

Syracuse University

SURFACE at Syracuse University

Theses - ALL

5-12-2024

FROM HAITI TO DURBAN: REPAIRING THE CRIME AGAINST HUMANITY

Aimee Beatrice Shukuru
Syracuse University

Follow this and additional works at: <https://surface.syr.edu/thesis>



Part of the [African Studies Commons](#)

Recommended Citation

Shukuru, Aimee Beatrice, "FROM HAITI TO DURBAN: REPAIRING THE CRIME AGAINST HUMANITY" (2024). *Theses - ALL*. 885.
<https://surface.syr.edu/thesis/885>

This Thesis is brought to you for free and open access by SURFACE at Syracuse University. It has been accepted for inclusion in Theses - ALL by an authorized administrator of SURFACE at Syracuse University. For more information, please contact surface@syr.edu.

Abstract: Black people have been at the center of the liberation struggle since the transatlantic slave trade that saw black people as property. The various forms of resistance within the struggle have taken many shapes, from jumping off the slave ships in the Atlantic to breaking tools and refusing to work to outright organized resistance that led to a revolution in Haiti that defeated slavery, colonization, and white supremacy that made capital accumulation based on the dehumanization of black people possible. Because the transatlantic slave trade was a global project, black people have demanded nothing short of an international recognition of the consequences of the slave trade on the peoples of African descent, wherever they may be. Using black internationalism and intersectionality as a road map, the analysis argues that it is the consequence of enslavement as an international project and the evolution of global capital that the global anti-racist movement has fought, literally and symbolically, to put on the international agenda. While focusing on the Black freedom and the anti-apartheid struggle, the analysis highlights how various anti-racist movements and people of African descent have crossed paths in the pursuit of the struggle and collective emancipation, leading to the production of ICERD in 1965 and the Durban Declaration in 2001 that have addressed the racial question at different historical moments at the international stage.

FROM HAITI TO DURBAN: REPAIRING THE CRIME AGAINST HUMANITY

By
Aimée Beatrice Shukuru

B.A., Syracuse University 2022

Thesis
Submitted in partial fulfillment of the requirements for the degree of
Master of Arts in Pan African Studies

Syracuse University
June 2024

Copyright © Aimée Beatrice Shukuru 2024

All rights Reserved

Acknowledgment

My family,

I am forever grateful for your love and support which without this thesis would not be possible.

Sifa, you wore many hats, from Bibi to Mwalimu. Thank you for ingraining a sense of intellectual curiosity in everything I do. To Da Bea, who has been my motivation, I do everything for you because you gave me everything. To my sister, your jokes and laughter energized me, allowing me to forget the rigid writing process even for a moment. Upendo wangu hauna mpaka kwenu nyote.

To the global black family, your struggle to assert your humanity is the foundation of my thesis. I am grateful to the Pan African Studies Program for nurturing my intellectual growth and allowing me to attempt to capture our history in a few words.

To my thesis committee,

Dr. Kate Hanzalik, your insightful comments and support from freshman year until today have made this project a reality. I am grateful to Dr. Mandela Biko Gray and Dr. Herbert Ruffin for your support throughout this process. Thank you for allowing me an opportunity to work with you.

Mwalimu Horace Campbell, thank you for giving me the intellectual framework to understand the world in which I live. You have graced me with your patience and guidance, not only in this

project but also during my time at Syracuse University. You have allowed me to create a community in Syracuse and beyond. And for that, Nshukuru kwaku nifunza utu wangu.

Table of Contents

Chapter 1: Introduction.....	1
Chapter 2: Black Internationalism and Intersectionality	11
I. The Haitian Revolution	11
II. The 5 th Pan African Congress	19
III. Intersectionality	29
IV. Methodology: Archival Research	37
Chapter 3: The Necessary Conditions	41
Introduction	41
The Backdrop: The Oxygen for the Global Anti-Racist Struggle	42
V. The Black Freedom Struggle.....	42
VI. The Apartheid Question.....	50
VII. The International Convention Against Racial Discrimination	55
VIII. The World Conferences Against Racism.....	63
Conclusion	72
Chapter 4: Repairing the Crime Against Humanity.....	73
Introduction: Reparative and Restorative Justice	73
Background.....	79
The Players	85
IX. The Durban 400.....	85
X. The Delegate Forum	88
A. Reparations	88
B. The Crime: Was. . .Today. . .Should.	99
Conclusion	104
Chapter 5: Conclusion	107

Acronym List

ALC	African Liberation Committee
ANC	African National Congress
AU	African Union
BCM	Black Consciousness Movement
CORE	Congress of Racial Equality
DPA	Declaration and Programme of Action Durban Declaration and Programme of Action
DDPA	
FHA	Federal Housing Administration
FNLA	The National Front for the Liberation of Angola
FRELIMO	Frente de Libertação de Moçambique (Liberation Front of Mozambique)
GEP	Group of Eminent Persons
GRULAC	Group of Latin America and the Caribbean
ICERD	International Convention on the Elimination of all Forms of Racial discrimination
PAC	Pan African Congress
PAWLO	Pan African Women's Liberation Organization
PAWO	Pan African Women's Organization
PrepCom	Preparatory Meeting
PRWM	Polaroid Revolutionary Workers' Movement
NAACP	National Association for the Advancement of Colored People
NAM	Non-Aligned Movement
NCN	National Council of Nigeria and the Cameroons
N'COBRA	National Coalition Of Blacks for Reparations in America
NEIO	New International Economic Order
OAU	The Organization of African Unity
OHCHR	United Nations High Commissioner for Human Rights
RENAMO	Mozambican National Resistance
SA	South Africa
SADF	South African Defense Force
SLCL	Southern Christian Leadership Conference
SNCC	The Student Nonviolent Coordinating Committee
SWAPO	Southwest Africa People's Organization
TRC	Truth and Reconciliation Commission
UNGA	United Nations General Assembly
UNITA	National Union for the Total Independence of Angola
UNSC	United Nations Security Council
UK	United Kingdom
WCAR	World Conference Against Racism, Racial Discrimination, Xenophobia, and Related Intolerance
WEOG	Western European and Other Groups

Chapter 1: Introduction

James Baldwin died in December 1987 in France. By the time of his death, he had thirty-page manuscripts of a book titled *Remember This House*.¹ It was supposed to be about the Black freedom struggle and the contributions of Malcolm X, Martin Luther King, Jr, and Medgar Evers to the struggle.² By 1979, all three men had been assassinated, with Dr. King taking the last bullet in Tennessee while supporting a strike by sanitation workers. As a tribute to Baldwin and a critique democracy in the United States, Director Raoul Peck produced a documentary film, *I am not Your Negro*, narrated by Samuel L. Jackson, using the unfinished manuscripts as a starting point. The film chronicles and conceptualizes the plight of African Americans in seeking justice and the ways in which such justice had been denied through the dehumanization of black people via state-sponsored violence. The documentary concludes with a form of farewell from Baldwin. He says:

The future of the negro in this country is precisely as bright or as dark as the future of this country. . . . What white people have to do is to try to find out in their own hearts why it was necessary to have a [negro] in the first place . . . the question you have to ask yourself . . . if am not the [negro] here and you invented him, you the white people invented him, then you've got to find out why. And the future of the country depends on that.³

Although Baldwin wrote within the United States context, this farewell cannot be contained within the United States boundaries alone. Essentially, Baldwin is asking white America to grapple with the history of the United States. Arguably, Baldwin does not ask the audience to revisit the history of the Boston Tea Party or the Federalists vs non-Federalists, for

¹ Lapin, Andrew. 2017. "James Baldwin, In His Own Searing, Revelatory Words: 'I Am Not Your Negro.'" *NPR*, February 2, 2017, sec. Movie Reviews.

² Lapin. 2017. "James Baldwin."

³ Peck, Raoul, dir. 2016. *I Am Not Your Negro*. Kanopy. <https://www.pbs.org/independentlens/documentaries/i-am-not-your-negro/>.

example. These are details that can be worked out after we have addressed the historical foundation of the United States. It is a story of the black person in the context of the changes in the capitalist mode of production from the plantation economy to the industrial economy to modern-day structural racism. Baldwin is asking the United States to understand the complexities of its history, from the transatlantic slave trade to modern-day systemic racism and racial inequalities.

Similarly, the global anti-racist movement has asked the world to do the same. Rather than focusing on the United States, although it provides one example, the anti-racist movement wants the world to grapple with the history of colonization, exploitation, and white supremacy. In the quest to recover the history of the masses in Africa and peoples of African descent, the movement has articulated why the enslaved black worker was invented and why such an invention was a crime against humanity. The need to harness Mother Earth and natural resources was the main reason for this invention. The objective of the global anti-racist movement has been to tell the world how to remedy the crime against humanity. Diversity and Inclusion Offices and bias training do not reach the core of the problem. A structural problem that involves systemic racism requires structural changes rather than implicit bias training.

The evolution of the anti-racist movement sought to build on previous struggles and provide what is needed to transcend racism within the given context, as evident in the various manifestations of the anti-racist struggle. The movement has passed through various forms of resistance, including abortion, maroon societies, and military confrontations. One conjuncture that becomes important in this analysis is that of industrialization in the United States of America. This conjuncture is analyzed by Edward Baptist, who traced the role of black bodies in the development of agriculture and industry in the United States.

After stealing indigenous land, the US capitalist class needed labor to turn land into productive spaces. In the process, the transatlantic slave trade and profit accumulation slowly congealed to facilitate the industrial revolution in the United States. The scholarship of Baptist has elaborated on how the dehumanization of black bodies took place on the plantation system. Black people were considered as property rather than human beings. Thus, Baptists title each chapter a different body part while paying attention to how such parts made industrialization in the United States possible. Each body part was “valued” to the extent that it worked to maintain the plantation. The heart, head, back, hands, and arms were seen as tools to produce cotton in the South. Together, the body parts were seen as parts of a fully functioning machine or hardware tool that could only be understood in relation to the production of cotton. This is one of the reasons why insurance companies became prominent in the slave trade era to protect against the loss of enslaved people as property. The death of an enslaved person constituted an insurance claim under property rights. In contrast, for white people, a head, heart, legs, and arms constituted an autonomous human being with an agency whose rights could be asserted under the law. For black people, such parts did not make up a human being; they made up a “thing” or a machine that could be used for profit accumulation. Through labor-intensive cotton production and cultivation, the hands, legs, hearts, and arms developed an agricultural economy in the South and industry in the North.

Whereas in England increased production came from technological innovations, in the United States of America, increased production came from the pushing system, which was inherently violent. As Baptist emphasized, nowhere was this violence more visible than on the plantation. The violent nature of capitalism displayed against indigenous peoples in the name of white supremacy and private property had found its way to enslaved Black men, women, and

children. One significant aspect that had changed to accommodate the growth in cotton production was the art of torture against human beings that aimed to turn them into robots.⁴ The enslaved owners created a system to control labor production. Enslaved people called it the “pushing system.”⁵ This system of control was aimed at increasing cultivation to maximize the number of acres worked per hands per year.⁶ Violence put the push in the system because they understood the level of torture they would be subjected to if they did not meet their quotas. The whipping machine, as a system of torture, served as one tool that pushed the enslaved to “focus their minds on inventing new ways to perform repetitive and mind-numbing labor at nearly impossible speed.”⁷ The whipping machine was not a technological innovation. Instead, the term was used to refer to techniques overseers and plantation owners, who had become innovative in their way of punishing the enslaved, used to force black people to work on the plantation. As Baptist shows, some were beaten until unconscious, while others experienced sexual humiliation, mutilation, electric shocks, burning, and waterboarding.⁸ Thus, the whipping machine was not another version of the whip that lashed enslaved people who had run away, for example. It described a set of tools that were perfected to whip or subdue individuals into submission. It is this brutality that is at the center of the capitalist mode of production that turned indigenous land into the United States of America.

This explanation of how the capitalist mode of production work during enslavement in the United States of America is not unique. The elaboration and profit accumulation on the world scale evinced different relations of production within the capitalist system.⁹ In the Caribbean, in

⁴ Baptist, Edward E. 2014. *The Half has Never been Told: Slavery and the Making of American Capitalism*. 1st ed. New York: Basic Books, a member of the Perseus Books Group, p-113.

⁵ Baptist. *The Other Half has Never Been Told*, p-116.

⁶ *Ibid*, p-117

⁷ *Ibid*, p-142.

⁸ *Ibid*, p-141

⁹ Amin, Samir. 1971. *Accumulation on a World Scale: A Critique of the Theory of Underdevelopment*. Monthly Review Press.

Britain's Black Debt, Beckles demonstrates how the transatlantic slave trade was a national project that implicated the banks, insurance companies, the royal family, and the Church of England. The profit growth from the slave trade facilitated the development of industry, banking, and insurance in cities such as Bristol, Liverpool, London, and Glasgow. For example, on the banking question, thirty banks out of sixty were registered as owners and investors in the trade of human beings by 1835.¹⁰

The anti-racist movement wants the world to recognize the injustices done to black people because of the profitability and global nature of the enslavement of human beings. Focusing on Africa, Walter Rodney provides an example of how Samir Amin's analysis of the internationalization of capital accumulation applied to Africa. *How Europe Underdeveloped Africa* provides a comprehensive examination of Africa's social and economic contributions to the rise of capitalism in Europe and the transition to monopoly capitalism at the end of the nineteenth century. In the era of corporate monopoly, ideas of racism became a global imperial project due to the expansion of monopoly capitalism linked to the control of banking, standard oil, and steel industries. The African environment provided mineral wealth, and the enslaved Africans provided forced labor in Europe and other European colonies through the transatlantic slave trade. To maximize profit, the colonial power required the colonization of Africa to harness the art of exploitation that confined African mineral wealth and agricultural goods to form metropolitan industries. The capitalist mode of production targeted African workers and mineral wealth to guarantee the success of industry in Europe. With the enslaved and colonized Africans,

¹⁰ Beckles, Hilary, 2013. *Britain's Black Debt: Reparations for Caribbean Slavery and Native Genocide*. Kingston, Jamaica: University Of West Indies Press, p-137.

the capitalist class found the individual whose labor was essential for production and profit accumulation. They attained surplus capital to build multinational corporations and develop scientific and technological innovations using African mineral and agricultural wealth.

The thesis posits that it is the consequence of this international project of enslavement and the evolution of global capital that the global anti-racist movement has fought, literally and symbolically, to put on the international agenda. Through the lens of black internationalism and intersectionality, the analysis seeks to demonstrate the ways in which the anti-racist movement has sought to dismantle systemic racism on the global stage. Focusing on the Black freedom struggle and the anti-racist struggle, the analysis highlights the ways in which various anti-racist movements crossed paths in the pursuit of the struggle, leading to the production of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the Durban Declaration and Programme of Action (DDPA) that have addressed the racial question at different moments in history at the international stage.

This analysis uses the ICERD in 1965 and the Durban Conference in 2001 as moments in the struggle where the movement forced the world to confront the question of racial discrimination within the walls of the United Nations. The goals of the United Nations and the Universal Declaration of Human Rights in 1948 failed to articulate the anti-racist demands of black people. ICERD, as a legal document condemning racial discrimination, should be understood in the context of this failure. The Universal Declaration of Human Rights came at the time when the rest of the world was colonized by the countries who lined up in the UNGA to sign the document at ratification. In response to the anti-apartheid and the Black freedom struggle, the 1960s received a legally binding document condemning racial discrimination. ICERD marked a point in history where the world was forced to listen, document, and respond to

the injustices that had been done to black people. It showed how racial discrimination, and the enslavement of people was an international rather than a national issue. This is why it was negotiated in an international forum. However, as the analysis will point out, ICERD was limited in scope. Its potential to provide a fully comprehensive analysis and policy recommendation to combat racial discrimination was restricted in the negotiation process in the UNGA Third Committee. Language indicating the existence of systemic racism was watered down in favor of weaker language that attributed racial discrimination to individual behaviors. The weakness of the ICERD did not go unnoticed. As African countries were gaining independence, they realized that racial discrimination as defined in the document did not adequately address the economic exploitation of African countries by European countries.¹¹

Black Internationalism became an anchor that connected black people globally who saw the struggles of the peoples of African descent being interconnected. It is this interconnection that was being manifested on the international stage. Such a level of solidarity allowed the Black freedom struggle in the United States and the apartheid struggle to gain a common ground in their quest for reparative justice. While the gains of the Black freedom struggle were diminished by structural racism, the question of the apartheid state was yet to be resolved. For this reason, the First and Second World Conferences, precursor to Durban, in 1978 and 1983 were demanded to correct the limitations of the 60s and 70s conceptualization of racism. From this process, the world declared the apartheid state a crime against humanity. However, the global anti-racist

¹¹ See Kwame Nkrumah and Frantz Fanon have elaborated on the relationship between colonialism and full emancipation. See Kwame Nkrumah, *Africa Must Unite*; Frantz Fanon, *the Black Skin, White Masks*.

movement was not done. The closure of the 20th century witnessed the fall of the apartheid system and the ways in which South Africans sought to heal the post-apartheid society. This era also saw strong Pan-African movements with the Bandung version of South-South solidarity that connected the struggle beyond African borders. Setting the stage for a new era of healing, the anti-racist movement, once again, forced the world to enter Durban to examine the state of the world regarding the racial question. The Durban Conference sought to curve a new pathway into the 21st century, a path of healing. Out of the Conference came the question of reparative justice at the center of redefining the current structure of the world. Progressive forces in Durban demanded the acknowledgment of the history of black people, wherever they may be, within the context of the transatlantic slave trade. In the context of demanding reparations, they wanted the slave trade to be remembered in history as a crime against humanity. Period.

The analysis is composed of five chapters. After the introduction, chapter two lays out the theoretical framework and methodology. This project borrows from West and Martin's conceptualization of black internationalism to understand the organs and veins that feed the anti-racist movement. It borrows from a long tradition of resistance dating back to the Haitian Revolution. The conceptualization of black internationalism and the ideas of resistance that have informed the struggle dates to the enslaved resistance in Santo Domingue that led to the first black republic. Such ideas energized the movement from Haiti to South Africa. This tradition of resistance and the ideation system that it produced has, for more than one century, been in contestation with liberal ideas about human beings. As Leslie Alexander demonstrates in *Fear of Black Republic*, for more than one hundred years, liberal racist conceptions of the state, power, and politics denigrated Haiti and its understanding of citizenship. While the Haitian Constitution gave citizenship to any black person who set foot in Haiti, the racist liberal ideas in the United

States legalized bifurcated citizenship that declared black people as three-fifths of a person in 1787. The conceptualization of black internationalism, as elaborated by West, Martin, and Alexander, allows me to put their analysis in conversation with the liberal ideas at the foundation of UN documents, an institution that was founded when black people were considered less than human. The methodology seeks to put the anti-racist social movements in conversation with the UN as an intergovernmental institution responsible for producing ICERD and the DDPA.

Chapter three will contextualize the forces that necessitated ICERD, focusing on the global anti-racist centers that energized the movement in the 1960s and 70s. The Black freedom struggle in the United States and the anti-apartheid struggle in South Africa within the context of independence movements in Africa served as the battleground for the global anti-racist movement. Such catalysts will be placed in conversation with ICERD negotiations (the 1960s) and the 1978 and 1983 World Conferences against racism, whose limitations and successes set the stage for the 2001 Durban Conference. The purpose of this chapter is to demonstrate that the 2001 Durban Conference did not arise out of a vacuum.

Chapter four will focus on the Durban Conference and the struggle that led the world to convene in South Africa. The Durban field provided a different environment in which to examine the current world structure. First, the chapter will show how the Pan-African forces, including the Durban 400, demanded reparative and restorative justice through the question of reparations. Second, on the political ground, the Caribbean, Latin American and African countries formed a Pan-African force that the Americans and European countries were forced to reckon with on the reparation question. Together, the Pan-African forces forced the global North to confront reparative justice, not as a monetary conversation, but as a demand to contextualize

the transatlantic slave trade as a crime against humanity. Chapter five will draw conclusions, focusing on the lessons to be drawn from the anti-racist movement in the 21st century.

