



**AJFF**  
**REPARATORY**  
**JUSTICE**  
**SURGERY**

3 – 4  
**July**  
**2025**  
Johannesburg,  
South Africa

**ADVANCING**  
**STRATEGIES FOR**  
**REPARATORY**  
**JUSTICE IN**  
**AFRICA**

# Reflections from Southern Africa

in collaboration with



This convening was made possible with funding from the Open Society Foundations



AJJF  
REPARATORY  
JUSTICE  
SURGERY

# Advancing strategies for reparatory justice in Africa:

## Reflections from Southern Africa

**Organizer:**

Africa Judges and Jurists Forum [AJJF]

### 1. Introduction

The African continent and its diaspora have long suffered the enduring consequences of historical injustices, particularly the trans-Atlantic enslavement of Africans that lasted over 400 years, colonialism and apartheid spanning over a century and economic exploitation.<sup>1</sup> These legacies persist in deep-rooted inequalities, economic dispossession, cultural erasure, and systemic racial discrimination. In response, the African Union (AU) declared 2025 as the “Year of Justice for Africans and People of African Descent Through Reparations”, signalling an imperative for legal and policy-driven reparations initiatives.<sup>2</sup>

Despite growing advocacy, reparations efforts in Africa remain fragmented, underfunded, and largely rhetorical, with limited concrete legal victories at national, regional, or international levels. This reparatory justice surgery aims to contribute to addressing this gap by bringing

### Table of contents

Concept note	1
Agenda	6
About AJJF	13

<sup>1</sup> United Nations Education, Cultural and Scientific Organisation, Trans-Atlantic Slave Trade, available at: <http://slaveryandremembrance.org/articles/article/?id=A0095>, accessed 1 March 2024

<sup>2</sup> African Union Theme of the Year 2025 < <https://au.int/en/theme/2025> accessed 1 March 2024; <[https://au.int/sites/default/files/newsevents/conceptnotes/44462-CN-CN\\_2025\\_Theme\\_of\\_the\\_Year.pdf](https://au.int/sites/default/files/newsevents/conceptnotes/44462-CN-CN_2025_Theme_of_the_Year.pdf)>

together legal experts, affected communities, and strategic litigators to identify and develop high-impact legal cases that can advance reparations through the African human rights system and international mechanisms.

The term “surgery” is deliberately chosen to reflect a hands-on, problem-solving approach where legal practitioners and community representatives can collaboratively diagnose injustices, frame legal arguments, and chart out pathways for reparatory claims. This initiative aims to empower communities affected by historical injustices by identifying and developing strategic litigation cases through a reparations lens.

## 2. Significance

Reparations matter. The Accra Proclamation on Reparations (2023)<sup>3</sup> reaffirmed that Africa must pursue systematic and enforceable reparations mechanisms beyond mere apologies. This aligns with global precedents, such as Germany’s reparations to Jewish holocaust survivors and the Inter-American Court’s landmark decisions on indigenous restitution.<sup>4</sup>

Litigation is a powerful, but underutilised, tool in the African reparations movement.<sup>5</sup> When combined with advocacy, litigation can help establish legal precedents that hold colonial and post-colonial governments accountable; push for policy reforms and official recognition of injustices; unlock international legal mechanisms (for example UN treaty bodies and African union mechanisms); empower communities to reclaim ownership over their histories and demands.<sup>6</sup> However, reparations

litigation in Africa faces significant challenges, including legal and procedural barriers, political resistance and need for capacity building amongst stakeholders to effectively frame cases using a reparations lens.<sup>7</sup>

This edition of the Reparatory Justice Surgery will bring together about 30 legal experts, community leaders, advocates, and scholars from across Southern Africa. Framed within the African Union’s 2025 declaration of the “Year of Justice for Africans and People of African Descent,” this two-day workshop is designed to diagnose systemic historical harms and co-develop actionable responses. Whether through litigation, advocacy, or global campaigns, the Surgery centers affected communities and delivers strategic pathways to advance meaningful and lasting reparatory justice.

