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NAMIBIA: MORE THAN A CENTURY SINCE GERMANY'S COLONIAL GENOCIDE, OVAHERERO AND NAMA PEOPLES ARE STILL FIGHTING FOR REPARATIONS

2 October marks the anniversary of the extermination order issued by a German colonial commander in 1904, calling for the destruction of the Ovaherero people in Namibia. Six months later, on 22 April 1905, the same commander issued a proclamation ordering the extermination of the Nama people. More than a century since the proclamations, the legacies of Germany's colonial genocide against the Indigenous Ovaherero and Nama peoples continue to impact the human rights of descendants.

Despite decades of demands for reparatory justice by Ovaherero and Nama communities, Germany has consistently refused to engage in meaningful consultations with the affected descendants or to provide reparations. Under international human rights law, Germany has a duty to address the consequences of its colonial crimes and provide full and effective reparations to the victims' descendants.

Today, the Ovaherero and Nama continue their struggle for reparatory justice not only through political advocacy but also through courts. Next week, the High Court of Namibia will decide whether Germany should be added as a party to ongoing litigation concerning a joint declaration between the Namibian and German governments - a process that has been criticized for sidelining the very communities most affected by the genocide.

THE FIRST GENOCIDE OF THE 20TH CENTURY

Between 1904 and 1908, German imperial military forces waged a genocide against the Ovaherero and Nama peoples in Namibia, brutally suppressing indigenous resistance to colonial land dispossession.[1] Ovaherero and Nama men, women and children were systematically executed by German forces and deliberately driven into the Omaheke Desert, where thousands died of dehydration and starvation. It is estimated that 80% of the Ovaherero and 50% of the Nama populations were killed during this period.[2]

Those who survived the massacres were captured by German imperial forces and detained in deadly "konzentrationslager" (*concentration camps*) established by German colonial authorities across Namibia.[3] Thousands of prisoners died in these camps as a result of disease, malnutrition, and exhaustion caused by the inhumane conditions, torture, and brutal forced labour they were subjected to. Ovaherero and Nama women and girls were also systematically raped and subjected to other forms of sexual violence.[4] The skulls of Nama and Ovaherero prisoners who died in the camps were shipped to German universities and museums for racist pseudo-scientific research, many of which remain in Germany to this day.[5]

ENDURING LEGACIES OF THE GENOCIDE

The legacy of Germany's colonial genocide continues to reverberate in Namibia today, with enduring consequences for the memory, identity, political and socioeconomic conditions of the Nama and Ovaherero peoples.

[1] Jürgen Zimmerer & Joachim Zeller (editors), *Genocide in German South-West Africa: the colonial war (1904-1908) in Namibia and its aftermath, 20*08; Casper Erichsen & David Olusoga, *The Kaiser's Holocaust: Germany's Forgotten Genocide and the Colonial Roots of Nazism*, 2010; Jeremy Sarkin, *Germany's Genocide of the Herero: Kaiser Wilhelm II, His General, His Settlers, His Soldiers,* 2011.
[2] Joint communication to Germany from 7 UN Special Rapporteurs, 23 February 2023, AL DEU 1/2023, https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=27875.
[3] Forensic Architecture, German Colonial Genocide in Namibia: Shark Island, 28 June 2024, https://forensic-architecture.org/investigation/shark-island; Forensic Architecture, German Colonial Genocide in Namibia: Swakopmund, 15 October 2024, https://forensic-architecture.org/investigation/swakopmund.
[4] Elisa von Joeden-Forgey, "Gender, sexual violence, and the Herero genocide" in Chelsea Schields and Dagmar Herzog (editors), *The Routledge Companian to Sexuality and Colonialism*, 2021.
[5] Report of the Working Group of Experts on People of African Descent on its mission to Germany, 15 August 2017, UN Doc. A/HRC/36/60/Add.2, https://docs.un.org/en/A/HRC/36/60/Add.2;

"Today, the Ovaherero and Nama remain minorities in Namibia. Our small numbers are the living consequence of the genocide, and this reality continues to haunt us. It has left us politically vulnerable, with little chance to shape the direction of the country through the ballot box. Hence, the Namibian government's indifference to our demands to participate in the negotiations about us," said Jephta Nguherimo, a Namibian activist and founder of the OvaHerero People's Memorial & Reconstruction Foundation.