Chapter 2: Black Internationalism and Intersectionality

I. The Haitian Revolution

In discussing the history of policing in the United States in a new Netflix documentary film, George Yancy, professor of philosophy at Emory University, alludes to the different ways European philosophers deprived black people of their autonomy to justify the dehumanization of black people in European societies. While Thomas Jefferson stated that black people lacked creativity, Georg Hegel added that they lack spirit. Immanuel Kant removed the value of speech from a black person, devaluing the significance of oral tradition in various African societies.¹² At the core of such racist notions was an attempt to remove agency from a black person's life and their ability to shape events around and beyond their existence. Thus, it is not surprising that the Haitian Revolution has been labeled as a "nonevent" rather than an historical event that has shaped the trajectory of black resistance beyond Haiti as documented by scholars such as West, Martin and Alexander.¹³ Goldstein and Keohane, celebrated scholars in international relations have, I would argue, applied the Haitian Revolution as a nonevent interpretation to the independence movements in Africa in the 1960s. In an attempt to explain the role of socialization in international relations, they argue that demand for independence and the bloody resistance that followed against colonization was not the deciding factor in the coming of independence in Africa. They argue that independence in the 1960s was the result of "new principled ideas about self-determination" that allowed the "colonial powers to voluntarily loosened the strings of their

¹² Ford, Yence, dir. 2024. *Power*. Netflix.

¹³ See West, Michael O., William G. Martin and Fanon Che Wilkins. 2009. *From Toussaint to Tupac: The Black International since the Age of Revolution*, edited by MICHAEL O. WEST, WILLIAM, G. MARTIN and FANON CHE WILKINS. 1; 1st; ed. Chapel Hill: University of North Carolina Press. See: Alexander, Leslie M. 2022. *Fear of a Black Republic: Haiti and the Birth of Black Internationalism in the United States*. 1st ed. Champaign, IL: University of Illinois Press.

control” thus allowing colonies to demand their autonomy.¹⁴ To these scholars, independence in Africa was the result of the socialization of democratic norms that allowed the colonial administration to loosen their grip on the African colonies, thus leading to independence. In plain, this argument suggests that black people became free because white people decided that they should be free. If this were true, it is difficult to explain the counterinsurgencies that reached genocidal levels against the Land and Freedom Army to kill their independence spirit and action in Kenya, for example. Their argument, like the enlightenment philosophers, deprives black people of their autonomy and agency as human beings that drive their ability to shape the call for self and collective emancipation via restorative and reparative justice. The theoretical framework that this project seeks to engage is that which treats and views black people as human beings, capable of giving life, at the biological level, and driving a national and international agenda that influence the future of the life that Black women birth.

Using black internationalism and intersectionality, this project seeks to analyze the different ways black people have asserted their agency at the international stage to shape international laws and principles on racial discrimination. At the core of this project is an endeavor to follow the long traditions of scholars who have sought to reaffirm the autonomy of Black women and men to exist as human beings. The chapter will begin by analyzing West and Martin conceptualization of black internationalism that connected the struggle beyond boundaries. Before the conclusion, the chapter will show how intersectionality addressed the male and class centered environment that existed in the struggle to make it a movement that addressed the lived experience of the peoples of African descent.

¹⁴ Goldstein, Judith, and Robert O. Keohane.1993. “Ideas and Foreign Policy: An Analytical Framework.” In *Ideas and Foreign Policy: Beliefs, Institutions, and Political Change*, edited by Judith Goldstein and Robert O. Keohane, Cornell University Press, p-15.

As Alexander notes black internationalism has become an anchoring point for those seeking to understand the genesis of the global black struggle for freedom.¹⁵ It is this struggle and the theoretical framework that centers the lived experiences of black people that is at the core of the international agenda to eliminate racial discrimination. The project uses black internationalism and intersectionality as emancipatory frameworks that informed the global anti-racist movement. Such frameworks capture the different angles and energies that have made and continue to make the movement possible, from the success of the Haitian Revolution in 1804 to the Durban Conference in 2001. It is called the global anti-racist movement for a reason. It is global in ideas, international in participation and diverse in techniques of resistance. This section seeks to lay the foundation of how the working peoples demands for independence, an end to racial segregation, and black workers' rights marked the era that influenced ICERD in the 1960s and the First and Second World Conference against racism in the 1978 and 1983, respectively. It also contextualizes the Durban 400, the Group of Latin America and Caribbean Countries (GRULAC) and African Group demands to end systemic racism, informing the outcome of the DDPA in 2001.

The interpretation of black internationalism borrows from *Toussaint to Tupac: Black Internationalism in the Age of Revolution* edited by Michael West, William Martin and Fanon Wilkins. The book is composed of intellectual work that conceptualize the link between black internationalism and black consciousness. They provide a framework to understand and historicize the contributions of the black struggle to social justice. Rather than giving a strict definition of black internationalism, they provide its characteristics: struggle.¹⁶ It encompasses

¹⁵ Alexander. 2022. *Fear of a Black Republic*, p-6.

¹⁶ West, Michael O. and William G. Martin. 2009. "Contour of the Black International." *From Toussaint to Tupac: The Black International since the Age of Revolution*, Chapel Hill: University of North Carolina Press, p-1.

the ways in which the masses have resisted against slavery, transatlantic slave trade, colonization as the starting point for the various systems of oppression at the global level. They see black internationalism as “a product of consciousness, that is, the conscious interconnection and interlocution of black struggles across man-made and natural boundaries—including the boundaries of nations, empires, continents, oceans, and seas.”¹⁷ Black internationalism transcends what they term the metanarrative and the national narrative. The metanarrative centers the experience of Europe as the starting point for humanity and international discourse. The national narrative focuses on the nation state as a sovereign entity, thus, minimizing international politics and the way people and ideas connect beyond boundaries. As a critique, black internationalism captures the limitation of the metanarrative and the national narrative. As a framework, it decenters the Eurocentric ideologies by centering the voices of the masses and the Global South. Thus, it is not by accident that the anti-racist struggle found supporters in the form of Global South solidarity. It promotes political, economic and social cooperation between Africa, Asia, Latin America and the Caribbean by arguing that the South should be at the center of its own history. Among other purposes, the shared struggle against imperialism and colonization is the foundation of the South-South alliance. The Bandung Conference in 1955 framed the founding ideologies of this alternative point of reference. Those in attendance demonstrated their commitment to the principles of freedom, self-determination and denounced racial discrimination. The Conference gave the world the foundation of a Global South union to counter Western hegemony by placing countries in the South at the center of their struggle for independence. It is within this network that the anti-racist movement found support outside of the transatlantic slave trade context and from countries and individuals outside of Africa but

¹⁷ Ibid.

within the South. It is appropriate to situate this project in black internationalism as I seek to outline the ways the global anti-racist movement have influence the question of race on the international stage from ICERD in 1962 to the Durban Conference in 2001. Centering the voice of the masses and the struggle against colonization and imperialism is a critique of the European model that situate whiteness at the center of humanity. Black internationalism is also a critique to the nation state. It demonstrates the ways in which black people united for a common struggle, challenging ideas of local and regional boundaries that the Berlin Conference drew in 1884. The black struggle as a critique to whiteness did not start in the United Nations while drafting ICERD. It can be traced back to the Haitian Revolution that produced the first Black Republic and the 5th Pan African Congress, as a Conference of the working people.

West and Martin contextualize black internationalism in various historical moment starting with the age of revolution. Rather than focusing on the American, French or Russian Revolution, the authors outline the Haitian Revolution as the point of reference for black internationalism. As Frey argues, the Haitian enslaved peoples gifted black internationalism two things: ideas of universal emancipation and revolutionary tendencies.¹⁸ Various identities, occupations (enslaved and non-slave labor) created an underground network that challenged the “unholy trinity of slavery, white supremacy and colonization.”¹⁹ Not only was the Revolution diverse in its participants, but it was also universal in its attempt to eradicate all form of oppression; colonization, white supremacy, and slavery. This is to say that black internationalism found a nurturing environment in Haiti since the enslaved peoples had come from various parts of Africa. Santo Domingue’s plantation economy produced the struggle in which people

¹⁸ Frey, Sylvia. 2009. “The American Revolution and the Creation of a Global African World.” *From Toussaint to Tupac: The Black International since the Age of Revolution*, Chapel Hill: University of North Carolina Press, p-67.

¹⁹ West, Michael O. and William G. Martin. 2009. “Contour of the Black International,” p-7.

organized against. Thus, the Haitian Revolution gave black internationalism ideas of self-emancipation, solidarity and collective action. The Revolution gave the theoretical base to people fighting against slavery in central America and the United States.

It is not by accident that Pan-Africanism, as a form of black internationalism, emerged from the enslaved, who saw the value of building resistance against slavery that transcended national and ethnic identities. The enslaved had many different and creative forms of struggle against slavery, at the personal and collective level, that began from the time of kidnapping from the African continent. For instance, while some jumped off ships in the Atlantic, others broke tools necessary to work on the plantation and others ran away. Some women resorted to abortion, rejecting the reproduction of the plantation workers. To speak on the essence of Pan-Africanism from below, Micere Mugo affirmed that "Pan-Africanism needs to be defined beyond the Congresses and Proclamations."²⁰ That is, the consciousness did not arise out of the Pan-African Congress or the African Union. It was and continues to be observed in the women, youth, and the masses whose objective is to demand the humanity and dignity of peoples of African descent in all aspects of life.

The Haitian Revolution brings this understanding of Pan- Africanism to the forefront. The enslaved masses of Santo Domingue united to destroy the colony's political, social, and economic structure that was crucial to French Capitalism.²¹ In the same breath, they demanded a form of production that did not rely on the dehumanization of black people not just in Haiti but in global Africa. It is this understanding of Pan-Africanism that defeated slavery, colonialism, and white supremacy. Resistance was explored and solidified through dance and vodoun, as

²⁰ Mugo, Micere. 2002. "Re-envisioning Pan Africanism: What is the Role of Gender, Youth and the Masses?" in *Pan Africanism and Integration in Africa*, edited by Ibbo Mandaza and Dan Nabudere, Sapes Books, Harare, p-239.

²¹ See James, C. L. R. 1989. *The Black Jacobins*. 2nd ed., Vintage Books.

spiritual point of emancipation for the self and the collective. As Fick demonstrates, as a form of resistance, religion and dance in Santo Domingue relied on the collective understanding, on the part of the enslaved, that they “must draw from within themselves and from their own beliefs” if they wish to dignify and humanize their existence in the face of white supremacy.²² Various spiritual identities came together to produce vodoun as a form of spiritual guidance. Moreover, they composed dance acts that combined rhythm from Congo, Togo, and Senegal, among other countries. By participating in the dance ceremonies, they organized space and links of ideas that surpassed national, ethnic, and linguistic barriers. Although Africans were physically enslaved, the colonists could not mentally enslave them. By spiritually releasing themselves from the bondage of slavery, they gained the confidence to resist slavery in its physical form by establishing maroon societies.

Maroon societies, as a centers of resistance, provided the space where the enslaved prepared to defend their black identity by drawing upon African beliefs, practices, religion, and herb medicine for spiritual and physical protection.²³ The maroon reclaimed their freedom by becoming fugitives as many escaped plantations to seek livelihood in Santo Domingue. In the mountains and forests, men, women and young children, established maroon societies and formed armbands that burned every plantation they found.²⁴ This was a deliberate act to denounce capitalism and the slave mode of production, which valued profit rather than humans. The black codes, which legalized grave punishment for captured fugitives, did little to deter the objective of the masses. Solidarity between the Senegalese, Congolese, Togolese, and those from

²² Fick, Carolyn.1991. *The Making of Haiti: The Saint Domingue Revolution from Below*, University of Tennessee Press, 105.

²³²³ Fick, 1991. *The Making of Haiti*, p- 61.

²⁴ Ibid, p-53.

Guinea presented a common front against the colonial state. The enslaved did not revolt to defend an ethnicity or nationality. It was to defend the African identity and humanity.

After the Haitian independence in 1804, Haiti became a symbol of black resistance for global Africa, especially for colonies in the Americas. As Trouillot argues, the Haitian Revolution “challenged the very framework within which proponents and opponents had examined race, colonialism and slavery.”²⁵ The victory contradicted the foundation of race prejudice and the capitalist system. The level of diplomatic and military organization and the solidarity such masses presented forced the colonists to revisit their so called "civilizing mission." This is one of the reasons why the colonists considered the Haitian Revolution unthinkable.²⁶ For it to be possible, it necessitated the colonial recognition of Africans as knowledgeable human beings. The white supremacists of Santo Domingue would have had to abandon their renaissance and enlightenment notions of “the Men.”²⁷ This recognition would have changed the industrial economy of the 19th century. They refused to understand the Revolution as a movement that could (and did) change the history of Haiti after 1791. The movement defeated the three systems of oppression that American and French Revolution could not eliminate. As one of the first successful slave revolts, it gave the enslaved in the United States, Caribbean, Latin America and Africa the self-confidence to challenge their systems of oppression.

Beyond Santo Domingue, an independent Haiti represented and nurtured black internationalism at the time when the United States economic profit required racial capitalism and as the European countries set the stage for the Berlin Conference of 1884-1885. The Haitian

²⁵ Trouillot, Rolph-Michel.1995. “The Haitian Revolution as a nonevent.” *Silencing the Past: Power and the Production of History*, Beacon Press books, p-83.

²⁶ Trouillot, 1995. “The Haitian Revolution as a nonevent,” p-82-3

²⁷ Ibid, p-80.

Revolution had ideologically and militarily defeated France, Britain, and Spain. As a result, the colonists declared that "if the Haitian Revolution could not be rolled back, it would certainly be contained."²⁸ To isolate Haiti, European countries placed economic, political and an intellectual embargo on Haiti. The economic embargo targeted Haiti's economic development as Haiti experienced a decline in export and imports. France also required Haiti to pay reparations. Various countries refused to accept Haitian diplomats and citizens in their territories.²⁹ To this end, scientific racism developed to explain the Haitian revolution as a "nonevent" and defend "post abolition global racial hierarchies" because Haiti had proved that the inferiority of Africans based on social reasons was no longer feasible.³⁰ The Haitian Revolution contributed to the consolidation of the ideas of black internationalism. The enslaved men and women of Santo Domingue organized a Revolution aimed at the total emancipation of the black identity from slavery, colonialism, and white supremacy. The masses presented a common front to defend their freedom, humanity, and dignity.

II. The 5th Pan African Congress

The 1800s and early 1900s experienced intense emancipatory consciousness that touched every corner of the world that had enslaved peoples of African descent.³¹ To the enslaved, Haiti demonstrated the many possibilities that could be achieved with organized resistance. For example, David Walker's Appeal was published in Boston in 1829. The appeal made a critical stance against slavery and racial discrimination. It documented how African Americans were degraded to the status of property. While the appeal asked the enslaved to look to Haiti for

²⁸ West and Martin, 2009. "Haiti, I am Sorry. *From Toussaint to Tupac: The Black International since the Age of Revolution*, Chapel Hill: University of North Carolina Press, 85.

²⁹ West and Martin, 2009. "Haiti, I am Sorry," 87.

³⁰ Ibid, 85.

³¹ See the Pan African Congress, North America delegation website for a historical timeline of the liberation struggle.

inspiration for resistance, it called out the duplicity of the United States as the land of liberty with specific reference to the American Declaration of Independence.³² The appeal asked America to reconcile the “self-evident truth that all men are created equal” with the cruel and inhumane treatment of African Americans.³³ The content of the document, and specific reference to the American founding documents demonstrates that it was African Americans that were trying to materialize equality in America. In 1831, The Nat Turner rebellion followed the Walker’s Appeal that strengthened slave laws in the South. The energy of justice and equality led by the enslaved peoples reached its peak during the American Civil War in 1861 that threatened to turn the United States of America into the divided states of America. In the late 1800s, outside the American context, enslaved people were challenging the system of slavery and oppression. Central America and the Caribbean were defeating the chains of slavery while Africa formed organized military resistance against imperialism and colonization that had consolidated in Berlin in 1885.

The early 1900s experienced strong black internationalism in institutional form organized against colonization and the various systems of oppression. This is to say that regional and international organizations developed during this period, connecting energies beyond boundaries. The Pan African Congress of the 1900s began in the war period, creating a space to foster black internationalism and the struggle for independence. During the First and Second World War, black internationalism expanded its geographical limitations. It reached Africa, creating the second moment for the development, and strengthening of black internationalism, especially with the Italian invasion of Ethiopia in 1935. Black soldiers played a significant role in the wars,

³² Walker, David. 1965. *David Walker's Appeal, in Four Articles, Together with a Preamble, to the Coloured Citizens of the World, but in Particular, and Very Expressly, to Those of the United States of America*. New York: Hill and Wang, p-49.

³³ Walker. 1965. *David Walker's Appeal*, p-84.

thus creating one of the catalysts for the spread of ideas. John Morrow argues that the contributions of black African infantries to the success of the British and French war effort is often forgotten in literature. The author attributes this voluntary amnesia to the French and British attempt to “systematically omit, diminish or discredit the achievements of African soldiers in World War II.”³⁴ The author outlines the contributions of black armies in the European war effort. During the war periods, the colonial administrators were forced to look elsewhere for military service. White Europeans did not constitute enough labor to meet the industrial production and military service required. To compensate for the labor shortage, European colonial administrators looked to their African colonies. The colonial administrators used “voluntary” recruitment to develop sizable African infantries. Some enlisted voluntarily for prestige and “better” pay. However, as Killingray demonstrates, the British used a mixture of racist ideologies, kidnapping, and false promises to guarantee recruitment in the military ranks.³⁵ For example, in the British West Africa, they looked to the “martial race.”³⁶ This race applied to ethnic groups that possessed military and physical characteristics “superiors” to other ethnic groups. On kidnapping, some black soldiers remember being rounded up in the street at night and waking up at an army camp. Others were forced to choose between paying taxes, going to prison, and being enlisted. On false promises, the British, and especially the French, promised equality in pay and in the treatment of black soldiers during and after service.

For African soldiers and peoples of African descent, the war effort served an important purpose. They wanted to prove their dignity and demonstrate their equality to white men by enrolling in the infantries. They reasoned that fighting to save the French and British empire

³⁴ Morrow, John H. 2010. “Black Africans in World War II: The Soldiers’ Stories.” *The Annals of the American Academy of Political and Social Science*, p-3.

³⁵ Killingray, David, and Martin Plaut. 2010. *Fighting for Britain: African Soldiers in the Second World War*. NED-New edition. Boydell & Brewer, p-59.

³⁶ Killingray and Plaut. 2010. *Fighting for Britain*, p-40.

would prove their worthiness and lead to legal equality between white and black people in the long run. As Morrow demonstrates, in the United States, African American “willingness to fight and die for their country should have served as indisputable proof of their right to full and equal citizenship under the laws of the American republic.”³⁷ However, this is not what happened. Not only did soldiers suffer racial discrimination in the larger colonial social structure, but they also faced racial discrimination in the military ranks in terms of wages and treatment. They were not just soldiers; they were black soldiers. Their involvement in the wartime effort did not alter their relationship to the white soldiers or the general white population. For example, as Morrow demonstrates black soldiers were often placed in the front lines to limit casualties for white soldiers.³⁸ When black soldiers dared to demand equal treatment and an end to Jim Crow Segregation, African Americans were terrorized in the lynching campaign. Thus, promises of equality were rarely fulfilled.

The development of black internationalism during the war period was the consequence rather than the intended result of the formation of the black infantries. The military experience expanded their consciousness in relation to whiteness and other black people around the world. On the relationship between blackness and whiteness, black soldiers realized that they were fighting on the side of the colonial empire. The success of the Allied Powers would ensure further colonization rather than independence. Essentially, they were fighting for their oppressor. This understanding forced returning soldiers to examine their relationship to social movements fighting for the liberation of black people. As West and Martin argues, this period highlighted how “struggles in different locales came to a common appreciation of the global nature of the racialized systems of oppression that everywhere diminished the lives of black folk, making a

³⁷ Morrow, John H. 2010. “Black Africans in World War II,” p-13.

³⁸ Ibid, p-15.

mockery of their aspirations for full emancipation.”³⁹ Black soldiers played a crucial role in spreading the message of liberation and creating international links. Like the dock workers who had spread the message of the French Revolution in Haiti, the black soldiers in Africa and North America played an important role in exposing the contradictions of Western Democracy. The war period was significant to the spread of emancipatory ideas because aspirations for freedom had transcended “regional, provincial, national, imperial, continental and oceanic boundaries.”⁴⁰

The war period also saw the development of national and international organizations supporting black internationalism. On the question of the return to Africa, the Universal Negro Improvement Association (UNIA) serves as an immediate example. The movement advanced ideas of complete emancipation of black people everywhere, irrespective of geographical boundaries. Garveyism supported the idea that no black person is free until all peoples of African descent are free. The movement encouraged its followers to return to Africa to support the liberation struggle. Beyond Garveyism, the Pan African Congress, beginning in 1919 gained major support. The most notable iteration of the Congress came in 1945 in Manchester, United Kingdom. Its significance to black internationalism lay in its participants who had been at the forefront of the war efforts during the early 1900s. It is the black workers who had filled the industrial labor force during the war effort that made the 5th Pan African Congress possible. Black people convened to confront the colonial question that affected them everywhere. It provided a physical space that allowed peoples of Africa, the Caribbean and North America to breathe air of solidarity outside of their place of origin.