## 3. Objectives of the Reparatory Justice Surgery

This two-day workshop will serve as an incubator for identifying, refining, and supporting selected reparations cases. The key objectives are:

- i. Spotlighting various forms of harms that require reparations
- ii. Identifying reparations claims with potential for litigation at domestic, regional, and international levels
- iii. Enhancing the capacity of lawyers, activists, and affected communities to frame reparations cases under relevant legal frameworks
- iv. Ensuring that historically affected communities are centered in the reparations discourse
- v. Connecting litigation strategies to broader policy and advocacy efforts, including engagements with the UN Committee on the Elimination of Racial Discrimination (CERD), the African Commission on Human and Peoples’ Rights, and regional courts.

3 Accra Proclamation for Reparations <<https://au.int/en/decisions/accra-proclamation-reparations>> accessed 23 March 2025

4 US Department of State ‘Justice for Uncompensated Survivors Today (JUST) Act Report’ <https://www.state.gov/reports/just-act-report-to-congress/> accessed 10 June 2025; A Colonomos & A Armstrong ‘German Reparations to the Jews after World War II: A Turning Point in the History of Reparations Get access’ in P Greiff The Handbook of Reparations Get access (2006); Woolford A, Wolejszo S. Collecting on Moral Debts: Reparations for the Holocaust and Pořajmos. Law & Society Review. 2006;40(4):871-902

5 AA Aiyetoro ‘Formulating Reparations Litigation Through the Eyes of the Movement’ (2003) 58(4) NYU Annual Survey of American Law 457–494. <[https://www.law.nyu.edu/sites/default/files/ecm\\_pro\\_065061.pdf](https://www.law.nyu.edu/sites/default/files/ecm_pro_065061.pdf)> accessed 20 February 2025

6 SH Farbstein ‘Perspectives From a Practitioner: Lessons Learned From the Apartheid Litigation’ (2020) 61(2) Harvard International Law Journal 451–482. <<https://journals.law.harvard.edu/ilj/wp-content/uploads/sites/84/61.2-Farbstein.pdf>> accessed 20 February 2025As above

7 Aiyetoro (n 4 above)

## 4. Case Studies for Analysis

- i. **Namibia - Reparations Case:** Examine the ongoing efforts of the Herero and Nama communities seeking reparations from Germany for the genocide committed between 1904 and 1908. Analyse the strategies employed, challenges faced, and lessons learned to inform future litigation efforts.
- ii. **Tanzania/Leotho/Zimbabwe - Restitution of Cultural Artifacts/Heritage and Return of Human Remains:** Engage with selected communities working towards the return of human remains and restitution of cultural artifacts looted during colonial times. Discuss legal and diplomatic avenues for reclaiming cultural heritage and the role of international advocacy.
- iii. **South Africa – Apartheid reparations/ Khulumani Support:** Engaging with group members on strategies employed to advocate for reparations for South Africa (SA) post-apartheid era abuses especially in light of the SA TRC process

### Lessons from successful reparations

**cases:** Belgium-Congo Mixed-Race Children Case: Review the legal actions taken against Belgium for crimes against humanity related to the abduction and segregation of mixed-race children during the colonial era in the Democratic Republic of Congo, Burundi, and Rwanda. Assess the outcomes and implications for reparations advocacy [AfaLAB]

## 5. Local Partners and Stakeholders

To ensure success, here are a list of potential local partners to be engaged:

### South Africa – potential collaborators and local partners

- i. African Futures Lab (AfaLAB)
- ii. Africa Reparations Hub, University of the Free State, SA
- iii. African Centre for Criminal and Transitional Justice, University of Western Cape, SA
- iv. Amnesty International, Southern Africa
- v. Centre for Human Rights, University of Pretoria, SA
- vi. Centre for the Study of Violence and Reconciliation (CSVr)
- vii. Institute for Justice and Reconciliation (IJR)

- viii. South African Human Rights Commission (SAHRC)
- ix. Southern Africa Litigation Centre (SALC)
- x. United Nations Office of the High Commissioner for Human Rights, Regional Office for Southern Africa (OHCHR, ROSA)

## 6. Expected Outcomes

By the conclusion of the reparatory justice surgery, we expect to achieve:

- i. Identification of 1-2 viable cases for strategic support: through a focused international campaign or litigation or strategies for international litigation
- ii. Strengthened capacity among community representatives and advocates
- iii. Advocacy roadmaps for amplifying campaigns at regional and international levels

