former colonial countries of the damage that they committed to their historic colonies, reparations for the crime of genocide need to be a significantly sharper remedy, addressed directly to the victims after a careful process of needs assessment, and with a view to undoing specific harms in a manner designed to compensate damage and heal wounds. The general development of regions that constitute part of ancestral homelands may have wider national benefits, but they do not address the object and purpose of the process of reconciliation and reparation called for in the spirit of the 2006 Parliamentary motion passed by the Parliament of the Republic of Namibia.

#### **IV Specific Types of Healing, Restitution and Compensation**

22. The descendants of the victims of the genocide of the Nama and Ovaherero nations sought many forms of healing, restitution and compensation as part of a reconciliation process. Among the types of healing sought by the community are the return of human remains, acknowledgement of the decimation of the culture, historical inquiries and mechanisms to restore the loss of names and of the languages and dialects through dispersal, and the loss of lives, livelihoods and lands. These form as crucial a part of the healing process for descendants of the two nations, irrespective of their geographic location within the ancestral domains identified in the Joint Agreement.
23. Of equal and fundamental importance is the need for members of the two communities to emerge from the process of reconciliation with the means to overcome the persistent discrimination that they have faced within Namibian society, with many of their cultural values and traditions marginalized in the attempt by the government of the South West African People's Organisation to present a single Namibian culture. Wealth and influence within the country still remain far from the hands of the Nama and Ovaherero nation with its youth lacking access to basic education, employment and health services. This, despite the provisions of article 23(2) of the Namibian Constitution, which echoes article 2(2) of the Convention for the Elimination of All Forms of Racial Discrimination in recognizing the need for the Government to adopt measures to tackle those '...socially, economically or educationally disadvantaged by past discriminatory laws or practices'.
24. The provisions of article 23(2) recognise the need for '...implementation of policies and programmes aimed at redressing social, economic or educational imbalances in Namibian society arising out of past discrimination laws or practices'. Yet in the context of the Joint Agreement, framed against the specific crime (practice) of genocide, as acknowledged by the Federal Republic of Germany, instead of enabling compensation to flow directly to the marginalized and victimized community, a general development plan has been constructed in lieu of direct compensation.

## **Conclusion**

A crime of genocide was committed in today's Namibia. Many native groups traversed the then German South West Africa, but the Imperial German Reich singled out two specific ethnic groups for total extermination of genocidal intent, which it articulated in writing by decree and with the full consent of the then German State. What happened to the Nama and Ovaherero people was not only a colonial crime, it was genocide, aimed to exterminate a very specific group of people in order to take over their land, dignity and property, of which land still continues to be in the hands of colonial settlers of German descent.

Processes where former colonial rulers engage directly with the victims of their crimes need to be encouraged as a key step forward in the battle for the elimination of all forms of racial discrimination, especially if conducted in a spirit of fairness and accountability, and with a determination of building viable sustainable future relationships unencumbered by the burdens of a subjugated past.

Such an opportunity has presented itself in the acceptance by the Federal Republic of Germany of its responsibility for the crime of genocide against the Nama and Ovaherero. Ensuring that the subsequent agreement deemed to address this promotes the specific healing, restitution and compensation of the descendants of the two communities is crucial, and we urge the Committee to call upon the two states concerned to work harder and longer to arrive at a settlement that is centred on the communities, has their participation and free, prior and informed at the front and centre, and results in steps that can heal some of the damage done.

### **Attachments:**

- (1) Parliamentary Motion of 2006
- (2) Joint Declaration between the Republic of Namibia and the Federal Republic of Germany, June 2021
- (3) Honourable Prime Minister of the Republic of Namibia's Parliament Briefing on The Conclusion of the Negotiations on Genocide, Apology and Reparations between the Republic of Namibia and the Federal Republic of Germany.
- (4) Extermination order against the Ovaherero
- (5) Extermination order against the Nama.

## **MOTION ON THE OVAHERERO GENOCIDE**

**HON. SPEAKER, THERE IS ABUNDANCE OF PROOF THAT AFRICA WAS THE CRADLE OF CIVILIZATION, CENTURIES BEFORE THE BIRTH OF CHRIST. THE STORIES OF QUEEN OF SHEBA AND HER VISIT TO KING SOLOMON, WITH AN ORGANIZED ROUTINE AND ALSO THE ARCHITECTURAL WONDERS OF THE PYRAMIDS ARE CLEAR EVIDENCES OF THE HEIGHT TO WHICH AFRICA CIVILIZATION HAD REACHED.**

**FURTHERMORE, THE ANCIENT KINGDOM OF AFRICA LIKE THOSE SONGHAI, BENIN, GHANA AND MANY OTHERS WERE HIGHLY ORGANIZED AND EVEN THE ANCIENT UNIVERSITIES LIKE TIMBAKTU EXISTED. AT THIS TIME EUROPE WAS VERY UNDERDEVELOPED AND AMERICA HAD NOT EVEN BEEN DISCOVERED.**

**HON. SPEAKER, DEVELOPMENT OF AFRICA WAS INTERRUPTED SOMETIME AROUND THE 14<sup>TH</sup> CENTURIES BY THE HEINOUS INSTITUTION OF SLAVERY. SLAVERY ROBBED AFRICA OF HER BEST AND STRONGEST MEN, WOMEN AND CHATTEL, LIKE GOATS AND PIGS TO THE ISLAND OF THE CARIBBEAN, UNITED STATES AND BRAZIL. THE RESULTS OF THEIR WORK AS SLAVES WERE TO ENRICH THE COUNTRIES OF THEIR MASTERS. THOSE COUNTRIES BECAME RICH, AND THE SLAVES, AFRICAN MEN AND WOMEN REMAINED POOR.**

**HON. SPEAKER, HON. MEMBERS, IT IS AGAINST THIS BACKGROUND THAT I WOULD LIKE TO ADDRESS THIS AUGUST HOUSE ON THE ISSUE OF REPARATION. REPARATION SEEKS TO IDENTIFY AND REDRESS THOSE WRONG DOINGS SO THAT THE COUNTRIES AND PEOPLE WHO SUFFERED**



**WILL ENJOY FULL FREEDOM TO CONTINUE THEIR OWN DEVELOPMENT ON MORE EQUAL TERMS.**

**HON. SPEAKER, SIR, IN 1850 WHEN A YOUNG SWEDISH ADVENTURE CHARLES JOHN ANDERSSON FIRST VISITED THE THEN HEREROLAND. HE WAS SHOCKED TO DISCOVER THAT WHAT HE HAS SEEN WAS CONTRARY TO HIS EXPECTATIONS. THE OVAHERERO OR DAMARA AS THEY WERE REFERRED TO AT THE TIME, WERE FAR FROM BEING THE SUBJECTS OF A MIGHTY AFRICAN KINGDOM. INSTEAD WHEN FIRST CONFRONTED WITH THE OVAHERERO COMMUNITY, WHICH WAS AT THAT STAGE STRONGLY DECENTRALIZED, ANDERSON BELIEVED THAT HE WAS WITNESSING THE DEMISE OF A ONCE GREAT AND MIGHTY COMMUNITY, WHICH FOR WANT OF LEADERSHIP WAS NOW DOOMED TO EXTINCTION**

**THE OVAHERERO WERE UNDOUBTEDLY A GREAT NATION, BUT UNLIKE OTHER COMMUNITIES WHICH BECAME MORE UNITED UNDER THE LEADERSHIP OF ONE CHIEF OR KING, THE OVAHERERO PEOPLE DWINDLED INTO ENDLESS NUMBER OF PETTY SOCIETIES UNDER THE LEADERSHIP OF VARIOUS CHIEFS.**

**HON. SPEAKER, HON. MEMBERS, THIS WAS THE RESULT OF GERMAN POLICY OF DIVIDE AND RULE, EFFECTIVELY IMPLEMENTED BY MAJOR LETWEIN ON BEHALF OF THE GERMAN KAISER WILLEM II.**

**THEREFORE BEFORE I CONTINUE, ALLOW ME HON.SPEAKER TO PAY HOMAGE AND TRIBUTE TO ALL SONS AND DAUGHTERS WHO FOUGHT AND DIED IN THE LIBERATION STRUGGLE OF THIS COUNTRY SINCE THE 1800 YEARS. IT IS AS A RESULT OF THEIR SUFFERINGS AND THE BLOOD SHED THAT WE TODAY ENJOY FREEDOM AND INDEPENDENCE. SOME OF US CAN NEVER AND WILL NEVER FORGET THE ATROCITIES AND GENOCIDE COMMITTED AGAINST OUR PEOPLE DURING THE OHAMAKARI BATTLE AND THE OZOMBU ZOVINDIMBA EXTERMINATION ORDER OF GENERAL LOTHAR**

VON TROTHA. WE WILL ALSO NEVER FORGET THE BRUTAL KILLING OF OUR PEOPLE AT PLACES LIKE CASSINGA, AND SHATOTUA AT THE HANDS OF THE RACIST APARTHEID SOUTH AFRICA.

HON. SPEAKER, SIR, AND THE FIRST GERMANS WHOLE SALE KILLING OF THE 19<sup>TH</sup> CENTURY WAS COMMITTED ON THE PEOPLE OF A COUNTRY WE NOW CALL NAMIBIA. WE ARE THE SURVIVORS OF THE FIRST GENOCIDE EVER COMMITTED IN AFRICA,

THE OVAHERERO WAS THE ONLY GROUP SINGLED OUT TO BE EXTERMINATED BY AN OFFICIAL LEGAL ORDER THE INFAMOUS EXTERMINATION ORDER, HOWEVER WE ACKNOWLEDGED THAT OTHER GROUPS SUCH AS THE DAMARAS AND NAMAS WERE HEAVILY AFFECTED BY THE GERMAN COLONIALISM. HON.SPEAKER IN 1880'S THE GERMAN AUTHORITIES STARTED TO CONTROL A SMALL PART OF NAMIBIA, BUT BY 1890, TEN YEARS LATER, THEY SPREAD FURTHER. THE GERMAN SETTLERS TOOK MORE AND MORE LAND AND CATTLE FROM THE OVAHERERO.