The dispossession of ancestral lands and loss of cultural heritage as a result of the genocide have caused irreparable damage and transgenerational harm for Nama and Ovaherero descendants. As UN Special Rapporteurs observed in 2023, "[r]obbed of their rich grazing lands, which provided the economic basis for their existence, and deprived of much of their cultural heritage, many of the Ovaherero and Nama people have been condemned to perpetual and institutionalized poverty for generations."[6]

The Ovaherero and Nama peoples continue to be prevented from accessing some of the ancestral land and sacred sites dispossessed during German colonial rule. This includes the former Nama settlement of ||Nâǂgâs (known today as Hornkranz), which formed the site of a massacre of |Khowesin (Witbooi) Nama by German forces in 1893. The settlement is now a privately owned farm, with descendants of the Hornkranz massacre victims requiring permission from the landowner to access their ancestral lands to commemorate and pay respect to their ancestors.[7]

Indigenous Peoples in Namibia today are also facing the perpetuation of colonial patterns through new forms of dispossession driven by the extraction of natural resources and the transition to renewable energies.[8] In 2024, the UN Human Rights Committee expressed its concern that Indigenous Peoples in Namibia are "insufficiently consulted regarding the extraction of natural resources on their lands, with a view to obtaining their free, prior and informed consent."[9]

One such example is the planned construction of a major renewable energy project on Nama ancestral land in the Tsau ||Khaeb National Park by a British-German joint venture, which will produce green hydrogen for export to Europe.[10] In a submission to the UN Committee on Economic, Social and Cultural Rights, Nama leaders and partners, the European Center for Constitutional and Human Rights (ECCHR), Forensic Architecture, Minority Rights Group and the Society for Threatened People, have argued that the Nama people have not been meaningfully consulted on the development of the project, violating their rights as Indigenous People to self-determination and free, prior and informed consent.[11]

OVAHERERO AND NAMA PEOPLES CALL FOR REPARATIONS

For decades, Ovaherero and Nama peoples have been fighting for reparations from Germany for the colonial injustices committed against their ancestors.

"We the Nama Gaogu will continue fighting for restorative justice, as our former Chairperson of the Nama Traditional Leaders Association (NTLA), Gaob PSM Kooper eloquently put: 'Let us Die Fighting,'" said the NTLA.

Nama and Ovaherero groups are also calling for the preservation of the burial grounds of their ancestors killed during the genocide. These burial grounds, located throughout Namibia, but particularly around the former sites of concentration camps in Swakopmund, Lüderitz and Shark Island, are being threatened with erasure through neglect and increasing commercial development.

Shark Island, once the site of the deadliest concentration camp in former German South-West Africa, was transformed into and operated as a tourist campsite until mid-2025, with little trace of the horrors that took place there or the deep significance of the location to Nama and Ovaherero descendants. According to an investigation by Forensic Architecture, in collaboration with Ovaherero and Nama leadership, a proposed expansion of the Lüderitz port poses further risk of "desecration and erasure" to

[6] Joint communication to Germany from 7 UN Special Rapporteurs, 23 February 2023, (AL DEU 1/2023), https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=27875.

[7] Forensic Architecture, German Colonial Genocide in Namibia: The Hornkranz Massacre, 12 April 2024, https://forensic-architecture.org/investigation/german-colonial-genocide-in-namibia-the-hornkranz-massacre.

[8] European Center for Constitutional and Human Rights (ECCHR), From Empire to Energy imperialism: Germany's Colonial Legacy and 'Green' Projects in Namaqualand, https://www.ecchr.eu/en/case/vom-imperium-zum-energie-imperialismus-deutschlands-koloniales-erbe-und-gruene-projekte-in-namaqualand/.

[9] Human Rights Committee, Concluding observations on the third periodic report of Namibia, 3 May 2024, UN Doc. CCPR/C/NAM/CO/3, https://docs.un.org/en/CCPR/C/NAM/CO/3.