## day 1

THURSDAY  
3 JULY, 2025

Time	Session	Activity/ Focus Area	Resource Person
------	---------	----------------------	-----------------

08:30 – 9:00	Registration		
--------------	--------------	--	--

09:00 – 09:10 [10 mins]	Opening Remarks	Welcome, introduction by AJJF, overview of the Africa Reparations Programme	<p><b>Mr Martin Masiga</b> <i>Secretary General, Africa Judges and Jurists Forum [AJJF]</i></p> <p><b>Day 1 Moderator:</b> <b>Ms Henrietta Ekefre,</b> <i>Africa Reparations Program Lead, AJJF</i></p>
----------------------------	-----------------	---	---

09:10 – 09:15 [4 mins]	Remarks	On behalf of all collaborators	<p><b>Prof Tim Murithi</b> <i>Head of Peacebuilding Interventions, Institute for Justice and Reconciliation [IJR]</i></p>
---------------------------	---------	--------------------------------	---

9:15 – 9:20 [4 mins]	Remarks	United Nations Office of the High Commissioner for Human Rights, Regional Office for Southern Africa (OHCHR, ROSA)	<p><b>Representative of Ms Abigail Noko</b> <i>Regional Representative (OHCHR, ROSA)</i></p>
-------------------------	---------	--	--

9:20 – 9:30 [10 mins]	Introductions	Table introduction of participants and resource persons attending the Surgery	<b>AJJF Team</b>
--------------------------	---------------	---	------------------

9:30 – 11:00	Panel 1 – Contextualizing Reparatory Justice and Restitution of Cultural Heritage in Africa	<ul style="list-style-type: none"> <li>Discussion on reparations and what it means for Africa including history and legal precedents on racial justice/ colonialism/trans-Atlantic enslavement and apartheid.</li> </ul>	<ul style="list-style-type: none"> <li><b>Prof Tshepo Madlingozi</b> <i>Commissioner, South African Human Rights Commission [SAHRC]</i></li> </ul>
--------------	---	--	--

### 11:00 – 11:20

### Group photo and Tea break

11:20 – 13:00	Panel 2 – Community Dialogues	<ul style="list-style-type: none"> <li>Engagement with community representatives to discuss grievances, barriers and challenges faces, evidence, and remedies – share community stories</li> <li>Resource needs/gaps in participatory research, community mobilization, pre-filing assessments, investigation and implementation efforts.</li> </ul>	<p><b>Community reps from</b></p> <ol style="list-style-type: none"> <li><b>Professor Dr Katjirua</b> <i>Paramount Chief of the OvaHerero, Namibia</i></li> <li><b>Ms Sima Lupert</b> <i>Nama Traditional Leaders Authority [NTLA] or</i> <b>Mr Maboss Ortman</b> <i>NTLA, Namibia</i></li> <li><b>Mr Evans Oscar Temi,</b> <i>Tanzania</i></li> </ol>
---------------	-------------------------------	--	--

- Negotiating Restitution of African and Cultural Heritage: What findings from local and AU restitution efforts on restitution can progress reparations advocacy more broadly?
  - History of what has worked, to what impact, comparison with other ongoing claims (i.e. WW11, the impact of European voluntary transfers)
  - Status of the AU Common Position on Restitution and call for action by attorneys and advocates for state action.
- Dr Nancy Rushorara**  
*University of Dar es Salam, Tanzania*
  - Ms Mamokuena Makhema**  
*Director, Morija Museum & Archives, Lesotho*
  - Mr Livingstone Muchefa**  
*Archives Activist, Zimbabwe*
  - Prof Joshua Castellino** *Dean of Law, Brunel University of London, UK – (Recorded video)*
  - Prof John-Mark Iyi**  
*Director, African Centre for Transitional Criminal Justice, University of Western Cape – (Online)*
  - Moderator**  
**Dr Shelton Makore**  
*Africa Reparations Hub, University of the Free State, [UFS]*

- Collaborations on advocacy & international mechanisms (UN CERD, AU mechanisms, regional forums etc)