HON. SPEAKER, SIR, LARGE PIECE OF LAND WAS TAKEN BY THE GERMANS AND REMAINED FENCED TO THIS DAY. IT IS A WELL KNOWN FACT THAT CATTLE ARE A NECESSITY IN THE LIFE OF THE OVAHERERO, FOR OVAHERERO WITHOUT CATTLE AND LAND COULD HARDLY SURVIVE. THE GERMAN COLONIAL RULE WAS OPPRESSIVE AND CRUEL. THE SITUATION BECAME SO INTOLERABLE THAT ON 12<sup>TH</sup> JANUARY 1904 THE OVAHERERO UNDER THE LEADERSHIP OF SAMUEL MAHARERO, TOOK UP ARMS AND THE FIRST OVAHERERO-GERMAN WAR STARTED IN OKAHANDJA AND SPREAD TO OKANDJIRA AND EVENTUALLY CULMINATED IN THE OHAMAKARI BATTLE. STILL THE GERMANS WERE NOT SATISFIED AND ON 2<sup>ND</sup> OCTOBER 1904 GENERAL LOTHAR VON TROTHA ISSUED HIS INFAMOUS EXTERMINATION ORDER AT OZOMBU ZOVINDIMBA IN THE OTJINENE CONSTITUENCY, OMAHEKE REGION. HON. SPEAKER, I WOULD LIKE TO

**QUOTE THIS ORDER: "I THE GREAT GENERAL OF THE GERMAN TROOPS SEND THIS LETTER TO THE HERERO PEOPLE, HEREROS ARE NO LONGER GERMAN SUBJECTS. ALL HEREROS MUST LEAVE THE LAND. IF THE PEOPLE DO NOT WANT THIS THEN I WILL FORCE THEM TO DO SO WITH A GREAT GUN. ANY HERERO FOUND WITHIN THE GERMAN BORDERS WITH OR WITHOUT A GUN, WITH OR WITHOUT CATTLE, WILL BE SHOT. I SHALL NO LONGER RECEIVE ANY WOMEN AND CHILDREN. I WILL DRIVE THEM BACK TO THEIR PEOPLE OR I WILL SHOOT THEM. THIS IS MY DECISION FOR THE HERERO PEOPLE" SIGNED THE GREAT GENERAL OF THE MIGHTY KAISER WILLEM II.**

**HON. SPEAKER, HON. MEMBERS, ALLOW ME TO HIGHLIGHT THE ISSUE OF GENOCIDE AND REPARATION. I WOULD LIKE TO SPELL OUT WHAT THESE ARE. THE UNITED NATIONS DEFINES GENOCIDE AS "THE DELIBERATE AND SYSTEMATIC DESTRUCTION OF A RACIAL, ETHNICAL, POLITICAL OR CULTURAL GROUP, IN WHOLE OR IN PART. IT IS THE ACT OF KILLING MEMBERS OF A GROUP IN WHOLE OR IN PART. THE GERMAN EXTERMINATION ORDER WAS INTENDED TO WIPE OUT THE WHOLE OVAHERERO ETHNIC GROUP AND WHEN IT WAS IMPLEMENTED IT REDUCED THE OVAHERERO FROM 100,000 TO A MERE 15,000.**

**REPARATION IS THE ACT OF REPAIRING A WRONG OR AN INJURY TO A PERSON OR NATION. WE ALL UNDERSTAND THE PRINCIPLE OF REPARATION. IF YOU BREAK SOMETHING THAT BELONGS TO SOMEONE ELSE YOU MUST REPAIR IT. IF YOU STEAL SOMETHING YOU GIVE IT BACK.**

**HON. SPEAKER, HON. MEMBERS, I HAVE HIGHLIGHTED THESE TWO ISSUES AND THE UNDERLYING THEMES THAT WE EMPHASIZE ARE ACCOUNTABILITY FOR THE ATROCITIES, RESPECT AND SELF RESPECT FOR THE SURVIVORS, RECLAIMING OUR MEMORIES, NARRATING OUR STORIES AND RECLAIMING WHAT IS OURS. THAT IS WHAT REPARATION IS ALL ABOUT.**

**SOME OF US TEND TO THINK THAT ONLY THE DEAD ARE VICTIMS, WHEN CHILDREN LOOSE PARENTS, THAT LOSS IS NOT ONLY FELT BY THE FAMILY AND COMMUNITY BUT ALSO BY THE GENERATIONS TO COME. WHEN PEOPLE ARE DISPLACED, THEY LOOSE SENSE OF SECURITY AND BELONGING. THEY EXPERIENCE FEAR AND ANXIETY AND LOOSE HOPE FOR THE FUTURE. AS S RESULT THEY ARE DEPRIVED OF KNOWLEDGE, GOALS AND ASPIRATIONS WHICH COULD HELP THEM TO BUILD THE FUTURE AND WEALTH OF THEIR FAMILIES AND COMMUNITIES.**

**HON. SPEAKER, SIR, WE ALL STAND ON THE SHOULDERS OF THOSE WHO CAME BEFORE US ; PEOPLE WHOSE LIVES AND ACCOMPLISHMENTS HAVE BEEN DESTROYED, THEIR WEALTH HAS BEEN STOLEN AND WE HAVE LESS OR NOTHING TO STAND ON. THEY HAD NOTHING TO LEAVE FOR THEIR LEGACY, AND WE THEIR HEIRS HAVE LESS TO BUILD ON FOR OUR CHILDREN AND THE GENERATION TO COME.**

**IT IS ON THAT BASIS, HON. SPEAKER, AND HON. MEMBERS THAT I ON BEHALF OF MY PEOPLE, THE OVAHERERO HAVE LAUNCHED A LEGAL CHALLENGE IN THE COURTS IN THE UNITED STATES OF AMERICA, DEMANDING AND CLAIMING REPARATION FROM THE GERMAN GOVERNMENT FOR THE ATROCITIES AND GENOCIDE COMMITTED AGAINST OUR FOREFATHERS AND MOTHERS.**

**THE BASIS FOR THE DEMAND FOR REPARATION IS BASED ON:**

- 1) THE WHOLE EXPROPRIATION OF VAST TRACT OF LAND OWNED AND OCCUPIED COMMUNALLY BY OUR ANCESTORS.**
- 2) THE ILLEGAL EXPROPRIATION WITHOUT ANY COMPENSATION OF LAND AND OF TENS OF THOUSANDS OF CATTLE BELONGING TO OUR PEOPLE.**

- 3) THE PREMEDITATED EXTERMINATION OF CLOSE TO 80% OF THE OVAHERERO, 2/3 KILLINGS OF THE NAMA PEOPLE AND POPULATION IN PURSUIT OF OFFICIAL GERMAN COLONIAL POLICIES.**
  
- 4) THE INTERNATIONAL DESTRUCTION OF CULTURE, TRADITIONS AND SOCIAL ORGANIZATION AND INDIGENOUS GOVERNMENT STRUCTURE OF THE OVAHERERO PEOPLE. (AGAIN NOT CLEAR)**
  
- 5) THE OFFICIALLY SANCTIONED PHYSICAL, SEXUAL AND MENTAL ABUSE OF THE OVAHERERO WOMEN BY GERMAN SOLDIERS AND OFFICIALS, RESULTING NOT ONLY IN UNPLANNED AND UNWANTED PREGNANCIES, BUT ALSO CAUSING SERIOUS MARITAL PROBLEMS FOR OUR FORE FATHERS AND FORE MOTHERS. HUNDREDS OF OVAHERERO CHILDREN BORN OUT OF THESE RELATIONSHIPS HAD TO GROW UP WITHOUT KNOWING THEIR FATHERS, SOMETHING WITH SERIOUS MENTAL AND PSYCHOLOGICAL CONSEQUENCES ON CHILD DEVELOPMENT**
  
- 6) THE SHOCKING BRUTALITIES COMMITTED ON THE OVAHERERO PRISONERS OF WAR, THE DEGRADING AND INHUMANE CONDITIONS OF THE CONCENTRATION CAMPS TO WHICH THEY WERE SUBJECTED. OUR PEOPLE WERE EXPOSED TO STARVATION PRIOR TO PUBLIC EXECUTIONS.**
  
- 7) THE MASS IMPOVERISHMENT AND HUMILIATION OF AN OTHERWISE WEALTHY, SELF-SUFFICIENT AND PROUD AFRICAN NATION.**
  
- 8) THE ABOVE CONSTITUTES A SOLID MORAL AND LEGAL INDICTMENT AGAINST COLLECTIVE CONSCIENCE OF THE GERMAN PEOPLE. IT IS**

**ALSO CONSTITUTES A GROSS VIOLATION OF THE PUBLIC POLICY AND MORALITY OF THE GERMAN STATE AS PRESENTLY CONSTITUTED.**

**9) HON. SPEAKER, MY PEOPLE REJECTED THE POOR ATTEMPT BY THE GERMAN GOVERNMENT TO HIDE BEHIND DISCREDITED LEGALISTIC ARGUMENT AS A BASIS FOR DENYING THE REPARATION DEMAND OF THE OVAHERERO, WHILST AT THE SAME TIME SEEKING TO JUSTIFY IT'S PAYMENT OF REPARATION TO THE JEWS FOR SIMILAR CRIMES COMMITTED BY THE HITLER REGIME. SUCH AN ATTITUDE ON THE PART OF THE GERMAN GOVERNMENT IS NOTHING BUT A NAKED ACT OF RACISM AGAINST BLACK PEOPLE IN GENERAL AND THE OVAHERERO IN PARTICULAR. IT IS ALSO AN INSULT TO THE COLLECTIVE INTELLIGENCE OF MANKIND EVERYWHERE. UNLESS OUR REASONABLE PROPOSALS TO RESOLVE THIS MATTER ARE PUT ON THE AGENDA OF VARIOUS ORGANS OF THE UNITED NATIONS FOR PUBLIC DEBATE AND ADJUDICATION, THE STRUGGLE WILL GO ON. ON 30<sup>TH</sup> OCTOBER DURING THE CENTENNIAL COMMEMORATION AT OZOMBU ZOVINDIMBA THE OVAHERERO LAUNCHED THE "OZOMBU ZOVINDIMBA DECLARATION" WHEN THEY MADE A PROMISED TO THEMSELVES THAT ALUTA CONTINUA UNTIL JUSTICE HAS BEEN DONE.**

