



United Nations Working Group of Experts on People of African Descent

35th Session

December 2 - 6, 2024

United Nations Headquarters in New York

Principles, Provisos and Pathways to Reparatory Justice for People of African Descent

Introduction

The Working Group of Experts on People of African Descent is pleased to announce its public session on reparatory justice for Africans and people African descent, which will be held at the United Nations Headquarters in New York, December 2 – 6, 2024.

Presenters and participants of the session will examine the posture and position of key entities, public and private, that were instrumental in the enslavement, trafficking, colonization, torture and segregation of Africans and people of African descent for the last four centuries. They will assess the role, responsibilities and accountabilities of various groups for the harm caused to Africans and people of African descent, the benefits they derived and that have been passed onto their descendants in contrast to the harm caused and the cumulative impact of this harm on the descendants of both groups. They will examine the factual and legal bases for claims for reparations, as well as the legal procedures/processes to effect claims for reparations and the return of artifacts and assets. Finally, they will put forward a set of common principles, necessary provisions, and possible pathways for a global approach to reparatory justice for Africans and people of African descent in the court of public opinion and courts of law.

Background

Reparatory justice for the enslavement and trafficking in Africans across the Atlantic between 1501 and 1867, subsequent colonization and ensuing diverse forms of segregation is a priority for all Africans and people of African descent. Separated from their families, their communities and their cultures, millions lost their liberty, their identity, their religion, as they were physically, sexually, and psychologically abused, subjected to degrading and dehumanizing treatment, too many for the rest of their lives. They left families and communities that were torn apart, fearful, and scarred physically, materially, and psychologically. The Rome Statute of the International Criminal Court (1998) claims jurisdiction over crimes against humanity, including those of enslavement, forcible transfer of population, torture, apartheid and other inhumane acts among crimes against humanity.

Reparatory justice is grounded in principles of natural justice. It is the right of remedy for any person or people subjected to harm. Reparations have been provided to victims and their descendants of the Holocaust, Japanese internment, apartheid, and forced sterilization. In recent years, there has been discussion of reparations for Ukrainians following the conflict with Russia. General Assembly Resolution 60/147 of December 2005, *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, recalling the provision of Article 75 of the Rome Statute among others, outlines the parameters for reparations including *that statutes of limitations shall not apply to gross violations of international human rights law and serious violations of international humanitarian law which constitute crimes under international law* (Section IV). There seems, therefore, the legal basis for the pursuit of reparatory justice for Africans and people of African descent for the enslavement, trafficking, colonization and various forms of apartheid to which they have been since 1501.

While there have been sporadic, and increasingly more concrete reparatory initiatives, in several countries, they fall far short of a comprehensive, proportionate response – in scope, reach and depth – for the harm done to Africans and people of African descent. Given the diversity in the history, geography and the impact of enslavement, forcible transfer, torture, apartheid and other inhumane acts perpetrated against Africans and people of African descent over four centuries, reparatory justice must be tailored accordingly.

Objectives and Expected Outcomes of the Session

The principal objectives of the 35th Session of the Working Group are to:

- examine the issues, contexts, challenges and enablers affecting the pursuit of reparatory justice for Africans and people of African descent;
- identify proven approaches that promote reparatory justice;
- identify legal and other provisions, actors and alliances that support reparatory justice; and,
- promote opportunities, pathways, and viable strategies for consideration by people of African descent, their governments, civil society and private sector partners, and the international development community.

The expected outcomes of the 35th Session of the Working Group are:

- recommendation of common principles that can guide activists, advocates and representatives of Africans and people of African descent in shaping the complex political, legal, psychological, intellectual, economic and cultural dimensions of claims for reparatory justice;
- recommendations for a comprehensive legal framework, global action plan, a toolkit, i.e. resources to support education, activism and advocacy (promotional and legal) implementation, monitoring and evaluation mechanisms and metrics for reparatory justice;
- recommendations for the United Nations to lead, guide and support the pursuit of reparatory justice;
- suggested language for the inclusion of reparatory justice in the draft UN Declaration on the promotion, protection, and the full respect of the human rights of people of African descent on economic empowerment; and
- suggested language for a UN General Assembly resolution on reparatory justice.

In pursuing these objectives, the Working Group will pay careful consideration to

- Building on the 21 years of research, fact-finding, thematic reviews and engagement with governments and civil society, the evolving body of knowledge it has generated, and the utility and impact of this knowledge.
- Ensuring free, active, and meaningful participation of representatives from all regions to contribute to the discourse, discussion and debate, and to the generation of recommendations on reparatory justice.

- Emphasizing the centrality of the Durban Declaration and Programme of Action (DDPA) to implementing its mandate for the promotion of and respect for the rights of people of African descent.
- Emphasizing the centrality of reparatory justice in the proposed 2nd decade for people of African descent and in the draft UN Declaration on the promotion, protection and the full respect of the human rights of people of African descent

Organization of the Session

The session will be organized into eight panel discussions, all of which will include a geographic focus, on the following topics:

Topic I	Representation: Who, Why, How, Where and When?
Topic II	Recognition, Acknowledgment and Apology: Value and Utility
Topic III	Repair of Ways of Being, Living, Knowing, and Living Together
Topic IV	Reimagining and Reshaping Language and Education, Spaces and Places
Topic V	Reparations, Repatriation and the Return of Artifacts and Assets
Topic VI	Reform of Institutions, Laws, Policies, Structures, Systems, Practices.
Topic VII	Reparatory Justice for Haiti: Symbolism and Instrumentality
Topic VIII	Remembering Durban: The Centrality of the DDPA

At the end of the session, the Working Group will adopt conclusions and recommendations. A report on the session will be presented to the United Nations Human Rights Council in September-October 2025 and to the Third Committee of the General Assembly in November 2025. The report will be available on the website of the Office for the High Commissioner for Human Rights.