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REPARATION**

**HISTORICAL PERSPECTIVE ON REPARATIONS ON JUSTICE FOR AFRICANS
AND PEOPLE OF AFRICAN DESCENT THROUGH REPARATIONS**

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Reparation for historical injustice is a uniquely “modern” phenomenon that emerged in the post–World War II period. The birth of historical reparations is often described as the product of a new moral consciousness taking root in the aftermath of the Holocaust. Victims or their descendants, even entire countries have demanded reparations for past historical injustice. Over the course of the second half of the twentieth century this translated into what Elazar Barkan¹ has dubbed a new “*international morality*” which claims for reparations has taken symbolic and material forms. This applies to the colonialism and slavery of people of African origin who were victims of gross historical injustices. The first Pan-African Conference on Reparations in 1993 led to the issuing of the Abuja Proclamation sponsored by the Group of Eminent Persons and the Commission for Reparation of the Organization of African Unity, now African Union. This proclamation has continued to represent a key moment in the contemporary history of reparations efforts by African people. It became the catalyst to revitalise reparation movements by calling upon the international community to recognize that there is a unique and unprecedented “moral debt” owed to the African people and, the need to give greater powers and representation in key decision-making bodies, notably the UN Security Council.

In definition Reparation is a principle of international human rights law, and it is defined as: *a process of repairing, healing and restoring a people injured because of their group identity and in violation of their fundamental human rights by governments, corporations, institutions and families*².

Colonialism, slavery, and the transatlantic slave trade were part of the darkest moments of human history, and have lasting effects today³, with millions of persons of African origin who continue to suffer its painful legacy through Afrophobia, and forms of multiple racism (structural and systemic racism, persisting inequities, anti-blackness, marginalisation, and dehumanisation), underscoring the need for reparations for the historical injustices and education about its causes and consequences as well as for meaningful collective action to end its modern-day forms and build a more just world. In Paragraph 13 of the 2001 Durban Declaration Program of Action against Racism and Xenophobia-DDPA⁴ underlined and recognized slavery and the slave trade, including the transatlantic slave trade, as great tragedies in human history, not only as an abominable barbarism, in terms of its magnitude and organized nature but especially, by its denial of the victims’ human essence. This Paragraph 13 recognized such acts as a crime against humanity.

In reference to the 1985 Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Section V of the Principles and Guidelines⁵ and the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Violations of International Human Rights and Humanitarian Law⁶, *defines “victims” as: “persons who individually or collectively suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights.”*

In the Brattle Group's Report on Reparations for Transatlantic Chattel Slavery⁷ published in 2023, to assess the reparations that are due, it is important to establish the injuries or harm suffered by the victims by the wrongful conducts. Enslaved Africans, including their generations, were victims of the consequences of wrongful conducts that were carried out by the western countries that carried out transatlantic slavery. These conducts included the capture and sale of Africans in Africa; the forced trek to the slave dungeons on the coast and to ships in the harbours; their internment in the slave dungeons and ships; the notorious Middle Passage, as well as the traffic between Brazil and Africa; their sale in the Americas and the Caribbean; and their forced and unpaid labour on the plantations. To that list must be added the trade in enslavement that supported the practice of transatlantic chattel slavery. It was supported throughout its duration by a well-organised and systematic trade in slaves and from its inception Africans were treated as movables. But they were not only movables; unlike other human beings, but they were also alienable. The capture of Africans was mostly carried out through violence, including raids, banditry and kidnapping. They were branded with hot iron on their skin as a mark of identification. The

¹ Rethinking the History of Reparations for Historical Injustices: An Early Modern Perspective* | The Journal of Modern History: Vol 96, No 2 (uchicago.edu)

² <https://ncobraphl.org/why-reparations/what-are-reparations/>

³ Halting and Reversing the Lasting Consequences of Slavery, Colonialism, Genocide and Apartheid Are Critical to Addressing Racism against People of African Descent, Permanent Forum Tells Human Rights Council | OHCHR