**iv. Mr Emmanuel Xavier Zulu**

*Tanzania*

**v. Mr Sindato Philemon Ndesamburo**

*Tanzania*

**vi. Ms Lehlogonolo Makupe**

*Chairperson, Khulumani Board of Directors, KSG, South Africa*

**vii. Ms Majorie Jobson,**

*National Director, Khulumani Support Group [KSG] South Africa*

**viii. Ms Patricia Mashale Khulumani**

*Justice for Women Project Leader, KSG, South Africa*

**Moderator:**

**Ms Henrietta Ekefre,**

*Africa Reparations Program Lead, AJJF*

- Simple steps for partners to support existing litigation: Developing amicus briefs, petitions, and advising, regional commissions and tribunals on legal arguments

• **Mr Wilfred Nderitu,**  
*Nderitu & Partners, Advocates*

• **Adv. Patrick Kauta,**  
*Namibia*

• **Adv. Chris GeEVERS,**  
*South Africa*

• **Moderator:**  
**Gretchen Rohr**  
*Senior Strategic Advisor, Reform Initiatives [RI]*

15:30 – 16:15

**Breakout Group Work**

- Facilitated discussions on selected cases, including identifying legal avenues, anticipated challenges and strategies, and support mechanisms (e.g. Return of Human Remains, Restitution of Artifacts, Reparations for apartheid era abuses )
- Discuss different forums for litigation and strategies and considerations in framing a reparations case before those forums.

**4 break out groups**

**Facilitated by:**

• **Dr. Elijah Masubelele**  
*Deputy Executive Director, IJR*

• **Ms Mellisa Hendricks**  
*Amnesty International*

• **Ms Genevieve Kaninda**  
*Advocacy & Policy Officer, AfaLAB*

• **Dr Atilla Kisla,**  
*Southern Africa Litigation Centre [SALC]*

13:00 – 13:10

**Breathing exercise led by Ms Hilegard Titus,**  
*Decolonial Activist and Meditation and Wellness Facilitator*

13:10 – 14:00

**Lunch break**

14:00 – 15:30

**Panel 3 – Strategic Litigation Consideration**

- Insights into legal strategies, framing cases, challenges, and international mechanisms / Case selection criteria
- Exploring arguments for legal remedies at domestic, regional, and international levels

• **Ms Tambudzai Manjonjo,**  
*Deputy Director, Southern Africa Litigation Centre [SALC]*

• **Ms Genevieve Kaninda,**  
*Advocacy & Policy Officer, Africa Futures Lab [AfaLAB]*

16:15 – 16:30

**Tea break**

16:30 – 17:15

**Group Presentations & Discussion**

Each group presents strategies, identifies needs, and proposes next steps

**Presentation by group rapporteurs (Community Reps)**

**Moderator:**  
**Ms Thandeka Chauke,**  
*Director, Catalysts for Change, South Africa*

17:15 – 17:30

**Wrap-Up**

Reflection on Day 1 and outline of Day 2 activities

**Ms Henrietta Ekefre**  
*Africa Reparations Program Lead, AJJF*

# day 2

FRIDAY  
4 JULY, 2025

Time	Session	Activity/ Focus Area	Resource Person
------	---------	----------------------	-----------------

08:45 – 9:10	Registration		
--------------	--------------	--	--

09:10 – 09:20	Recap and Orientation	Review of Day 1 outcomes and setting expectations for Day 2	<b>Day 2 – Moderator:</b> <b>Ms Thandeka Chauke</b> <i>Director, Catalysts for Change, South Africa</i>
---------------	-----------------------	---	---

9:20 – 9:30	<b>Breathing exercise led by Ms Hilegard Titus,</b> <i>Decolonial Activist and Meditation and Wellness Facilitator</i>		
-------------	---	--	--

09:30 – 11:00	<b>Panel 4: Campaign &amp; Advocacy Planning</b>	Mapping and highlighting advocacy strategies, lessons from advocacy practitioners and organisations	<ul style="list-style-type: none"> <li>• <b>Dr Japhet Biegon,</b> <i>Africa Regional Advocacy Coordinator, Amnesty International</i></li> <li>• <b>Ms Lee-Anne Germanos,</b> <i>South African Human Rights Commission [SAHRC]</i></li> <li>• <b>Mr Martin Mavunjina,</b> <i>Senior Transitional Justice Expert, Kenya Human Rights Commission [KHRC]</i></li> <li>• <b>Ms Joyce Muzengua,</b> <i>Landless Peoples Movement [LPM], Namibia</i></li> <li>• <b>Ms Hilegard Titus,</b> <i>Decolonial Activist, Journalist, Meditation and Wellness Facilitator, Namibia</i></li> </ul>
---------------	--	---	--

