

REPUBLIC OF NAMIBIA



REPLY TO THE DISCUSSION ON GENOCIDE

BY

HONOURABLE FRANS KAPOFI

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NATIONAL ASSEMBLY

NATIONAL ASSEMBLY REPLY BY THE HONOURABLE FRANS KAPOFI, TO THE DISCUSSION ON GENOCIDE

Honourable Deputy Speaker and Esteemed Members of the House,

1. On 21 September 2021 I stood here to make a statement on an important and longstanding national issue, namely the negotiations between the Republic of Namibia and the Federal Republic of Germany on genocide. My statement was a precursor to a frank and open discussion by Members of this House on the issue.
2. At the time I humbly called upon members of this House when discussing this important national issue to be sensitive to and tolerant of divergent and sometimes strong views on the matter. I did this knowing that because of the emotive nature of the subject and hurtful memories of this dark part of our history, strong and divergent views would be inevitable. Deputy Speaker, Esteemed Members, at the time I also underscored the fact that a robust but dignified deliberation over any important national issue such as this one is part of our cherished and hard-won democratic culture.

3. Thus, over a period of more than ten weeks, it was pleasing to note that Members of this House as the representatives of the electorate openly and yet frankly made their voices heard by making important and informative representations worthy of note. Honourable Deputy Speaker, Esteemed Members, I therefore have no doubt that their representations made here will be helpful to the Executive in dealing with this matter going forward. While there may have been some few cases of Members, for political expedience, regrettably to score some political points in a manner that was not conducive to a frank and dignified discussion of the matter, I must recognize that the discussions were, by and large, truly reflective of the Namibian culture and values of promoting peace, reconciliation and unity.
4. Before I refer to some issues and concerns raised by Members during the discussion of this important issue, I wish to remind you, Honourable Deputy Speaker and Esteemed Members, that the negotiations between Namibia and Germany that followed the resolution passed by this House in 2006 and other subsequent executive decisions were based on three main Pillars, namely genocide, apology and reparation.
In the context of gauging the extent and nature of the progress made and achievement registered during the negotiation

process, one must therefore dispassionately consider each of the three Pillars and the principle agreements reached in respect of each in the draft Joint Declaration by the Federal Republic of Germany and Namibia with the view to interrogating whether or not progress had been made. Clearly, there has been an enormous and tangible progress made by our negotiating team and this is worth noting and acknowledging.

5. It bears emphasis that the Joint Declaration seeks amongst others to recognise that genocide was committed and deep wounds were inflicted on the affected communities and other people of Namibia by atrocities perpetrated by Germany during its colonial rule over Namibia, in particular between 1904 to 1908. Significantly, should the Joint Declaration be finally executed, the German government would readily acknowledge that abominable atrocities were committed during the period of the colonial war by Germany culminating in the killings and suffering of a multitude of Namibian people on a genocidal scale.

The acknowledgment of genocide is a necessary pre-condition for Germany to tender a genuine, unconditional and sincere apology to the descendants of the victims of the genocide, and to Namibia in general.

6. Honourable Deputy Speaker and Honourable Members allow me to underscore the fact that the Joint Declaration also clearly states that the Germans will extend a sovereign apology in accordance with international standards and practices. Therefore, Honourable Deputy Speaker and Esteemed Members, an apology made within this context is not a mere token or empty statement. If it is made genuinely and sincerely, a sovereign apology is an important act of atonement. Sovereign apologies are accepted internationally as they seek to provide public accountability, advance reconciliation and guarantee non-recurrence of harmful policies and activities by the perpetrators. This is because by atoning a painful chapter of a particular nation through an apology, it is taken that the perpetrators or other would-be perpetrators will become less inclined to commit the same human rights violations in future.

7. I therefore wish to state that an apology is a significant step in the process of healing the deep wounds of the past. But I must point out that we as a government recognise that an apology standing alone may not be enough to satisfy the affected communities and the Namibian people at large, and establish responsibility and historical truth. It is thus reassuring that Namibia is negotiating the genocide issue on the basis of three main Pillars. In respect of Pillar 1 and Pillar 2, namely acknowledgment of genocide and proposed tendering of an apology, a significant progress has undeniably been made in the negotiation process. This progress must be sustained and reinforced.
8. The third Pillar represents reparation. As a matter of principle, Germany has in the Joint Declaration made a financial commitment as part of atonement for its responsibility over the genocide committed against the affected communities. However, we as government recognise that it is in respect of this Pillar where strong and divergent views were expressed, and perhaps where significant unhappiness has been recorded if one has regard to the general sentiments expressed in this august House.