**10) I BELIEVE THAT SIGNIFICANT PARTS OF THE GENEVA CONVENTIONS AND OTHER SIMILAR TREATIES OF THE LATE 1940's WERE MERELY CODIFICATION OF PRE-EXISTING INTERNATIONAL LEGAL PRINCIPLES GOVERNING "UNJUST WARS" AND THE CONSEQUENCES THEREOF. IT WAS SIMILAR PRE-EXISTING LEGAL PRINCIPLES WHICH FORMED THE BASIS OF PRESENT DAY RULES ON "WAR CRIMES". "CRIMES AGAINST PEACE AND CRIMES AGAINST HUMANITY" – THEY ALL INCLUDE THE GENOCIDE CONVENTION OF 1948.**

**HON. SPEAKER, HON. MEMBERS, THE DEMAND OF OUR PEOPLE FOR REPARATION IS NOT AN ISOLATED AND UNREASONABLE, LET ME TAKE YOU DOWN THROUGH MEMORY LINE.**

- **1990 AUSTRIA PAID \$25 MILLION TO HOLOCAUST SURVIVORS JEWISH CLAIM ON AUSTRALIA**
- **1990 THE UNITED STATES OF AMERICA PAID \$1,2 BILLION OR 20,000 TO EACH JAPANESE AMERICAN**
- **1985 U.S.A PAID \$105 MILLION SIOUX OF SOUTH DAKOTA**
- **1985 U.S.A PAID \$12,3 MILLION TO SEMINOLES OF FLORIDA**
- **1985 U.S.A PAID \$ MILLIONS TO CHIPPEWAS OF WISCONSIN**
- **1988 CANADA PAID \$230 MILLION TO JAPANS CANADIANS**
- **1988 CANADA RETURN 250,000 SQ MILES OF LAND TO INDIANS AND ESKIMOS**
- **1988-1999 INDIAN GAMING REGULATORY ACT MAKING BILLIONS FOR THE AMERICAN INDIANS**
- **1980 U.S.A PAID \$81 MILLION KLAMATHS OF OREGON**
- **1971 U.S.A PAID \$ 1 BILLION AND 44 MILLION ACRES OF LAND TO ALASKA NATIVES LAND SETTLEMENT**
- **1952 GERMANY PAID \$822 MILLION TO HOLOCAUST SURVIVORS GERMAN JEWISH SETTLEMENT.**

HON. SPEAKER, SIR, OUR DEMAND FOR REPARATION IS IN LINE WITH INTERNATIONAL DEMAND, THEREFORE, IT NEEDS OUR COLLECTIVE AND PATRIOTIC SUPPORT AS A NATION.

HON. SPEAKER, HON. MEMBERS, ON A VISIT TO NAMIBIA IN MARCH 1998, THE GERMAN PRESIDENT H.E. PRESIDENT ROMAN HERTZOG DID NOT DENY THAT GERMANY HAS COMMITTED ATROCITIES AGAINST OUR PEOPLE AND OVAHERERO IN PARTICULAR AS MUCH AS HE ADMITTED, HE WENT ON AND SAID THAT TOO MUCH TIME HAD PASSED FOR GERMANY TO GIVE ANY FORMAL APOLOGY FOR SLAUGHTERING OVAHERERO DURING COLONIAL RULES. HE ALSO ADMITTED THAT GERMAN SOLDIERS HAD ACTED INCORRECTLY BETWEEN 1904-8 WHEN ABOUT 85000 MEMBERS OF THE OVAHERERO PEOPLE WERE KILLED FOR OPPOSING COLONIALISM.

BUT ON 14<sup>TH</sup> AUGUST 2004 DURING THE CENTENNIAL COMMEMORATION AT OHAMAKARI, THE GERMAN PARLIAMENTARIAN AND MINISTER OF ECONOMIC COOPERATION HON. HEIDEMARIE WIECZORECK – ZEUL SAID IN HER SPEECH THAT *“THE ATROCITIES COMMITTED AT THE TIME WOULD TO DAY BE TERMED GENOCIDE AND NOWADAYS GERMAN COLONIAL TROOPS UNDER GENERAL LOTHAR VON THROTHA WOULD BE PROSECUTE AND CONVICTED”*.

HON. SPEAKER HON. MEMBERS, THE HON. MINISTER WENT ON AND PLEADED FOR FORGIVENESS AND SAID *“WE GERMANS ACCEPTED OUR HISTORICAL AND MORAL RESPONSIBILITIES AND THE INJURY INCURRED BY GERMAN AT THE TIME. AND SO IN THE WORDS OF THE LORDS PRAYER, I ASK YOU TO FORGIVE US FOR OUR TRESS PASSES”*

WITHOUT A CONSCIOUS PROCESS OF REMAINING AND WITHOUT SORROW THERE CAN BE NO TRUE RECONCILIATION,REMEMBRANCE IS THE KEY TO RECONCILIATION SHE SAID, REACTING TO THE GERMAN MINISTER APOLOGY THE NAMIBIAN MINISTER OF LANDS, RESETTLEMENT AND



REHABILITATION THEN HIFIKEPUNYE POHAMBWA URGED THE CROWD PRESENT AT THE EVENT TO ACCEPT THE GERMAN MINISTER'S APOLOGY AND HE SAID *"LET US ACCEPT THIS APOLOGY AS NAMIBIANS. HE STRESSED THAT NAMIBIAN MUST ACCEPT GERMANY'S APOLOGY AND LOOK TO THE FUTURE"*

HON. SPEAKER, THE NAMIBIANS HAS ACCEPTED GERMANY'S APOLOGY AND THEY ARE NOW CALLING UPON GERMANY TO SIT AROUND THE TABLE WITH US AND TO WORK OUT THE FUTURE TOGETHER, THIS IS OUR DEMAND.

HON, SPEAKER, HON MEMBERS THE GERMAN PRESIDENT ALSO STATED THAT GERMANY HAD SIGNIFICANTLY ASSISTED NAMIBIA FOR YEARS AND HE PLEDGED UNILATERALLY THAT GERMANY WOULD LIVE UP TO ITS SPECIAL HISTORICAL RESPONSIBILITY TOWARD NAMIBIA.

THE GERMAN GOVERNMENT SHOULD REALIZE THAT THE NAMIBIANS THROUGH THEIR LEGITIMATE GOVERNMENT HAS THE RIGHT TO DECIDE FOR THEM, IT IS THEREFORE, CRUCIALLY IMPORTANT THAT THE GERMAN GOVERNMENT COME TO TERMS WITH REALITY AND STOP UNDER ESTIMATING THE COLLECTIVE INTELLIGENCE OF THE AFRICAN PEOPLE IN GENERAL AND THE NAMIBIANS IN PARTICULAR.

LET US, AS ELECTED A REPRESENTATIVE OF OUR PEOPLE, COLLECTIVELY ADVISE THE GERMAN GOVERNMENT TO CONVENE A CONSULTATIVE CONFERENCE IN ORDER TO SET UP AN AGENDA FOR DIALOGUE THAT WOULD BE THE BEST WAY TO SOLVE UNRESOLVED ISSUE.

HON. SPEAKER, HON. MEMBERS IN 1998, RESPONDING CLAIMS BY THE OVAHERERO LEADERS AND THE REASONS WHY NAMIBIAN GOVERNMENT

DOES NOT SUPPORT THEIR DEMAND FOR REPARATION THE RIGHT HON. PRIME MINISTER BY THEN HON. HAGE GEINGOB, SAID THAT "IT WAS WRONG FOR THE OVAHERERO TO DEMAND REPARATION FOR THE OVAHERERO ALONE, AS THEY WERE NOT THE ONLY ONE, WHO WERE AFFECTED BY THE GERMAN ATROCITIES AND THAT ALL NAMIBIANS SUFFERED".

I AM NOW PRESENTING THIS MOTION TO THIS AUGUST HOUSE, THE NAMIBIAN PARLIAMENT FOR DISCUSSION, DEBATE AND FOR YOUR PATRIOTIC SUPPORT.

HON. SPEAKER, SIR, ALLOW ME TO CONCLUDE BY MENTIONING WHAT EXTERMINATION PROCLAMATION MEAN IN CONCRETE TERMS, LET ME QUOTE FROM THE WITNESS ACCOUNT OF A GERMAN SOLDIER WHO PURSUED THE OVAHERERO THROUGH SANDVELD (OMAHEKE) TO BOTSWANA "*THROUGH THE QUIET NIGHT WE HEARD, IN THE DISTANCE, THE LOWING OF ENORMOUS HERD OF THIRSTY CATTLE, AND A DULL CONFUSED SOUND LIKE THE MOVEMENT OF A WHOLE PEOPLE TO THE EAST THERE WAS A ATLANTICS GROW OF FIRE, AND ENEMY HAD FLED TO THE EAST WITH THEIR WHOLE ENORMOUS MASS WOMEN, CHILDREN AND HERD*

THE NEXT MORNING WE VENTURED TO PURSUE THE ENEMY. THE GROUND WAS TRODDEN WON INTO A FLOOR FOR A WIDTH OF ABOUT 100 YARDS, FOR IN SUCH A BROAD THICK HORDE HAD THE ENEMY AND THEIR CATTLE STORMED ALONG. IN THE PATH OF THEIR FLIGHT LAY BLACKEST, SKINS, AND OSTRICH FEATHERS, HOUSEHOLD UTENSILS, WOMEN'S ORNAMENTS, CATTLE, AND MEN DEAD AND DYING AND STARING BLACKLY.