11:00 – 11:15

Tea break

11:15 – 12:00 **Breakout group work**

Group work to outline advocacy campaigns linked to cases (messaging, stakeholders, platforms)

**Break out groups**

**Facilitated by:**

1. **Dr Shelton Makore,**  
*Africa Reparations Hub, UFS*
2. **Ms Mary Izobo**  
*Advocacy Manager, [CSVSR]*
3. **Ms Felicity Harrison,**  
*Head of the Sustainable Dialogues Programme, IJR*
4. **Ms Tambudzai Manjonjo,**  
*Deputy Director, Southern Africa Litigation Centre [SALC]*

12:00 – 12:45 **Final Presentations & collaborative planning session**

Groups present final strategies and consolidate all the ideas from the group presentations

**Moderator:**  
**Ms Thandeka Chauke**  
*Director, Catalysts for Change, South Africa*

12:45 – 14:00

Lunch

14:00 – 14:45 **Strategy Commitments**

- Clear actionable roadmaps for litigation and advocacy commitment from advocates & CSOs to drive cases forward.
- Define follow-up mechanisms, commitments, and timelines

**Representatives from Collaborators**

**14:45 – 15:00**    **Closing Session**    Closing remarks and way forward    **Ms Henrietta Ekefre**  
*Africa Reparations  
Program Lead, AJJF*

**15:00 – 16:00**    **Media Briefing**

**Coordinators:**  
**Ms Mwanja Ng'anjo,**  
*Communications Director,  
IJR &*

**Ms Henrietta Ekefre,**  
*Africa Reparations  
Program Lead, AJJF*



**AJJF**  
**REPARATORY  
JUSTICE  
SURGERY**

## • About the Africa Judges and Jurists Forum (AJJF)

The Africa Judges and Jurists Forum (AJJF) is a pan-African network of judges and jurists, who are committed to promoting justice and development in Africa by providing legal expertise to governments, intergovernmental organizations, donor agencies, private sector and civil society organizations. Through convening high-level judicial dialogues, providing legal expertise, and building strategic alliances, AJJF plays a unique role in strengthening the continent's legal and institutional responses to systemic injustices.

AJJF's work is organised around these core programmatic pillars:

1. Independence of the Judiciary – Serving as AJJF's flagship initiative to safeguard constitutional and democratic governance across Africa's diverse legal systems.
2. Access to [Reparative] Justice – Advancing the legal, normative, and institutional architecture necessary to secure justice for victims of historical and ongoing

harms.

3. Civic Space and Digital Rights – Explores the intersection of judicial protection and fundamental freedoms in an era of digital transformation.
4. Electoral Justice – Supporting legal frameworks and dispute resolution mechanisms to ensure credible and peaceful electoral processes.

## • The AJJF Africa Reparations Programme

Anchored in AJJF's broader access to [reparative] justice pillar, the Africa Reparations Programme was established to catalyse legal and policy pathways to address the enduring impact of colonialism, transatlantic enslavement, apartheid and contemporary violations.

The programme pursues this through:

- Legal Empowerment: Building the capacity of judges, lawyers, and community advocates push for reparations.
- Normative Development: Contributing to



African Union processes and partnering with AU organs such as AU ECOSSOC to develop the White Paper on Reparations and other continental policy initiatives.

- Strategic Alliances: Facilitating AU-CARICOM cooperation, regional colloquia such as the African-Caribbean Dialogue on Justice through Reparations and cross-continental learning to shape a unified African reparations agenda.
- Case Development & Support: Identifying and supporting litigation and advocacy strategies for communities seeking justice.

In alignment with the African Union's 2025 theme on reparations, AJJF's Africa Reparations Programme continues to build coalitions, advocate for reparations frameworks, and centre the voices of those most affected by historical and systemic harm.