³⁹ West and Martin. 2009. “Contour of the Black International,”p-9.

⁴⁰ Ibid, p-9.

When the 5th Pan African Congress convened independence and workers' rights were the items on the agenda. Europe and its friends had to leave Africa and the West Indies. More significantly, links were made between the black worker and capital accumulation at the international stage. Speaking at the conference, W.F Carleton made an appeal to the larger labor movement to concern itself with the question of the black worker. He described this as the "labor's grand opportunity" to present itself as a force against capitalist exploitation.⁴¹ The movement will only be successful, he argued, if it provides an alternative model that articulates the needs of workers everywhere. This is because "workers [were] looking for a way out of the perpetual capitalist crisis and the crimes and barbarism of capitalist society."⁴² The labor movement had to make itself available to the exploited tenant-farmer, the small shop keeper irrespective of race if it is to defeat fascism, imperialism, and the barbarism of the capitalist society.⁴³ The movement had to demonstrate its availability to ordinary workers by "making them see in labor their shield against oppression and the fighter for their rights."⁴⁴ Therefore, it is not by accident that the participants of the 5th Congress represented labor unions from Africa and the West Indies. At this time, black internationalism was organized around the labor question. This is not to say that labor rights had not been at the forefront of independence movements. However, the Congress showed how black internationalism was organized around the rights of black workers and their relations to capitalism at the international stage. For example, demands for wages, housing and education made at home were synchronize between the Nigerian and the Jamaican worker at a global arena.

⁴¹ Carlton, W.F. 1943. "Union Labor Must Lead the Fight for Negro Rights." *Labor Action, Transcribed & Marked up by Einde O'Callaghan for the Encyclopedia of Trotskyism On-Line (ETOL 7(33)*. p-4.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Ibid.

By the 1940s, labor movements in Africa and across the Caribbean were making headway. Nigeria provides one example of how organized labor strikes informed calls for complete emancipation. The Nigerian General Strike took place on June 21, 1945, three months before the Congress. Organizers gave warnings to the colonial administration demanding the recognition of workers' rights. With the leadership of National Council of Nigeria and the Cameroons (NCN), of the Railway Workers Union, and the Lagos Market Women Association, workers organized a mass rally at Glover Memorial Hall on May 19, 1945. The labor demands demonstrated the unequal treatment between Nigerian workers and expatriate. The rally produced a resolution outlining the workers grievances.⁴⁵ When the colonial government failed to meet the demands through formal negotiations the working peoples were ready to strike. The call to strike began on June 21, at midnight. As Oyemakinde analyzed, the strike was organized in a way that each fraction of the working people understood their assignment in demanding an end to cheap labor in Nigeria. For example, local railway drivers whistled at midnight to signal the start of the strike. Railway workers played a pivotal role in ensuring effective communication channels between workers from different regions of Nigeria. When the colonial administration mapped the railway system in Africa, they intended to make profit from transporting goods and services from one location to the next. The objective was to transport African resources to the docks to make their way to Europe. However, the colonial powers failed to predict the use of the railway system as an organizing space. As Oyemakinde argues, the railway system aided the strike, allowing it to spread to other parts of the country.⁴⁶ As goods traveled, so did the communication and strategies about the strike by the railway workers. It is from such links of communication that the general strike took shape and gained support. As a result of the strike,

⁴⁵ Oyemakinde, Wale. 1975. "the Nigerian General Strike of 1945." *Journal of the Historical Society of Nigeria* no.7, vol 4, p-696.

⁴⁶ Ibid, p-702.

Nigerian workers received increased wages and family allowance among other benefits. To extend the arm of solidarity and the spirit of resistance to the worker of the West Indies at the 5th Congress, the Trade Union Congress sent Soyemi Coker while the NCN sent Gagnus Williams and F.B Joseph.

The workers of the West Indies presented the Caribbean problem during the second session of the Congress. The problem was that of the Caribbean worker who was the center of the sugar production industry. Unions representatives from all angles of the West Indies articulated the relationship between sugar production, the plantation system, and the worker. George Padmore briefly outlined the ways in which the worker in the West Indies was the center of the work that allows sugar societies to feed the British and French imperial interests. Samuel I. O. Andrews, from Grenada, added that the West Indies economy does not support the working peoples. He concluded that the region “as a whole have been robbed and plundered, and although King Sugar grows and lives all over the islands the benefits are not enjoyed by the workers.”⁴⁷ On behalf of Trinidad, Claude Lushington, added that there is a monopoly on land “owned or leased by large sugar companies whose head offices are in London, oil companies in Trinidad backed by South African and British capital, and the landed gentry.”⁴⁸ Building on this question, E. D. L. Yearwood of Barbados Progressive League and Workers’ Union, concluded that the wealth of the West Indies should be “controlled by a people’s government on behalf of the community” to ensure “higher standard of living for the workers through higher wages, better health and housing conditions.”⁴⁹ The problem of the Caribbean was that of the plantation system that had benefited the British and French empire while exploiting and dehumanizing the

⁴⁷ Padmore (ed.) 1947, *Colonial and Coloured Unity: A Programme of Action History of the Pan-African Congress*, The Hammersmith Bookshop, London.

⁴⁸ Padmore (ed.) 1947, *Colonial and Coloured Unity*.

⁴⁹ Ibid.

black worker. It was central for the Congress to situate worker in the larger struggle for a liberated Caribbean and Africa because “the wages policy of all industries and occupations in the West Indies is influenced by plantation economy” as Rupert Gittens from the Trinidad Seamen’s Union protested.⁵⁰ The Congress was central in organizing an agenda that provided a platform to Afro-West Indians, Africans and African Americans to “understand the problems of each other, which after all are fundamentally the same” and provide a framework for a liberated people.⁵¹

To this end, the Congress adopted two Declarations for two separate audiences. The Congress issued the Declaration to the Colonial Workers, Farmers and Intellectuals and the Declaration to the Colonial Powers. The first was an appeal to workers to organize effectively against imperial exploitation to achieve political, economic, and social emancipation. In speaking directly to workers and farmers, the Declaration concluded that “your weapons-the Strike and the Boycott-are invincible.”⁵² As individuals who kept capitalism alive, organizing against the very system at the center of their exploitation was the most effective tool to achieve complete emancipation. On the other hand, the Declaration to Colonial Powers was a warning. It demanded the autonomy of black Africa and an end to capital monopoly. The participants threaten to use force “to achieve Freedom, even if force destroys them and the world.”⁵³ In this moment, participants understood the independent process as one that no longer allowed the colonial powers to determine the appropriate method of protest and social organizing. The Declaration affirmed that it is the prerogative of the masses to decide how to defend themselves against Western imperialism in its various manifestations.

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² Ibid.

⁵³ Ibid.

The Congress also produced a resolution summarizing the people and the colonial power's declarations. They declared the need to decolonize all spheres of the social structure. The resolution paid careful attention to different parts of Africa which informed how the Congress understood the emancipation process as it relates to Africa and global Africa. For example, the Congress passed resolutions on West Africa, The Congo and North Africa, East Africa, the Union of South Africa, The Protectorates of Bechuanaland, Basutoland, and Swaziland, The West Indies, Ethiopia, Liberia and Haiti and South-West Africa. In general, the resolution called for a complete political independence and self-determination of African countries. Notably, it denounced UN claims of "trusteeship" because it discounted the needs of the people of West Africa.⁵⁴ In East Africa, it called for the abolition of land laws that served settler colonialism. Participants equated the apartheid system to fascism. On the question of the "protectorates" and Southwest Africa, the resolution declared that the "African people object bitterly to being used as pawns in bargains between different member states of the British Commonwealth as a means of settling imperialist adjustments."⁵⁵ In the West Indies, the resolution called for self-government based on universal suffrage, including rights to education, housing, and fair wages.

The 5th Pan African Congress organized a moment in history that demonstrated how black internationalism played out in the 1940s in one sphere of organizing for the global anti-racist movement. More importantly, it placed the question of the worker at the center of black liberation. However, the worker in question was male. They were talking about the rights of the male worker in relation to the capitalist mode of production. Various women spoke at the conference, illustrating the limitations of the Congress framework for a liberated people. Such

⁵⁴ Ibid.

⁵⁵ Ibid.

framework centered the male experience in relation to the colonial state. For example, Amy Ashwood Garvey of Jamaica exposed that women constituted a working class whose wages do not reflect their participation in the workforce. Using Jamaica as an example, she concluded that although women are central to the movements of goods and services to the marketplace “very much has been written and spoken of the [Black man], but for some reason very little has been said about the Black woman. She has been shunted into the social background to be a child-bearer.”⁵⁶ This was not only a critique of the Congress, but a proposal for an alternative framework that incorporates the experience of the Black woman in the global anti-racist movement.

III. Intersectionality

Amy Garvey’s critique was asking the audience to examine the movement through an intersectional lens. Walk with me for a moment. In *Search of Mr. McKenzie* narrates a nonfictional story of Isha McKenzie-Mavinga and her siblings from childhood to adulthood while living in the United Kingdom (UK).⁵⁷ They were raised in various orphanages in the UK, at different ages, when their mother could no longer care for them. When Isha grew up, to piece her life together and create a childhood memory that made sense, she began to question her mother on the decisions that led her to place her children in an orphanage. The decision was ultimately a financial one. The mother did not make a living wage to afford care for her children. Each time she had a child, the child was sent to an orphanage to unite with the other siblings. If the orphanage that housed their siblings was full, they were sent to a different one. However, the story is not about the mother; it is about Mr. McKenzie, the father, hence the title. In the book,

⁵⁶ Ibid.

⁵⁷ McKenzie-Mavinga, Isha. 1991. *In Search of Mr. McKenzie*. Women’s Press, London.

Isha and her siblings are on a quest to find their father because he is not ingrained in their childhood memories. The siblings can remember living with their mother, but they hardly remember their father around the house. He had found a new home beyond the borders of the UK. Mr. McKenzie spent all his time in the Pan African movement that culminated at the various Pan African congresses in early 1940s in London. He attended the 5th Pan African Congress in 1945. His involvement in the Pan African movement took him away from his family, thus depriving Isha and her siblings their father figure at home. It is this dynamic that required their mother, with their father's consent, to send their children to an orphanage.

The book is a critique to the early stages of the Pan-African movement as it played out in the 1940s. Isha's life story demonstrates how black men left their families to aid the global black family. Such emotional and physical disappearance led Isha and her siblings to be raised in an orphanage in the absence of kinship and community. On the other hand, Mr. McKenzie's life work led him to cross paths with Amy Garvey, George Padmore, C.L.R James and W.E.B Du Bois, in their quest to unite the global black family, from Africa, the Caribbean, Latin America to North America. Such a family was composed of individuals who sought to assert the humanity and dignity of black people at the domestic and international stages while undermining the moral and legal standing of white supremacy in its various manifestations and practices. This critique focuses on the role of Black men in preserving family life and their undivided attention and devotion to the struggle. However, the critique misses two things. It overlooks the role of Black women in preserving and energizing black families because they birth life. Further, the critique fails to acknowledge the role of women and youth in the Pan African movement at various stages. This is to say that while the critique focuses on what Black men have gifted to the movement, it fails to capture what women and youth have given to the struggle. Every aspect of

the black identity in age and gender has participated in the movement to a different degree and capacity. It is these individuals that the intersectional framework seeks to center in the global struggle for justice.

The alternative to the male and middle class centered framework was given a name in 1989, decades after the 5th Pan African Congress. This is not to say that Black women had not been theorizing and advocating for an alternative framework that appeal to their struggle within and outside the anti- racist movement. Women had been at the center of maroon societies in Haiti, abolitionism and the Black freedom struggle in the United States and emancipation on the larger African continent. In 1851, Sojourner Truth, contextualized what it meant to be a Black woman on the plantation and their relationship to whiteness and masculinity. Truth’s speech, delivered at the Akron Women’s Rights Convention, forced the early calls for gender equality to consider the rights of Black enslaved women as a working people in the United States.⁵⁸ She asserts the position of Black women in relations to whiteness and Black men and their call for equal rights. Racist notions of blackness hypersexualized and considered Black women “too masculine” to be afforded the protection of a white women who symbolized fragility and purity. The patriarchal society, in which they lived, determined their worthiness based on gender; they were inferior to men.⁵⁹ Decades later, it was in 1981 when bell hooks placed *Aint I a Woman* in conversation with capitalism arguing that liberal feminism was not in service of all peoples because it does not address the intersection of racism and sexism at the core of the oppression of

⁵⁸ This analysis saturates the Sojourner, the Women’s rights convention in 1851 as published in the Anti-Slavery Bugle on June 21, 1951. See Leslie Podell Sojourner Truth Project for different versions of the speech. See *Anti-slavery bugle. [volume]* (New-Lisbon, Ohio), 21 June 1851. *Chronicling America: Historic American Newspapers*. Lib. of Congress.

⁵⁹ “Ain’t I a Woman?” 2014. Learning for Justice. July 2, 2014. <https://www.learningforjustice.org/classroom-resources/texts/aint-i-a-woman>.

Black women.⁶⁰ However, in 1989, Crenshaw provided an intellectual framework to understand the appeal that Black women were making in asserting their needs in the struggle. Building on hooks, in “Demarginalizing the Intersection of Race and Sex” Kimberlé Crenshaw examined intersectionality as a critique of anti-discrimination doctrine, feminist theory, and anti-racist politics.⁶¹

The author centers various aspect of the black experience to mark the departure point of intersectionality and other feminist theories. First, the projects focus on Black women experience at the center of theorizing projects that affects and reflects their lived experiences. Second, the author questions the “single-axis” framework that universalizes the experiences of black people in the anti-racist struggle. The feminist critique focuses on white women as a representative or symbol of gender-based discrimination. The single-axis critique addresses the class struggle in the black liberation movement that focuses on the politics of the black middle class and black intellectuals. In analyzing the lived experience of a Black woman, the author explains the ways in which Black woman have questioned the inclusivity of race and gender- based discrimination analysis and efforts. Black women do not constitute a single identity. As Crenshaw historizes, prior to the introduction of intersectionality as a theory, discrimination against Black woman could either be classified under race-based discrimination or gender-based discrimination. As the author argues, race-based discrimination centered on the experiences of Black men. Gender-

⁶⁰ hooks, bell, 1981. *Ain't I a Woman: Black Women and Feminism*. Boston, MA: South End Press.

⁶¹ Jennifer Nash has critiqued the relationship between black feminists, the production of knowledge, and the university space. As Nash argues, black feminist defensiveness has rendered intersectionality a “black feminism property, that has been gentrified, colonized, and appropriated, and a territory that must be guarded, and protected through the requisite black feminist vigilance, care and stewardship” (Nash 2019, p-3). The author presents the book as a critique of this defensiveness because it hinders their “visionary world-making capacities” (Nash 2019, p-3). Rather than holding intersectionality hostage, black feminists should “let go” and refrain from holding their theoretical work as property. However, refraining from claiming their theoretical work makes black feminists implicit in rendering their own labor invisible. Moreover, should black feminists “let go” even if that means such knowledge is misrepresented or appropriated in other fields of study or used in a context that does not make use of the intended meaning of their work? See Nash, Jennifer C. *Black Feminism Reimagined: After Intersectionality*. Duke University Press, 2019.

based discrimination centered around the experiences of white women. As a result, the author argues that such limited conceptualization of gender and race erases Black women experiences as a point of analysis and theorizing. Treating race and gender as mutually exclusive categories, erases the experiences of Black women both in theory and in practice. Black women can exist both as black in race and women in gender. One cannot separate their lived experiences through a gender or a race-based lens. Their experiences must be analyzed through both categories, thus creating an intersection between race and gender that rests at the point of discrimination against Black women.

Intersectionality is not only a critique of feminist theory but also a critique of anti-racist politics and social movements. On a broader scale, Crenshaw notes the limitation of the black liberation movements within its class and patriarchal confinements. It is this aspect of intersectionality that his project will focus on. Crenshaw posits that the larger anti-racist movements and frameworks privileges a specific class within the black liberation movement, notably the middle class. And within the middle class, the anti-racist struggle privileged the experiences of Black men. In the absent of intersectionality, “anti-racist politics, have been, organized, in part, around the question of racism with what happens to the black middle-class or to Black men”⁶² This is to say that, historically, the black middle class has determined the agenda of the black liberation struggle while excluding, both consciously and unconsciously, the needs of all working peoples, irrespective of their socio-economic standing. Until such limitations are acknowledge and addressed, the black liberation struggle will remain an exclusive club that speaks on “behalf of the people” instead of allowing the people to speak for themselves.

Crenshaw concludes that “this adoption of a single-issue framework for discrimination not only

⁶² Crenshaw, Kimberle. 1989. "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics," University of Chicago Legal Forum: Vol. 1989: Iss. 1, Article 8, p-152.

marginalizes Black women within the very movements that claim them as part of their constituency, but it also makes the elusive goal of ending racism and patriarchy even more difficult to attain”⁶³ Intersectionality challenges the single point of analysis and framework that treats black people as a monolithic community with the same lived experiences. While treating black people as a unit, Black men, mainly from the middle class have been presented as the speaker of liberation and justice for this black “monolithic community.” In order to fully address the social, political and economic needs of black people, the liberation struggle must open its gates to the inclusion of all black lived experiences and black people.

It is this single-issue framework of anti-racist struggle that Barbara Ransby examines when analyzing the life work of Ella Baker. While Crenshaw focuses on gender as an entrance point to understanding intersectionality and its impact on social justice, Ransby looks at intersectionality through class struggle in the Black freedom struggle. By analyzing Ella Baker’s grassroots model of organizing, the author re-directs attention from the mainstream faces of the Black freedom struggle such as Martin Luther King and Malcolm X for example. By analyzing Ella Baker’s model of social transformation, Ransby provides a concrete example of the significance of intersectionality as a lens to understanding the experiences and contributions of ordinary people to the black liberation movement.

Baker's organization model aimed for a "fundamental social transformation.”⁶⁴ Her emphasis on grassroots participatory democracy sought to redefine the place of the poor, uneducated African Americans in the Black freedom struggle. She attacked white supremacy that treated African Americans as second-class citizens. On the other hand, she saw the contradiction

⁶³ Crenshaw. 1989. "Demarginalizing the Intersection of Race and Sex," p-152.

⁶⁴ Ransby, Barbara. 2003. *Ella Baker and the Black Freedom Movement: A Radical Democratic Vision*. 1st ed. Chapel Hill: University of North Carolina Press, p-120.

in treating poor, uneducated black people as second-class citizens in the movement. As an organizer, her objective was to "let the disenfranchised vote, let the silenced be heard, let the oppressed be empowered, and let the marginalized move to the center."⁶⁵ The disenfranchised acted at the discretion of Martin Luther King. The silenced were the sharecroppers and the local community organizers who were not "leaders" because middle class, Christian, Black men had monopolized leadership/decision making roles in the struggle. By condemning elitism and the social hierarchy, she denounced white supremacy that demanded that the educated elites were to "guide the race toward progress, on the one hand, lobbying and litigating for reform and on the other grooming and socializing the lower-class elements to prepare themselves for integration."⁶⁶ Baker's model for social transformation addressed race relations in the United States and class relations in the struggle. She argued that social transformation could only be achieved if the society and the movement were committed to providing a democratic, collaborative space that "valued the participation of each of its members" irrespective of their social status.⁶⁷ Rather than allowing the educated middle class to speak on behalf of all black people, Baker social transformation model that focused on humility and participatory democracy centered the experiences and voices of the poor and uneducated people of the South and ultimately global Africa.

As a result, Baker's time in the Southern Christian Leadership Conference (SCLC), SNCC, the NAACP, brought a humanist approach to the forefront of the Black freedom struggle that can be extended to the larger Pan African struggle. The humanist approach rejected the idea that the emancipation of black people from slavery, Jim Crow, white supremacy, and the

⁶⁵ Ransby, 2003. *Ella Baker and the Black Freedom Movement*, p-368.

⁶⁶ Ibid, p-279.

