



REPUBLIC OF NAMIBIA

**CONTRIBUTION TO THE DEBATE ON THE MOTION ON THE 1904-1908
GENOCIDE BY THE IMPERIAL GERMAN TROOPS IN NAMIBIA**

BY

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PARLIAMENT

Honorable Speaker,

Honorable Members of the House!

1. I rise to contribute to the discussions on the motion tabled by Hon Frans Kapofi on the genocide committed by Germany against Namibian communities in 1904-1908.
2. On June 8, 2021, I briefed this August House on the status of genocide negotiations. The 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 passed the Motion on genocide that efforts to engage the German Government started to bear fruit.
4. The late Hon Chief Kuaima Riruako (MHSRP) appropriately brought the genocide issue to this August House, as the primary legislative body in our country, due to the National character of the issue and appreciating the key role of the State in dealing with matters involving foreign States.

5. This follows the advise by the then Prime Minister, now our President, that the matter be brought to parliament in order that the State machinery can be deployed to propel the efforts to have it resolved.
6. The Hon Riruako's motion of 19 September 2006 requested that "the National Assembly discusses the genocide against our people during 1904-1908, that this Assembly should support the demand for reparation from the German Government as well as those private companies who have benefited from the demise of the Namibian people ".
7. The debate on the 2006 motion reflected the spirit of unity and the non-partisanship that should characterize discussions on this sensitive National issue, with members putting aside their party political differences, resulting in the unanimous adoption of the motion on 26 October 2006.
8. Pursuant to the adoption of the motion, National Assembly directed the Government to bring the genocide matter to its logical conclusion. The National Assembly directed the Government to negotiate and find an amicable solution, as opposed to other means such as recourse through the courts of law.
9. In the intervening period since the adoption of the motion, the matter has enjoyed priority attention by the Government, and this House and the Nation were apprised throughout the process of negotiations between our Government and the government of the Federal Republic of Germany. The government pursued this matter in the spirit of the motion, which is to strive to secure justice for our communities and bring the matter to conclusion.

10. Recognizing the importance of participation by the affected communities in the negotiations and as per the government policy of public consultations on important National issues,

His Excellency Dr. Hage G. Geingob, President of the Republic of Namibia, convened an inclusive consultative meeting at State House on 11 December 2015, where he informed representatives of the affected communities, namely the Ovaherero/Ovambanderu Genocide Foundation and Nama Traditional Authority Association/Technical Committee, led by Mr. Festus Muundjua and Honorable 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 genocide.

11. Both organizations were requested to assign members to the Government negotiating team. They were further requested to assign members to the Technical Committee that will assist the Government to draft Namibia's negotiation strategy and conduct research.
12. As I previously indicated in my update to this House, only 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 Authorities Association/Technical Committee regrettably turned down the invitation to participate, indicating that they would undertake a different route.

13. A Chiefs Forum was also constituted in order to provide traditional leaders from the affected communities 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 which the Chiefs provided wisdom and valuable guidance to the negotiations.

14. Furthermore, 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 as the negotiations were concerned.

Therefore, government has, from the onset, sought to ensure full participation of the affected communities. That not all stakeholders came on board is most regrettable.

It remains the wish of the government that all affected communities are involved, and that we eventually bring this matter to conclusion in a manner that meets the expectations of the said communities and the country.

15. The debate on the genocide motion that was tabled by Hon Kapofi on 24 September 2021, both in this house and out in the public, has reflected the emotive nature of the issue.

The Namibian government has at all times taken seriously its responsibility to safeguard and optimize the interest of the Namibian people in the genocide

negotiations. This is the spirit in which it has conducted the genocide negotiations.

