



**PRESS RELEASE**

**BY**

**THE NAMA TECHNICAL COMMITTEE ON GENOCIDE and OVAHERERO and  
OVAMBANDERU GENOCIDE FOUNDATION**

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**MEMBERS OF THE MEDIA**

**COMPATRIOTS,**

**FRIENDS,**

**LADIES AND GENTLEMEN**

As descendants of the direct victims of Imperial Germany's genocide in this country, allow us to put the record straight as to why we are not participating in the so-called current bilateral discussions between the Namibia and German Governments. The sub-structures of the Namibian Government, is contradicting the National Assembly Resolution which called for tri-partite framework for negotiations, in which the affected communities will negotiate directly with the German Government facilitated by the Namibian Government as an interested party. As a result we could not be participants in a process that was clearly designed to work against our interest.

Despite claims by our government that it commenced negotiations on the basis of the National Assembly resolution of 26 October 2006, however, the current process of negotiations is fundamentally contrary to the letter and spirit of that resolution. This Resolution clearly states that "...the Namibian Government should be an interested party in any discussions between its nationals and the German Government on the issue of reparations." The intent and essence of that statement should have set the stage for tri-partite negotiations, as opposed to the "government-to-government" approach of His Excellency, President Hage Geingob and those he has now managed to cajole in to singing the same song faithfully.

The 'government-to-government' approach of His Excellency President Hage Geingob constitutes a fundamental **violation of the intent of the Resolution**, and amounts to nothing else than a naked gimmick intended to exclude descendants and deny them their basic rights to self-representation in these defined negotiations as provided for in the resolution.

Furthermore, the exclusion of the representatives of the Nama and Herero from these negotiations is a violation of the U.N. Declaration on the Rights of Indigenous Peoples, adopted by the U.N. General Assembly on September 13,2007, which explicitly provides, in Article 11(2) that: "States shall provide redress through effective mechanisms, which may include restitution, developed

in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs."

In addition, Article 18 of the 2007 Declaration provides as follows: "Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision making institutions." Without question, the Nama and Herero peoples have suffered incalculable cultural, intellectual, religious and spiritual losses as a result of their mistreatment at the hands of the German colonial authorities and subsequent denials and rationalizations for those atrocities, which fall within the scope of Articles 11 (2) and 18 of U.N. Declaration on the Rights of Indigenous Peoples.

Although it has been reported that a recent German government document may reflect a greater willingness on the part of Germany to acknowledge that the atrocities committed were, indeed, a "genocide," the German government continues to steadfastly refuse to discuss this matter directly with representatives of the Nama and Herero peoples, or to acknowledge that any final and just settlement must include reparations and compensation to the Nama and Herero peoples.

Clearly, since the subject matter of the current negotiations between Germany and Namibia directly relates to and affects the right of the Nama and Herero peoples, and directly relates to a determination of the remedies that should provide adequate justice for the genocide and abuses of these people, the intentional exclusion of Nama and Herero representatives is a violation of their rights under Articles 11(2) and 18 of U.N. Declaration on the Rights of Indigenous Peoples, and in violation of other provisions of international and national law.

Let us reiterate here that our struggle is against the German government from whom we expect recognition of their crime of genocide, an apology for that and commensurate compensation. The German government should know that continuing with the current process that it has undertaken with the Namibian government, will cause it to pay twice. The Extermination order was directed towards us and *Aluta Continua!!!!*

Simply stated: since the negotiations are *about* us, no valid negotiations can be conducted and no just settlement can be reached *without* us