A NUMBER OF BABIES LAY HELPLESSLY LANGUISHING BY MOTHERS WHOSE BREASTS HUNG DOWN LONG AND FLABBY, OTHERS WERE LAYING ALONE, STILL LIVING, WITH EYES AND NOSE FULL OF FLIES."

**SOMEBODY SENT OUT BLACK DRIVER AND I THINK THEY HELPED THEM TO DIE. ALL THIS LIFE LAY SCATTERED THERE, BOTH MEN AND BEAST, BROKEN IN THE KNEES, HELPLESS, STILL IN AGONY, OR ALREADY MOTION LESS. AT NOON WE HALTED BY WATER HOLES WHICH WERE FILLED TO THE BRIM WITH CORPSES”**

**HON. SPEAKER, THE PEOPLE WHO ARE BEING REFERRED TO HERE ARE MY GRAND MOTHERS AND GRAND FATHERS, BROTHERS AND SISTERS THE OFF SPRING OF THOSE PEOPLE ARE STILL LIVING IN DIASPORA IN BOTSWANA AND SOUTH AFRICA.THE ONE SIDED SPECIAL INITIATIVE BY THE SELF PROCLAIMED AYATOLLAHS WHO DECIDED TO KILL US IN OUR COUNTRY IN THE FIRST PLACE, NOW ARE DECIDING FOR THEMSELVES WHAT WE ARE WORTH OF.**

**LET US SUPPORT THE LEGAL POSITION AND DEMAND FOR REPARATION AS I HAVE SPEARHEADED.**

**I THANK YOU**



**Republic of Namibia**

**OFFICE OF THE PRIME MINISTER**

**PARLIAMENT BRIEFING**

**ON**

**THE CONCLUSION OF THE NEGOTIATIONS ON GENOCIDE,**

**APOLOGY AND REPARATIONS**

**BETWEEN**

**THE REPUBLIC OF NAMIBIA AND THE FEDERAL REPUBLIC OF**

**GERMANY**

**RT. HON. SAARA KUUGONGELWA-AMADHILA, MP**

**PRIME MINISTER**

**TUESDAY, 8 JUNE 2021**

Honourable Speaker;

Honourable Members;

Ladies and Gentlemen:

1. The last round of talks on the genocide negotiations between the Republic of Namibia and the Federal Republic of Germany was concluded on 15 May 2021. Following the Press Statement by the Foreign Minister of Germany on 28 May 2021, diverse opinions have been expressed in the mass media from both the general public, political leaders and members of the affected communities.

This issue is indeed a sensitive one. Government, having been elected to represent the supreme interests of our nation, has the responsibility to guide discussions there on. It is important that we do not become divided over this issue, but remain united as a nation in pursuing it until its logical conclusion. In view of this, I hereby brief this August House on the progress made so far and status of the negotiations.

2. Honourable Speaker, Honorable Members, the 1904-1908 genocide has taken centre stage in our public policy and national discussion since our independence in 1990. In this connection, various attempts have been made by certain individuals and leaders of the affected communities to engage the Government of the Federal Republic of Germany to account for the 1904-1908 genocide committed by its colonial troops in Namibia against the Ovaherero and Nama communities. However, these efforts have not produced the desired results.
  
3. It was only in 2006, when the National Assembly of the Republic of Namibia unanimously passed a Motion on the genocide committed by the German colonial troops in Namibia between 1904-1908 against the Ovaherero and Nama communities, that efforts to engage the German Government started to bear fruit.

4. The 2006 National Assembly Motion stated that Germany should:
  - a) acknowledge that she has committed genocide in Namibia during the period 1904-1908;
  - b) render an unconditional apology to Namibia for the genocide; and
  - c) pay reparations.
  
5. The National Assembly further directed the Namibian Government to negotiate with the German Government to bring the genocide matter to its logical conclusion. The National Assembly directed the Namibian Government to negotiate and find an acceptable solution, as opposed to other means, such as recourse through courts of law.
  
6. Since 2006, when this August House passed the Motion, the Namibian Government through the Ministry of International Relations and Cooperation, has been engaging the German Government on this matter, but no solution could be found , because the German Government refused to engage in any

negotiations on the Genocide of 1904-08. In fact, Germany refused to accept that it had committed a Genocide on Namibian soil.

7. It was only in 2015 that the Government of the Federal Republic of Germany came around and informed the Government of the Republic of Namibia about its intentions to negotiate on the genocide committed by the German authorities during the period of German colonialism in Namibia.
8. Following the German Government's expression of its willingness to negotiate, the two Governments agreed to appoint Special Envoys. The duties of the Special Envoys were, inter alia, to negotiate on behalf of the two respective Governments and serve as liaison during the negotiations.
9. Before the negotiations commenced, His Excellency Dr. Hage G. Geingob, President of the Republic of Namibia, convened an inclusive and transparent consultative meeting at State House on 11 December 2015, where he informed all representatives of the affected communities, namely the Ovaherero/Ovambanderu Genocide Foundation and Nama Traditional



Authority Association/Technical Committee, led by Mr. Festus Muundjua and Honourable Idda Hoffman, respectively; and the Ovaherero/Ovambanderu and Nama Council for the Dialogue on 1904-1908 Genocide, led by Chief Gerson Katjirua, that the Government of the Republic of Namibia will negotiate with Germany on the 1904-1908 genocide.

10. As a consequence, both organizations mentioned above were requested to assign members to the Government negotiating team. The same organizations were further requested to assign members to the Technical Committee that will assist the Government to draft Namibia's negotiation strategy.
11. Honourable Speaker, Honorable Members, I should inform this August House that only the Ovaherero/Ovambanderu and Nama Council for the Dialogue on the 1904-1908 Genocide (ONCD-1904-1908) has sent delegates to the Technical Committee and Government's negotiating team. The Ovaherero/Ovambanderu Genocide Foundation and Nama Traditional Authority Association/Technical Committee refused to participate, they

indicated that they would undertake a different route. I know that all members of this August House are fully well aware of this route which was undertaken, and I do not need to repeat it in my address this afternoon.

12. As a way of providing political guidance to the negotiations, Cabinet, in November 2015, appointed a Special Political Cabinet Committee, chaired by the former Vice-President, Dr. Nickey Iyambo, to map out a clear negotiation position for Namibia. Since 2018, this Committee is Chaired by Vice-President Nangolo Mbumba. In view of this, a Technical Committee, composed of experts on law, economics, history and research, as well as representatives of affected communities, as I have earlier mentioned, was appointed to conduct research and produce Namibia's negotiation proposal.
13. In addition, Cabinet, with the view to ensuring that the process of negotiations was transparent and above board, constituted a Chiefs Forum, composed of esteemed traditional leaders of the affected communities, in order to provide them with feedback on the negotiations , as well as to allow them to make inputs and advise Cabinet on the negotiations strategy. Between 2016 and

2021, more than eight (8) sessions were held with the Chiefs Forum. During these sessions, the Chiefs have provided wisdom and valuable guidance to the negotiations.

14. Furthermore, in addition to dedicated and continuous engagements with the Chiefs of the affected communities, the Special Envoy and representatives of the affected communities who serve on the Technical Committee conducted outreach programmes in the seven (7) regions of Erongo, Hardap, //Kharas, Kunene, Khomas, Omaheke and Otjozondjupa, to consult traditional leaders, community and civil society organizations on their needs, as far the negotiations were concerned. Therefore, affected communities were fully consulted during the negotiations.
  
15. Honourable Speaker, Honorable Members, the negotiations faced numerous challenges between 2016 and 2021, leading to the process taking more than five (5) years. Over the period of five (5) years, between 2015 and 2021, nine (9) rounds of negotiations were held, alternating between Germany and Namibia. The following main challenges were encountered:

- a) The Namibian negotiating team faced heavy resistance from Germany to accept our non-negotiable position and narrative that the mass killing of the Ovaherero and Nama communities, including forceful seizure of their land, property and cultural artifacts was genocide, in terms of the 1948 UN Convention;
- b) In light of our position, without acceptance that Germany committed a Genocide against the Ovaherero and Nama communities, there would be no basis for an Apology.

Germany refused to pay reparations. Instead, the German Government offered a financial contribution of what it called the “healing of wounds”, which was far from what our non-negotiable stance was.

16. I am informing this August House that as an outcome of the negotiations, Namibia and Germany agreed on a Joint Declaration. This is the framework which will guide the process of acknowledgement of genocide; rendering of an apology and the payments of reparations by the Federal Republic of Germany, as well as the future relations between the two countries. The Declaration will be signed by the foreign Ministers of Namibia and Germany,

respectively. Once, signed, the Joint Declaration will be brought to this August House for consideration and ratification, as it is practice under the Constitution of the Republic of Namibia.

17. The Declaration constitutes the following:

- a) Acknowledgement of Genocide: The German Government agreed that the genocide committed by German imperial troops against Ovaherero and Namas in Namibia between 1904 and 1908 constitutes and fits the definition of Genocide, as prescribed in the United Nations Convention and Punishment of the Crime of Genocide of 1948; and that a large number of Damaras and SAN communities were also exterminated.
- b) Apology: The German Government agreed to render an unconditional apology to the affected communities, and the people and Government of Namibia for the genocide. The apology will be delivered by the President of the Federal Republic of Germany in the National Assembly of Namibia, on a date to be agreed upon between the two (2) Governments; and

c) Payment of Reparations: Germany agreed to provide the necessary means (reparations) in the form of monetary compensation for reconciliation and reconstruction programmes for the particular affected communities.

18. The Reparations package will be comprised of two (2) components, namely: reconciliation and reconstruction programmes. With regard to the reconstruction programme, a programme will be set up to assist the development of the descendants of the affected communities, in line with their identified needs. Representatives of these communities will participate in this process in a decisive capacity.