⁶⁷ Ibid, p-340.

capitalist mode of production existed outside the reach of the black masses. Baker's organizational model sought to bring out the self-confidence of local communities in Mississippi and Alabama to assert their agency, humanity, and dignity in the face of Jim Crow. This was to signify that the freedom of black people did not solely rely on the contributions of W.E.B. du Bois, Martin Luther King, and Malcolm X. Such individuals were the mobilizing forces through their intellectual work and compelling speeches. Rather, Fannie Lou Hamer and the black students who sat at segregated lunch counters and Meredith, who ignited the Meredith March Against Fear were integral to the success of the movement. The role of intellectuals, the NAACP, CORE and SNCC was to provide resources and direction to local activists and movements, allowing them to defy the force of white supremacy.

In Baker perspective, "ordinary people make revolutions"⁶⁸ This is to say that local, rural, urban communities, women, men, youth are the catalyst of a revolution. Grassroot activism is the necessary condition for a successful movement against systems of oppression in society. Scholars such as Micere Mugo demonstrated the contributions of Baker's participatory democracy to the Pan Africanism in the essay "Re-envisioning Pan Africanism: What is the Role of Gender, Youth and the Masses." Mugo argue the Pan African movements have been limited to the congresses and delegations of global Africa. This limitation has come at the expense of the contributions of the women and the youth to the Pan African agenda both in theory and in practice. As Mugo concludes "it is important to go beyond the theoretical and structural aspects of the philosophy and the movement to the actual essence or practice. I am arguing here that Pan Africanism is more than a theoretical ideology or a formal movement; it is an actual way of life."⁶⁹ This is to say that the women, youth, and masses are the catalysts of Pan Africanism as a

⁶⁸ Ransby, Barbara. 2003. *Ella Baker and the Black Freedom Movement*, p-78.

⁶⁹ Mugo, 2002. "Re-envisioning Pan Africanism," p-252.

social transformative movement and ideology. This is because such individuals embody the lived aspect of Pan Africanism as a movement. Such lived experience is what Mugo defines as the “essence or actual substance” of Pan Africanism. To reach the centrality of Pan Africanism individuals embodying the lived experience of Pan Africanism must be at the center stage.

The people on the ground have been at the forefront in the struggle against racism. To an extent, this struggle has been voiced with the parameters of black internationalism and intersectionality. Such frameworks demonstrate how the anti-racist movement is a class struggle, encompassing different voices, personalities, ideologies, and techniques for organizing. It shows how these individuals brought the question of racial discrimination into the institutions, especially international forums such as the United Nations. When the enslaved people organized the Haitian Revolution, they did not know their movement would become the point of reference for black resistance and revolutionary ideas. It is this tradition and spirit of resisting colonization, white supremacy and slavery that inspired the Durban 400, GRULAC, and the African group to demand reparations and the very process that had kidnapped and transported Africans to Haiti a crime against humanity. The final declaration made note of the intersection of racial discrimination and gender, acknowledging that a “gender perspective” is required in the implementation of the DDPA to address the multiple dimensions of racial discrimination that affect women.

IV. Methodology: Archival Research

This project seeks to understand how the struggle, as articulated by the anti-racist movement using the tone of black internationalism and intersectionality, has been documented in international law and declarations. These documents are produced in institutions that reflect the

social power dynamics that exist in society. This is to say, international law and declarations on racial discrimination were produced in the United Nations, an institution that embodies the aspirations of the global capitalist class as B.S. Chimni puts it.⁷⁰ I want to understand how the anti-racist movement has demanded the humanity of black people and forced its agenda in the corridors of the UN at various moments in history. To make this vision possible, the project used archival research to understand how countries and civil society negotiated the language in ICERD and the DDPA concerning racial discrimination and structural racism. The purpose of the archival research was to collect content to formulate a narrative about how various players agreed on the language in the documents. For ICERD, I collected materials from the UNGA Third Committee from 1962- 1965, the negotiation timetable. For the DDPA, I looked at regional preparatory meetings and delegate forums between 2000 and 2001, the timetable for the conference. The materials provided a way to track language and the original meanings that players attached to negotiated words and phrases. This process was useful in documenting how words and phrases changed or remained the same during the negotiation process.

For the 2023 summer externship, I visited the Geneva United Nations Archive to analyze the materials available. I had anticipated gaining access to government comments and suggestions, proposals, and resolutions regarding the Draft Declaration and Draft Convention on the Elimination of All Forms of Racial Discrimination in the UNGA Third Committee between 1962 and 1965. I also wanted to access materials focusing on the DDPA in 2001 during the World Conference against Racism, Racial Discrimination, Xenophobia, and Related Intolerance. On this visit, I was given ICERD draft documents. Upon my request, the Records Management

⁷⁰ Chimni, B. S. 2004. "International Institutions Today: An Imperial Global State in the Making." *European Journal of International Law* 15 (1): 4.

unit sent a list of “Racial Discrimination Classified files.” This list contained materials from the Durban Conference. The reason why the materials were classified was not provided. Prior authorization from the originating office, United Nations High Commissioner for Human Rights (OHCHR), was required to access the materials. As per protocol, I submitted a request. On March 7, 2024, I was granted access to some of the classified materials. Due to the timeline for the completion of this thesis, I was unable to visit the archives to examine the available Durban documents. Thus, press release and final conference reports available online were used as primary documents to analyze the Durban negotiations in 2001.

The available ICERD and Durban materials were central to the project in several ways. First, such comments were used to understand how countries and civil society debated and negotiated the terms of ICERD and the DDPA. Second, they clarified how positions on specific languages changed or remained the same during the negotiation process. Third, they traced how the language used by one actor was adopted or dismissed by other during the negotiation process. The following questions were used to analyze the archive materials:

1. Who said or proposed which language?
2. What language did they propose?
3. When did they propose this language?
4. Why did they propose this specific language?
5. Why is this language absent or present in the final ICERD or DDPA?

At the macro level, I was interested in the language used to denote racism, structural and systemic racism in ICERD, and the DDPA. The documents present a finished product of

international law and a declaration to combat racism. As a finished product, they present language about race and racial discrimination that the signatories found acceptable. While the final ICERD and DDPA revealed what language countries agreed upon, the negotiation process demonstrated what language or conceptualization of race and racism players debated to arrive at the final documents. For ICERD, significant attention was paid to the discussion on how countries should punish organizations based on racial superiority. At the Durban Conference, the reparation question and the transatlantic slave trade as a crime against humanity gave the conference an extra day, ending on 8 September rather than the day before.

Chapter 3: The Necessary Conditions

Introduction

The late 1950s and onwards witnessed significant political mobilization to end systemic racism and colonization as it played out in different parts of the world. The brutality of racism was being exposed and colonization was reaching an end in Africa, the Caribbean and Central and Latin America. Tunisia was the first African country to win independence in 1956, followed by Ghana in 1957. Many African countries followed the examples in the 1960s, making it the year of African independence. While the political landscape in Africa was changing, so was the international consciousness on the race question and its relation to the United States and the apartheid state. In the United States, the Black Freedom struggle was making headway in their demands to end Jim Crow segregation in education, housing, policing, and voting rights. South African men, women and youth were demanding an end to state sanctioned segregation. Such domestic political turmoil was not limited within the boundaries of the United States or South Africa. Solidarity against structural racism and the colonial state proved timeless while transcending regional boundaries. This is to say that peoples of African descent were connecting their call for justice in their home countries to the demands of other Black persons for their humanity.

The aim of this chapter is to outline the contributions of the Black family, peoples of African descent, to the global anti-racist struggle that began when the first enslaved ship left Africa and landed in the United States in 1619 and when King Leopold called the Berlin Conference in 1884 to establish arbitrary borders on the continent in service of the capital mode of production. The analysis will demonstrate that the global Pan-African and anti-racist struggle

has been the driving force, placing the race question at the international stage. To this end, the project will examine the global anti-racist centers/locations that energized the struggle in the 1960s. The Black freedom struggle and anti-apartheid struggle in South Africa served as the battleground for the anti-global racist movement. First, the chapter will look at the contributions of the Black freedom struggle and the apartheid struggle in the 1960s to the anti-racist struggle, demonstrating how black people resisted Jim Crow segregation in the spirit of the black radical tradition. Such catalysts of the struggle will be placed in conversation with 1960s ICERD negotiations to show that the international law on racial discrimination came as the result of the struggle against racism led by peoples of African descent. Second the chapter will examine the contributions of the anti-apartheid movement to the global anti-racist struggle in the 1960s. This section will demonstrate how the anti-apartheid movement shifted locations, showing how the movement became a global phenomenon reaching those fighting for justice everywhere in the world. This section deals with the Soweto Uprisings in 1976 and the global divestment campaign against South Africa, as historical events that cleared doubt about the brutality of the apartheid state and the level of political consciousness in South Africa that had reached High School students. It is such international and political demands for justice that created the space and the outcome of the 1978 and 1983 world conferences against racism. In all, this chapter aims to show how the global anti-racist movement forced the world to grapple with the race question at the international stage.

The Backdrop: The Oxygen for the Global Anti-Racist Struggle

V. The Black Freedom Struggle

The Black freedom struggle of the 1960s and the international solidarity articulated as part of the Black Power framework wanted to finish the unfinished business left behind by the American Civil War in 1865. Thus, the energies and spirit of rebellion and revolution did not begin in the 1960s, such energy of resistance and revolution can be traced back to the black radical tradition that have existed in the air of every African society since enslavement. In *Black Marxism* Cedrick Robinson analyzes the links between capitalism, race and labor production. Robinson argues that the black radical tradition is a tradition of resistance, rebellious and critical thinking that developed as the result of the encounter between Africans and Europeans via the transatlantic slave trade. Thus, Robinson states that black radicalism “owes its peculiar moment to the historical interdiction of African life by European agents.”⁷¹ This indicates that, in the United States, black radicalism, as a form of consciousness, has its roots in the slave trade. The trade created the material conditions for the evolution of black consciousness that wanted to overthrow the slave system. The inhumane conditions of the plantation system placed the politics of ethnicity on the back burner. The enslaved people saw themselves as Africans and workers and began to organize against the plantation system. It is this resistance and black consciousness that gave rise to maroon societies in various slave holding states. Herbert Aptheker chronicles the maroon societies existing between 1672 to 1864. Aptheker identified the mountains of South Carolina, North Carolina, Virginia, Louisiana, Florida, Georgia, Mississippi, and Alabama as places where resistance was organized. Enslaved peoples burned plantations and joined opponents of the United States including, Native Americans, against the expropriation and exploitation of Native American land. As maroon societies increased, Governors in the North and South passed decrees to punish “runaway Negroes, who had sheltered themselves in the

⁷¹ Robinson, Cedric J. 2020. *Black Marxism*, p-69.

Woods, and being armed.”⁷² However, neither lynching, hanging, nor the 100 lashes deterred black people's determination to challenge American democracy. Not only did Black women join other fugitive slaves, but they also refused to become conduits of the slave system. Black women were an integral part of the reproduction of the slave institution. When the transatlantic slave trade was abolished in 1808, slave planters increasingly looked to black women's reproductive ability to maintain the plantation system. To this end, abortion was used as an act of resistance against the capital accumulation based on black bodies. Those who had children informed their children of their humanity from a young age to nurture black resistance. As a form of retaliation, Black women were burned alive and hung for refusing to partake in such a system. Nonetheless, this segment of the American population, Black men and women, formed more than 100 black regiments and the military labor in the North to determine the success of the Civil War.⁷³

The Civil War also serves as an example of the black radical tradition as it played out between 1864 and 1865. The Thirteenth Amendment did not free the enslaved. The document was a mere formality that needed to be registered in Congress. Although the objective conditions for the Civil War existed, white America did not believe in freedom for black people. It is black resistance and rebellion that pushed the question of liberation to the forefront of the Civil War. The enslaved had freed themselves through various acts of resistance and rebellion, while calling out the contradictions outlined in this phrase of the Constitution: “We hold these Truths to be self-evident, that all Men are created equal.” African Americans’ understanding of humanity and black consciousness informed their collective and self-organization for the black struggle that demanded white America and the world to see their humanity. Women, men, and children resisted and rebelled from the plantation system and denounced the capital accumulation based

⁷² Ibid, p-31.

⁷³ Ibid, p-32

on the enslavement of human beings. This segment of America challenged how the world examined race and slavery. The resistance and rebellious acts contradicted the foundation of racial discrimination and the capitalist system as it was organized in the United States. As slave planters, merchants, and financiers demanded more boats filled with humans in chains, they could not fathom that such individuals would turn the United States of America on its head between 1861 and 1865, which might have led to the divided states of America. As Robinson demonstrates, “[a]s the slave trade increased the local African population, it also added new human resources to the maroon societies and guerrilla bands.”⁷⁴ Like the Haitian Revolution, slave emancipation at the center of the Civil War was considered unthinkable by white plantocracy. Nonetheless, it was the slave question that determined the success of the of Northern states.

It is this energy of the maroon societies and the Civil War that lingered in the voices and demands of the Black freedom struggle in the 1960s. It is this spirit of the black regiments and Harriet Tubman that gave oxygen to the movement. Such rebellious energy of the decade sought to eliminate the contradictions of American democracy imbedded in the American dream. When the American constitution declared that “all men are equal,” such definition of “men” did not include black people, men or women. It is black people in the United States that expended the definition of all men to include gender, race and ethnicity while challenging Jim crow segregation. Similar to the South African apartheid system, racial segregation in the United States followed a similar system of racial separation that informed the economic, political and social life of America. On the economic level, black workers were restricted to agricultural, domestic and personal service jobs. For example, the sharecropping system, famous in the South,

⁷⁴ Ibid, p-14.

kept black farmers at the mercy of former slave owners. Black farmers continue to work on the plantation system under the guise of debt payment to plantation owners.⁷⁵ Those who managed to migrate to the North via the great migration found low paying menial jobs while competing with white unions and poor whites. The capitalist class had convinced the white working class that the black worker was the enemy, preventing the white working class from achieving their American dream. Thus, in terms of economic opportunities and social mobility, most black people occupied labor positions that could not pave the way out of poverty.

On the political level, the legal disenfranchisement of black voters was paramount to the maintenance of Jim Crow. For example, literacy tests, poll taxes and violence were used to prevent them from voting. Literacy tests disqualified voters based on their reading and writing ability. The plantation system that existed before Jim Crow did not allow any black person to smell a book, let alone the doors of an educational institution. Enslaved peoples were lashed to death for attempting to read or teach others how to read. By preventing them from learning to read and write, white supremacy thought it could keep black people in service of whiteness forever. Poll taxes required black voters to pay to register to vote. Most black people could not afford the tax because some worked for free in sharecropping while others did not make a living wage. The threat of physical violence was used at poll stations to deter black voters from registration. During Jim Crow, if black people could not vote, black liberation and freedom was not on the ballot, at least that is what white supremacy thought.

On the social level, “Whites Only” and “Colored Only” signs served as visual reminders of racial segregation. Such signs surrounded public accommodations, housing and schools.

⁷⁵ Bonilla-Silva, Eduardo, 2010. *Racism without Racists: Color-Blind Racism and the Persistence of Racial Inequality in the United States*. 3rd ed. Lanham: Rowman & Littlefield Publishers, p-19.

Rothstein has documented how the federal and local housing policies in America systematically created black and white neighborhoods.⁷⁶ For example, the Federal Housing Administration (FHA) excluded black people from the housing market. It did not ensure homes in black neighborhoods. It also refused to provide loans to black families to buy in the suburbs. Those who received loans mortgaged their homes at high interest rates. Such laws successfully established redlining in the United States. It is this legally sanctioned racial segregation that summoned the Congress of Racial Equality (CORE), the National Association for the Advancement of Colored People (NAACP), and The Student Nonviolent Coordinating Committee (SNCC) that demanded the restructuring of the United States of America and the world, socially, politically, and economically.

In 1961, a year before the United Nations General Assembly (UNGA) passed the resolution to draft the declaration and the convention on racial discrimination, the Freedom Rides of 1961 had garnered domestic and international attention. In *Ready for Revolution*, Stockley Carmichael documents how African Americans organized bus rides in the South in protest against Jim Crow laws that sought to determine the humanity of black people through the “Whites Only” and “Colored Only” signs. The Freedom Rides sought to apply the ruling of the U.S. Supreme Court in *Boynton v. Virginia*, 364 U.S. 454 (1960). The question before the court was “whether an interstate bus passenger is denied a federal statutory or constitutional right when a restaurant in a bus terminal used by the carrier along its route discriminates in serving food to the passenger solely because of his color.”⁷⁷ Specifically, the court sought to address the constitutionality of race-based discrimination on public transportation. The court ruled that race-

⁷⁶ Rothstein, Richard. 2018. *The Color of Law: A Forgotten History of How Our Government Segregated America*. Reprint edition. New York London: Norton.

⁷⁷ U.S. Supreme Court in *Boynton v. Virginia*, 364 U.S. 454 (1960)

based discrimination violated the Interstate Commerce Act of 1887, which outlawed all forms of racial segregation on public transportation. Thus, Freedom Rides wanted to test the validity of the *Boynton v. Virginia* decision. CORE and SNCC organized bus rides to disturb white spaces throughout the South. CORE and SNCC sent “an integrated team-black and white together- from the nation’s capital to New Orleans on public transportation. That’s all. Except, of course, that they would sit randomly on the buses in integrated pairs and in the stations, they would use waiting room facilities casually, ignoring the white/colored signs.”⁷⁸ The goal of the Freedom Rides was to challenge Jim Crow laws in the deep South. Nonetheless, the Ku Klux Klan (KKK), a white supremacy organization that lynched Black men, women, and children, hijacked Freedom Rides by burning the buses. As Carmichael concludes, the Freedom Rides had succeeded in "tarnishing" America's image in Africa and Asia and “embarrassing the administration internationally.”⁷⁹ It is this international embarrassment that the United States sought to contain when negotiating the draft declaration and convention on racial discrimination. By negotiating weak language, the convention could not hold the United States responsible for the state-sponsored violence unleashed by the KKK against black people.

The Black freedom struggle communicated international solidarity within the Black Power framework. Black Liberation at the domestic and international level was central to the formulation of Black Power. As Carmichael clarifies, Black Power in 1966 was not about ‘jive black rap by dashiki-wearing demagogues.’⁸⁰ Such a framework connected the plight of African Americans beyond North America. SNCC had been making connections to the African struggle well before they adopted a strong Black Power orientation. By 1961, SNACC, in its infancy, had

⁷⁸ Carmichael, Stokely. 2005. *Ready for Revolution: The Life and Struggles of Stokely Carmichael (Kwame Ture)*. First Scribner trade paperback ed. New York: Scribner, 178.

⁷⁹ Carmichael, Stokely. 2005. *Ready for Revolution*, 218.

⁸⁰ *Ibid*, 520.

begun to make the link between the Black freedom struggle and African independence. For example, SNCC's statement of purpose, drafted at the organization's founding conference at Shaw University, clarified that "[w]e identify ourselves with the African struggle as a concern for all mankind."⁸¹ Ella Baker, who stood at the core of the organization's foundation, echoed SNCC's solidarity with Africa. She "emphasized that the movement was concerned with the moral implication of racial discrimination for the 'whole world' and the 'Human race.'"⁸² Thus, the Black freedom struggle was concerned not only with the liberation of African Americans but also with the peoples of the world, including Africa. African American youth in the 1950s and 1960s who were politically conscious remember this era not only as the era of the 1954 Supreme Court decision in *Brown v. Board of Education* or the events at the Little Rock Central High School in 1957.⁸³ They also remember this era as the period of Ghana's independence in 1957 and the Land and Freedom Army struggle against the colonial state in Kenya.⁸⁴ Incorporating African independence in the Black freedom struggle was not an if question but rather a how question. For SNCC, explicit support for Africa was central to its founding document. Their support for an emancipated Africa was further solidified when it sent representatives to visit the newly independent Guinea in 1964. Among the delegation, Fannie Lou Hamer stood tall.⁸⁵ SNACC also sent representatives to the Organization of African Unity (OAU) annual meeting in 1965.⁸⁶

Moreover, Fidel Castro's meeting with Malcolm X at the Theresa Hotel in Harlem solidified ties between the Cuban Revolution of 1951 and black people in the United States.

⁸¹ "Early Africa Connections."

⁸² Ibid.

⁸³ Ibid.

⁸⁴ Ibid.

⁸⁵ "SNCC Delegation Travels to Africa."

⁸⁶ "African Liberation Movements."