[10] Rosa-Luxemburg-Stiftung, "Green Hydrogen in Namibia: Unequal Partners? Risks and Realities of German-Namibian Hydrogen Cooperation" in Green at Home, Harm Abroad: Germany's Role in Global Resource Exploitation, https://www.rosalux.de/fileadmin/rls_uploads/pdfs/Studien/110625_RosaLux_RZ_EN_final.pdf

[11] Nama Traditional Leaders Association, ECCHR, Society for Threatened Peoples, Forensic Architecture and Minority Rights Group International, Submission on the impacts of German green energy policies on Economic, Social and Cultural rights on the Nama indigenous people to the UN Committee on Economic, Social and Cultural Rights on the occasion of the consideration of the List of Issues for Germany during the Committee's Pre-Sessional Working Group on 8th September to 3rd October 2025, 30 June 2025, https://www.ecchr.eu/fileadmin/20250630_LoI_Germany_CESCR_final.pdf.

Shark Island, threatening to destroy a site of unparalleled historical significance and disturb the unmarked burial sites of the thousands of Ovaherero and Nama killed at the camp.[12]

The Nama and Ovaherero are also demanding the return of the bodies of their ancestors killed during the genocide and the return of stolen artefacts which are still being held in German museums and universities.

A FLAWED "RECONCILIATION AGREEMENT"

In 2021, after six years of negotiations, the governments of Namibia and Germany concluded a joint declaration which acknowledges that "the abominable atrocities committed during periods of the colonial war culminated in events that, from today's perspective, would be called genocide."[13]

While the German authorities have agreed to pay the Namibian government approximately €1.1bn over a period of 30 years to support "programmes for reconstruction and development," the German government continues to deny that it has a legal duty to provide reparations to the Ovaherero and Nama peoples. The joint declaration makes no reference to or provision for "reparations," with German authorities arguing that "today's outlawing and prohibition of genocide under international law did not exist in the years 1904 to 1908" and that "there can be no legal responsibility under international law because the relevant legal instruments sanctioning these crimes came into existence at a later point in time." [14]

Ovaherero and Nama leadership have strongly rejected the joint declaration because of the lack of full, effective and meaningful participation by Ovaherero and Nama representatives in negotiations with the German government.[15] Echoing the criticisms of the lack of meaningful participation by Ovaherero and Nama peoples, the UN Committee on the Elimination of Racial Discrimination and the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance have affirmed that the "Ovaherero and Nama themselves must be permitted to shape the process of repair."[16]

Ovaherero and Nama groups have also denounced Germany's failure to acknowledge its legal duty to provide reparations to victims' descendants and the joint declaration's proposal of bilateral development aid instead of reparations. Development aid is not a substitute for full, prompt and effective reparations as required under international human rights law. Where former colonial powers set the terms and conditions for the provision of assistance to former colonies, development aid risks perpetuating and reinforcing colonial legacies and hierarchies rather than disrupting them.[17]

In 2023, representatives of the Ovaherero Traditional Authority (OTA), the NTLA, and the Landless Peoples Movement filed a case in the High Court of Namibia to have the joint declaration declared unlawful and set aside, arguing that the latter violates Namibia's constitution and international law.[18]

"Reparations are a component of transitional justice that, from the start, seeks to benefit victims directly. For a measure to count as reparation, it must come with recognition of responsibility, seek to remedy the harm suffered by victims, and be linked specifically to truth, justice, and guarantees of non-recurrence," said Patrick Kauta, one of the attorneys representing the applicants.

Next week, the High Court of Namibia will hear argument from the applicants on why the Federal Republic of Germany should be joined as a respondent to the proceedings.

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[12] Forensic Architecture, German Colonial Genocide in Namibia: Shark Island, 28 June 2024, https://forensic-architecture.org/investigation/shark-island.

[13] Joint Declaration by the Federal Republic of Germany and the Republic of Namibia, "United in Remembrance of our Colonial Past, United in our Will to Reconcile, United in our Vision of the Future,", 2021, deutsche-afrika-stiftung-joint-declaration-by-the-federal-republic-of-germany-and-the-republic-of-namibia.pdf.

