

SEVEN PRINCIPLES OF
RESTORATIVE JUSTICE
Ovaherero People's Memorial and
Reconstruction Foundation

Workshop by
JEPHTA NGUHERIMO

1. Full Formal Apology

The German government's persistent denial of the genocide committed against the Ovaherero people between 1904 and 1908 continues to retraumatize the descendants of the victims and survivors. To heal these wounds, Germany must issue a formal and unambiguous apology directly to the descendants. The state must cease its threat of issuing a formal apology solely in the historical context. Such a statement will not help with the healing process and may further fuel the grievances of the descendants.

Thus, the Ovaherero People's Memorial and Reconstruction Foundation (OPMRF) demands that Germany offer a full and unambiguous apology to the descendants. The apology must be formally endorsed by the Bundestag and include a clear explanation of the crimes committed.

2. Reparations

The German colonial government destroyed the cultural and sociopolitical institutions of the Ovaherero people after the war by denying them ownership of properties such as land and cattle as well as the right to assembly to reconstruct their society. The German government forcefully confiscated land, cattle, goats, and horses that belonged to the Ovaherero and gave them to German settlers.

Thus, the OPMRF demands that the current German government pay reparations to the Ovaherero people for the loss of properties, land, and cattle, at the current market value of the goods that were taken from them.

3. Restitution

German colonial officials, settlers, and visitors looted cultural artefacts, robbed sacred cemeteries, killed and maimed individuals, and exported human remains that are currently housed in universities and museums in Germany, the US, France, and elsewhere.

Thus, the OPMRF demands that the German government commit to the repatriations of the stolen artefacts and human remains that were taken without the consent of the Ovaherero people.

4. Resettlement

The German colonial troops were under Lothar von Trotha's infamous extermination order, which explicitly stated that 'within the German borders every Herero, with or without a gun, with or without cattle, will be shot'. As a result, many Ovaherero people fled east to Angola, Botswana, and South Africa. The survivors of the genocide lived in their host countries as refugees who fled persecution. Many survivors and their descendants yearn to return to their home country, present-day Namibia.

Thus, the OPMRF demands that the German government fund a programme of resettlement of the descendants of the survivors who wish to return to Namibia. Furthermore, it must commit to and jointly develop a programme of financial rehabilitation for the descendants who return by constructing health facilities, schools, and agricultural programmes—financing and drilling boreholes—for them to engage in meaningful activities as citizens.

5. Economic Rehabilitation

German colonial troops displaced Ovaherero people from their land. Much of the vast territory available for the resettlement of the diaspora must be rehabilitated to make it livable and economically viable, enabling those resettled to engage in meaningful and productive economic activities. Thus, the OPMRF demands that any resettlement programme be accompanied by financial, legal, and economic assistance, which may include, among other measures, drilling boreholes, fencing designed areas, and making the land more accessible for transportation. The German government must commit to a reparatory justice framework that includes a comprehensive rehabilitation process jointly developed with the affected communities.

6. Inclusive Multilateral Negotiations

The German and Namibian governments have engaged in bilateral negotiations from which the descendants of the genocide's victims in Namibia, Botswana, South Africa, and elsewhere have been excluded. Following General von Trotha's explicit order to expel the Ovaherero people from so-called German territory, surviving Ovaherero fled

to Botswana, South Africa, and Angola. They were not allowed to return until after Namibia gained independence. The descendants of the victims and survivors continue to live in these countries, but without clear international legal status. In Botswana, for example, many are considered nationals but do not enjoy full citizenship rights.

Thus, the OPMRF demands that the German government, in the spirit of reconciliation, engage in multilateral negotiations involving the descendants of the victims and survivors of the genocide, regardless of their geographical location. Such negotiations should include the African Union, the United Nations, and relevant regional human rights bodies as observers to the process.

7. Framework and Modalities for Reparatory Justice

The German and the Namibian governments engaged in negotiations on the genocide without transparent frameworks. These negotiations lacked the basic structures to include the affected communities and allow them to express their grievances. They also failed to account for the historical scope and understanding of the genocide and led to the joint declaration of 2021 between the two governments, which has been overwhelmingly rejected by the affected communities and the parliament. Thus, the OPMRF demands that the German government commit to jointly developing frameworks and modalities for reparatory justice with the affected communities, the United Nations, the African Union, and other relevant stakeholders. Such a framework would help create fair, mutually agreed upon principles and avenues for meaningful negotiation.

Editorial Note: Instead of a report, we are sharing the principles according to which the Ovaherero People's Memorial and Reconstruction Foundation (OPMRF), with which Nguherimo is affiliated, operate.