19. Under the said programme, projects will be implemented in the following Regions: Erongo, Hardap, //Kharas, Kunene, Khomas, Omaheke and Otjozondjupa. The projects will be carried out in the following sectors: Land Reform, in particular Land Acquisition within the framework of the Namibian Constitution and Land development; Agriculture; Rural Livelihoods and

Natural Resources; Rural Infrastructure; Energy and Water Supply; Technical and Vocational Education and Training (TVET).

20. As far as the reconciliation programme is concerned, Germany commits to promote and support reconciliation between the people of Namibia and Germany through preserving the memory work of the colonial era, in particular the period of 1904-08 for future generations, by supporting research and education, cultural and linguistic issues, as well as encouraging meetings of and exchange between all generations, in particular the youth.
  
21. The Government of the Federal Republic of Germany will make available the amount of 1100 (One billion and one hundred Million) Euros within the framework of the above-mentioned programmes. Germany commits herself to allocate this amount over a period of 30 (thirty) years. Of this, the amount of 1050 (One-billion and fifty Million) Euros will be dedicated to the reconstruction programmes, benefitting the descendants of the affected communities. Fifty (50) Million Euros will be dedicated to the projects on

reconciliation, remembrance, research and education. The allocation of funds will be as follow:

50 Million Euro for Reconciliation;

130 Million Euro for Renewable Energy;

150 Million Euro for Vocational Training;

100 Million Euro for Rural Roads;

130 Million Euro for Rural Water Supply and Sanitation; and

540 Million Euro for Land Acquisition and Training, thus making the total amount of 1,1 Billion Euro, for a period of 30 (thirty) years.

It has been agreed that during the implementation of these programmes, Technical Assistance should not be more than 5 (five) per cent of the total amount, so that funds could be spent on the programmes. Within the indicated budgetary allocation, flexibility exists for sectors to be exchanged, based on the expressed need of Namibia.

22. Since this reparations amount was made public, concerns have been raised that this amount is not enough, and that it is unacceptable to the affected communities and the Namibian people, given the loss that they have incurred



during the 1904-1908 genocide. I would like to state that, indeed, the amount of reparations has been a bone of contention during the entire period of negotiations from 2016 to 2021.

23. In 2016, the Namibian Government submitted a quantum for reparations to the Government of the Federal Republic of Germany. This quantum was the total calculation of the loss of life, ancestral land, livestock and cultural properties and heritage of the Ovaherero and Nama communities between 1904-1908. The German Government gave a counter-offer of a lesser amount. It was for these reasons that negotiations took more than five (5) years, due to numerous counter-offers from Germany, which were unacceptable to Namibia. This situation almost led to a deadlock and inconclusive talks.

24. In view of this, I would like to echo what the Vice President, His Excellency Dr Nangolo Mbumba, said in his public briefing last Friday on this same issue that the amount of 1,1 billion Euro is not enough and does not adequately address the initial quantum of reparations initially submitted to the German Government. As the Vice President has indicated, while this is so, based on the cardinal principle of give and take, we have made Germany to agree that

the implementation will be subjected to periodic impact assessments and evaluation at agreed intervals. This assessment will be done with an objective to ascertain whether the primary objective of these reconciliation and reconstruction programmes of improving the livelihood the affected communities has been achieved.

25. Moreover, the Joint Declaration stipulates that the bilateral relations between the two countries will no longer be at the same level, but would be elevated to the highest level through the Bi-National Commission these new enhanced relations between the two countries will enable Namibia to optimize opportunities under our cooperation that will benefit the people of Namibia in the future.

26. Honourable Speaker, Honourable Members, concerns have been raised particularly by the affected communities that the reparations money will be used by the Government to fund general development programmes at the expense of the affected communities. I would like to state that the money will

not come to the Government, but a Special Vehicle will be set up for this purpose.

27. As far as the governance of the reparations programme is concerned, it has been agreed that Namibia and Germany will set up a body (implementation vehicle) which will be responsible for the implementation of the reparations programme. The money will be deposited in a Fund that is separate and outside the GRN National Budget. To those who are concerned that the amounts will be used for other Government programmes and activities, we wish to reassure them that this will not happen. The reconstruction and reconciliation programs processes will be transparent, and the amounts allocated to the affected communities will be solely dedicated to the implementation of the agreement.

28. Also, the governance of the Fund will be on a trilateral basis, composed of representatives from the two Governments and the affected communities. The legal framework for the implementation vehicle will be developed in a transparent manner, with the affected communities fully participating.

29. Lastly, I would like to express my appreciation to the Honourable members of this August House for the support you have rendered to the negotiation process. While we have not gotten all what we wanted, as a nation, we have achieved significant milestones through this process. That is, Germany has made important concessions by agreeing to the fact that it committed Genocide on our soil, and that it will render an Apology, to be followed by Reparations for the untold suffering loss of life and humiliation of the Ovaherero and Nama communities, and Namibians at large.
30. The door of the Namibian Government remains open, as it has always been for meaningful advice. Let us proceed together, in unity and speaking with one voice, in the best interests of the affected community and the Namibian nation at large, until this matter is concluded. Let us continue to treat and accord this matter the sensitivity it deserves.
31. My statement will be incomplete, if I don't thank His Excellency the President, Dr Hage Geingob, for his excellent stewardship of the overall negotiations; the Vice-President; our esteemed Chiefs Forum for the invaluable guidance

and trust in the Government; the Special Envoy, Ambassador Zed Ngavirue, and the Technical Team for the countless hours they invested in this very difficult mission.

Honourable Speaker, Honourable Members, I thank you.



**MEDIA CONFERENCE ON OUR POSITION ON THE NEGOTIATIONS AGREEMENT BETWEEN  
THE GERMAN AND NAMIBIAN GOVERNMENT ON THE 1904-08 OVAHERERO AND NAMA  
GENOCIDE TO BE TABLED IN PARLIAMENT**

**FINAL**

**06 September 2021**

Distinguished Chiefs and Traditional Councillors present

Representative of various Media Houses

Invited Guests

Ladies and Gentlemen

Good Morning,

We have invited you to provide our position on the negotiated agreement to be tabled in Parliament. This agreement is the German and Namibian Government's Declaration on the 1904-08 Genocide committed against the indigenous Ovaherero and Nama people.

It is a well-known fact that today, after more than a hundred years of the Extermination Order by German General Lothar von Trotha, the Herero and Nama people still live in abject poverty, psycho-social trauma, scattered all over the world and landless with minimal political and economic power diminished by the Genocide committed by the German Imperial Government between 1904 and 1908.

The German Imperial Government issued and an Extermination Order through General Lothar von Trotha against the Ovaherero people on 02 October 1904 which read as follows:

*I, the Great general of the German soldiers, send this letter to the Herero nation. The Herero are no longer German subjects. They have murdered and stolen and cut off the noses, ears and other members of the bodies of wounded soldiers. Now they are too cowardly to continue fighting I say to the nation: Every person who delivers one of the captains as a captive to a military post, will*

*receive 1000 Marks. The one who hands over Samuel will receive 5000 Marks. All Hereros must leave the country (German South West Africa). If they do not so, I will force them with cannons to do so. Within the German borders, every Herero, with or without weapons, with or without cattle will be shot. I no longer shelter women and children. They must either return to their people or they will be shot first. This is my message to the Herero nation (Pool, 1991, p. 272).*

As if that was not enough, subsequently the German Imperial Government issued another Extermination Order against the Nama people on 24 April 1905.

*The Nama who chooses not to surrender and let's himself be seen in the German area will be shot, until all are exterminated. Those who, at the start of the rebellion, committed murder against whites or have commanded that whites be murdered have, by law, forfeited their lives. As for the few not defeated, it will fare with them as it fared with the Herero, who in their blindness also believed that they could make successful skirmish against the powerful German Emperor and the great German people. I ask you, where are the Herero today (Sarkin, 2010, p. 118)?*

## **1. OVERVIEW**

- 1.1. In an effort to address the Genocide committed by the Germans, a motion was introduced in the National Assembly and a resolution was passed on 26 October 2006 to direct the Namibian Government to address the following issues with the German Government:  
One – To commence a process of negotiations on the issues of recognition of Genocide, issuance of an Apology and payment of Reparation from the German Government.  
Two – The resolution further directed that the process must have active participation and direct involvement of the descendants of the Genocide victims (Nama and Herero people) through a tripartite framework.
- 1.2. The Namibian Government called a meeting on the 20<sup>th</sup> of May 2021 to brief the Chiefs' Forum on the outcome of the 9<sup>th</sup> round of negotiations on the Genocide, Apology and Reparations in line with the Resolution passed by the Namibian National Assembly in October 2006.
- 1.3. At that meeting, we informed our Government that we had to return to our communities and brief them on the outcome of the negotiations and get a fresh mandate on the stipulated agreement.
- 1.4. We must categorically state that we were disappointed that all throughout the negotiations we were not receiving regular updates from the Government nor the Negotiating Team to which we sent our representatives.
- 1.5. We must further state that we were not privy to the details of the negotiations and the Agreement was initialled without our input and approval.