16. The genocide issue is a sensitive issue and one on which we cannot afford to be divided as our success to have it resolved depends on that. Besides that, a responsibility rests upon us as leaders of our country to inspire our people to be united.
17. Honorable Speaker, Honorable Members, as has been indicated by previous speakers, the negotiations faced numerous challenges, leading to the process taking more than five (5) years. Over the period of five (5) years, nine (9) rounds of negotiations were held. The challenges were that there was heavy resistance from Germany to accept that the atrocities carried out against our communities in 1904-1908 constitute genocide, in terms of the 1948 UN Convention. Without acceptance that Germany committed a Genocide, there would be no basis for an Apology and payment of reparations.
18. Under the draft joint declaration, Germany has acknowledged that the UN convention on the prevention on the prevention and punishment of the crime of genocide (1948) recognizes that at all periods of history, genocide has inflicted great losses on humanity, and that the atrocities committed by German troops against Ovaherero and Nama people in 1904-1908 amounts to genocide as prescribed in the United Nations Convention and Punishment of the Crime of Genocide of 1948. Further, Germany acknowledged that a large number of Damaras and SAN communities were also exterminated; and it has agreed to render an apology to the affected communities and Namibia and make a payment of an amount of 1.1 billion euro for reconciliation and reconstruction.

19. Honorable Speaker, Honorable Members, concerns have been raised, that the amount pledged by Germany is inadequate. Indeed, this amount does not measure up to the immense losses suffered by Namibian communities as a result of genocide. In fact the losses incurred by our communities due to genocide are beyond any monetary value.

The quantum has been a bone of contention during the negotiations with Germany making various counter proposals in this regard.

The draft declaration provides for periodic impact assessments and evaluation of proposed interventions to ascertain whether the objectives of improving the livelihoods of the affected communities has been achieved.

20. Another concern has been that the payment from Germany will be used by the Government to fund general development programmes at the expense of the affected communities.

I would like to state, once again, that the money will not come to the Government, but a Special Purpose Vehicle will be set up for this purpose outside of government, and the funds will be used exclusively on programs as agreed with affected communities. Governance of the fund will be on trilateral basis with the participation of representatives of the two governments and affected communities.

21. Notwithstanding the immense challenges we faced in these negotiations, such as that the payment offered by the Germans is indeed inadequate, we succeeded to get Germany to make 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 Payments for the tremendous loss of life and the untold suffering and humiliation of the Ovaherero and Nama communities and other Namibians.

22. There have been apprehensions that SWAPO intends to use its majority to get parliament to ratify the joint declaration in spite of concerns raised about the declaration.

I wish to indicate that there is no intention to impose this declaration.

SWAPO party and the government, have from the beginning, viewed the genocide issue as an issue that should not be politicized and one which we should deal with as Namibians in unity.

It is for this reason that the 2006 genocide motion has received unanimous support in this house where SWAPO party held a two thirds majority, although the motion was moved by the opposition.

Further, government has taken an inclusive approach during the genocide negotiations (as I alluded to it earlier) to ensure that the inputs of the affected communities are taken on board during negotiations, so that the outcome of the negotiations takes into consideration the expectations of the affected communities. The apology will in any case have to be accepted by the affected communities and the country in order for a reconciliation to take place. The joint declaration therefore necessarily has to be accepted by the affected communities and the nation to be adopted.

23. Also, in terms of our laws, ratification of an international instrument takes place only after a signed agreement has been tabled in the National Assembly for approval of ratification. The joint declaration between Namibia and Germany is a draft that has only been initialled and not signed. To get it adopted, it has to

be signed by the two Foreign Ministers first, after an agreement has been reached on it, and then tabled in the National Assembly for approval of Ratification.

Following that, an apology will then be rendered by Germany, which will have to be accepted by the affected communities and the State.

24. The motion that is on the table is seeking a debate on the draft joint declaration, not ratification of the joint declaration.

We have conducted a robust debate on the draft declaration in the house. The draft joint declaration has also been subject of intense debate outside this house. Regrettably, there have been misunderstandings about the way forward with the draft declaration. But there were also important proposals made.

25. The government will continue with efforts to bring the matter to conclusion in a manner that ensures justice for our communities.
26. I wish to thank Honorable Kapofi for bringing this motion to parliament, as well as all those who have made constructive inputs into the debate and negotiations on genocide.
27. The government's door remains open for those Namibians who were not on board to join so we can conclude this matter.

I support the motion.

Honorable Speaker, Honourable Members,

I thank you.