

United Nations Working Group of Experts on People of African Descent
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Conclusions and recommendations

The Working Group thanks Member States, representatives of international organizations and civil society for their active participation in the discussions.

A. Conclusions

The Working Group notes that the role of anti-Blackness in structuring economic opportunity, often to limit people of African descent, has been persistent and transformative since the trade and trafficking in enslaved Africans. The land, labour, intellectual property, innovation, and reproductive rights of people of African descent have been consistently commodified as sites of exploitation. The persistent expectation of the availability and disposability of Black bodies is a particularly potent colonial legacy.

Historically, and today, people of African descent have been considered objects of economic leverage, rather than agents of economic innovation, and were exploited in ways consistent with this. This has included the degradation of Black knowledge production, leadership and innovation globally. Disregard of the knowledge production of people of African descent, and African innovation, costs everyone in the modern world, from navigating the COVID-19 pandemic to considering the architectural needs of a warming planet.

Ensuring equity and equality in economic access and empowerment would be well served by meaningfully maintaining fundamental human rights principles in economic rights, seeking to uplift a liberatory agenda that most economic policy has denied to people of African descent in varied contexts.

Anti-Blackness was used historically to determine who could be enslaved and persecuted. Today, it serves as an organizing principle, even in multi-ethnic spaces, to marshal political power and economic wealth, to align with the interests of former colonizers, and to facilitate corporate capture and State capture.

The Working Group concludes that Black debt (Black debt, or systems and policies that have effectively promoted precarity and drained assets from individuals and communities of African descent via financial instruments) is a burden at national, community and individual levels. 21st Century indebtedness is rooted in enslavement which deprived Africans of their liberty, family and kinfolk, identity, languages, traditional livelihoods, property, well-being and in all too many instances life, and which denigrated African culture, denied Africa’s history, undervalued, and undermined African knowledge and education systems. On emancipation, many Africans were left without material assets, and in the few instances where the law stipulated what those

assets should be, compliance was limited. Black indebtedness mushroomed under colonization, segregation, and apartheid, and was repackaged and gifted to Africans and people of African descent on independence. What remained with Africans and people of African descent, apart from the disenfranchisement and disenchantment, was hope, resilience, innate capacities and abilities, determination, ingenuity, unity and sufficient allies here and there to forge a new life.

The situation of Haiti stands out as emblematic of all that was morally, ethically, and legally egregious about those who thought to enslave, colonise, segregate and denigrate. This situation, to a lesser extent, reechoed in every instance where enslavement and colonization occurred, as the victimizers were 'compensated' for their loss, leaving the victims subject to further layers of economic deprivation and outright theft. The imposition of crushing debt, designed to recolonize Haiti, among other nations, evidences a deliberate and targeted disregard for humanity and human rights of peoples. Debt has also precluded sovereign nations from being able to adequately care for their populations. Instrumentalization of debt to attempt preempt Haitian sovereignty and the right to self-determination evidences international impunity.

Post-colonial structures, systems, policies and practices, continue to mimic the intent and purpose laid down during enslavement and colonization across the intersections of civil, political, economic, cultural and collective spheres, subjecting people of African descent to a third wave of economic (and other) deprivation and hardship. These structures, systems, policies and practices are in banking and finance, insurance and taxation, land rights and land use, the constraining of whole nation states to primary and extractive industry, unfair and unequal international terms of trade, irrelevant education, and socialization away from traditional practices and behaviours such as the widespread planting and consumption of maize and root vegetables.

Small Island developing states, home to many Black populations, which are particularly vulnerable to extreme natural hazard shocks and climate change have spent 18 times more in debt repayments than they receive in climate finance.

While governments, monarchies and the merchant class were primarily involved, religious autocracies in Europe were and continue to be contributors to Black indebtedness. In some instances, involvement was direct, in others providing cover to those directly involved.

The impact of these pernicious structures and systems is cumulative, and even as legislation changes, and structures and systems slowly change, there has been too little, too late and too slowly, leaving millions in the past and some more in the present to suffer the consequences. People of African descent are increasingly aware, visibly involved, and vocal in taking steps, with many allies, to reverse the policies, dismantle the structures, call for redress, and forge ahead in building and rebuilding their wellbeing and wealth. At the individual level, many people of African descent have emerged and/or escaped the burden of indebtedness. While this is good, it is not good enough, and the focus must be for all Africans and people of African descent to emerge from under the burden of debt – at the individual, community and national levels.