⁴ World Conference against Racism Final Durban Draft 1.doc | Powered by Box

⁵ Microsoft Word - Document1 (un.org)

⁶ Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law | OHCHR

⁷ Report on Reparations for Transatlantic Chattel Slavery in the Americas and the Caribbean (brattle.com)

enslaved African women were sexually violated frequently as a method of subduing recalcitrant women. They were raped in front of their male counterparts by white slave owners to emphasize that the male slaves were impotent to protect the female slaves⁸. And as form of labour reproduction, enslaved black women were forced to mate with their male counterparts to bred new offsprings to be sold or used as labour force on the plantations and were punished if unable to procreate. Every phase was characterised by atrocious and horrific treatment to African people and constituted wrongful conduct. The essence of commodification was the discriminatory treatment of Africans as things, the denial of their humanity and personhood. The enslaved were obliged to provide their labour free of cost and under such harsh conditions that after an enslaved African commenced work on the plantations, his/her average life was no more than seven to ten years. Punishment included roasting an enslaved African alive over a couple days and immurement.

The Berlin conference between 1884-1885 with the signature of a General Act solidified the western colonisation, imperialism and trade in Africa by claim and by the rule of occupation. Africans were not given a place at the conference table in Berlin⁹. The General Act of Berlin can be seen as the formalisation of the Scramble for Africa that was already in full swing. Despite the abolition of slavery, transatlantic slave trade and end of colonialism its legacy looms large today. Structural and systemic racism were established through racial segregation laws, white supremacist theories, lynching¹⁰ and apartheid systems to deprive African descents of their rights. The first series of Racial Laws were enacted in Europe between 1937 -1938 called the Manifesto of Race¹¹ otherwise referred to as the Charter of Race was promulgated by the Italian government. Followed by several others in many western countries. Under the racial laws, sexual relations and marriages between Italians, Africans and other non-Europeans were forbidden to maintain the so-called Aryan race (white race)¹². As the law considered Africans an inferior race. The law made interracial relationships and marriages a criminal offence¹³. In 1938, a publication titled “Manifesto of the Racial Scientists” which mixed biological racism with history and affirmed the need to distinguish between Europeans and non-Europeans (Africans and Jews). The Manifesto encouraged racism and exalted white supremacy.

The pathway to reparations for slavery and its consequences calls for States, institutions and individuals to acknowledge their roles in perpetuating these legacies of injustice, and to take meaningful steps towards accountability for slavery and transatlantic slave trade of Africans and building a participatory approach in restorative justice for victims¹⁴. Also, by implementation of existing legal instruments and international laws which upholds the rights of people of African descent. The importance of a participatory approach as underlined in the 2005 Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Violations of International Human Rights and Humanitarian Law’ that Reparations shall be “effective and adequate’ and that it first can only be achieved if such measures of Reparations meet the needs of the victims, which should also apply to Africans and African Diaspora.

⁸ [Report on Reparations for Transatlantic Chattel Slavery in the Americas and the Caribbean \(brattle.com\)](#)

⁹ [Berlin West Africa Conference | Colonialism, Imperialism, Decolonization | Britannica](#)

¹⁰ [Jim Crow Era - A Brief History of Civil Rights in the United States - HUSL Library at Howard University School of Law](#)

¹¹ [Manifesto of Race - Wikipedia](#)

¹² [Full article: A ‘catastrophic consequence’: Fascism’s debate on the legal status of Libyans and the issue of mixed marriages \(1938–1939\) \(tandfonline.com\)](#)

¹³ [The Fascist Government, the Holy See and the Prohibition of “Mixed” Marriages 1935-1938 - Quest. Issues in Contemporary Jewish History \(quest-cdecjournal.it\)](#)

¹⁴ [Off Statement DrBickman during Breakout Session \(1\).pdf](#)