Fidel Castro's stay at the Hotel Theresa was symbolic in many ways. First, the US had tried to alienate Cuba and the revolutionary government on the domestic and international front. However, the black community and the civil rights leaders gathered to welcome him to Harlem. Malcolm X demonstrated the common struggle between the Cuban Revolution and the Black freedom struggle when he told Castro, "as long as Uncle Sam is against you, we know you're a good man."⁸⁷ Castro noted the most significant aspect of the stay at the Hotel Theresa. It "effectively had great repercussions in the United States because no head of state had ever stayed in a place like Harlem."⁸⁸ Harlem was the center of the black struggle in North America, given that it housed the largest Caribbean, African American, and Latin American population in the United States in the 1960s. Outside of the SNCC context, the killing of Patrice Lumumba by the CIA in 1961 provided another opportunity to link the independence of the Democratic Republic of the Congo to the Black freedom struggle. Student organizations and civil rights activists, including Maya Angelou, disrupted a UN meeting on February 15, 1961, protesting the assassination of Congo's first prime minister.⁸⁹ The Black freedom struggle understood that linking the domestic to the international and the international to the domestic was central to the song of liberation that reached the black world. In every corner of the world, people of African descent picked up the chorus and sang it louder.

VI. The Apartheid Question

The struggle against the apartheid system upset the international balance on the side of white supremacy. The apartheid system orchestrated an institutionalized system of racial

⁸⁷ Cass. "Fidel Castro and Malcolm X at the Hotel Theresa, 1960,"

⁸⁸ Ibid.

⁸⁹ Hébert, Paul. 2016. "'Stronger in Death than Alive.'"

segregation that rendered the black majority population of South Africa (SA) as second-class citizens in their own country. Such a system of racial discrimination operated based on settler-colonial ideology, state-sponsored violence, and white supremacy. Whiteness in SA had a legal footing that required a military apparatus to protect and expand racial capitalism's political, social, and economic manifestations beyond SA. In 1910, the Union of South Africa was established, laying the political basis of racial segregation. By 1948, the apartheid state was in full force. There were three laws that helped institutionalized racial segregation in the country. The Race Classification Act of 1950 divided individuals based on the color of their skin. Whites included the Afrikaners, who were of Boers and Dutch descent. Indian people constituted the second group. People of the mixed-race came third. At the bottom of the caste system belong black people, who constitute the majority of the South African population. Speaking of the legal classification of the races, Bowker and Star concludes that the South African "legislature [was] attempting to define the indefinable" given that race does not have a biological premise.⁹⁰ Suzman's comment points to the arbitrariness of race classification of SA. In this instance, it is worth noting Vic Wilkinson's case. He was "born to a Colored man and a White woman and originally classified White. After apartheid, he was reclassified as colored, and then twice more reclassified as he married women of different races and moved to different neighborhoods. Finally, both he and his Asian wife Farina were reclassified Colored, allowing them and their children to live together. At the age of fifty, Vic actually received a new birth certificate-- and crossed the race lines for the fifth time."⁹¹

⁹⁰ Bowker, Geoffrey C. and Susan Leigh Star. 1999." The Case of Race Classification and Reclassification under Apartheid." *Sorting Things Out: Classification and its Consequences*. 203.

⁹¹ Bowker, and Star. 1999." The Case of Race Classification" 216.

The Wilkinson case demonstrates how race, as a social construct, played out in South Africa. Although race was a social making, the consequences of racial discrimination and exploitation were felt by human beings. The racial classifications had social and economic implications. The Marriage Act in 1949 prohibited individuals of different races from marrying. Those who defied the law risked a prison sentence. The Group Areas Act of 1950 identified and legalized black and white spaces, forcing different races to live in designated areas. In the mid-twentieth century, the apartheid government established Bantustans or homelands based on ethnicities. Black people were forcefully removed from their urban homes as the government sold their lands to white South Africans. This “whitefication” of South Africa placed black people in the rural areas where land was unfarmable, and food limited due to soil erosion and overgrazing. Therefore, establishing homelands ensured the availability of forced labor for mines and other industries in the SA cities because “the homelands served as labor reservoirs, housing the unemployed and releasing them when their labor was needed in White South Africa.”⁹² The apartheid state was structured so that African resources and environment were colonized to produce for White South Africa. As Campbell identified, the apartheid state codified social relations to make African labor and land available to the white settlers.⁹³ The apartheid system did not force people into racial categories for its own sake. It was a way to legalize the exploitation of labor provided by African people. For example, black people were forced to leave their homes and give up farmland to accommodate white settlements. The dispossession of land and resources was at the center of the dehumanization of black South Africans. To protect this system of cheap labor, it is not by accident that the architects of the apartheid state, Jan Smuts

⁹² The Homelands.” *South African History Online*, <https://www.sahistory.org.za/article/homelands>.

⁹³ Campbell, Horace. 1987. “Challenging the Apartheid Regime from Below.” *Popular Struggles for Democracy in Africa*. United Nations University, edited by Nyong'o, Peter Anyang,' London, Tokyo, Japan, 145.

and J.B.M. Hertzog, were military generals in the Union Defense Force, predecessor of the South African Defense Force (SADF). By the mid-1960s, the SADF had become the military wing of the apartheid state, upholding white supremacy and racial capitalism on the domestic and international front. On the domestic front, SADF had monopolized the use of violence against black bodies to protect white supremacy against mass mobilization.

When thousands of South African women, men and high school, university students, workers and unemployed marched to the Sharpeville police station without their identification pass, they were “sick and tired of being sick and tired” as Fannie Lou Hamer put in support of the Mississippi Freedom Democratic Party in 1964. Although Hamer gave the speech in the civil rights context in the United States, the essence of her message captured the demands of black people around the world in the 1960s and the decades to follow. Black South Africans were sick of having to defend their humanity in the face of white supremacy. In practice, they were tired of having to walk around with passe books that classified their race, occupation in service of segregation and the separation of the races. The black population in South Africa was sick and tired of the state sponsored violence in service of the capitalist system wrapped in the apartheid state that attempted to kill blackness in spirit and in numbers. However, as the Sharpeville protest demonstrated, ideas of freedom, emancipation that surrounded the atmosphere of South Africa could not be easily assaulted with stunt guns, rifles, armored vehicles and military jets used by the SADF to kill the protest.

The Sharpeville Massacre on March 21, 1960, marked a vital point in placing the destruction of the apartheid state on an international agenda. On March 21, 1960, the Pan African Congress (PAC) organized a peaceful protest in Sharpeville to demand the rights of black South Africans not to exist as second-class citizens in their country. The plan was to march to the local

police station without the passbooks that black south Africans were required to carry. The protest was carefully organized from recruitment to execution; it was not spontaneous. The PAC recruited from everyday working people such as dock workers and bus drivers to participate in the march. Because it was planned for a Monday morning, PAC's strategy halted labor to chock the working structure of South Africa. The march had two objectives. First, PAC recognized the significance of black labor in South Africa and its power in destroying the apartheid system. Second, the protest questioned the morality and legality of the passbooks that all black South Africans had to carry. To this end, PAC instructed protesters, mostly workers, to leave their passbook at home during the protest. This is key because, not only did the passbook identified one's race, but it was also a source used to identify employment status. Further, PAC designed Task Forces as the messengers to spread the word about the protest from home to home and from neighborhood to neighborhood. It was composed mainly of unemployed youth and students. The teams moved from house to house to inform the inhabitants of the protest's logistics. For example, they told their neighborhoods when and where the protests were to take place, and the type of signals to look for when making their way to the gathering area before the march to the police station. School children from ages ten to seventeen posted stickers, pamphlets and posters around neighboring high schools and communities.⁹⁴ Everyone had a job. Through the Task force and word of mouth, at least 20,000 people approached the Sharpeville police station without their identification cards in violation of the passbook laws.⁹⁵ The group was confronted with 400 police men, both black and white, who unleashed more than 1,344 rounds of ammunition on protesters.⁹⁶ In self-defense, the people used rocks and sticks.⁹⁷ The protest

⁹⁴ Lodge, Tom, 2011. *Sharpeville: An Apartheid Massacre and its Consequences*. 1st ed. New York; Oxford; Oxford University Press, p-4.

⁹⁵ Lodge, 2011. *Sharpeville*, p-108.

⁹⁶ Ibid, p-105

⁹⁷ Ibid.

turned into a bloodbath when armored vehicles and military jets began flying overhead, and the police shot indiscriminately. As a result, sixty-nine peaceful protestors lost their lives, and 180 individuals were injured.⁹⁸ The brutality of the Sharpeville massacre caught international attention through photographs, news articles and first-hand accounts of those who attended and survived the massacre. The news and photographs of the Sharpeville massacre ignited international attention to the brutality and dehumanization of the apartheid system in South Africa. The apartheid system was no longer the problem of black South Africans in South Africa it became a problem of anyone fighting for social justice in every aspect of life.

VII. The International Convention Against Racial Discrimination

The Black freedom struggle and the brutality of the apartheid, as exemplified by the Sharpeville Massacre, forced the world to address the needs of the peoples of African descent at the international stage. This address came in the form of an international law. The Convention on the Elimination of All Forms of Racial Discrimination was drafted between 1962 and 1965. It entered into force in 1965. The United Nations member states congregated in Geneva to deliberate on the issue of racial discrimination in order to formulate a document that could act as a starting point for a universal denunciation of racial discrimination in its various manifestations. Various delegates from parts of Africa, South America, North America, and Europe sought to draft a document that defined racial discrimination and state responsibility in prohibiting such acts. To provide a comprehensive document addressing racial discrimination and state responsibilities, member states opted to draft two separate yet related drafts to address the issue.

⁹⁸ McRae, 2023. "The Sharpeville Massacre."

In 1962, member states began drafting the Declaration on the Elimination of Racial Discrimination. After its completion, states focused on the draft Convention on the Elimination of Racial Discrimination. What is known today as the International Convention on the Elimination of All Forms of Racial Discrimination is the union of the declaration and the convention.

On September 20, 1963, at its 1210th planetary meeting, the Third Committee of the UNGA convened to deliberate and negotiate the draft declaration on racial discrimination (hereafter draft declaration).⁹⁹ The committee assembled between October 16, 1963, and November 6, 1963, to negotiate the content of the draft declaration prepared by the United Nations Human Rights Commission in 1962. When the draft was received from the Human Rights Commission, governments expressed two concerns. First, some countries argued that the draft text was restrictive. It was not broad enough in its conceptualization of racial discrimination. Such countries wanted the document's content to strengthen the definition of racial discrimination. For example, some countries wanted the document to clearly define racial discrimination within the historical moment in which it was drafted. Such context included the apartheid state, the Black freedom struggle and the larger independence movements. Thus, spelling out the links between colonialism and racial discrimination was important. For other countries, a clear understanding and mapping of state obligation in response to racial discrimination was essential in drafting a comprehensive document that recognizes the universal struggles against racial discrimination.

⁹⁹ Refslud Thomsen (Denmark) Rapporteur, Report of the Third Committee, Eighteenth Session *United Nations General Assembly, Draft Declaration on the Elimination of all Forms of Racial discrimination*, 1963, p-3.

After the general debate on the draft declaration, the Third Committee moved to negotiate the language of specific articles. However, some articles proved more difficult to negotiate than others. The difficult articles to negotiate included Article Two and Article Nine. Article Two addresses state- induced racial discrimination and organizations based on racial discrimination. Article nine addresses state responsibility in addressing organizations based on racial discrimination. In negotiating these articles, two camps developed. On the one hand, there was the United States, which sought to weaken the language of the text. On the other hand, there were “nine power” countries, which were mainly composed of Latin American Countries. Such countries included Argentina, Bolivia, Ecuador, Mexico, Venezuela, and Brazil. The nine power countries sought to strengthen the language of Article Two and Nine.

The Third Committee negotiated Article Two at the 1223rd and 1224th meetings between October 7 and 8, 1963. The draft paragraph conveyed the following: “No state, or institution, or group or individual shall make any discrimination in the matters of human rights and fundamental freedoms in the treatment of persons on the grounds of race, color or ethnic origin.”¹⁰⁰ Article Two addresses state-sponsored racial discrimination, individual biases, and organizations based on racial discrimination. However, the document does not further define how a state can discriminate based on race, color, or ethnic origin. This is one of the significant limitations of the reach of the ICERD. It does not treat racial discrimination as a systemic issue. Rather, it is treated as an individual attitude based on individual prejudice. The United States amendment to Article Two further fermented this. It sought to clarify that state- induced racial discrimination is one where the state directly assists individuals and organizations to engage in racial discrimination. As a result, it proposed the addition of the following paragraph to Article

¹⁰⁰ Refslud Thomsen, Rapporteur, Report of the Third Committee, p-5.

Two: “No state shall encourage, advocate, or lend its support, through police action or otherwise, to any discrimination based on race, color, or ethnic origin by any group, institutions or individuals.”¹⁰¹ Essentially, the United States amendment sought to distance the state from individual or organizational acts based on racial discrimination. Based on this interpretation, one way the state is complicit in acts of racial discrimination is when the state provides support to individuals and organizations that operate based on racial discrimination. In this case, the state is not the main perpetrator of racism. It is rather the individual acts that constitute acts of racial discrimination. In the voting stage, the United States amendment passed with 85 votes in favor and none against with nine abstentions. In this case, the United States successfully negotiated language that weakened ICERD conceptualization of racial discrimination.

The Third Committee negotiated Article Nine at the 1227th and 1232nd meetings between October 10 and 14, 1963. Article Nine addresses and articulates the state’s response to organizations formed based on racial superiority. This article consumed more time than any other article in the negotiation process. While negotiating, two camps developed based on their approach to the state’s responsibilities in addressing racial discrimination. On the one hand, while some states sought to merely condemn organizations based on racial superiority, others sought to outlaw such organizations. The United States belonged to the former camp. As article Two negotiation process demonstrated, the United States also sought to water down Article Nine’s language. However, Latin American countries prevented the United States from interfering with the document's language. For Brazil, Mexico, and Valenzuela, it was essential to ensure that organizations based on racial superiority were punishable under criminal law. Article Nine draft read as the following: “All propaganda based on ideas or theories of superiority of

¹⁰¹ Ibid, p-4.

one's race or groups of persons of one color or ethnic origin with a view to justifying or promoting racial discrimination in any form and all incitement of hatred and violence against any race or groups of persons of another color or ethnic origin, should be condemned.”¹⁰²

Czechoslovakia sought to include fascist ideas in the draft article as a white supremacy theory that should be addressed in the declaration. Further, it also introduced that organizations based on racial superiority should be punishable under criminal law.¹⁰³ The United States dismissed both proposals. It submitted an amendment to delete the fascist ideology language from Article Nine. Further, the United States sought to replace the “punishable by law” language to “shall be condemned.” The draft article articulates language that the United States found favorable. Condemnation of organizations based on racial discrimination merely authorized countries to write press release, statements, and resolutions that “strongly condemns” actions without requiring countries to engage with tangible and systemic solutions to prevent the recurrence of the condemned act. For the nine powers, not only should such organizations be punishable under law, but “all organization engaged in such activities should be prohibited and disbanded.”¹⁰⁴ Thus, not only does the amendment require the state to declare such organizations illegal, but states are also required to disband such organizations. However, once again, the United States was not satisfied with such language. It proposed an amendment to replace the phrase “punishable under criminal law” with “severely condemned.”¹⁰⁵ Moreover, the amendment further proposed to replace the phrase “should be prohibited and disbanded” with should be “severely condemned and all appropriate steps shall be taken against them.”¹⁰⁶ The vague language of shall be “condemned” and “appropriate steps,” if approved, would have

¹⁰² Ibid, p-19.

¹⁰³ A/C.3/L.1063

¹⁰⁴ A/C.3/L.1090/add.1

¹⁰⁵ A/C.3/L1116.

¹⁰⁶ Ibid.

allowed the United States to evade domestic and international accountability for the existence of organizations based on fascist ideology in the United States. Essentially, the United States was defending the presence of fascist organizations, including the KKK, on the international stage in the backdrop of the Black freedom struggle and the apartheid struggle. At the conclusion of the negotiation, the Third Committee settled on the following language of Article Nine¹⁰⁷:

1. Paragraph 1: All Propaganda and organizations based on ideas or theories of superiority of one race or group of persons of one color or ethnic origin, with the view of justifying or promoting racial discrimination in any form, shall be severely condemned.
2. Paragraph 2: All incitement to acts of violence, whether by individuals or organizations, against any race or groups of persons of another color or ethnic group shall be considered an offense against society and punishable under law.
3. Paragraph 3: In order to put into effect, the purposes and principles of this Declaration, all states shall take immediate and positive measures, including legislative and other measures, to prosecute and/ or outlaw organizations based on race, color, or ethnic origin.

The United States was successful in removing the fascist ideas from Article Nine.

However, it did not force the vague language of “condemn” and “severely condemn” in the final declaration and convention against all forms of racial discrimination. Paragraph one passed with 87 votes in favor, none against with 15 abstentions. Paragraph two passed with 80 votes in favor, none against with 19 abstentions. Paragraph three passed with 64 votes in favor, none against with 39 abstentions. The United States’ Article Nine voting record for paragraphs one and two is not provided. However, the United States voted to abstain from voting on paragraph three. As a final document, the declaration passed with 89 votes, none against with 17 abstentions. The United States voted to abstain. ICERD passed with majority support, irrespective of US disapproval.

¹⁰⁷ Article Nine appears as Article Four in the final ICERD.

ICERD as an international document to respond to the Black freedom struggle, the global anti-apartheid struggle provided a starting point to address the rights of all peoples and the Western understanding of humanity. It should not be surprising that the United States did not ratify ICERD in 1965 when the document was passed. It was ratified in 1994. When ratified, it placed a reservation on Article Nine, which appears as Article Four in the final ICERD. The Senate reserved on the grounds that this article conflicts with the freedom of speech guaranteed in the First Amendment. Most significantly, the United States declared that ICERD is “not self-executing.” This means that the convention cannot be invoked in domestic courts unless Congress passes legislation declaring the treaty self-executing. Congress has not passed such legislation. Therefore, individuals cannot invoke ICERD in domestic courts because such courts do not recognize it as law. The United States has also ensured that ICERD carries limited weight in the international arena as it applies to the United States. To this end, the United States limits the reach of the International Court of Justice (ICJ) in cases where the United States is a party.¹⁰⁸

In theory, a convention has specific rules of engagement. The law of racial discrimination is enshrined in a convention. This is important. In the preliminary stages of negotiation, the Third Committee debated whether the final document should be a convention or a declaration. For some countries, a non-binding document was more feasible. African nations preferred concrete actions in the form of a legally binding document. This led to the development of a convention on racial discrimination as international law. An international convention possesses strict characteristics that set it apart from an international declaration. First, an international convention is a multilateral agreement where countries establish rules and regulations in their approach to a specific topic or, in this case, a social issue. In negotiating ICERD, countries

¹⁰⁸ Congress.gov. Resolution of Ratification - Treaty Document 95-18.

agreed to establish rules and regulations governing the approach to racial discrimination at the domestic and international levels. Second, and most importantly, an international convention is a legal text. States agreed to be legally bound by the content of the convention. ICERD is a legally binding document that does not only allow states to recognize its content in principle. It requires countries to recognize the legality of states' responsibility to protect individuals against racial discrimination. Thus, in theory, an international convention is not a set of suggestions that countries choose when to engage with.