The Working Group concludes that the high rate of inequality experienced by people of African descent is rooted in colonial dispossession and racial exploitation, and still runs primarily along the racial divide. Thus, policy initiatives taken to redress past economic injustices through Broad Based Black Economic Empowerment (BBBEE) in some cases worked but not able to bring deeper and broader economic transformation. Epistemic violence together with racial inequities create barriers and challenges for people of African descent.

The Working Group notes that while racial and social inequalities are the consequence of centuries of discrimination, they now persist under economic and political frameworks.

The co-optation of Black economic empowerment in general, economic concerns and initiatives of people of African descent in a broader sense, by the political elite and the business elite create impasse making it harder to result in economic empowerment. The pervasiveness of economic and socio-political alienation of communities of African descent suggests that a shift to economic and reparative justice is necessary to break from the impasse.

Women of African descent tend to be concentrated in informal and precarious employment. They are paid less than men and carry out at least more unpaid household and care work. This is a violation of women's human rights and detrimental to women of African descent, and a loss for their communities and the world.

Digital inequities acutely affect young people globally; facilitate the spread disinformation and misinformation; and restrict economic opportunities and successes for people of African descent. People of African descent are not well represented in data sets and this impacts algorithmic decision-making systems causing disproportionate harm and discrimination against people of African descent.

Entrepreneurs of African descent face institutional and societal racism, discrimination, harassment and negative racial profiling from local law enforcement, arcane administrative procedures, exclusion from local bank loan opportunities, and racial hostility from local communities. Many people of African descent are preyed upon fraudulently as they engage translators, consultants, or partners to comply with arcane licensing and operations requirements.

Extractive processes and extractive management have been devastating for people of African descent in many countries, including the Democratic Republic of Congo, often without offering adequate standards of living, jobs, or other clear benefits. Development aid has neither offset this exploitation nor alleviated persistent poverty in the most resource-rich countries in the world. Effective practices have not been replicated or leveraged in this area.

The cost of borrowing is effectively higher for Africans and people of African descent, a modern form of systemic racism where viability determinations and credit scores embed legacy colonial mindsets. The comparison of interest rates on coupon bonds sought by Greece and Ghana,

similarly situated economically but involving a 5-times higher interest rate for Ghana, was particularly instructive in this regard.

The Working Group concludes that colonial economic structures and policies resulted in severe restrictions on the acquisition of capital and capital assets. Access to education remains key in the empowerment agenda. The current education-enterprise nexus, grounded in the enslavement and colonization of people of African descent, perpetuates global and local inequalities across racial lines and must be addressed.

In the Western world, institutions such as the civil service, judiciary, media, finance, banking, consultancy, teaching, politics, and health have traditionally drawn their leadership from a mono-cultural pool of students drawn from a more privileged socio-economic background. These institutions are slowly expanding their recruiting pool and some of the influential changemakers come from these top universities. Unequal access to key educational resources, including skilled teaching and quality curricula create serious intergenerational barriers for people of African descent. In unequal systems, students receive radically different learning opportunities based on their social status and locations. People of African descent have limited access to support networks in the corporate sector.

The Working Group notes that credit unions, cooperatives and circles that draw on the linguistic commonalities, values, principles, ethics, and diversity in business competence have demonstrated capacity to empower people of African descent. These mechanisms embrace cooperative entrepreneurship and strategically use local ownership and language to promote a culture of self-reliance and trust.

The Working Group concludes that there is momentum for a global imperative on reparatory justice and a shift from rhetoric to reality in many parts of the world despite resistance. In Africa, there is increased momentum at the level of the African Union summit, the African Commission on Human and People's Rights, and civil society, including academia, towards 'reinvigorated multi-stakeholder and a deliberately and carefully thought-out campaign'; in South America, Colombia convened a global conference on reparations in 2022; in addition to the practical steps taken by the state of California, the return of some cultural artifacts to Africa by some European countries, among others.