- 1.6. **Please refer to our Media Briefing of 27 May 2021 on this matter.**
- 1.7. At that Media Briefing we said and our position remains as follows:
- 1.8. We are pleased that the German Government acknowledges that the genocidal acts committed by German imperial troops in Namibia between 1904-1908, constitute and amounts to Genocide, as prescribed in the United Nations Convention on the Prevention and Punishment of the Crimes of Genocide of 1948.
- 1.9. Furthermore, we took note that the German Government agrees to render an unconditional apology to the Government and people of Namibia, particularly the descendants of the victims (Ovaherero and Nama communities) of the Herero-Nama Genocide of 1904-1908.
- 1.10. We also took cognisance that Germany accepts a moral, historical and political obligation to provide the necessary means (reparations) in the form of monetary value of 1,1 billion Euros for reconciliation and reconstruction programmes for the particular affected communities for a period of 30 years.
- 1.11. We stated that the amount proposed/offered is an affront to our existence and is not in line with our proposed **reparations quantum of 8 trillion Nam Dollars**. Therefore, we categorically reject the amount for the reparations that was proposed/offered by the German Government. This amount will never be able to properly atone for the crimes against humanity committed against our ancestors during that period of brutal German colonialism.
- 1.12. In the course of the history, the German Government paid the Jewish people as from 1952 to today - over seven decades - reparations to the victims of the Holocaust while the German Government want to conclude the 1904-1908 genocide in less than a decade. The reparation amount paid to the Jewish people is quite justified and substantial in our view and we will pursue the same route to get restorative justice out of this process.
- 1.13. As a recent example, the German Government has allocated millions in COVID-19 relief aid to be divided amongst the poorest Holocaust victims located in Israel, North America, the former Soviet Union and Western Europe. Also, it increased funding for social welfare services to the Holocaust victims and regions such as Bulgaria and Romania, which they declare as open ghettos.
- 1.14. Furthermore, Germany allocated almost the same amount of money (1.1 billion) for the renovation of a Government castle in Germany, and more than Euros 200 billion for the damage done by recent floods in parts of Germany.
- 1.15. The pertinent question is: Why insult us with Euros 1.1 billion for such hideous crimes committed against an innocent people who were going about their own business in their own country?
- 1.16. It is vital to note that this insult is not to the Ovaherero and Nama communities but, in fact to the intelligence of the both the Namibia Government as whole and the African Continent.
- 1.17. We have submitted our proposed quantum of **8 Trillions Nam Dollars**, sometimes ago, at the beginning of this process to be used as basis for negotiations through the ONCD 1904-1908 and it must the basis of our **Reparations**. We believe that we can only do justice to the apology,



reconciliation and reconstruction process if our proposition for reparations is considered within the parameters of the amount proposed.

## 2. RECOMMENDATIONS FOR THE MOTION TO BE TABLED IN PARLIAMENT

### RECOMMENDATION 1

It is normal practice that issues emanating from Parliament be eventually referred back to the August House for updates, briefings and perhaps for resolutions as the situation dictates. Our position, however, is that this particular Agreement be debated thoroughly in Parliament and that the members indulge themselves in a serious and dignified debate regarding this painful matter. It is our considered opinion that all members of Parliament share our pain, sorrow and devastation, and are willing and ready to do justice to the matter for the benefit of the **descendants of the victims of the 1904-08 Ovaherero Nama Genocide and the Namibian national at large.**

### RECOMMENDATION 2

It is also very clear to us that the agreement that was negotiated is highly skewed and extremely favours the German government rather than the descendants of the victims of the 1904-08 Ovaherero Nama Genocide. We therefore recommend that after examining and thoroughly debating this most important issue, our Parliament, the Namibian Parliament must note and refer this agreement back to the Technical Committee so that it can be renegotiated properly with the new German government.

### RECOMMENDATION 3

Across the globe it recognized that the war of resistance against European colonization led to the **first Genocide of the 20<sup>th</sup> Century.** Hence, the issue of Genocide committed against the Ovaherero and Nama during 1904-08 was high on the agenda during the liberation struggle. We recommend that the Namibian government should **NOT SHELVE** this issue due to its importance, sensitivity and because of the way the landscape has transpired for today's modern politics, and because the **descendants of the victims of the 1904-08 Ovaherero Nama Genocide** are still experiencing intergenerational trauma without any atonement and justice meted out to them. There is a public outcry and uncertainty, this is therefore a time that need **BOLD** leadership from our government on 1904-1908 Ovaherero Nama Genocide. Our Government must stand shoulder and shoulder with its citizens and not with the German government. Have the interest of your people first and foremost.

### RECOMMENDATION 4

It is recommended that the issue of the **descendants of the victims of the 1904-08 Ovaherero Nama Genocide** living in the **Diaspora** be comprehensively addressed in the agreement. Specifically, that they equated the same status and benefits from the negotiations as those in Namibia by being part of the Chief Forum, Technical Committee and Negotiating Team. **The Diaspora for us is the Ovaherero and Nama people who are dispersed or spread from the territory of Namibia as a result of the German government Extermination Orders of October 1904 and April 1905 respectively.** The Namibia government must find means to address the diasporas with countries where our people live, such as Botswana, South Africa, Angola, Togo Cameroon, etc.

### RECOMMENDATION 5

It is our recommendation that our Namibian government revisit the way it handled the negotiation process and use the accepted international negotiations models available to its disposal. Note that we the traditional leaders are the custodian of our people therefore our views should be treated with respect it deserves. Any process during the negotiation should not undermine our existence and we should not be taken for granted as we from the onset decided and sacrificed to walk the long walk with the government on this matter. **Our Trust was betrayed and GRN must correct that with immediate effect.**

#### **RECOMMENDATION 6**

Moving forward, we demand for the re-appointment of the Envoy and that government must reconstitute a different and more efficient negotiation structure **agreed upon and in consultation** with the **descendants of the victims of the 1904-08 Ovaherero Nama Genocide**. It is important that the whoever to be appointed to any structure that would deal with the Herero Nama Genocide 1904-1908 such person be vetted by the Chief Forums and the Technical Committee.

#### **RECOMMENDATION 7**

It is our recommendation that the GRN establish a Bureau on 1904-08 Ovaherero Nama Genocide that would deal with the matter in the long term within the Executive branch of the Government of the Republic of Namibia because of its national importance and so that historical injustices can also be redressed through the governance structure of GRN. This structure in addition would be responsible for the drafting and finalization of Government Policy on 1904-1908 Ovaherero Nama Genocide and its implementation.

#### **RECOMMENDATION 8**

In the same vain, it is recommended that the issue of Genocide Day be finalized speedily and that the 28<sup>th</sup> May as proposed in the National Assembly be incorporated in the National Holy days calender without further delay.

#### **RECOMMENDATION 9**

It is also recommended that the National Assembly resolve, recommend and direct that **Namibian School Curriculum** be revisited and revised as regards the teaching of the 1904-08 Ovaherero Nama Genocide. The current curriculum is highly void of this history which must be written from the perspective of the **descendants of the victims of the 1904-08 Ovaherero Nama Genocide**. **It is vital that specific chapters be afforded to the heroes and heroins of genocide such as Samuel Maherero, Kahimemua Nguvauva, Kambahahiza Kavikunua, Hendrick Witbooi, etc.** **This by extension will enrich the Namibia history.**



## RECOMMENDATION 10

Our initial calculation and submission in our Quantum was **18 Trillion Namibian Dollars** and brought down to **8 Trillion Namibian Dollars** and that should form the starting point of any negotiations on 1904-1908 Ovaherero Nama Genocide. German has the capacity to pay our demands of reparations.

As far as the proposed 1.1 Billion Euro offer for projects is concerned, it is our stance from a moral and restorative justice perspective that it is miniscule and an insult to the **descendants of the victims of the 1904-08 Ovaherero Nama Genocide**. It is nowhere near the figures we proposed and doesn't even come close to the United Nations calculations of human life.

---

Our position is that the basis of negotiations must be **reparations** as per the Parliament resolution, and not reconciliation and reconstruction as stated in the agreement.

## RECOMMENDATION 11

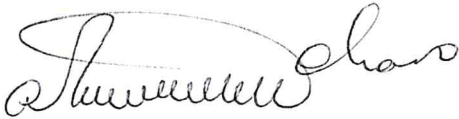
It must be recognized that the issue of the 1904-08 Ovaherero and Nama Genocide has been around for more than a hundred and fifteen years (115). Therefore, because of its sensitivity it needs to be dealt with in a lengthy process and must be interrogated thoroughly and must be accorded the respect and dignity it deserves rather than trying to find overnight solutions to it. It is recommended that the negotiations continue due to its protracted nature and that it has also hasn't been properly dealt with to atone for the Genocidal acts committed during that time against the indigenous Ovaherero and Nama people. The issue of the loss of land, dignity, property and other pertinent matters were not sufficiently address in the agreement.

Also, Clause 20 of the agreement closes the door on further negotiations which is unacceptable considering that this whole saga has gone on for more than a hundred years and has never been openly talk about before. We therefore, recommended through the Vice-President and continue to recommend the removal of such clause from the agreement. Finally, any annexes and addendum to the agreement, must first and foremost be addressed within the agreement in short before detailed later. We must agree collectively on issues to be included in the annexes and addendum. We want to leave by assumption and hopes. We should not repeat the mistaken taken during the drafting of the Namibian Constitution by allowing Chapter 3, that up to date protects the properties (Land) of the descendants of German troops and their missionaries in Namibia.

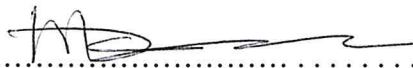
### 3. CONCLUSION

We, the descendants of 1904-1908 Ovaherero Nama Genocide highly acknowledge, appreciate and welcome the sentiments and solidarity by the Former Botswana President His Excellency Seretse Ian Khama and Former AU Ambassador Arikana Chihombori. Africa is one and we need your support during this difficult time. We are looking forward to be working with you on this matter as well.

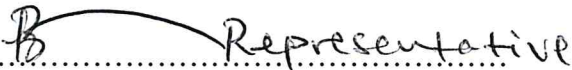
We, therefore, demand that the above stated recommendations be included in the final resolutions of Parliament and be considered.