ICERD is a ghost in US courts. To the United States, ICERD is a set of international suggestions, rather than legally binding international law. As stated, ICERD is a non-self-executing treaty in the United States. Various cases have demonstrated that “there is no private cause of action” under non-self-executing treaties.¹⁰⁹ This means that without legislative assistance, ICERD does not create individual rights enforceable under domestic courts. Under US courts, essentially, self-executing treaties are not law. They are just another political agreement rather than a legal document that affords US citizens and foreign citizens residing in the US negative and positive rights. The majority judgment in *White v. Paulsen* cited treaties without legislative assistance as “merely agreements between two [or more] nations and have no effect on domestic law.”¹¹⁰ Various US courts have used this justification to dismiss cases invoking ICERD in part or in their entirety. For example, in 2013, Tomoko Funayama filed a lawsuit under ICERD against Nichia Corporations, alleging employment discrimination, hostile work environment, and constructive discharge. The judge ruled that it could not hear the merits of the case. The lack of legislative assistance for implementation negated the court’s jurisdiction to hear the case. As a result, the court ruled that “since there is no private right of action under

¹⁰⁹ Article VI, Constitution of the United States. Volume 11 Number 3 April 2014

¹¹⁰ *Ibid.*

ICERD, I will dismiss this claim against all defendants with prejudice.”¹¹¹ Similarly, in 2020, L. Yang’s admission to the University of Rochester was descended due to racist comments he made on a Facebook post. Yang filed a lawsuit against the University of Rochester under ICERD, alleging wrongful and discriminatory termination under the New York Western District Court in 2021. The judge ruled that Yang “cannot assert a viable federal claim” under ICERD because the treaty has not created private individual rights that can be adjudicated in court.¹¹²

VIII. The World Conferences Against Racism

ICERD was not enough. The document presented racial discrimination as a question of the past, embedded in individual beliefs, rather than structures of society that govern daily life. The Soweto Uprisings in 1976, under the organization of Black Consciousness Movement (BCM) and the South African Students Organization, demonstrated the systemic nature of the apartheid state that could not be solved by invoking ICERD. On this date, 3,000 to 10,000 students mobilized to demand an end to the racialized education system. At the center of the organized resistance was a clear call against the racist compartmentalization of education in South African.¹ On June 16, 1976, thousands of black students mobilized to end the effects of various education acts that separated students based on race. The objective of some of the education acts was to train black students into their perceived servitude positions in the apartheid society. For example, As H.F Verwoerd, the architect of the Bantu Education Act of 1953, noted “[t]here is no place for [the African] in the European community above the level of certain forms of labour. It is of no avail for him to receive a training which has as its aim, absorption in the

¹¹¹ Missouri v. Holland, 252 U.S. 416

¹¹² White v. Paulsen, 997 F.Supp. 1380, 1387

European community.”¹¹³ This is to say that black students could not be given a high school or university education because of their designated inferior position in the apartheid society.

Because black people were banned from holding positions that required a university education, receiving such an education would not benefit the segregationist policies of South Africa. Moreover, the apartheid system attempted to suppress intellectual growth in the black communities to eliminate their demand for emancipatory education that valued the humanity and intellectual capability of black people. Such an objective failed given that the separation of the races in the education nurtured the political consciousness, and thus the environment, to challenge white supremacy in the education system. The educational curriculum did not give black students the intellectual tools for liberation but rather gave them the cause to liberate themselves from. The Soweto cause gained momentum in nearby town and cities where students organizations united to protest against the apartheid regime in their demand for education. Similar to the Sharpeville Massacre, high school students, who composed many of the protestors, were met with live ammunition and tear gas, resulting in approximately 284 deaths and 2,000 injured individuals.¹¹⁴

In the spirit of defiance and solidarity, it is no accident that the anti-apartheid movement gained momentum in university spaces outside of South Africa. They were replicating the spirit of the South African students. In the spirit of critical thinking, the anti-apartheid movement gained supporters in college campuses. Students began to question the contradictions that informed their learning space. As Lodge outlines, the university space wanted to produce critical thinkers. In the same breath, it wanted to decide which subjects the students should be critical of. Student’s rejection of this formulation of critical thinking fostered the space to engage with the

¹¹³ “The June 16 Soweto Youth Uprising | South African History Online.” 2023. South African History Online.

¹¹⁴ Campbell, Horace. 1987. “Challenging the Apartheid Regime from Below.”

anti-apartheid movement because it was a critical subject. The movement became an avenue which students could exercise their critical thoughts. Lodge captures the core of the contradiction that existed (and continue to exist) in higher education. Lodge outline that “there is a permanent contradiction within the universities and colleges of advanced capitalist countries today. On the one hand, these societies have an absolute functional need of a mass of intellectual workers. On the other hand, they cannot tolerate the realization of the critical potential of this mass.”¹¹⁵ Students’ confrontation with this contradiction was expressed via the divestment campaign in support of a liberated South Africa. For example, between the 1970s and 1980s, students and faculty at the University of Michigan led a campaign called “Divestment for Humanity.” Such a campaign sought to force universities, banks and other multinational corporations to pull their investment from companies doing business in South Africa in every aspect of life. When asked why students chose divestment as the most effective tool, a former student organizer at the University of Michigan stated that “divestment was a strategy chosen on a much larger level, chosen by the liberation movements and people of South Africa, not by us.”¹¹⁶ Students saw the anti-apartheid movement in Western universities as a complementary position to aid the South African students. The demands of South Africans at home shaped the demands put forward at the international arena. Students pushed the UN to enforce UNSC resolutions calling for an international boycott of the apartheid state passed the 1960s. In 1963, UNSC passed Resolution 181 calling for an arms embargo, prohibiting the selling and shipment of arms, ammunitions and military vehicles to South Africa. Further, Resolution 1899 prohibited countries from selling petroleum to South Africa. The purpose of the resolutions was to cripple the SADF, the military

¹¹⁵ Lodge, 2011. *Sharpeville*, p-243.

¹¹⁶ Horn, Ansell. 2015. Ansell Horn (UM Student Activist). Interviews. Divestment for Humanity: The Anti-Apartheid Movement at the University of Michigan, Email. I did not conduct the interview. They are available on the Divestment for Humanity website, published as part of a class project.

apparatus of the South African state at the heart of the inhumane violence against black South Africans.

The anti-apartheid movement also found solidarity with the working peoples around the world. This solidarity was not only expressed in general or abstract terms. Workers outside South Africa grapple with how their place in capitalism, as laborers, energized the apartheid system in South Africa. For some, the act of solidarity became a question of “how does my labor directly reproduce the apartheid system?” This question was paramount for the Polaroid Revolutionary Workers’ Movement (PRWM) in Massachusetts. The movement was composed of black workers at a Polaroid Corporation branch in Cambridge, Massachusetts. In 1970, the workers discovered that the company had been selling instant cameras, film and sunglasses to the apartheid state since 1938. Their outrage was fueled by the fact that the corporation sold cameras to the South African government a for a very specific purpose. The instant camera took the photos used on the passbooks provided to black South Africans for identification purposes. Yes, it is the same passbook that was at the center of the Sharpeville protest and the massacre that followed. The PRMW made this connection evident in their call for work stoppage and international boycott. For example, appealing to their brothers and sisters, in a letter dated November 21, 1970, the PRMW argues that “[b]lack people in South Africa are enslaved and dehumanized in order to ensure the security of apartheid and the capitalist margin of profit.”¹¹⁷ Here, the organization demonstrates a link between dehumanization, the militarization of the state, and capital production in an apartheid society. By drawing such connection, the organizations sought to show how the apartheid system harnessed the art of oppression by producing and reproducing

¹¹⁷ The Polaroid Revolutionary Workers. Letter, 1970. “Brothers and Sisters: The Polaroid Revolutionary Workers,” letter. Boston Coalition for the Liberation of Southern Africa papers, Michigan State University Libraries Special Collections, Brookline, Massachusetts.

such oppression through militarisms and profit making. The aim was to show how capital is produced at the expense of humanity.

As a response to the dehumanization of black people, the PRMW called for an international polaroid boycott. Calling out companies that fed the apartheid system, the organization followed a policy of disengagement from corporations in South Africa. This call to action was important because the organization argued that “all American companies doing business [in South Africa] reinforce that racist system.”¹¹⁸ Further, the PRMW demanded that the profit that had been earned in SA by polaroid should be used to fund the liberation struggle in South Africa. In a call to action, the PRMW appealed to communities and college campuses to become conscious participants in the capitalist system. For example, the PRWM asked their listeners to expose businesses that sell polaroid cameras and companies that has stocks in polaroid or companies doing business in South Africa. The organization reached the chambers of the UNGA and made the same appeal to the international community to boycott polaroid. Therefore, the anti- apartheid movement had forced the international community to grapple with the consequences of the transatlantic slave trade and the capitalist mode of production that profits from black labor. This international pressure produced the world conference against racism in 1978 and 1983.

The World Conference to Combat Racism and Racial Discrimination in 1978 (the 1978 World Conference hereafter) sought to address the limitations of ICERD while laying the foundation for the Durban Conference in 2001. The 1978 World Conference came at a critical moment in the global fight against racism before the fall of the South African apartheid state. Thus, the domestic and global response to the apartheid state was the driving force and the

¹¹⁸ The Polaroid Revolutionary Workers. Letter, 1970.

number one item for the 1978 World Conference agenda. The Conference met at the Palais de Nations, Geneva, from August 14 to 25, 1978. Various governments were present from Latin America, Africa, South and North America, Europe, Asia. Among government delegates, regional organizations were also present, including the Organization of African Unity (precursor to the African Union), the Organization of American States, and the Organization of Islamic States. Thus, delegates, NGO and civil society met to discuss the impacts of racial discrimination and the responsibility of governments to eradicate it. To this end, several topics rose on the agenda. The paramount question on the agenda was the apartheid state, which was discussed in numerous paragraphs in the 1978 DPA. First, it sought to define an apartheid and determine the inhumanity of the apartheid state. This is to say, countries sought to determine how the apartheid state should be remembered in history. Third, the DPA addressed how countries and the international community should respond to the apartheid state.

On the first question, paragraph four defines an apartheid as “the extreme forms of institutionalized racism.” Thus, the 1978 DPA also confirms that racism is not the result of individual attitudes. Instead, the consequences of racism are manifested in the political, social, and economic structures of society. Paragraph 14 builds on this definition by declaring that South Africa constitutes the worst form of racism founded on settler colonialism, exploitation, and human degradation.¹¹⁹ This indicates that the apartheid state was a crime against humanity because it institutionalized the exploitation of African bodies and resources. It legitimized the dehumanization of black people using the justification of white supremacy and settler colonialism. On the second question, and most importantly, the 1978 World Conference documented that apartheid “is a crime against humanity.” Paragraphs 4 and 14 were adopted

¹¹⁹ A/CONF.92/40, p-12.

without a vote. On the third question, paragraph 6 of the 1978 DPA required the implementation of economic sanctions and an arms embargo to isolate the racist regime and facilitate the liberation of South Africa. Paragraph seven takes it further by indicating how countries can become complicit in perpetuating the dehumanization of black people. Countries that “profit from racist domination and exploitation in South Africa, or assist the apartheid regime, or facilitate the propaganda in favor of apartheid, are accomplices in the perpetuation of this crime against humanity [apartheid].”¹²⁰ Paragraphs 6 and 7 were adopted without a vote. Thus, paragraphs 6 and 7 combined indicate that countries who refuse to implement UNSC resolution 181 and UNGA resolution 1899, prohibiting the sale of arms, ammunition, military vehicles, and oil to South Africa, are complicit in aiding the racist regime of South Africa in committing a crime against humanity. Thus, the 1978 World Conference was a success in that it addressed the divestment campaign and called attention to the inhumanity of the apartheid state, achieving, to an extent, one of the objectives of the global anti-racist struggle.

The Second World Conference to Combat Racism and Racial Discrimination was held in 1983, five years after the first conference. The objective of the second conference was to remedy the limitations of the first. Such limitations focused on the lack of implementation of the 1978 DPA by UN member states. Thus, the second world conference revisited the same questions addressed in 1978, while paying careful attention to tangible actions to combat racial discrimination. Resolution 35/33 of 14 November 1980 declared that the purpose of the second conference was twofold: review actions taken to implement the 1978 DPA and draft specific measures against racial discrimination and apartheid for universal implementation.¹²¹ In addressing the most pressing issue of the decade, the DPA did not waste time in looking at the

¹²⁰ Ibid, 11.

¹²¹ A/CONF.119/126, p-2.

apartheid question. This attention can be attributed to the domestic and anti-racist, anti-colonial and anti-apartheid movements that transcended national borders. What is more about this conference and its attention to South Africa is that the conference no longer mentioned the South African apartheid in general terms. For example, the first conference had addressed apartheid as an institutional form of racism without mentioning how such system works. The first conference affirmed that the apartheid system was a “crime against humanity” and an “abhorrent to the conscience and dignity of mankind.”¹²² However, the second world conference went beyond the general terms. The 1983 DPA provided examples of the functions of the apartheid state that were “abhorrent to the conscience and dignity of mankind.”¹²³ For example, the conference rejected the apartheid Bantustanization policy depriving Black South Africans of their land and citizenship in service of whiteness. Such reference alludes to the various land laws and gentrification that placed black people in undesired and inhabitable spaces to make room for white South Africans. The question of citizenship in the DPA speaks to the passbooks that were at the center of the Sharpeville Massacre that placed South Africa on an international spotlight the 1960s. Thus, here we see bold statement against the apartheid state being made in service of a liberated South Africa.

The second world conference also reaffirmed the international call to boycott the apartheid state through divestment. The conference recognized the apartheid state as a threat to South African peoples and the long-term liberation of Africa. For example, the 1983 DPA goes beyond calling for an embargo on the sale and transfer of military equipment to South Africa. It also called for United Nations Security Council (UNSC) sanctions against South Africa. In response to the divestment campaign, the conference urged multinational corporations to cease

¹²² A/CONF.92/40, p-12.

¹²³ A/CONF.119/126, p-13.

foreign investments and loans to South Africa. Moreover, the document goes beyond examining the implications of the apartheid state in relation to black South Africans only. It looks at the apartheid state in relations to Africa and the independence project. For example, the South African illegal occupation of Namibia was condemned by member states. More significantly, South African destabilization of neighboring African countries through overt and covert military operations was also condemned.¹²⁴

While the SADF attempted to protect the collapse of the SA in the face of domestic anti-apartheid mobilization, it did similar work outside of South Africa. As Stott concludes, the SADF was “in the forefront of the counter-revolutionary effort,” adding that “despite being termed a ‘defense’ force, the SADF was to become the primary vehicle for the destabilization of most neighboring countries.”¹²⁵ This comment demonstrates that the SADF was not reactive. It was proactive. With the mission to spread the economic, political, social, and military undertaking of the apartheid state, racist South Africa aimed to design a Constellation of Southern African States. Such constellation was to include African states that were or would become (under military defeat) sympathetic to the apartheid cause. Such countries included Lesotho, Malawi, Botswana, Swaziland, Angola, Mozambique, Zimbabwe, Zambia, Zaire, and Namibia. The ideal African candidates were “anticommunist, tolerant of apartheid, and eager to persecute the ANC and SWAPO .”¹²⁶ To this end, the apartheid provided military support to RENAMO in Mozambique against FRELIMO, who supported the ANC. In Angola, support went to UNITA and the FNLA. Therefore, the SADF was a significant component of the

¹²⁴ Ibid, p-18.

¹²⁵ Stott, Noel. 2002. “From the SADF to the SANDF: Safeguarding South Africa for a Better Life for All?” Center for the Study of Violence and Reconciliation: Violence and Transition *Series*,7. The online version does not have page numbers.

¹²⁶ Gleijeses, Piero (2014). *Visions of Freedom: Havana, Washington, Pretoria and the Struggle for Southern Africa, 1976-1991*. The University of North Carolina Press, Chapel Hill, p-201.

apartheid state in and outside of South Africa. It killed and violated the rights of African peoples. Nonetheless, it is this military apparatus that the Cubans and Angolans defeated at Cuito Cuanavale in 1988. Thus, the 1983 DPA was a success in its conceptualization of the apartheid state and the global responsibility in eradicating such a system of capital production and white supremacy.

Conclusion

ICERD, the 1978 and the 1983 DPA were not drafted and passed at the discretion of white supremacy. The documents were produced as a result of the global anti-racist movement that forced the world to grapple with the consequences of the transatlantic slave trade. The demands of the apartheid movement and the Black freedom struggle provide examples of how the anti-racist struggle played out in the 1960s, 70s and 80s. Such demands questioned the legality and humanity of the apartheid state and Jim Crow segregation that saw black people as less than human. While the Black freedom struggle forced the United States to grapple with Jim Crow laws and the systemic lynching of black persons, the global anti-apartheid movement forced everyone, irrespective of gender and age, to address racial Discrimination on the world stage. ICERD provided a starting point as it gave a limited definition of racial discrimination. Such definition examined racial discrimination as an individual question imbed in individual biases that could be eliminated with racial bias training. The 1978 and the 1983 DPA took the definition further by declaring the apartheid state a crime against humanity because it practiced an institutionalized form of racial discrimination. It is this definition that the 2001 Durban conference built up on while questioning the world order in the 21st century.

Chapter 4: Repairing the Crime Against Humanity

Introduction: Reparative and Restorative Justice

On December 12, 1997, at the 70th planetary meeting, the UNGA Third Committee examined agenda item 110 entitled the “Elimination of Racism and Racial Discrimination.”¹²⁷ The agenda item wanted to examine the progress made at the national and international level since the Second World Conference against Racism in 1983, and the ensuing decades that combatted racism and racial discrimination. Consequently, the Third Committee passed Resolution 52/111 without a vote. The Resolution set the date and objective of the World Conference Against Racism, Racial Discrimination, Xenophobia, and Related Intolerance (WCAR) in Durban, South Africa. The objective of the Durban Conference was to review progress in the fight against racism, examine the current standards for fighting racism, and increase awareness at the national and international levels. Most importantly, the Conference committed itself to examining systemic sources of racism manifested in the political, historical, economic, and social realms. The Conference produced the Durban Declaration and Programme of Action, outlining principles and tangible policy initiatives to address racial discrimination. On August 31, 2001, the Conference convened 2,300 representatives from 163 countries, including 16 heads of State, 58 foreign ministers, and 44 ministers, approximately 4,000 representatives of NGOs, and over 1,100 media representatives in Durban, South Africa, to examine the 21st-century world structure concerning racial discrimination.¹²⁸

The WCAR not only organized state delegates in Durban. Various NGOs and civil society organizations approached the conference with a clear agenda to address the issue of race

¹²⁷ A/52/PV.70, p-2

¹²⁸ Daily Highlights - World Conference against Racism.” 2001. World Conference Against.

in the international arena and provide tangible policy recommendations for implementation in the delegate forum. In acknowledging the contributions of civil society organizations to the outcome of the Conference, paragraph 32 called upon states and regional organizations to hold preparatory meetings before the finale in Durban. The regional meetings produce draft DDPA's to guide the delegate forum in Durban. They were held on four continents: Africa, Asia, South America, and Europe. The capital of Senegal, Dakar, housed the African preparatory meetings. Chile, Santiago housed the Caribbean and Latin American preparatory meeting. Strasbourg, France, housed the European preparatory meeting, while Iran, Tehran, accommodated the Asia preparatory meeting.

Other than declaring the agenda and inviting global participation, the 1997 resolution also set the location for the world conference against racism. The symbolism of Durban is worth noting. South Africa bears a meaningful place in the anti-racist movement due to the defeat of the apartheid state. By 2001, the apartheid state, as a political and military entity, had come to an end. The Political Structure of the apartheid state was eliminated, allowing the ANC to win the first democratic election in SA. Nelson Mandela was released from Robben Island Prison in 1990, becoming the first black president in the country in 1994. The coming to power of the ANC and the Presidency of Nelson Mandela provided a boost for those who wanted to advance the global anti-apartheid struggle. The new political power wanted to focus on the healing process that acknowledged the relationship between black and white South Africa. With this agenda in mind, the ANC established the Truth and Reconciliation Commission (TRC), which prioritized restorative justice as a venue for healing a post-apartheid society. In July 1995, the Parliament adopted the Promotion of National Unity and Reconciliation Act to outline the framework for the TRC. The Commission's objective was twofold. First, it aimed to "promote

reconciliation in the spirit of understanding which transcends the conflicts and divisions.”¹²⁹

Second, it sought to correct history by “establishing as complete a picture as possible of the causes, nature and extent of the gross violations of human rights” committed between 1 March 1960 to 6 December 1993.¹³⁰ Finally, it allowed victims to tell their stories and recommend appropriate reparations for redress. Accordingly, the TRC victim-centered process focused on furnishing a space for victims to reveal their narratives and perpetrators to fully disclose their participation in the apartheid state.

The TRC was conducted on a public forum to allow the truth about the apartheid state to be told openly and transparently. This was important because the National Party, the political wing of the apartheid state, had proposed that the perpetrator’s confession be made in private, outside of the public eye. However, civil society wanted a public hearing because the nature and doings of the apartheid state were not a secret. The apartheid apparatus dehumanized black people in public; there was nothing private about it. The state had committed crimes against humanity in a very public space, prompting international solidarity against the apartheid state. It did not make sense for the Commission to accommodate the National Parties’ request for a private hearing concerning the perpetrator. Black people demanded space for closure to facilitate the establishment of democracy in South Africa. The political leadership and civil society succeeded in engaging in a healing process that recognized the humanity and needs of the emerging South African society.

It was not by accident that the UNGA selected South Africa as the venue of choice for the world conference against racism. To the international community, South Africa exemplified two things. First, South Africa was an example of the brutality of white supremacy in its various

¹²⁹ Promotion of National Unity and Reconciliation Act 34 of 1995.