[14] Permanent Mission of the Federal Republic of Germany to the Office of the United Nations and to the other International Organizations Geneva, Note Verbale, No. 159/2023, 1 June 2023,

[15] Ovaherero Traditional Authority and NTLA, "Our Rejection of the Reconciliation and Reconstruction Agreement between the Federal Republic of Germany and the Republic of Namibia and Our Demand for Restorative Justice," 7 September 2021, https://ogfnamibia.org/wp-content/uploads/2021/09/DEMAND-FOR-RESTORATIVE-JUSTICE-7-Sept-2021-final-doc.pdf

[16] Committee on the Elimination of Racial Discrimination, Concluding observations on the combined twenty-third to twenty-sixth reports of Germany, 21 December 2023, UN Doc. CERD/C/DEU/CO/23-26, https://docs.un.org/en/CERD/C/DEU/CO/23-26; Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and racial intolerance, 21 August 2019, UN Doc. A/74/321, https://digitallibrary.un.org/record/3827500?v=pdf.

[17] Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Fabián Salvioli, Transitional justice measures and addressing the legacy of gross violations of human rights and international humanitarian law committed in colonial contexts, 19 July 2021, UN Doc. A/76/180, para.60, https://docs.un.org/en/A/76/180; Joint communication to Germany from 7 UN Special Rapporteurs, 23 February 2023, (AL DEU 1/2023), https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=27875.

[18] See *Bernadus Swartbooi and Others v. Speaker of the National Assembly and Others,* High Court of Namibia, Case-Number: HC-MD-CIV-MOT-REV-2023/00023. For background to the negotiation of the joint declaration and the application in the High Court of Namibia, see Henning Melber, "Colonialism, Genocide and Reparations: The German-Namibian Case," 2024, Development and Change, Volume 55, pp. 773-799; Karina Theurer, "Minimum Legal Standards in Reparation Processes for Colonial Crimes; The Case of Namibia and Germany," 2023, German Law Journal, Volume 24, pp. 1146-1168.

THE WAY FORWARD

States that engaged in colonial crimes and violations have a duty under international human rights law to provide reparations. Germany must fully acknowledge its legal responsibility for the genocide and other colonial atrocities in Namibia and provide full, prompt and effective reparations to the descendant communities.

Victims and affected communities should be at the centre of any processes to redress colonial legacies. As the UN Special Rapporteur on the promotion of truth, justice, reparation & guarantees of non-recurrence has emphasized, "it is not possible to remedy the violent past in a truly restorative manner when the affected communities do not feel included and are not part of the negotiation process. Rendering them invisible is tantamount to a new round of victimization."[19]

Namibia and Germany have a duty under international law to actively seek the meaningful participation of and consult with representatives of affected communities in reparations processes. As Indigenous Peoples, the Ovaherero and the Nama also have a right to express their free, prior and informed consent, through their own representatives, before the adoption and implementation of any legislative, administrative or other measures that may affect them.

Amnesty International recommends that:

- Germany and Namibia guarantee the full, effective and meaningful participation of Ovaherero and Nama peoples in any reparation process or mechanism for past colonial injustices and their on-going legacies. This should include meaningful participation in negotiations regarding the design of reparation measures as well as the monitoring of their effective participation.
- Germany must provide a full acknowledgement of past and ongoing harms as well as an unqualified recognition of responsibility for wrongdoing. Reparation measures, including apologies, that fail to fully acknowledge responsibility for wrongdoing do not constitute full or effective reparation.
- Reparation processes should not reinforce or perpetuate colonial dynamics, power asymmetries or structural inequalities between or within States. For this reason, humanitarian or development aid and/or assistance does not constitute full and effective reparation as it frequently perpetuates, rather than rectifies, colonial dynamics.
- Reparation processes should seek to reform contemporary legal, institutional and cultural standards, structures and processes that reinforce or perpetuate discrimination, inequality and the marginalization of the Ovaherero and Nama peoples. This obligation is incumbent on both Germany and Namibia.

