

## **RESTORATIVE JUSTICE AFTER GENOCIDE**

### **Joint Resolution of the Delegates to the**

### **I. Transnational Congress on the Ovaherero and Nama Genocides Berlin, October 14-16, 2016**

The congress brought together, in solidarity and common purpose, people of African and non-African descent in Berlin, Germany, on 14<sup>th</sup> to 16<sup>th</sup> October 2016, with numerous descendants of the victims of the Ovaherero and Nama genocides 1904-1908 from all over the world to:

- I. reflect on Ovaherero and Nama anticolonial resistance, the genocides of 1904-08, their long-term impact and the ongoing struggle for restorative justice for the Ovaherero and Nama genocides.
- II. evaluate the recent developments with regard to the ongoing so-called genocide negotiations between the Namibian and German governments, and the exclusion of the Ovaherero and Nama.
- III. affirm the right of the Ovaherero and Nama communities to be directly involved in negotiating a comprehensive solution, including recognition of the genocide, a sincere and appropriate apology, as well as just reparations to the Ovaherero and Nama communities who continue to suffer the adverse effects of the genocide.
- IV. chart a course for transnational actions to:
  - a. recognise the events of 1904 – 1908 against the Ovaherero and Nama as genocide as defined by international law and state practice.
  - b. ensure that the Ovaherero and Nama communities in Namibia and the Diaspora are directly and broadly represented by their own leaders at any negotiations with the German government on the questions of genocide and reparation/restorative justice, with the Namibian government playing a facilitating role.
  - c. secure restorative justice and the repatriation to Namibia, in a dignified manner, of all Ovaherero and Nama human remains which were shipped to Germany and elsewhere.

### **Part I - Reflecting on History**

Reflecting on Ovaherero and Nama anticolonial resistance, the genocides of 1904-08, their long-term impact and the ongoing struggle for restorative justice, we:

1. emphasise that the Ovaherero and the Nama wars against the German colonial regime in 1904/05 were justified.
2. affirm that Germany's planned action and crushing down of the resistance not only constituted crimes against humanity but genocide against the Ovaherero and Nama people, according to the UN Genocide Convention of 1948.
3. emphasise that the Ovaherero lost more than 80% and Nama more than 70% of their beloved children, women and men, many of whom were imprisoned in deadly concentration camps.
4. affirm that besides the heinous losses of human lives the surviving Ovaherero and Nama were tortured, raped, dispossessed and either expelled from the country, displaced, deported, deprived of their human dignity and used as forced labourers.

5. affirm that the Ovaherero and Nama have up to now never been compensated for these cruelties, for their forced labour or for the complete loss of their land, livestock and properties, amongst others.
6. recognise women as particularly affected victims of the genocide, as stipulated in article 11 of the UN resolution 1325.
7. bear witness to the long-term psychological, spiritual, economic, social, cultural and political impact of the genocide on the Ovaherero and Nama people in Namibia as well as in the Diaspora.
8. emphasise that the Ovaherero and Nama were robbed of the human remains of their relatives which were shipped to Germany and other countries in large numbers.
9. affirm that even the ongoing exclusive intergovernmental negotiations between Namibia and Germany are above all the result of the Ovahereros' and Namas' long struggle for restorative justice.

## **Part II: Evaluating the Present**

Evaluating recent developments and the present situation in Germany and Namibia, we:

1. recognise that the Ovaherero and Nama communities' present situation in Namibia and the Diaspora is a direct result of the genocides of 1904-08.
2. emphasise that the ongoing intergovernmental negotiations between Namibia and Germany are taking place behind closed doors and without the acknowledged and authentic representatives of the Ovaherero and Nama communities.
3. affirm that this exclusion of the Ovaherero and Nama representatives from a direct participation in the negotiations by the German government violates the victim-centred principles of restorative justice after the crime of genocide.
4. underline that the Namibian government cannot by any means claim to represent the considerable Ovaherero and Nama communities in the Diaspora (e.g. South Africa, Botswana, Togo, Cameroun, the U.K, the U.S.A., Canada and Germany).
5. point out that the exclusion of Nama and Ovaherero, who are the affected communities, from a direct participation in the negotiations by the Namibian government is in direct opposition to the resolution of the Namibian Parliament passed in 2006: [http://genocide-namibia.net/wp-content/uploads/2015/02/2006\\_09\\_Motion\\_Genocide\\_nam\\_parliament-1.pdf](http://genocide-namibia.net/wp-content/uploads/2015/02/2006_09_Motion_Genocide_nam_parliament-1.pdf)
6. affirm that the exclusion of the Ovaherero and Nama from genocide negotiations contradicts and rejects the spirit of the Declaration of the World Conference against Racism in Durban 2001, to which the Namibian government is a party (DDPA, esp. Art. 23, 43, 98-106): <http://www.un.org/WCAR/durban.pdf>
7. emphasise that the exclusion of the Ovaherero and Nama from genocide negotiations also contradicts and rejects the spirit of the 2007 United Nations Declaration on the Rights of Indigenous Peoples, to which the Namibian government is a party (esp. Art. 7, 8, 10-12, 18-20, 25-28, 40): [http://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf).
8. underlines that this exclusion also contradicts Resolution 1325 (2000) of the UN Security Council, which was initiated by Namibia, and requires equal participation and full involvement of women at all levels of decision-making with regards to conflict resolution and prevention, and the end of impunity for genocide, crimes against humanity and war including those relating to sexual and other violence against women and girls (esp. Art.1, 11): [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/1325\(2000\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1325(2000))

### **Part III: Restoring Justice**

Affirming the right of the Ovaherero and Nama communities to be directly involved in negotiating a comprehensive solution, including recognition of the genocide, a sincere and appropriate apology, as well as just reparations to the Ovaherero and Nama communities who continue to suffer the adverse effects of the genocide, we call upon:

#### **the German government to**

1. recognise immediately the Ovaherero and Nama genocide through a Bundestag resolution and a statement by the German chancellor or president (as was the case for the Hayots Tseghaspanutyun/Armenian genocide, the Shoa/Jewish genocide, and the Porajmos/Roma genocide).
2. apologise to the descendants of the victims of the Ovaherero and Nama genocide in Namibia and the Diaspora and commit itself to negotiate the modalities for reparations with them.
3. negotiate directly with the representatives of the affected communities about reparations for the lasting material and immaterial damage incurred by the victims of the Ovaherero and Nama genocide and their descendants.
4. return all looted Ovaherero and Nama cultural artefacts in their possession and to put pressure on the German federal states, institutions and private holders to repatriate objects taken by force.
5. share the knowledge generated by previous and current research on Ovaherero and Nama human remains with the descendants of the victims of genocide, cease any current research that is not serving identification, re-humanization and repatriation, and, from now on, conduct such kind of research only with the full knowledge and approval of the descendants of the genocide.
6. address the German-speaking community living in Namibia, so that they engage with the Ovaherero and Nama communities in a spirit of reconciliation and dialogue, and find ways leading to restorative justice.

#### **the Namibian government to**

7. affirm the right of the affected Ovaherero and Nama communities to pursue restorative justice for the Ovaherero and Nama genocide.
8. facilitate the direct and broad participation of the representatives of the Ovaherero and Nama communities from Namibia and in the Diaspora in any negotiation about the genocide and reparations, as resolved by the Namibian Parliament in October 2006.
9. address the German community living in Namibia, so that they engage with the Ovaherero and Nama communities in a spirit of reconciliation, dialogue, and find ways leading to restorative justice.

#### **both governments to**

10. agree to the Ovaherero and Nama communities' right to choose who will act as critical observers to the negotiation process.
11. make sure that the genocide will become and stay an everlasting subject in education and memorial culture, especially in Namibia, Germany and the Diaspora, both in its own right but also as a deterrent to future genocide.

#### **all German and Namibian Parliamentary parties to**

12. intensify their support for the Ovaherero and Nama's quest for acknowledgement, apology and inclusion in any genocide negotiations.

#### **civil society in both countries to**

13. engage in a broad and permanent critical reflection on the genocide in a way that helps preventing any further occurrence of such heinous crimes.

**all Namibian citizens of German descent to**

14. address the consequences of the Ovaherero and Nama genocide.