.....  
**Maharero Royal Traditional Authority**



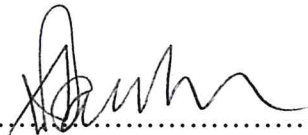
.....  
**Zeraeua Royal Traditional Authority**



.....  
**Kambazembi Royal Traditional Authority**



.....  
**Mureti Royal Traditional Authority**



.....  
**Nama Genocide 1904-08 Development Trust**



## **Kleine Anfrage**

**der Abgeordneten Sevim Dağdelen, Heike Hänsel, Žaklin Nastić, Eva-Maria Schreiber, Andrej Hunko, Kathrin Vogler und der Fraktion DIE LINKE.**

### **Keine Reparationszahlungen durch die Bundesregierung an Namibia für Völkermord im Rahmen des Versöhnungsabkommens**

Am 15. Mai 2021 paraphierten die Sonderbeauftragten der Regierung der Bundesrepublik Deutschland und der Regierung der Republik Namibia, Ruprecht Polenz und Dr. Zed Ngavirue, die gemeinsame Erklärung „Vereint im Gedenken an unsere koloniale Vergangenheit, vereint im Willen zur Versöhnung, vereint in unserer Vision für die Zukunft“. Sie wurde den Fraktionen des Deutschen Bundestages am 1. Juni 2021 mit einem Schreiben des Bundesministers des Auswärtigen, Heiko Maas, übermittelt. Zum Abschluss der Verhandlungen mit Namibia sagte Bundesaußenminister Heiko Maas am 28. Mai 2021, dass „nun die Ereignisse der deutschen Kolonialzeit im heutigen Namibia und insbesondere die Gräueltaten in der Zeit von 1904 bis 1908 ohne Schonung und Beschönigung [...] auch offiziell als das bezeichnet [werden], was sie aus heutiger Perspektive waren: ein Völkermord“ (<https://www.auswaertiges-amt.de/de/newroom/-/2463396>). Historiker schätzen, dass etwa 65 000 von 80 000 Herero und mindestens 10 000 von 20 000 Nama getötet wurden (dpa vom 4. Juni 2021). Darüber hinaus wird in der gemeinsamen Erklärung (Abschnitt I Nummer 8) festgehalten, dass Zehntausende von Männern, Frauen und Kindern Menschenversuchen ausgesetzt waren, versklavt, durch Arbeit getötet, missbraucht, vergewaltigt und ihres Landes, Eigentums und Viehs beraubt wurden.

Allerdings sollen sich aus der Anerkennung des Völkermordes keine rechtlichen Ansprüche auf Entschädigung ableiten lassen. Der Namibia-Sonderbeauftragte der Bundesregierung, Ruprecht Polenz, sagt, die höchste geforderte Summe liege bei 147 Mrd. Euro, eine mittlere bei 73 Mrd. Euro. Der im Juni 2021 infolge einer COVID-19-Erkrankung verstorbene Herero-Führer Vekuii Rukoro hatte 30 Mrd. Euro gefordert ([https://www.deutschlandfunkkultur.de/verbrechen-der-kolonialmaechte-verjaehrt-verantwortung-fuer.1083.de.html?dram:article\\_id=499004](https://www.deutschlandfunkkultur.de/verbrechen-der-kolonialmaechte-verjaehrt-verantwortung-fuer.1083.de.html?dram:article_id=499004)). Forderungen von mehreren hundert Milliarden Euro, wie sie von einigen Opfergruppen gestellt würden, „entsprechen nicht der Realität“, so der Bundesaußenminister (KNA vom 9. Juni 2021). Der Realität der Bundesregierung entsprach die „Geste der Anerkennung des unermesslichen Leids, das den Opfern zugefügt wurde“ für Namibia und die Nachkommen der Opfer in Höhe von 1,1 Mrd. Euro (<https://www.auswaertiges-amt.de/de/newsroom/-/2463396>), verteilt auf 30 Jahre.

Die Vereinbarung zwischen Deutschland und Namibia zu den deutschen Kolonialverbrechen ist nach Ansicht des früheren Forschungsdirektors des Afrika-instituts der schwedischen Universität Uppsala, Prof. Dr. Henning Melber, eine Beleidigung: „Die vorgesehene deutsche Zahlung von 1,1 Mrd. Euro über 30 Jahre ist schäbig“. Der Bau des Berliner Flughafens habe 7 Mrd. Euro ge-

kostet, der Umbau des Bahnhofs in Stuttgart sei derzeit mit 8 Mrd. Euro veranschlagt. „Setzen Sie das mal in Relation zu den 1,1 Mrd. Euro für den eingestandenen Völkermord an den Ovaherero und Nama!“ (EPD vom 13. Juni 2021) Der ausgehandelte Betrag entspricht etwa dem 1,5-Fachen der Kosten des Wiederaufbaus des Berliner Stadtschlusses der Hohenzollern, also der Dynastie, die auch den letzten deutschen Kaiser stellte, in dessen Namen der Völkermord verübt wurde (<https://mission-lifeline.de/juergen-zimmerer/>).

Der Historiker und Leiter der Forschungsstelle Hamburgs (post-)koloniales Erbe, Prof. Dr. Jürgen Zimmerer, kritisiert zudem an der Höhe der zugesagten Gelder, dass diese, auf 30 Jahre verteilt, 36 Mio. Euro pro Jahr ergeben. Das entspräche ziemlich genau dem, was Namibia in den letzten drei Jahrzehnten an sogenannter Entwicklungshilfe bekommen habe. Er kritisiert darüber hinaus, dass die versprochenen Gelder lediglich als Hilfen kommen sollen: „Hilfe ist etwas, was den Geber moralisch erhöht, während Wiedergutmachung eine Pflicht ist, die ich habe, weil ich etwas falsch gemacht habe“ (KNA vom 29. Mai 2021).

In Namibia hat das „Versöhnungsabkommen“ nicht nur bei Nachfahren der Opfer in Namibia große Empörung verursacht. Auch im Parlament in Windhoek gab es heftige Kritik fast der ganzen Opposition, aber auch in Teilen der SWAPO-Regierung ([https://www.deutschlandfunkkultur.de/verbrechen-der-kolonialmaechte-verjaehrt-verantwortung-fuer.1083.de.html?dram:article\\_id=499004](https://www.deutschlandfunkkultur.de/verbrechen-der-kolonialmaechte-verjaehrt-verantwortung-fuer.1083.de.html?dram:article_id=499004)).

Wir fragen die Bundesregierung:

1. Welche Schlussfolgerungen zieht die Bundesregierung aus dem Bericht der UN-Menschenrechtskommissarin Michelle Bachelet zu strukturellem Rassismus weltweit, wonach nicht ein einziges Beispiel eines Staates gefunden werden konnte, der die koloniale Vergangenheit umfassend aufgearbeitet oder ihre Auswirkungen auf das heutige Leben von Menschen afrikanischer Abstammung berücksichtigt hat und gefordert wird, Wiedergutmachung für vergangenes Unrecht wie Sklaverei und Kolonialismus zu leisten (AFP vom 12. Juni 2021)?
2. Inwieweit hat die Bundesregierung Kenntnisse, dass China auch wegen der fehlenden historischen Koloniallast sowie der unzureichenden Aufarbeitung der ausbeuterischen Vergangenheit europäisch-afrikanischen Beziehungen zum wichtigsten Akteur in Afrika geworden ist (Die Welt vom 4. Juni 2021, S. 7)?
3. Inwieweit belastet nach Kenntnis der Bundesregierung die unzureichende Aufarbeitung der ausbeuterischen kolonialen Vergangenheit die europäisch-afrikanischen Beziehungen allgemein und die deutsch-namibischen Beziehungen im Konkreten (Die Welt vom 4. Juni 2021, S. 7)?
4. Vertritt die Bundesregierung nach wie vor die Auffassung, dass das Thema koloniale Vergangenheit in den Beziehungen zu den ehemaligen Kolonien auch aus Sicht der betroffenen Staaten wie beispielsweise Namibia allenfalls eine untergeordnete Rolle spielt (Bundestagsdrucksache 16/12521, Antwort zu Frage 9)?

5. Teilt die Bundesregierung die Ansicht der Fragestellerinnen und Fragesteller, dass Deutschland auch unabhängig von der rückwirkend nicht anwendbaren UN-Völkermord-Konvention, die von der Generalversammlung der Vereinten Nationen am 9. Dezember 1948 beschlossen, am 12. Januar 1951 in Kraft trat und von der Bundesrepublik Deutschland im Februar 1955 ratifiziert wurde, freiwillige Leistungen an Opfer eines aus heutiger Perspektive verübten Völkermords bzw. aus rein humanitären Gründen an deren Nachfahren auszahlen kann, die rechtsdogmatisch nicht in Anerkennung einer zwischenstaatlichen Rechtspflicht (Deutschland – Namibia), sondern als moralischer Ausgleich der von Hereros und Nama sowie Damara und San erlittenen materiellen und immateriellen Schäden einzuordnen sind, und wenn nein, warum nicht?
6. Schließt die Bundesregierung freiwillige Leistungen an Opfer des aus heutiger Perspektive verübten Völkermords bzw. aus rein humanitären Gründen an deren Nachfahren aus, die rechtsdogmatisch nicht in Anerkennung einer zwischenstaatlichen Rechtspflicht (Deutschland – Namibia), sondern als moralischer Ausgleich der von Hereros und Nama sowie Damara und San erlittenen materiellen und immateriellen Schäden gewährt werden sollen, und wenn ja, warum?
7. Teilt die Bundesregierung nach ihrer Kenntnis die Auffassung des Politologen Prof. Dr. Henning Melber, dass in Namibia die koloniale Vergangenheit nicht Geschichte, sondern Gegenwart ist, weil sie sich beispielsweise täglich zeigt, wenn die Menschen an eingezäunten Farmen in weißem Besitz vorbeikommen ([https://www.deutschlandfunkkultur.de/verbrechen-der-kolonialmaechte-verjaehrt-verantwortung-fuer.1083.de.html?dram:article\\_id=499004](https://www.deutschlandfunkkultur.de/verbrechen-der-kolonialmaechte-verjaehrt-verantwortung-fuer.1083.de.html?dram:article_id=499004))?
8. Trifft es nach Kenntnis der Bundesregierung zu, dass derzeit
  - a) 48 Prozent der Landfläche in Namibia als kommerziell genutzte Agrarfläche,
  - b) lediglich 35 Prozent für kommunale Gemeinschaften reserviert sind und
  - c) die übrigen 17 Prozent des Landes dem Staat gehören (<https://www.rosalux.de/news/id/41788/namibia-nach-30-jahren-unabhaengigkeit>)?
9. Trifft es nach Kenntnis der Bundesregierung zu, dass nach wie vor etwa 70 Prozent der kommerziell genutzten Agrarfläche im Besitz von Nachfahren der weißen Siedlerbevölkerung sind (<https://www.rosalux.de/news/id/41788/namibia-nach-30-jahren-unabhaengigkeit>)?
10. Trifft es nach Kenntnis der Bundesregierung zu, dass von den 35 Prozent Landfläche, die für kommunale Gemeinschaften reserviert ist, über 70 Prozent der Bevölkerung abhängen (<https://www.dandc.eu/de/article/zur-wiedergutmachung-kolonialer-verbrechen-sollte-deutschland-namibias-landrueckgabe>)?
11. Trifft es nach Kenntnis der Bundesregierung zu, dass sich 281 Farmen, die insgesamt eine Fläche von 1,3 Millionen Hektar beanspruchen, in ausländischem Besitz befinden, davon knapp 53 Prozent im Besitz deutscher Staatsangehöriger (<https://namibiafocus.com/namibias-landreform-nimmt-tempo-auf/>)?
12. Trifft es nach Kenntnis der Bundesregierung zu, dass die heutige Landaufteilung und heutigen Besitzverhältnisse wesentlich auch auf den Landraub zurückgehen, der unter der ehemaligen Kolonialmacht Deutschland stattfand?