People of African descent envision reparations that are due to them as proportional to the harm suffered, appropriate to the context, prompt and adequate.

Cognisable barriers to prompt access to reparations for and by people of African descent include denial of responsibility based on 'unilateral or colonial 'international law'; disproportionate skepticism and questions about the ability of people of African descent to manage assets; overrepresentation of the (former) perpetrator(s) and the interests in reparation processes; and dismissing or underestimating their cause.

Economic justice and reparations are mutually reinforcing. Proportional, appropriate, prompt, and adequate reparations would disrupt and end the vicious cycle of systems of exploitation of Africans and people of African descent and create avenues for access to and return of resources.

The Working Group underscores that Reparatory justice for people of African descent is a matter of common sense and benefits humanity as a whole. It includes the return of assets and cultural artifacts; requires new dialogue, cultural exchanges and partnerships; it resets international relations on a foundation of trust, honesty and mutual respect.

The Working Group notes that the history of Africa's striving for reparatory justice dates back to the 1990s and is rooted in the work of the Council of Ministers of the former Organization of African Unity (now the African Union), with the first pan-African conference on reparations held in 1993 in collaboration with the African Union and the Nigerian government.

The Working Group welcomes current efforts to establish a united front for justice and payment of reparations and establish joint African-Caribbean efforts to advance reparatory justice, in collaboration with the Africa judges and Jurists Forum.

The Working Group commends the African Commission on Human and Peoples' Rights on its "Resolution on Africa's Reparations Agenda and The Human Rights of Africans In the Diaspora and People of African Descent Worldwide - ACHPR/Res.543 (LXXIII) 2022". Key elements in this ground-breaking resolution include the inclusion of contemporary forms of slavery in Africa's reparations agenda, and a call for civil society involvement in conceptualizing a reparatory justice agenda for Africa. The Working Group is proud of its contribution to this important achievement.

Burundi offers an exemplary case of Africa's demand for reparations as it has been able to advance agreement with Belgium on diplomatic compensation of 36 billion euros for the impact of colonialism on ethnic harmony within Burundi and for the forceful taking of biracial children to Belgium by former colonial authorities.

The Durban Declaration and Programme of Action, 2001 is the most comprehensive framework on the elimination of racism, racial discrimination, xenophobia and other forms of intolerances. Adopted by the General Assembly in 2002, the framework has led, in particular to -

- a) fortification of the concept of people of African descent;
- b) establishment of important tools against racism at the international level;
- c) centred the significance of positive measures or 'affirmative actions' as essential for overcoming the effects of racism in society;
- d) placing anti-racism on national agendas. States made commitments to measures such as implementing the Convention on the Elimination of Racial Discrimination, strengthening education for people of African descent, and improving remedies available to victims of racism and racial discrimination;
- e) revealed the nexus between poverty, underdevelopment, and marginalization with racism;
- f) global (re)commitment to the fundamental truth that all humans are equal in dignity.

The Durban Declaration and Programme of Action is the result of a consensus, founded on global solidarity in both the preparatory stage and during the negotiation of the text. Agreed consensus language was achieved following extensive efforts at all levels making the Durban Declaration and Programme of Action a truly global and comprehensive document. There is nothing in the text of the Durban Declaration and Programme of Action that is antisemitic or can be interpreted as such. There is no substantive basis for the efforts intended to undermine the Durban Declaration and Programme of Action.

One of the key elements demanded at the 2001 World Conference against Racism was reparations for the historical injustices for enslavement of Africans and colonialism. Furthermore, the outcome document of the Conference, the DDPA, acknowledged the interlinkages between racism, discrimination, and poverty. Specifically, the World Conference offered the recognition that poverty, underdevelopment, marginalization, and economic disparities are all associated with racial discrimination, and that racial discrimination keeps countries in poverty.

The argument by some States opposed to the call for reparations is grounded in the reasoning that the trade and trafficking in enslaved Africans and colonialism were not, at that time, violations of international law is a shocking example of a culture of denial, given these countries' role in these crimes against humanity and the ongoing legacies of systematized racial atrocity. Some of these same countries have provided very substantial reparations to enslavers at the time of abolition.

The DDPA is a key document for people of African descent, and it offers important tools for other groups subjected to racism protected by this text.