**all churches**

15. to support the Ovaherero and Nama's quest for acknowledgement, apology and inclusion in any genocide negotiations.

**the German Lutheran Church**

16. to recognise their own involvement in the Ovaherero and Nama genocide.

**the Catholic church**

17. to recognise the Ovaherero and Nama genocide as the first genocide of the twentieth century, correcting a previous statement by Pope Francis in 2015.

**German companies and their successors (including Deutsche Bank, Wecke & Voigts, Woermann, and others) who profited from Ovaherero and Nama slave labour between 1904 and 1908 to**

18. accept responsibility, to apologise and to contribute to just reparations for the Ovaherero and Nama genocide.

**all nation states, the African Union and the United Nations to**

19. pay tribute to the current UN Decade for People of African Descent by officially recognising the Ovaherero and Nama genocide.
20. put pressure on Germany to acknowledge the genocide, to apologise and to negotiate directly with the representatives of the Ovaherero and Nama about just reparations, about the return of looted artefacts and the repatriation of Ovaherero and Nama human remains.

**Part IV: Globalising the Struggle**

Realising that a course for transnational actions to secure restorative justice is necessary, we will:

1. hand over this congress resolution to all relevant stakeholders abovementioned and to the public in general.
2. use all political and legal options for achieving restorative justice after the genocide committed against the Ovaherero and Nama communities.
3. urge by all appropriate means the stakeholders in the process leading to restorative justice (mentioned in part III) to ensure full implementation of the congress resolution.
4. extend the lobbying of politicians of all parties in Germany and Namibia to all levels and broaden the struggle by also addressing politicians in other countries on the issue of the Ovaherero and Nama genocides.
5. use all our capacities to make the Ovaherero and Nama genocides, as well as the abuse of the remains of Ovaherero and Nama ancestors, prominent issues in the current UN Decade for People of African Descent.
6. campaign for the establishment of an international day to commemorate the Nama and Ovaherero genocides and to commemorate them on the occasion of other relevant days such as the International Day of Commemoration and Dignity of the Victims of the Crime of Genocide and the Prevention of this Crime on every 9<sup>th</sup> December, every 12<sup>th</sup> October as the International Reparations Day, every 25<sup>th</sup> May on Africa Day, etc.

7. continue to meet on a transnational basis to discuss measures that support the Ovaherero and Nama communities' quest for restorative justice.
8. set up a transnational non-governmental committee for organising regular meetings and implementing the measures decided upon.

**Signing traditional authorities and non-governmental organisations:**

Paramount Chief Adv. Vekuii Rukoro, Ovaherero Traditional Authority  
Chief Petrus Moses Simon Kooper, Nama Traditional Leaders Association  
Paramount Chief Aletha Nguvauva, Ovambanderu Traditional Authority  
Chief Sam Kambazembi, Kambazembi Royal House  
Chief Turimuro Hoveka, Hoveka Royal House  
Chief Raphael Kapia, Zeraeua Royal House  
Councillor Samuel David Isaacs, Nama Traditional Leaders Association

Hon. Ida Hoffman, Nama Genocide Technical Committee  
Esther Utjiuua Muinjangu, Ovaherero Genocide Foundation (OGF)  
Dr. Ngondi Kamatuka, Association of the Ovaherero/Mbanderu Genocide in the USA (AOG)  
Dr. Kavemuii Murangi, Ovaherero/Mbanderu and Nama Genocide(s) Institute (ONGI)  
Stanley Kaitjindi, Otjiherero-Speaking Community in the USA (OSCU)  
Israel Kaunatjike, NGO Alliance „Völkermord verjährt nicht/No Amnesty on Genocide“  
Moctar Kamara, Central Council of the African Community in Germany  
Tahir Della, Initiative of Black People in Germany (ISD)  
Marianne Balle Moudoumbou, Africa Council Berlin-Brandenburg and Pan-African Women's Empowerment and Liberation Organisation (PAWLO)  
Nicolai Röscher, AfricAvenir International, Berlin  
Hans-Christian Mahnke, AfricAvenir International, Windhoek  
Sylvia Werther, Berliner Entwicklungspolitischer Ratschlag (BER)  
Christian Kopp, Berlin Postkolonial