¹³⁰ Ibid.

manifestations, politically, socially, and economically. This is why the apartheid question consumed the first and second world conferences against racism. Within these forums, it was designated as a crime against humanity. Second, the TRC provided a reference point for achieving reparative and restorative justice. South Africa symbolized what the Durban conference wanted to achieve, at least for black people. The TRC acknowledged that a crime against humanity was committed. Consequently, it provided a platform and framework for how victims and perpetrators should process such crimes. It is this approach that the reparation and the crime against humanity question aimed to introduce at the Durban conference in 2001. In their opening statements in Durban, Cape Verde, and Algeria acknowledge South Africa as a symbolic location for the conference. Abdelaziz Bouteflika, former president of Algeria, acknowledged that “there is no better place for this Conference than South Africa” because the Conference was “drawing up a framework of a new humanism” that had been at the forefront of the struggle against apartheid. The Cape Verde president agreed that the solidarity seen during the global anti-apartheid movement provided a “good lesson in globalization. The movement was a victory, not only for the people of South Africa, who were the primary victims -- but also for humankind.”¹³¹

The Durban Conference was a radical phenomenon, at least for the white supremacy mind. The anti-global racist struggle approached Durban with two goals. First, the movement aimed to correct the history of slavery, the slave trade, and the transatlantic slave trade. The second objective addressed the consequences of such history and the path forward at the national and international levels. Together, such an agenda questioned the mainstream Western narrative about the history of the people of African descent. The West has refused to acknowledge a non-

¹³¹ United Nations Human Rights: Office of the High Commissioner, 2001. OPENING SESSION OF CONFERENCE GENERAL DEBATE FOCUSES ON ADDRESSING LEGACY OF SLAVERY, COLONIALISM. Press Release.

Eurocentric understanding of the transatlantic slave trade because such history threatens the West's "heritage, history, and standing in the world."¹³² The Durban process was significant because the grassroots narrative of slavery, the slave trade, and the transatlantic slave trade contradict the foundation of Western democracy (if we can even call it democracy). Hilary Beckles states that the Durban process answered the question of "who owns and possesses the intellectual sovereignty over the interpretation of the past" as it relates to the enslavement of black people.¹³³ The progressive members of the GRULAC, the African group, and the Durban 400 coalition sought to take back the history of the people of African descent at the WCAR. Such an objective voiced demands for restorative and reparative justice.

In regional Preparatory meetings (PrepCom) and at the Durban conference, the African group, GRULAC, and the Durban 400 coalition outline that the only national and international road to reconciliation was through reparative and restorative justice. Such a form of justice was asserted in two ways. First, it was argued via the reparations question. Declaring the transatlantic slave trade as a crime against humanity was the second argument put forward. Restorative justice aims to restore and rebuild communities where violations were committed to facilitate reconciliation. Rather than focusing on punishment, restorative justice triggers and maintains a conversation between individuals and communities to facilitate healing. It is through reparative justice that such healing and reconciliation can be achieved. Reparative justice focuses on redress and compensation. Such justice can take monetary and/or an apology as part of the more extensive truth-telling process. Therefore, restorative and reparative justice called for the West to apologize for crimes against humanity related to the enslavement, exploitation, and dehumanization of black people. Such a non-performative apology seeks to facilitate a method

¹³² Beckles, 2013. *Britain's Black Debt*, p-183.

¹³³ Ibid.

that “embraces a process of redemption and renewal that celebrates humanity rather than inhumanity.”¹³⁴ Reparative justice is about taking responsibility and interrupting the silence surrounding history and the case for reparations.

This chapter will focus on the Durban Conference within the context of the global anti-racist struggle. On a nuanced level, this analysis will demonstrate how progressive forces negotiated the language of the DDPA concerning reparations and the transatlantic slave trade as a crime against humanity. The chapter carries two objectives. First, it seeks to demonstrate how the Pan-African forces, including the December 12 Movement and the Durban 400, demanded reparative justice through the question of reparations. Second, on the political forum, the GRULAC and the African group formed a Pan-African coalition that forced the Western European and Other Groups (WEOG) to face the question of reparation and crime against humanity. Together, the progressive powers forced the global north to confront reparative justice, not only as a monetary conversation but as a demand to contextualize the transatlantic slave trade as a crime against humanity. They refused to accept the Western “forward-looking” position that denied the history of the people of African descent on the national and global stage. The chapter will begin by analyzing the key players and their position in the Durban process in the backdrop of the decolonial project. Before the conclusion, the analysis will demonstrate how progressive forces sought to produce a document that contained strong language of accountability regarding the West’s participation in the enslavement of human beings.

¹³⁴ Ibid, 171.

Background

The military, political, intellectual, and moral defeat of apartheid in South Africa provided a crucial international space to sum up the anti-racist struggles that had dominated the international political environment since Sharpeville in 1960. Global anti-racist struggles had informed the Non-aligned movement (NAM), the Organization of African Unity (OAU), the Global Pan African movements, and the forces struggling for world peace. This era's social movements witnessed the OAU's development and the vision for Africa's political unity. Kwame Nkrumah's articulation of African independence came when European powers were creating friction within different African countries, pinning African governments against each other in a bid for Western recognition. It was important for Nkrumah to work under the philosophy that no African country can achieve complete independence until Africa is free and that it can only be free under political and economic unity.¹³⁵ He expressed this vision in the book *I Speak of Freedom: A Statement of African Ideology*. He concluded that "the independent states of Africa, some of them potentially rich, others poor, can do little for their people" without total unity.¹³⁶ In 1963, to solidify this vision, delegates from 32 African countries met in Addis Ababa, Ethiopia, to establish the OAU. It sought to promote solidarity and cooperation as a force against colonization and the apartheid state. The OAU created a voting bloc in the UNGA that pushed the UN to impose economic and military sanctions on settler colonialism and minority rule in Southern Africa.¹³⁷

Article II (1)d of the OAU charter explicitly articulates that the organization's goal was "to eradicate all forms of colonialism from Africa." To this end, the OAU created the African

¹³⁵ Nkrumah, Kwame *I Speak of Freedom: A Statement of African Ideology* (London: William Heinemann Ltd., 1961), Xi-xiv.

¹³⁶ *Ibid.*, Xi.

¹³⁷ El-Khawas, Mohamed A. 1977. "Southern Africa: A Challenge to the OAU" *Africa Today*, Vol. 24, No. 3, 29.

Liberation Committee (ALC), which provided diplomatic, technical, and financial support to liberation movements across Africa to end colonial control and racial discrimination. On the diplomatic front, the ALC formulated a concise frame against the settler colonial policies of Portugal and South Africa that rejected independence and Britain's gradual independence policy. As Oscar Kambona, former chair of the ALC secretariat Committee wrote in 1963, the ALC opposed the British and Portugal independence process. He stated, "our position to such attitudes is absolute, and we intend to bring about the liberation of their oppressed population by every method which we can devise."¹³⁸ It urged member states to break diplomatic and economic relations with Portugal, South Africa, and Rhodesia. With limited funding, for example, the OAU set a special fund to provide material support for liberation movements in the 1970s.¹³⁹ Training camps in frontline states, such as Tanzania, Zambia, Angola, Mozambique, Zimbabwe, and Lesotho, provided a retreat environment for revolutionary fighters and organizations. The end of colonial rule in African countries by the late 1990s, especially the end of the apartheid state, saw the creation of the African Union (AU) to adjust the mandate of the OAU. Their primary goal to end white political power in Africa was achieved when Nelson Mandela won the elections in 1994. For this reason, the OAU was forced to redefine the concept of territorial sovereignty and its relationship to intervention in Africa. They wanted to defend African peoples at the hands of state-sponsored oppression. By the late 1990s, the visions of freedom, independence, and an end to racial discrimination through a legal unification of Africa had begun to take form.

While African countries were forming regional organizations to frame their position against Western hegemony, they were also occupied on the global stage, seeking international

¹³⁸ Kambona, Oscar.1963. "Colonialism and the African Liberation Committee." *African Studies Bulletin* 6, no. 3, 2.

¹³⁹ Kambona, Oscar.1963. "Colonialism" 30.

solidarity through south-south cooperation. The NAM was the result of the Bandung Conference in 1955. The Conference organized 29 African and Asian countries to discuss their role in the independence process and beyond. Countries in attendance included Ethiopia, Ghana, Liberia, Libya, Jordan, Iraq, Afghanistan, Cambodia, China, Sudan, and Lebanon. The attendees acknowledge the links between Asia and Africa in terms of a shared history of colonialism and exploitation by the West. It called for political and economic solidarity as a force for independence and future cooperation. More notably, the conference set the stage for the NAM position in the 1970s for a New International Economic Order (NIEO) as an alternative to the liberal state. Vijay Prashad reveals how the global North has undermined the South/Bandung project, which is intended to confront the power of the global North on the world stage.

Numerous Latin American, African, and Asian countries have been confined by the North's economic model, neoliberalism, which has exacerbated the South's economic crisis. Their ability to assert themselves as equals, worthy of political and economic consideration as their Western counterpart, has been sabotaged by the capitalist system, supported by international institutions, intended to keep the global South economically dependent on the industrialized nations.

The South Project introduced NIEO in 1973 to dismantle the liberal and, later, neoliberal dominance in world politics in their demand for bread, peace, and justice. They sought to assert their economic autonomy. Powered by Brazil, India, China, and South Africa, the South-South cooperation aimed to challenge the International Monetary Fund (IMF) and the World Bank's racialized and imperial structure established at the Bretton Wood Conference when the rest of the world was colonized. The Group of Seven (G7) Atlantic project was a direct response to the South project and its economic principles. Organized by the United States and the United Kingdom, the G7 countries (United States, United Kingdom, France, Germany, Italy, Canada,

and Japan) made it their priority to defeat the global South's economic freedom. Neoliberalism rose as an ideology of the G7, whose structure was protected by the UN, the IMF, and the World Bank.¹⁴⁰ Neoliberalism introduced a system favoring the deregulation of the market, allowing the free market to weed out those economies unfit to compete in the world economy. However, the rules were manipulated by Western countries. The goal of the G7, as articulated by Henry Kissinger, was to dismantle the South-South cooperation “not only for its economic policies but also for the presumption among its proponents that they could make decisions for the rest of the world.”¹⁴¹ According to Kissinger, such an assumption was unacceptable. They could not allow the global South to dictate world politics. Any attempt by the NAM to advance the demands of NIEO was silenced.

On the ground, the 7th Pan-African Congress addressed the limitations of the Pan-African movement as articulated in the previous six Pan-African Congresses. The momentum for the 7th edition was borrowed and inspired by the social movements of independence during this period to eradicate oppression in all of its manifestations. It broke away from the male-centered and “great men” perspective as a point of reference for Pan-Africanism. By this time, Black women were forcing the question of intersectionality on the international stage as a force against anti-racism. They created a coalition that eventually birthed the 7th Pan African Congress of 1994, registering close to 2000 participants in Kampala, Uganda.¹⁴² To capture the essence of Pan-Africanism and its relationship to women, the conference established workshops dedicated to different areas affecting women, from the political to the social. It held small groups on African Women and Culture, the Status of African Women and the Law, the Survival of African

¹⁴⁰ Prashad, Vijay. 2012. *The Poorer Nations: A Possible History of the Global South*. 1st ed. London; New York; Verso.

¹⁴¹ Prashad, 2012. *The Poorer Nations*, p- 42.

¹⁴² Campbell, Horace. 1996. “Rebuilding the Pan African movement, a report on the 7th Pan African Congress” *African Journal of Political Science*, vol 1, no. 1. p-1.

Women and Children, Women and the Environment, Women and Structural Adjustment Programmes, and Building a Pan African Women's Liberation Movement.¹⁴³ For example, participants condemn traditions that were oppressive to the humanity of Black women. The discussions touched on education issues and the need to teach African languages at home and school rather than relying on the European language as a point of linguistic unity for African peoples. The needs of domestic workers, recognized as an important aspect of the labor force, were also addressed.

The Kampala Conference produced a resolution to sum up the revival of Pan-Africanism in the 21st century. On the international level, the resolution called for a restructuring of the UNSC to establish a permanent seat for African countries. It also recognized and supported the ALC position against white minority rule in Africa. It opposed fascism in the United States, Canada, England, France, Germany, Russia and Austria. Because African women were and continue to be “part and parcel of the Pan African movement,” the resolution called for a women's wing for the PAC secretariat to articulate the gender perspective.¹⁴⁴ By calling for the establishment of a Youth Secretariat, the youth was also recognized as an integral part of the Pan African movement. On the social front, the resolution called for equal access to education and healthcare, especially for those affected by AIDS. More significantly, the resolution called for “reparations for the African holocaust.”¹⁴⁵

This network of women and the need to link the oppression of rural and middle-class women inspired the foundation of the Pan African Women's Liberation Organization (PAWLO). Roy Campbell argues that PAWLO formed a refreshing departure from other women's social

¹⁴³ Roy-Campbell, Zaline Makini. 1996. "Pan-African Women Organizing for the Future: The Formation of the Pan African Women's Liberation Organization and Beyond." *African Journal of Political Science* vol. 1, no.1, p-48.

¹⁴⁴ “Resolutions of The Plenary of The 7th Pan African Congress, Kampala,1996.” *African Journal of Political Science / Revue Africaine de Science Politique* vol 1, no. 1, p-117.

¹⁴⁵ Resolutions of The Plenary of The 7th Pan African Congress, p-122.

and political organizations of the time for several reasons. First, it bore no allegiance to the state as it sought to connect with women who often experience oppression at the hands of the state. Thus, PAWLO distinguished itself from the Pan African Women's Organization (PAWO), a wing of the OAU. Second, PAWLO sought to transcend colonial boundaries by connecting with women from the Caribbean, Latin America, North America, and Africa. For example, the experiences of Afro-Brazilian domestic workers were similar to those of the African workers. As Roy Campbell concludes, "[w]omen at the Congress were bound together by their lived experiences of being black and the baggage that accompanies the black skin and of womanhood which had been epitomized in the historical positioning of women within the global Pan African movement."¹⁴⁶ Thus, among other objectives, PAWLO sought to "rewrite African women's history with an emphasis on women as agents rather than victims of history."¹⁴⁷ These objectives were articulated at the UN Fourth Women Conference in Beijing in 1995.

PAWLO's work demonstrated that the Pan African Struggle was "one struggle" on "many fronts," as the critique of Mr. Makenzie demonstrates.¹⁴⁸ While the AOU and the NAM were busy formulating political and economic grounds for cooperation and solidarity, PAWLO framed the limitations of the AOU and NAM and the broader anti-racist movement that neglected the contributions of women and youth as forces against white supremacy and oppression. When counting the contributions of PAWLO to the movement, Micere Mugo concluded that the survival of Pan Africanism and the struggle depended on the recognition of the essence of women and youth because they exemplify the lived experiences of Pan Africanism.

¹⁴⁶ Roy-Campbell, 1996. "Pan-African Women Organizing for the Future" p-51.

¹⁴⁷ Ibid, p-54.

¹⁴⁸ Campbell, Horace. 1996. "Rebuilding the Pan African movement," p-5.

The Players

IX. The Durban 400

The December 12th movement and the Durban 400 were critical in pushing for reparative and restorative justice at the WCAR. At the congressional discussion on July 21, 2001, to “keep members of Congress informed about issues, concerns and strategies for the US,” Roger Wareham of the December 12th Movement testified about the vision of the reparation struggle. The December 12th movement approached the WCAR with the following objectives for the regional meetings and the final DDPA. First, it wanted the final DDPA to declare the transatlantic slave trade, slavery, and the transatlantic slave trade as a crime against humanity and provide reparations. Second, it wanted the DDPA to acknowledge the economic basis of racism.¹⁴⁹ In justifying the items on the agenda, Wareham argued:

We picked those three issues because they went to the economic root and motivation for our kidnapping and enslavement, established international recognition of our humanity and historically unprecedented crimes we had been subjected to, provided for the 40 acres and a mule that none of the original victims or their descendants and continuing victims of racism and slavery had ever received, and explained why the ideology and practice of racism persists to this day.¹⁵⁰

They wanted to historicize the transatlantic slave trade and its contribution to the development of the capitalist mode of production. The WCAR provided a platform to correct history and a path for reconciliation. The documentary Durban 400 tells the story of the grassroots coalition at the forefront of the reparation question. The coalition was composed of political activists, educators, students, and representatives from the December 12th Movement, The National Black United Front, Africa Action, the International Association against Torture,

¹⁴⁹ U.S. Congress. Senate. Committee on International Relations House of Representatives. *A Discussion on the U.N. World Conference against Racism: Hearing before the Subcommittee on International Operations and Human Rights*, 107th Cong., 1st sess., July 21, 2001.

¹⁵⁰ U.S. Congress. Senate. Committee. *A Discussion on the U.N. World Conference against Racism*.

African Canadian Coalition Against Racism, N'COBRA, Patrice Lumumba Coalition, and the National Coalition of Blacks for Reparations in America, among others. They wanted the international community to acknowledge that “there was a crime committed against African people, that crime was rooted in economics, and that crime must be compensated.”¹⁵¹ In tracing the economic nature of the transatlantic slave trade, the coalition wanted to show that racial discrimination is not a question of individual biases. This was the first objective. As Muntu Matsimela clarified, “when we talk about reparations, we are not talking about whether [or] not you [are] guilty as an individual. We’re talking about the culpability of governments and states.”¹⁵² The systems and structures of society that benefitted from the trade and enslavement of human beings were and continue to be at the center stage. The reparation question is about what one community owes to the healing process of another. However, the capitalist mind of the WEOG could not or refused to understand this formulation of reparations. This is because capitalism places individual needs above the needs of the community. When black people ask for reparations, the capitalistic mind registers the demand as an individual ask that requires unimaginable sacrifice at the individual level.

Declaring the transatlantic slave trade as a crime against humanity was the second objective of the Durban 400. Adjoa A. Aiyetoro, a member of N'COBRA, explained the reason behind this agenda item. While speaking to the NGO forum in Durban, Aiyetoro illustrated that the crime against humanity call was to expose the brutality and the economic structure of enslavement that led to the exploitation of black people and anything that bore the black identity. The need to trace the transatlantic slave trade as a crime against humanity laid the foundation for the reparation requests. Demands for an apology for slavery, the slave trade, and the transatlantic

¹⁵¹ Drammeh, Iman, and Alfred Santana, dirs. 2021. *Durban 400*. <https://www.youtube.com/watch?v=k3GY7gENcsA>.

¹⁵² Ibid.

slave trade also accompanied the crime against humanity clause. Such an apology was meant to provide closure and pave a path forward in the reconciliation process.

Using Britain as a case study, Beckles captures the West's arguments against reparations and the transatlantic slave trade as a crime against humanity. He analyzes the Caribbean reparation movement, calling Britain to acknowledge the black debt that it continues to deny with dubious arguments and support a healing process for reparative justice. Although the enslavement of Africans was at the center of the Empire, Britain continued to dismiss the case for reparations for the Caribbean people with unfounded statements. British officials appeal to the concept of "remoteness;" slavery was in the past, and there were no living defendants and victims to answer the charges.¹⁵³ However, as Beckles contests, the profits generated from Black bodies created generational wealth and an empire in Great Britain. The victims of slavery remain the black people of the Caribbean, who continue to suffer the consequences of slavery as it relates to access to quality healthcare, education, housing, and employment. Second, Britain has exaggerated the role of African leaders in the slave trade and the enslavement of Africans. They argue that African rulers were complicit in the slave trade. This argument lacks substance, as Beckles explains. African rulers and peoples resisted enslavement from the time of kidnapping until emancipation. Moreover, slavery in Africa was not incorporated into the capital mode of production that facilitated Western industrialization. Those enslaved remained human, not real estate or chattel protected under national law for capital accumulation.

The WEOG group reiterated these ideas in the regional meetings and at the Durban Conference. The United States and Canada articulated the WEOG position. At the core of the British case against reparations is to deny history and supply a whitewashed, Eurocentric

¹⁵³ Beckles, Hilary, 1955. 2013. *Britain's Black Debt*, 168.

understanding of the transatlantic slave trade, slavery, and the plantation structure that endured for 400 years. “If colonial government made genocide, slave trading and slavery legal, then there is no case to answer. No crime was committed,” as the argument goes.¹⁵⁴ Such an anti-reparation argument rejects that the transatlantic slave trade was a crime against humanity. By positing that slavery was legal, they refused to take accountability and provide redress. Moreover, this position is about denial and strategy, as Beckles points out. Rather than acknowledging slavery as a crime against humanity, accepting responsibility, and nourishing a space for reparative education, the West continues to present “statements of regret” that are essentially ineffective. Such messages permit the West to escape the legal implications of enslaving human beings. They prefer to issue remarks to escape criminal liability and avoid addressing the contradictions in Western democracy. The Durban 400 called for a global reconciliation approach to break genocidal histories perpetrated by the West against people of African descent and indigenous peoples. The West continued to hinder this process by refusing to accept the role slavery played in building the industrial West. The denial strategy and the statements of regret do not aim to repair the post-transatlantic slave trade society but rather undermine its healing process.