## • Why This Convening Matters

The AJJF Reparatory Justice Surgery is more than a workshop; it is a legal and advocacy laboratory where actors across the spectrum of law, civil society, academia, and affected communities gather to diagnose complex historical injustices and co-create innovative responses. From colonial violence, enslavement, and apartheid, to contemporary systemic exclusions and cultural erasure, the harms inflicted on African people demand deliberate, sustained, and legally-grounded reparative action.

This inaugural edition, focused on Southern Africa, is a strategic intervention designed to:

- Equip legal and community actors with the tools and knowledge to frame and pursue reparations using existing domestic, regional, and international mechanisms.
- Center the voices and agency of affected communities, moving away from top-down models of justice to co-creative solutions.
- Strengthen the reparatory ecosystem by convening cross-sectoral partners to align legal, advocacy, and community-based strategies.

## • About the Surgery

The AJJF Reparatory Justice Surgery adopts a problem-solving, hands-on format, inspired by the concept of a medical "surgery" where participants collaboratively diagnose legal and structural barriers to reparations and strategise practical solutions.

## • Key Features of the Surgery Format:

- Interactive Problem-Solving Sessions: Participants engage in structured exercises and scenario-based discussions to tackle real-world reparations challenges.
- Multi-Stakeholder Dialogue: The Surgery brings together lawyers, activists, academics, policy makers, and directly affected communities.
- Case-Centered Learning: Real or emerging cases of reparatory injustice are dissected for legal strategy development, advocacy planning, and international collaboration.

## • Strategic Objectives

1. Identification of 1-2 viable reparations cases for strategic litigation, international advocacy, or policy mobilisation.

2. Capacity strengthening of community advocates and legal practitioners to engage effectively in reparatory justice processes.
3. Development of advocacy roadmaps to amplify campaigns at regional and global levels, ensuring sustained momentum beyond the convening.

### • Our Partners for the Southern Africa Edition

The Southern Africa edition of the Reparatory Justice Surgery is made possible through the collaboration and expertise of leading institutions and advocates across the region. We proudly acknowledge the invaluable support of our partners who share our vision for a just and reparative future:

- African Futures Lab (AfaLAB)
- Africa Reparations Hub, University of the Free State (SA)
- African Centre for Criminal and Transitional Justice, University of the Western Cape (SA)
- Amnesty International, Southern Africa
- Centre for Human Rights, University of Pretoria (SA)

- Centre for the Study of Violence and Reconciliation (CSVr)
- Institute for Justice and Reconciliation (IJR)
- South African Human Rights Commission (SAHRC)
- Southern Africa Litigation Centre (SALC)
- United Nations Office of the High Commissioner for Human Rights – Regional Office for Southern Africa (OHCHR, ROSA)

These partners bring deep experience in advocacy, legal expertise, transitional justice, and community engagement. Together, we are forging a robust platform to advance reparatory justice across the continent.

### • Acknowledging Our Historic Strategic Partnerships

This convening builds on AJJF's sustained partnerships with key stakeholders across Africa and beyond. Over the past years, we have co-created platforms, shaped policy conversations, and supported advocacy efforts that have helped define the reparatory justice ecosystem on the continent. Some of the key organisations we have collaborated with over the years include: Minority Rights Group International (MRG); Pan African Lawyers Union (PALU); Reform Initiative

(RI); African Union Economic, Social and Cultural Council (AU ECOSOCC); African Commission on Human and Peoples' Rights (ACHPR); African Court on Human and Peoples' Rights (ACtHPR); Other AU organs, research centres, and grassroots civil society actors.

These relationships have helped us support and amplify the ecosystem needed to sustain reparatory justice work in Africa and beyond. We remain committed to deepening these partnerships as we expand the Reparatory Justice Surgery model across West, East, Central, and North Africa.

### • Looking Ahead: A Flagship Vision

The AJJF Reparatory Justice Surgery is envisioned as one of the flagship initiatives of the Africa Reparations Programme at AJJF. By convening cross-sectoral actors in legal, academic, advocacy, and community spaces, we hope to sow the seeds for coordinated, legally-grounded, community-rooted reparations movements across the continent. This Southern African edition is a pilot to draw lessons that could

help tease us practical strategies for advancing reparatory justice in Africa.



PLEASE SCAN FOR  
MORE ON THE  
AJFF REPARATORY  
JUSTICE SURGERY