

Speech

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The question before us tonight is: “Who Shall Negotiate Restorative Justice after Genocide?”

With your indulgence – Director of Ceremonies – let me replace the help-verb: ‘shall’, in the question, with another: **should**, so that we can say, ‘Who Should Negotiate Restorative Justice After Genocide?’

I shall do so by way of referring to a few instances, which will be my contribution for our discussion afterwards.

These instances are:

1. The Namibian Parliament Resolution of 26th October, 2006

In Namibia –10 years ago – a Motion was tabled in the Parliament by the late Paramount Chief of the Ovaherero, Dr Kuaim Riruako, and after some debate, it was unanimously adopted and became the famous Resolution of 26th October, 2006. This is the very Resolution the Namibian and German Governments have now relegated to the archive without implementing it. They now negotiate on the basis of another thing they call “**government-to-government**” negotiation – outside the frame-work of the resolution in reference.

That deviation in itself is the very first violation of the Parliament Resolution by the Executive branch of our system of governance.

But what does the Resolution say?

I shall quote from it because, in it, there you would find part of the answer to the question at issue.

It simply states the following:-

- *That what happened to our people during 1904 to 1908 as a result of General von Trotha’s Extermination Order was a brutal act of Genocide sanctioned by the German Government of the day;*
- *That our people are entitled to demand the payment of reparations from the German Government;*

- *That the Namibian Government should be an interested party in any discussions between its nationals and the German Government on the issue of reparations;*
- *That the dialogue be convened between, on the one hand, the German Government, and, on the other hand, the Namibian Government and representatives of the affected parties to try and resolve this matter amicably and thereby strengthening and solidifying the existing excellent relationship between the two countries (Germany and Namibia)."*

That is the long and short of this Resolution, and I hope that you have taken note of the fact that – in it – there is no mention of the so-called **“government-to-government negotiations”**

The language of this resolution is very **simple, straightforward** and **unambiguous**, as to who **should** or **shall** negotiate the reparations. It is the German Government and the representatives of the affected communities.

The resolution, however, did not exclude the Namibian Government but assigned to it the status of ‘an interested party’ in any discussions.

Although the resolution did not define or specify the role of an interested party, luckily, the former Namibian Minister of Foreign Affairs, the Honourable Utoni Nujoma, stated on the same floor of our Parliament (19 September, 2011), in response to a question raised by our late Paramount Chief, Riruako, who asked him this question:-

“Honourable Minister, would it be fair for one to assume that the Namibian government is simply not interested in the plight of the Herero and Nama victims of the German Genocide committed against innocent Namibians during that time?”

This is how the Minister answered:-

“No... we see the role of the Namibian Government as a mediator between the German Government and the affected communities...”

He also said,

“Despite the ‘Special Relationship’, tension exists on both German and Namibian sides because of this issue. Both sides would benefit very little if this dark chapter of our history is merely closed without any remedial outcome.”

The answer to the question before us has partially been answered by the resolution itself which clearly states that it shall be three main stakeholders – e.g., German Government, the Representatives of the affected parties/communities and the Namibian Government, as an interested party.

This Resolution is the only mandate the Namibian Parliament has decided on; it was communicated to the German Government **at the highest level** and it was never rejected.

This resolution is a unanimous expression of the highest legislative body of the Republic of Namibia.

It is not – as it were – a resolution of a Politburo or a Central Committee of a political party, but of the whole Parliament, and should therefore deserve a better treatment and the honour that should befit it. Otherwise our Parliament would be reduced to a House of Mockery.

I have recently heard from a former member of the German Parliament that this Resolution is not binding on the German Government, because (so goes the argument) it was a unilateral decision of the Namibian Government.

This resolution is, in my opinion, the cause of all these on-going negotiations between our two countries – and there can be no two-ways about it or a veiled rejection of it.

And if it is not, what then is the basis of the two governments' so-called negotiations or what are the Terms of Reference of the two Special Envoys of the two countries?

The resolution talks about Genocide and Reparation and the on-going negotiations are said to be about the same (or, at least, so the negotiators pretend), what then is the significance of saying that it is a Namibian resolution and not binding on the German Government?

One issue I should raise at this point is that all those Namibian people who are **used** (if **not abused**) by the Namibian Government and who hail from the Herero and Nama communities, do not represent the affected communities at all. They are, to all intents and purposes, recruited to serve the interests of the Namibian Government to which they report and on whose pay-roll they are. It does not matter whether they are Hereros or Namas, because they would be like any other Namibian in the Special Envoy's delegation, who may not be a Herero or Nama at all.

They are only a decoy to give the misleading impression that Herero and Nama members of the affected communities are also represented in the negotiations. They will fit the description of lackeys and quislings rather than that of true representatives of the affected communities.

2. The issue of the Diasporans

The Genocide war against the Hereros and Namas forced many of them to flee to, among others, Botswana and South Africa where they continue to live until today.

Who should represent them, since they are the living testimony of what had happened to their forebears in colonial “German South West Africa”?