Despite the importance of the DDPA as a key tool in combatting racism, racial discrimination, xenophobia and related intolerance, it has, since its adoption, suffered many unjustified attacks and trials questioning its importance. This opposition, together with a lack of political will, are key impediments in the full and effective realization of the DDPA.

Historical understanding of the manifestation of racism and racial discrimination is of significance to the fight to eradicate it. The DDPA provides this important historical perspective, unlike other ahistorical instruments, such as ICERD, which do not unpack the roots of racial discrimination.

The Working Group concludes that historical injustices have undeniably contributed to underdevelopment and economic disparities. Harrowing intergenerational poverty runs the risk of continuing unabated. Member States, United Nations agencies and international financial institutions should consider the linkage between enslavement and colonialism that led to underdevelopment, including being reflected in development policies.

Finally, the Working Group recognizes that economic success, even when exploitative and enslaving, was historically recognized as a qualifier, rather than a disqualifier; that countries, prominent historical figures, institutions, the church and universities gained wealth and status

from the enslavement of people of African descent; and that the risk of that exploitative dynamic remains today.

B. Recommendations

The Working Group recommends that activists and advocates, the United Nations system, responsible governments, religious organisations and the media must increase and enhance awareness and public education of all peoples in all spheres, informed by data and analysis of the cause and consequences of Black indebtedness, and the opportunity cost not just to people of African descent but to the human race.

Black parliamentarians, working in tandem with responsible peers, must put in place the legislative frameworks to preclude forced indebtedness, to govern financial structures, systems, policies and practices, and to stringently monitor and evaluate the causes and consequences of the burden of indebtedness to Africans and people of African descent.

The Working Group urges all branches of government to work in tandem to implement positive measures to safeguard the most economically vulnerable, to reduce their denigration, and to provide structures and policies to enhance their capacities to become financially and economically literate and independent, including the imposition of sanctions for unfair and inequitable practices such as racial exclusion or subjugation in the financial, economic and productive sectors.

The Working Group recommends that Member States act responsibly in the best interests of people of African descent, and that the United Nations agencies adhere to these tenets in their internal policies and practices.

Religious organisations must teach, preach and practice racial equality in all spheres, including and specifically in the acquisition and management of knowledge, skills and material assets.

Member States, religious organizations, the United Nations and others should put in place positive measures to foster and sustain Black enterprise.

A liberatory agenda for a human rights economic framework should prioritize economic sovereignty, sovereign control of currency, and availability of a state's resources for its own development. It also requires ending the cycle of debt and the use of aid as a velvet hammer in favor of a global order that espouses egalitarianism of states.

The Working Group welcomes several positive frameworks that could be adopted and/or adapted more broadly. For example, Bristol (UK) has actively engaged its historical connection to the trade and trafficking in enslaved Africans and its legacies in a comprehensive revision of public and private sector commitments to racial equality and equity.

Effective management of extractive industries requires rigorous transparency and local content. For example, Botswana, where diamonds were discovered after independence, has the Pula Fund, the oldest sovereign wealth fund in Africa, and protects local interests in mining contracts.

The Working Group recommends that transparency, oversight, and accountability be strengthened for private companies in extractive industries, which have enriched themselves at the expense of local populations and without adequate state oversight. These persistent failures have allowed extractive industries to act with impunity, causing significant harm in communities of African descent.

Government and private sector should increase the amount of low-interest money available over the long term to countries.

Member States should provide debt relief for highly indebted middle-income countries, including for debt to micro-finance institutions, and enforce responsible lending and borrowing rules to prevent debt-fueled capital flight.

Development partners should collaborate with the private sector to create new and innovative financial instruments, like green bonds and debt-for-climate or debt-for-nature swaps that de-risk investments

Member states should curtail capital flight by preventing elites from the export of cash and state assets to Western havens, and continue efforts to recover stolen assets.

Member States should leverage diaspora capital for development through better economic management, instilling confidence in political governance and social stability, and establishing National Development Trust Funds, Diaspora Bonds, Collective Remittances and Diaspora Philanthropy, Crowd Funding platforms, and Diaspora Direct Investment

Member States and the United Nations should support the establishment of independent and publicly owned credit rating agencies to assess more fairly and transparently the credit rating of Africa and countries that are predominantly Black.