The strong and divergent views and unhappiness by Members over the quantum suggested by the Federal Republic of Germany are not surprising as, in fact, in my September statement in this House I indicated that the Namibian government has since raised a number of issues with Germany particularly on the quantum and disbursement period.

9. With what I stated above in mind, Honourable Deputy Speaker, Esteemed Members, I now wish to briefly touch upon some sentiments expressed by a number of Members during the discussions. There were sentiments made, as I stated, by a number of Members over government's alleged failure to involve affected communities in the negotiation process. These allegations are not borne out of the facts. They are simply not correct. Honourable Deputy Speaker and Esteemed Members, government has at various platforms clarified this issue to the effect that affected communities were widely consulted and also invited to participate in the process, but some unfortunately decided not to be part of the government process, presumably because at that point some Members of affected communities preferred to address the matter through the then ongoing litigation in New York. In fact, the affected communities are

represented on the Namibian negotiation team, both at the political and technical level.

10. Honourable Deputy Speaker, Esteemed Members, be that as it may, on the issue of alleged exclusion of some members of the affected communities, let me reiterate a statement made by the Right Honourable Prime Minister as the leader of the government business in this House on 30 September 2021, when she stated that: *“The government’s door remains open for those Namibians who were not on board to join so we can conclude this matter.”* This undertaking reaffirms government’s commitment to the letter and spirit of the 2006 resolution which requires: *“That 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.”*
11. Furthermore, what is prominently manifest from the discussions in this House is that there appears not to be a serious opposition to and unhappiness over Pillar 1, i.e., acknowledgment by Germany that genocide took place, and Pillar 2, i.e., the

apology. The main issue of concern relates to Pillar 3, being the amount of reparation and disbursement thereof. Some Members called for the negotiation to start all over. Some Esteemed Members also suggested that while they agree that the amount is not commensurate with the acts of genocide committed by Germany it however constitute a good basis for further engagement with the Germans.

12. Honourable Deputy Speaker, I did not give an exhaustive list of what was expressed by the Esteemed Members. The views expressed by all Members on various issues on the genocide, apology and reparations will be collated and taken into consideration by the Executive when handling this matter going forward.
13. Honourable Deputy Speaker, Esteemed Members, let me remind Members that the resolution of this House which gave birth to the negotiation process which culminated in the Joint Declaration was passed by this House during 2006 and it took more than a decade for the actual negotiation to start. I want to caution that, negotiation being what it is, entailing give and take, one must be alive to the fact that because of various political and economic dynamics it could be a serious mistake for Namibia to naively abandon the negotiation process altogether

in the absence of any appreciable guarantee that if the ongoing negotiations are abandoned the Federal Republic of Germany will necessarily be willing to restart negotiations and agree on new and improved terms of the Joint Declaration.

14. Judging from the sentiments of a number of Members in this House and from the sentiments by certain quarters of our society, there appears to have been a misunderstanding of the nature of the discussion we had over the last two months. The government, while not obligated to refer this matter to the National Assembly prior to the signing of the Joint Declaration, given its importance deemed it appropriate to give you, Honourable Deputy Speaker, Esteemed Members, an opportunity to give your input on the matter. For avoidance of any doubt the Joint Declaration was not brought to Parliament for approval. It was a consultative and participatory process specially fashioned by government in order to give everyone an opportunity to make input. Therefore, as the Right Honourable Prime Minister stated on 30 November 2021, the government is going to further engage Germany and should the parties ultimately agree to and finalise the Joint Declaration, of course as required in terms of Article 63(2)(e) of the Constitution, the

signed Joint Declaration would have to be debated by this very House for purposes of ratification.

15. As I conclude I wish to profoundly and sincerely acknowledge the most effective and appropriate manner in which the Honourable Speaker and Deputy Speaker have directed these proceedings dealing with an important and sensitive national issue. Furthermore, I wish to recognise the good work done by leaders of the political parties in this House and Chief Whips and in fact all Members for making it possible for this discussion, over a prolonged period, to be finalised in a dignified manner. Your contributions, Esteemed Members, were truly informative, thought-provoking and indeed helpful to government in steering this delicate matter further. To the affected communities and descendants of the victims, government wants to assure you that while, because of various factors such as the period that has since lapsed after the genocide, is determined, to the extent possible to bring this issue to finality to the relative satisfaction of everyone.
16. Last but not least, I want to pay a special tribute to the late Ambassador Zed Ngavirue for his leadership during the negotiation process.

Equally, may I also pay special tribute to the men and women who were involved in this difficult national assignment.

17. Honourable Deputy Speaker, Esteemed Members, as we finalise our legislative business for the year, may I take this opportunity to wish you a Merry Christmas and a Prosperous 2022.

I THANK YOU.