Can you – or should you – exclude these Diasporans from any negotiations concerning the same genocide against them and their counterpart Namibian kith and kin who remained behind in Namibia?

My argument for tonight is that they also should be part and parcel of any negotiations between the German Government and the other fellow affected communities. So far, they have regrettably been excluded.

I plead for their inclusion, because: Do they not suffer the same **generational socio-economic effects** of this genocidal war, which caused many of them to lose even their own languages and cultures? **And is that not Cultural Genocide?**

3. German/Namibian Agreement Declaring Reparation Payments Void

The so-called inter-governmental negotiations that are going on are a public display of dishonesty because, in a publication that was funded by the Konrad Adenauer Foundation, a certain researcher, Mr Jan Grofe, revealed the following - (and I quote):-

“After Namibia’s independence in 1990 and German reunification in the same year, the Hereros instituted claims for reparation from Germany. By then, however, the two states had agreed to establish a special relationship due to their historical ties. For the German government, these special relations entailed providing Namibia with more developmental aid than any other country.... For its part, the Namibian government agreed that continuing German development aid, together with the German Democratic Republic’s support for the South West Africa People’s Organisation (SWAPO) during the struggle for independence against South Africa, made reparation payments void.”

In view thereof, Ladies and Gentlemen –

Are the two governments, who are engaged in these negotiations, honest when they even refer to the words: “genocide”, “reparation” and “apology” in their public statements when the bilateral agreement reveals to us that the development aid to Namibia and whatever support was given to SWAPO had made reparation payments null and void?

The German Ambassador in Namibia has already said that there will be no reparation and that the admission of genocide has no legal consequences.

Are these statements not said within the context of this betrayal agreement?

Is there any need for an 'apology', because to admit the crime of Genocide and the concomitant damage it caused and then to refuse to pay reparation defeats the logic of the admission to the crime.

It amounts to a criminal telling the judge that he pleads guilty but for punishment he will only offer what he dictates.

That is an arrogant usurpation of the prerogative of a judge. That is how I characterise the utterances and behaviour of the German Government representatives. How can a criminal determine his own punishment?

Dr Ngavirue, the Namibian Special Envoy, should be in a position to throw some light on this agreement since he was the Director-General of the Namibian National Planning Commission which was signing development aid agreements on behalf of the Namibian Government.

I cannot believe that those who say no reparation payment and no legal consequences are not aware of this agreement under reference. They too should admit that there was/is such an agreement and also the circumstances under which it was agreed to put it into an agreement.

Otherwise, why wasting time, energy and money on these so-called negotiations whose out-come is already known?

4. German Settlers in Colonial Namibia were paid Compensatory reparation

A former Minister of German descent in the Cabinet of our Founding President, H. E. President Nujoma, and a respected historian, Dr Klaus Dierks, wrote as follows:-

"A preliminary Compensation Commission consisting of Attorney Erdman, O. Erhard, M.Kirsten, Carl Schlettwein and Albert Voigts travel to Berlin in order to obtain compensation for war damages suffered by German farmers. The Reichstag approves firstly (June 1904) two million Mark and later another five million Mark."

If the German settlers were paid compensation for damages to probably ill-gotten or stolen Herero lands, why should we be told that there will be no reparation for what our ancestors lost in land, cattle and human lives? We call it by its real name: **R A C I S M**.

5. Who Should Negotiate Restorative Justice After Genocide

In conclusion, I would like to invite this august audience to give us unwavering support by rejecting, as we do, the current government-to-government negotiations as a **false start**, and, being a false start, our two governments should do what is done in athletic competitions: they stop the race for the sprinters and start it all over again – and this time, in our case, it should be with the right people who command

the respect and support of the overwhelming majority of our people, some of whom you are looking at in this audience.

An **all-inclusive representation** of the Hereros and Namas in the Diaspora (in Botswana, South Africa, USA, Germany, etc.) must be part of the negotiations, so that Germany would not have to repeat the same thing with people in individual countries.

The example of the Jewish Holocaust Representation is a good case in point to be followed, because Jewish Organisations without sovereignty (just as the Hereros and Namas) from all over the world were represented during the Holocaust negotiations alongside the two sovereign states: The **Federal Republic of Germany** and the **State of Israel**.

Why should it be different or difficult with us?

To achieve this, the following values must also be the guiding principles:

Both the German and Namibian governments must have a **moral approach, a political will, honesty** and **un-hypocritical sympathy** to deal with the issue of the Herero/Nama Genocide.

The obvious condescending and racist attitude of the German Government spokespersons must come to an end!

And equally, the obvious disdainful and tribalistic attitude against the Hereros and Namas by the Namibian government must also stop!

And finally, all previous agreements that were designed to undermine the interests of the Hereros and Namas on their demand for Reparation must be declared null and void.

Namibia, Germany and the *bona fide* Representatives of the Hereros and Namas (inclusive of those in the Diaspora) should face each other in a trilateral negotiating discussions, for they are the sole and authentic ones: 'Who should Negotiate Restorative Justice After Genocide'.

I rest my case. Thank you!