Member States are urged to prioritize the pursuit of reparations as one important step towards rectifying the historical injustice of slavery and addressing the resulting inequality and unfair treatment towards people of African descent.

Member States are urged to ensure meaningful participation and engagement of communities in decision-making processes.

The Working Group urges Member States to address labour market inequalities by guaranteeing access to decent employment.

Member States should implement initiatives specific to people of African descent, such as small business loans for entrepreneurs of African descent, affirmative action in employment and

training/onboarding programmes, and grants for addressing bureaucratic procedures and other ancillary costs for business owners of African descent.

Member States must ensure that the business sector practice due diligence in eradicating racial discrimination and segregation in the employment sector.

Civil society should adopt a decolonial praxis in learning about historical inequalities and telling the stories of people of African descent in a way that is embedded in the collective conscience of people of African descent and draws on principles of reparatory justice.

Member States should fund and support community initiatives such as mentorship schemes and spaces of interaction and ensure role models of African descent are readily accessible to provide support to young people.

Member States should foster information sharing and communication among people of African descent to promote a sense of belonging, trust and shared purpose.

Governments should support the development of Black business networks or similar initiatives across disadvantaged communities.

The United Nations should pursue digital equity for people of African descent, through for example, a Declaration of Digital Rights of People of African Descent that outlines standard protection for people of African descent by States and private companies. “Tech” Equity must be viewed through an intersectional lens.

Member States are urged to include People of African Descent in decision making structures beyond tick box inclusion to relational values and practices fully attuned to racialised power relations, historicity, and the ways in which privilege and disadvantage are reproduced in institutions and everyday settings.

Member States are urged to invest in multi-pronged investment in education of people of African descent- through early investment and in relevant skills acquisition.

Member States should strengthen education for people of African descent and consider appropriate remedies for students and teachers when they are targeted by racial discrimination.

Member States and the corporate sector must ensure that stakeholders are attentive to structural barriers in international trade, banking, insurance, and financing systems.

Civil society should develop innovative public information and educational tools for financial literacy and entrepreneurship.

Member States and the corporate sector should use intersectional performance data covering ethnic background, gender, geographical location to adopt business principles for cooperatives, credit unions, and SMEs, that are locally appropriate and owned.

Member States and the United Nations should advocate for more meaningful participation of the civil society in this space of financial literacy.

The international community should advocate for debt cancellations in response to both historical and contemporary discriminatory practices.

Member States should ensure migrant communities are not left-behind and generating a new racial divide.

The international community should champion Black owned and locally understood social protection and safety nets.

The Working Group recommends that reparations for people of African descent need to centre justice; give pre-eminence to the interests and perspectives of the victims (people of African descent), contemplate the systems and structures that perpetrate harm, and emphasise both corporate and individual culpability.

Member States and the international community should decolonise international law to eliminate ideological barriers to equitable perspectives on culpability and victimization, the very foundations of reparatory justice. Return of cultural artifacts and state assets must be unconditional.

Member States need to engage with all the issues that prevent them from implementing the Durban Declaration and Programme of Action in an open and transparent manner.

There is need for greater discussion of the truth about the Durban Declaration and Programme of Action.

Member States should audit their indebtedness and return payments that were forcibly expropriated.

The Working Group urges financial and development institutions to design policies and programmes with clear, specific and measurable goals for the development of people of African descent. Such policies and programmes must be informed by disaggregated data and be in line with the Durban Declaration and Programme of Action, the International Decade for People of African Descent and the Sustainable Development Goals.

The Working Group recommends that Governments, businesses and civil society implement the Guiding Principles on Business and Human Rights to prevent, address and remedy human rights abuses suffered by people of African descent in business operations, including technology companies.

The Working Group recommends that all Member States, regional and international organizations, United Nations funds, programmes and specialized agencies, civil society organizations and all other relevant stakeholders implement the Durban Declaration and

Programme of Action and the programme of activities for the implementation of the International Decade for People of African Descent (Recognition, Justice and Development).

Finally, the Working Group recommends that the Member States should declare a second International Decade for People of African Descent.