13. Trifft es nach Kenntnis der Bundesregierung zu, dass die heutige Landaufteilung und heutigen Besitzverhältnisse auch auf den Landraub zurückgehen, der unter den südafrikanischen Besitzern des Apartheid-Regimes stattfand, das jahrzehntelang politische, wirtschaftliche und auch militärische Unterstützung aus der Bundesrepublik Deutschland erhielt (<https://www.cicero.de/aussenpolitik/verbotene-waffenlieferungen-wie-deutschland-den-apartheid-staat-suedafrika-aufruestete/56789>), einschließlich Rüstungsexporte und atomare Aufrüstung ([https://www.rosalux.de/fileadmin/rls\\_uploads/pdfs/sonst\\_publicationen/Apartheid\\_No\\_digital\\_web.pdf](https://www.rosalux.de/fileadmin/rls_uploads/pdfs/sonst_publicationen/Apartheid_No_digital_web.pdf), S. 126 f.)?
14. Teilt die Bundesregierung die Ansicht der Fragestellerinnen und Fragesteller, dass es bezüglich der Behebung des Missverhältnisses in der Landverteilung in Namibia, das infolge kolonialen Landraubs und Unrechts entstand und im Zuge des Widerstandes dagegen zum ersten Völkermord des 20. Jahrhunderts führte (<https://www.dandc.eu/de/article/zur-wiedergutmachung-kolonialer-verbrechen-sollte-deutschland-namibias-landrueckgabe>), notwendig ist, diese Enteignungen nach dem Prinzip „Rückgabe vor Entschädigung“ rückgängig zu machen, damit sich das Unrecht aus der Perspektive der Herero, Nama, Damara und San nicht fortsetzt?
15. Trifft es nach Kenntnis der Bundesregierung zu, dass das Prinzip „Williger Verkäufer, williger Käufer“, beim Verkauf kommerzieller Farmen nicht zum Erfolg geführt hat (<https://www.dw.com/de/namibia-wem-geh%C3%B6rt-das-land/a-45730738>), weil viele weiße Farmer das Land entweder gar nicht oder nur zu extrem überteuerten Preisen verkaufen wollen (<https://www.namibiana.de/namibia-information/pressemeldungen/artikel/namibias-verfassung-erlaubt-landenteignung.html>)?
16. Inwieweit hat die Bundesregierung Kenntnisse, dass laut einer Regierungsentscheidung in Namibia das Prinzip „Williger Verkäufer, williger Käufer“ bestehen bleiben soll, so dass damit ein Hauptergebnis der 2. Nationalen Landkonferenz von Ende 2018 nicht erfüllt wird (<https://www.hitradio.com.na/landwirtschaft/25-januar-2021-farmernews>)?
17. Besteht nach Kenntnis der Bundesregierung ein zeitlicher und inhaltlicher Zusammenhang zwischen der Entscheidung über die Fortsetzung des Prinzips „Williger Verkäufer, williger Käufer“, weil nicht am privaten Eigentum gerüttelt werden solle, weil angeblich nicht das Konzept das Problem sei, sondern der Mangel an staatlichen Geldern, um alle im Markt befindlichen Farmen zu kaufen (<https://www.hitradio.com.na/landwirtschaft/25-januar-2021-farmernews>), und dem Abschluss der gemeinsamen Erklärung „Vereint im Gedenken an unsere koloniale Vergangenheit, vereint im Willen zur Versöhnung, vereint in unserer Vision für die Zukunft“, und wenn ja, inwieweit?
18. Teilt die Bundesregierung die Ansicht der Fragestellerinnen und Fragesteller, dass nicht nur „einzelne Personen in militärischen und politischen Verantwortungspositionen zu jener Zeit [Schuld] auf sich geladen haben“ (Gemeinsame Erklärung, Abschnitt III Nummer 12), sondern auch die an den Verbrechen direkt oder indirekt beteiligten deutschen Unternehmen, die im damaligen Deutsch-Südwestafrika beispielsweise beim Bau von Eisenbahnlinien, Häfen, Straßen und sonstiger Infrastruktur sowie auf den Farmen und im Bergbau von Sklaven- und Zwangsarbeit sowie Enteignungen profitiert haben?

19. Ist es für die Bundesregierung von zentraler Bedeutung, ob und in welchem Umfang deutsche Unternehmen im damaligen Deutsch-Südwestafrika von Sklaven- und Zwangsarbeit sowie Enteignungen profitiert haben?

Wenn ja, welche Erkenntnisse liegen ihr dazu inzwischen vor (Bundestagsdrucksache 17/6813, Antwort zu Frage 9)?

20. Ist es für die Bundesregierung von zentraler Bedeutung, ob und in welchem Umfang deutsche Unternehmen und Institutionen wie das Königlich Preußische Institut für Infektionskrankheiten in Berlin im damaligen Deutsch-Südwestafrika an Menschenversuchen beteiligt waren?

Wenn ja, welche Erkenntnisse liegen ihr dazu beispielsweise aus dem Bereich der „Kolonialmedizin“ vor?

21. Hat die Bundesregierung Kenntnisse darüber, dass die sogenannte Kolonialmedizin nicht Menschen in Not helfen, sondern dem ökonomischen Aufschwung der Kolonie und neuen Erkenntnissen für die deutsche Wissenschaft und Pharmaindustrie dienen sollte (<https://www.srf.ch/kultur/gesellschaft-religion/kolonialverbrechen-wie-deutsche-aerzte-in-afrika-mit-menschen-experimentierten>)?

22. Hat die Bundesregierung Kenntnisse darüber, ob das Gesundheitssystem Namibias auch aufgrund der kolonialen Geschichte und der bis zur Unabhängigkeit 1990 andauernden Apartheid in der Fläche völlig unzureichend ausgebaut ist (<https://www.rnd.de/politik/corona-deutsche-impfstoff-hilfuer-namibia-von-kolonialismus-forscher-gefordert-FGXDEPPUNFCTDPG4TTD2KFEQ6M.html>)?

23. Hat die Bundesregierung Kenntnis darüber, dass Namibias Präsident Hage Geingob im April 2021 analog zu Tedros Ghebreyesus, der Leiter der Weltgesundheitsorganisation (WHO), von „einer Form von Impfstoff-Apartheid“ sprach (<https://www.nd-aktuell.de/artikel/1154070.namibia-und-suedafrika-unvorbereitet-ungeimpft-ohnmaechtig.html>), vor dem Hintergrund, dass die EU- und nordamerikanische Staaten ihre Bevölkerung mit ihren Vorräten bis zu sieben Mal schützen können, während Staaten wie das besonders hart getroffene Namibia auf die Lieferung kleinster Mengen an Impfstoff warten müssen (<https://www.badische-zeitung.de/afrikanische-laender-beklagen-impf-apartheid--203170622.html>)?

24. Wie positioniert sich die Bundesregierung zu der Haltung des EU-Außenbeauftragten Joseph Borell, dass es analog zu der Bezeichnung von Tedros Ghebreyesus eine Form von „Impf-Apartheid“ sei, wenn durch die Weigerung von Patent- bzw. Lizenzfreigaben, Afrika weiterhin gezwungen ist, 99 Prozent seiner Impfstoffe importieren zu müssen (<https://www.welt.de/debatte/kommentare/article231470771/Impf-Apartheid-Wir-muessen-die-globale-Impfluecke-schliessen.html>)?

25. Wie ordnet die Bundesregierung die Ansicht des früheren Chefökonom der Weltbank, Joseph Stiglitz, ein, dass die Behauptung gegen eine Patentfreigabe, dass Entwicklungsländer nicht die Fähigkeit hätten, COVID-Impfstoffe zu produzieren, durchaus rassistische und neokolonialistische Untertöne habe (<https://www.report-k.de/Politik-Nachrichten/Politik-Deutschland/Impfstoff-Patente-Nobelpreistraeger-Deutschland-nimmt-ganze-Welt-als-Geisel-146152>)?

26. Ist es nach Auffassung der Bundesregierung in Bekräftigung des besonderen Charakters der deutsch-namibischen Beziehungen und der besonderen historischen und moralischen Verantwortung Deutschlands gegenüber Namibia (Gemeinsame Erklärung, Einleitung, Anstrich 4) geplant, neben der Soforthilfe mit Beatmungsgeräten, Krankbetten, Testkits, Schutzausrüstung, Masken und Impfdosen, Namibia durch Patent- bzw. Lizenzfreigaben zu unterstützen sowie beim Umbau bestehender bzw. Aufbau von Kapazitäten für die Herstellung analog zu deutschen Herstellern zu fördern?

Berlin, den 2. August 2021

**Amira Mohamed Ali, Dr. Dietmar Bartsch und Fraktion**