BACKGROUND

From 1884 to 1915, Namibia was subject to the colonial rule of the German Empire. During this period, the Indigenous Peoples in Namibia, including the Ovaherero, Nama, San and Damara (ǂNūkhoen), were dispossessed of their ancestral lands by German colonial authorities and settlers.[20]

To resist the seizure of their land and cattle, the Ovaherero and Nama peoples began wars of anti-colonial resistance against German imperial forces in 1904. Between 1904 and 1908, German forces brutally suppressed the uprisings by the Ovaherero and Nama, committing what has come to be recognized by the UN Working Group of Experts on People of African Descent and other experts as the "first genocide of the twentieth century."[21]

On 2 October 1904, General Lothar von Trotha, the commander of German imperial forces, issued a proclamation ordering the extermination of the Ovaherero people.[22] Six months later, on 22 April 1905, General von Trotha issued an order calling for the extermination of the Nama people.[23]

[19] Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Fabián Salvioli, Transitional justice measures and addressing the legacy of gross violations of human rights and international humanitarian law committed in colonial contexts, 19 July 2021, UN Doc. A/76/180, para. 92, https://docs.un.org/en/A/76/180.

[20] Office of the Prime Minister, Report of the Commission of Inquiry into Claims of Ancestral Land Rights and Restitution, 24 July 2020, https://opm.gov.na/press-releases/-/document_library/sqtl/view_file/1187368; Ovaherero Traditional Authority (OTA), Position Paper on Land and Related Matters, July 2018, http://dna.nust.na/landconference/submissions_2018/Ovaherero_traditional_authority_paper.pdf.

[21] Report of the Working Group of Experts on People of African Descent on its mission to Germany, 15 August 2017, UN Doc. A/HRC/36/60/Add.2, https://docs.un.org/en/A/HRC/36/60/Add.2; Jeremy Sarkin, Colonial Genocide and Reparations in the 21st Century: The Socio-Legal Context of Claims under International Law by the Herero against Germany for Genocide in Namibia, 1904-1908, 2009.

[22] OTA, Speech of Ombara Otjitamba Dr M Tajiua on the occasion of the Ovaherero Genocide Remembrance Day, 2 October 2024, https://dialogue-on-namibias-past.org/wp-content/uploads/2024/10/OTA-2024-10-02-Katjiua-OUR-HISTORY-PRESENT-FUTURE-IN-OUR-HANDS-PDF.pdf

[23] NTLA, "120 Years since the Extermination Order: 22 April 1905 – April 22, 2025," https://dialogue-on-namibias-past.org/wp-content/uploads/2025/08/NTLA-2025-04-22-120-Years-Extermination-Order-New-negotiations-print.pdf

It is estimated that over 75,000 Ovaherero and Nama people were killed between 1904 and 1908, alongside thousands of other Indigenous Peoples, including the San and the Damara.[24]

In 2006, the Namibian parliament unanimously adopted a motion tabled by Ombara Otjitambi (paramount chief) of the Ovaherero people. The parliamentary resolution recognised that the colonial atrocities committed by German forces between 1904 and 1908 were a genocide and that the Nama and Ovaherero peoples have the right to demand reparations from the German government.[25]

In 2017, Ovaherero and Nama representatives filed a case against the German government in US courts, seeking compensation for the genocide and the dispossession of land by German colonial authorities.[26] The case was dismissed by a US court in 2020, which ruled that it lacked the jurisdiction to rule on the matter.

[24] Report of the Working Group of Experts on People of African Descent on its mission to Germany, 15 August 2017, UN Doc. A/HRC/36/60/Add.2, https://docs.un.org/en/A/HRC/36/60/Add.2.

[25] The Hansard, Republic of Namibia. Debates of the National Assembly, 2006, Fourth Session of Fourth Parliament, 12 October 2006 – 7 November 2006 (Volume 95), 226–27.

[26] For the full text of the claim and the media responses, see the documents compiled and accessible at https://genocide-namibia.net/2017/01/05-01-2017-herero-und-nama-verklagen-deutschland-ovaherero-and-nama-file-lawsuit-in-new-york/