X. The Delegate Forum

A. Reparations

Before the regional PrepCom in Chile, Dakar, Strasbourg, and Tahren in 2000, governments held the first PrepCom in Geneva in May 2000 to set the themes for WCAR. At the 12th meeting, they adopted, without a vote, the topics for the provisional agenda. They centered around four themes that guided the conversation surrounding racial discrimination and the organization of the final DDPA. The provisional agenda addressed the sources, victims,

¹⁵⁴ Ibid, 167.

compensation, and strategies for cooperation and implementation. The Geneva meeting produced the following themes for the WCAR:

1. Sources, causes, forms and contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance
2. Victims of racism, racial discrimination, xenophobia and related intolerance.
3. Measures of prevention, education and protection aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at the national, regional and international levels.
4. Provision of effective remedies, recourse, redress, [compensatory] and other measures at the national, regional and international levels.
5. Strategies to achieve full and effective equality, including international cooperation and enhancement of the United Nations and other international mechanisms in combating racism, racial discrimination, xenophobia and related intolerance, and follow-up.¹⁵⁵

Demands for reparations are not new in the relationship between the West, Africa, and peoples of African descent. However, the WCAR provided an international forum to expose how the West has denied the history of the transatlantic slave trade through the question of reparations. Thus, reparations as a form of reparative justice were a point of contention at the WCAR. Such contention began during PrepCom meetings before the showdown in Durban that prompted the US and Israel walkout on 3 September 2001, four days after the conference began. For WEOG, reparations were out of the question as a form of compensation for the transatlantic slave trade. For the African and GRULAC, reparations were the paramount topic that drove their participation in WCAR. The conflict between the three groups (African, GRULAC, and WEOG) on the reparations question informed the negotiation process prior to Durban and the outcome. This conversation began at the Geneva Conference when the themes were being negotiated. The Geneva meeting took place between May 1 and 5, 2000, with a total of 12 meetings that led to a unanimous vote that approved the themes. Like the ICERD negotiations, some themes proved

¹⁵⁵ A/CONF.189/PC.1/21, p-18

more difficult to adopt than others. Theme four was adopted for the sake of time at the final 12th meeting.

In negotiating the fourth theme, two camps developed strong assertions of the type of language that should be included in the final DDPA. The theme sought to acknowledge national and international obligations to meet the needs of the victims defined in the first theme. The African Group wanted to include the term “reparation” as the form of compensation required to address the negative impacts of slavery and the transatlantic slave trade. Not only did WEOG refuse to include the term, but they also wanted to exclude the theme from the conference. The African Group agreed to replace “reparation” with “compensation” in the provisional agenda as a compromise. For the WEOG, this compromise was not enough because the end goal was to remove the theme. At the 12th meeting, the PrepCom reached a stalemate because the African Group did not agree to pacify the WEOG and their demands to remove the reparations question from the WCAR. Thus, [compensatory] was introduced as a settlement between the complete removal of reparations, an option favored by WEOG, and the inclusion of the term reparation or compensation without the bracket, an option favored by the African Group.¹⁵⁶ In a statement of clarification during the adoption period, the WEOG stated that the unanimous adoption did not indicate their approval of the fourth theme, even with the bracketed text. They explained that “delegations of the Western Group and some others accept point 4 with the word ‘compensatory’ in square brackets on the basis that, in this context, and in light of further discussions, they have the right to revisit this point.”¹⁵⁷ Therefore, the WEOG accepted the theme on a conditional basis; they wanted to revisit the question with the same objectives. The first objective sought a complete removal of the reparation question from the WCAR. When that goal proved difficult,

¹⁵⁶ The use of the bracket in UN negotiations is not new. The brackets signaled that the language compensation was not unanimously adopted.

¹⁵⁷ A/CONF.189/PC.1/21, p-9

they negotiated weak language that would absolve the countries of their responsibilities to the victims of slavery, the slave trade, and the transatlantic slave trade.

The African Group understood such objectives and refused to revisit the fourth theme. They indicated that their vote did not indicate their approval of the bracket around compensation. The African Group explained that “[w]ith regard to the brackets placed around the word ‘compensatory’ in theme No. 4, the African group does not agree that the brackets are necessary.”¹⁵⁸ They elaborate that the compromise was necessary to adopt the themes, thus laying the foundation for the conference in Durban. Without the prompt adoption, the Conference would have been delayed, thus missing the August 31 deadline when it was to take place. To affirm their commitment, the African Group explained that “no further discussion would be entertained on any part of theme No. 4, except the bracketed word.”¹⁵⁹ Removing the fourth theme from the agenda was out of the question.¹⁶⁰

Africa’s position on reparations articulated at the Durban Conference found consensus in the OAU well before the world conference against racism in 2001. In 1992, the OAU established the Group of Eminent Persons (GEP), composed of 12 individuals, to present the question of reparations for Africa. As an intergovernmental organization, it was composed mainly of scholars and activists across Africa and from global Africa. To cement the position, the Pan African Conference on Reparations For African Enslavement, Colonization, And Neo-Colonization was held from 27 to 29 April 1993 in Abuja, Nigeria. It was sponsored by the GEP and the Commission for Reparations of the Organization of African Unity and Nigeria. The conference’s conclusion delivered the Abuja Declaration, calling for “moral” and material debt

¹⁵⁸ Ibid.

¹⁵⁹ Ibid.

¹⁶⁰ Standing on business

to be paid to African countries. It acknowledged that slavery is not a ‘thing of the past’ because it remains evident in the lives of Africans “from Harlem to Harare, in the damaged economies of the Black World from Guinea to Guyana, from Somalia to Surinam.”¹⁶¹ It called for the return of “stolen goods artifacts and other traditional treasuries” to their rightful owners. Material compensation included restructuring the international community, specifically the UNSC, and “capital transfer and debt cancelation.”¹⁶² Members of the GEP formed the voices of the OAU at the Durban Conference in their quest for reparations. In Durban, the GEP comprised Nigerian historian J. F. Ade Ajayi, Professor Samir Amin of Egypt, Kenyan social scientist Ali Mazrui, and Jamaican lawyer and diplomat Dudley S. Thompson.

The official position of the African Group also came from the Dakar PrepCom held on 22 January 2001. The draft Declaration and Programme of Action outline the effects of the slave trade on the African people and the appropriate compensation for such damages. For example, paragraph nine outlines the historical motivations for the slave trade, including “the economic objectives and competition between colonial Powers for strategic territorial gains, appropriation, and control over and pillage of natural and cultural resources.”¹⁶³ Such objectives outline the link between the rise of capitalism and exploitation of African peoples through colonization. Moreover, paragraph eleven declared the slave trade a crime against humanity. Recognizing the “abhorrent barbarism, enormous magnitude, institutionalized nature, transnational dimension of the slave trade,” the declaration called for reparations.¹⁶⁴ Paragraph 20 affirms that:

States which pursued racist policies or acts of racial discrimination such as slavery and colonialism should assume their moral, economic, political and legal responsibilities within their national jurisdiction and before other appropriate international mechanisms

¹⁶¹ Abuja Declaration: A declaration of the first Abuja Pan-African Conference on Reparations For African Enslavement, Colonization And Neo-Colonization, sponsored by The Organization Of African Unity and its Reparations Commission April 27-29, 1993, Abuja, Nigeria

¹⁶² Ibid.

¹⁶³ A/CONF.189/PC.2/8

¹⁶⁴ Ibid, p-5.

or jurisdictions and provide adequate reparation to those communities or individuals who, individually or collectively, are victims of such racist policies or acts, regardless of when or by whom they were committed;¹⁶⁵

The Dakar Programme of Action called for national and international forums to demand reparations. On the national level, the Action Programme called for states that benefited to adopt policies to repair the economic and political consequences of the slave trade. On the international and collective level, an International Compensation Scheme and Development Reparation Fund were desired as compensation. Various heads of state and African delegates affirm the call for reparations at the Durban Conference. For example, Jakaya Kikwete, former Minister of Foreign Affairs and International Cooperation and President of Tanzania attributed poverty, underdevelopment, and the marginalization experienced by people of African descent as the result of the slave trade and colonization. After giving an example of reparative justice that had been afforded to other groups for the Holocaust and the first World War, Jakaya Kikwete asked, We do not understand why there is total hostility to the idea of reparation and compensation to Africa. What is it that is so blasphemous about it?"¹⁶⁶ Christopher Obure, former Minister of Foreign Affairs of Kenya, concurred, adding that the conference owed peoples of African descent a recognition of the suffering caused by slavery.¹⁶⁷ On the third day of the Durban conference, Zimbabwe agreed that "the crime against humanity" was appropriate not only in its description of the transatlantic slave trade but also in its legal application. The representative argued that because the term was used retroactively during the Nuremberg trials in the 1940s, it should also be applied to the slave trade.¹⁶⁸

¹⁶⁵ Ibid, p-6.

¹⁶⁶ Department of Public Information - News and Media Services Division - New York: 2001. ACKNOWLEDGEMENT OF PAST, COMPENSATION URGED BY MANY LEADERS IN CONTINUING DEBATE AT RACISM CONFERENCE. Press Release.

¹⁶⁷ Department of Public Information, "ACKNOWLEDGEMENT OF PAST."

¹⁶⁸ Ibid.

Further, the African Group acknowledged that the conference was an important space that convened a global audience “so the world can take responsibility for the crimes of slavery and colonialism”¹⁶⁹ Delegates outside of Africa agreed. The representative from Jamaica acknowledges that the call for reparations is not a call against white people as it is not intended to be “divisive or confrontational, but rather form part of a process to heal the wounds of the past.”¹⁷⁰ The Jamaican delegation wanted the West to declare that slavery and the transatlantic slave trade were a crime against humanity. Second, economic policies should be implemented internationally to remedy the crime. Although the group would have liked to explicitly include “reparations” in the WCAR theme, compensation carried similar weight. The WEOG understood the type of compensation the African group aimed to achieve for victims of the transatlantic slave trade. Cuba echoed the stand of the African Group, explaining that “putting the word ‘compensatory’ in square brackets is unacceptable and contrary” to article 6 of ICERD.¹⁷¹ At the end of the Geneva meeting on May 5th, the African Group had succeeded in preventing the WEOG from removing reparations from the world agenda to address the outcome of slavery, the slave trade, the transatlantic slave trade, and the capital accumulation of labor-based on black bodies.

At a congressional discussion, William Wood and Steve Wagenseil clarified the WEOG position on July 21, 2001. William Wood testified as Deputy Assistant Secretary of State for the Bureau of International Organization Affairs and the point person for US foreign policy at the UN and several other multilateral organizations. Steve Wagenseil testified as the Director of Multilateral Affairs at the Bureau of Democracy, Human Rights, and Labor. He also served on

¹⁶⁹ Ibid.

¹⁷⁰ Ibid.

¹⁷¹ A/CONF.189/PC.1/21, p-10.

the American delegation on the Geneva PrepCom. Their testimonies explained that the American position on reparations was “forward looking” and that the US would not allow any destructive provisions to enter the final DDPA. They argued that the position allowed countries to focus on the “current state of racism, discrimination, xenophobia, anti- Semitism, and other forms of intolerance worldwide”¹⁷² The forward-looking position followed the denial policy, refusing to acknowledge the history of the transatlantic slave trade.

During the Santiago Chile regional meeting between December 5 and 7, 2000, the United States and Canada had objected to the inclusion of paragraphs 68 and 70 in the final DDPA in whole or in part. The Chile meeting concentrated on the needs of the GRULAC as representatives of Latin America and the Caribbean. The meeting also invited observers and non-governmental organizations.¹⁷³ The December 12th Movement was present as an NGO. Under the UN, members of the GRULAC group include Antigua and Barbuda, Argentina, Bahamas, Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Peru, Uruguay, and Venezuela. However, the United States and Canada were recognized as voting members at the Chile meeting. This is unusual for two reasons. First, Canada and the United States are not in Latin America or the Caribbean. The Chile meeting was supposed to be a conference of the Caribbean and Latin America. Second, under the UN, Canada and the United States are recognized members of the WEOG. Instead of sending delegates to Strasbourg, they arrived in Chile. It is unclear why they were allowed in this meeting as voting members rather than observers. At the congressional discussion in 2001, Wareham presented the goal of the American presence in Chile. The Canadians and Americans were threatened by the progressive nature of

¹⁷² U.S. Congress. Senate. Committee. *A Discussion on the U.N. World Conference against Racism.*

¹⁷³ A/CONF.189/PC.2/7 p-37.

the reparation question in the Caribbean and the leadership of Barbados. They arrived with the intention of not agreeing with any language that addressed reparations and the transatlantic slave trade as a crime against humanity.¹⁷⁴ This is how the Americans and Canadians approached the language of paragraphs 69 and 70. The draft paragraphs read as follows:

Paragraph 68: Recall that it is the legal duty of States to carry out exhaustive, timely and impartial investigations of all acts of racism, racial discrimination, xenophobia or related intolerance, to penalize those responsible according to the law and to secure prompt and fair reparation for the victims.¹⁷⁵

Paragraph 70: Acknowledge that the enslavement and other forms of servitude of Africans and their descendants and of the indigenous peoples of the Americas, as well as the slave trade, were morally reprehensible, in some cases constituted crimes under domestic law and, if they occurred today, would constitute crimes under international law. Acknowledge that these practices have resulted in substantial and lasting economic, political and cultural damage to these peoples and that justice now requires that substantial national and international efforts be made to repair such damage. Such reparation should be in the form of policies, programmes and measures to be adopted by the States which benefited materially from these practices, and designed to rectify the economic, cultural and political damage which has been inflicted on the affected communities and peoples.¹⁷⁶

Paragraph 68 calls for reparative justice in the form of impartial investigations of all acts of racial discrimination. The provision calls for fair reparations in cases where acts of racism are found. The provision is broad. For the WEOG, it could be read to exclude slavery, the slave trade, and the transatlantic slave trade because it does not explicitly include such language. However, it could also be read to include a call for a national impartial investigation into the transatlantic slave trade as an act of racial discrimination. Such a call would entail a reconciliation process to detail the consequences and the perpetrators of the slave trade at the national level. Paragraph 70 is more specific as it refers to the slave trade. The provision calls for an acknowledgment of the slave trade as a crime against humanity in today's standards. This

¹⁷⁴ A/CONF.189/PC.2/7 p-37.

¹⁷⁵ A/CONF.189/PC.2/7, p-14.

¹⁷⁶ Ibid.

acknowledgment does not capture the demands of the African Group or the GRULAC. They wanted the West to acknowledge that the slave trade was a crime against humanity at the time of occurrence. The paragraph further illustrates the form of national and international compensation appropriate to address the “lasting economic, political and culture damages” caused by the slave trade. It interprets reparations as national and international policies to “rectify the economic, culture and political” consequences of the slave trade. Taken together, paragraphs 68 and 70 can be translated as a call for reparations as a form of redress for the historical and contemporary injustices against people of African descent.

The United States and Canada submitted comments expressing explicit refusal to maintain paragraphs 68 and 70 in the final DDPA. For example, “Canada expressed concerns regarding paragraph 68 of the Declaration as it does not align with the specific obligations arising out of” ICERD.¹⁷⁷ However, the regional report does not explicitly state Canada’s exact concerns and how such concerns relate to ICERD. Further, the United States claimed that paragraph 68 does “not reflect international law.”¹⁷⁸ Like Canada, the United States does not clarify how the provision is not in accordance with international law; it does not refer to the international law or document in question. Canada and the United States did not approve Paragraph 70, calling for reparations for the slave trade. Canada expressed that “the term ‘reparations’ is, in Canada’s view, too restrictive.”¹⁷⁹ Further, it is not clear from the current language what obligations and responsibilities arise out of the paragraph.”¹⁸⁰ Canada contradicted itself in its refusal to accept the language in paragraph 70. First, Canada states that using the term reparations is “too restrictive” in its conceptualization of redress and

¹⁷⁷ Ibid, 53.

¹⁷⁸ Ibid.

¹⁷⁹ Ibid, 52.

¹⁸⁰ Ibid, 53.

compensation. In the same breath, Canada states that the term reparation is ambiguous because the paragraph does not clarify state obligations and responsibilities in the reparation process. The first part of Canada's objection admits that the term reparation is very specific because it calls for a distinct form of redress: reparation. Yet, Canada also asserts that the term reparation is ambiguous. How can something be specific and ambiguous at the same time? If one claims that something is very specific, then one must know the specifics in reference.

On the other hand, the United States rejected paragraph 70. The full provision was unacceptable to the United States. At the congressional discussion, Woods explained the US position on reparations. He contended that the language on reparations and the transatlantic slave trade was the result of "selective memory" and "selective calls for redress."¹⁸¹ The selective memory argument suggests that the people of African descent have only decided to focus on the West's participation in the slave trade while refusing to recognize non-Western participation. This part of the testimony reflects the West's refusal to admit a link between chattel slavery, capital production and accumulation. The selective redress argument says that people of African descent should focus on "contemporary" forms of racial discrimination rather than the past. This view reflects the West's refusal to accept the link between the transatlantic slave trade and 21st-century structural racism. Thus, WEOG's "forward-looking" position followed a strategy of denial of a non-Eurocentric interpretation of history. Such denial is at the foundation of the rejection of the reparation question.

The WEOG strategy of denial succeeded in Durban to an extent. The Final DDPA does not explicitly link the transatlantic slave trade and the call for reparations. It does not explicitly say that people of African descent deserve reparations as victims of slavery, the slave trade, and

¹⁸¹ Ibid, 40.

the transatlantic slave trade as crimes against humanity. However, the document makes broad references to reparations and compensations to victims of racism and racial discrimination. For example, paragraph 165 urges states to provide access to national institutions that will provide individuals “just and adequate reparation and satisfaction for any damage as a result of such discrimination.”¹⁸² Further, paragraph 166 urges states to adopt necessary measures “to ensure the right of victims to seek just and adequate reparation and satisfaction to redress acts of racism.”¹⁸³ This final reference to reparations does not echo the content of paragraph 70 of the Chile draft DDPA. The draft documents acknowledge the transatlantic slave trade as a crime against humanity in today’s context. It further calls for reparations to repair the damages caused by such a history. Such reparations should be provided by “States which benefited materially from” the slave trade, enslavement, and other forms of servitude of Africans.¹⁸⁴ Therefore, the Chili draft, although not perfect, called for reparations as a consequence of the transatlantic slave trade. The final DDPA does not make this link. However, including the term “reparation” alone in the final DDPA was a triumph for the reparations movement because it is something that progressive black voices have been fighting for decades. Although it does not include language that explicitly calls for the West to give reparations to victims in the Caribbean, Latin America, and Africa, it nonetheless remains significant in its symbolic nature. It shows how the West was pushed to confront the question of reparation internationally. When forced to pick a side, they chose the side of denial.

B. The Crime: Was. . .Today. . .Should. . .

¹⁸² Durban Declaration and Programme of Action. 2000, *United Nations Human Rights: Office of High Commissioner*, Published by the United Nations Department of Public Information New York, p-108.

¹⁸³ Durban Declaration and Programme of Action, 108.

¹⁸⁴ *Ibid*, 14.

Reparative and restorative justice at Durban required the West to acknowledge that the transatlantic slave trade, the slave trade, and slavery were crimes against humanity. As a result, an explicit national and international apology is warranted to those who experience the past and contemporary consequences of such historical processes. This request also proved challenging during the negotiation process. At the Congressional discussion Wood outlined the WEOG “forward-looking” strategy on the questions of the transatlantic slave trade as a crime against humanity. The position was articulated in two-fold. First, the WEOG argued that the legal principles and obligations driving the centuries of slavery, the slave trade, and the transatlantic slave trade are different than the legal obligations driving the 20th and 21st centuries. Their position was that the transatlantic slave trade and slavery were legal at the time of occurrence. Further, they argued that the legal definition of “crime against humanity” as a punishable crime is a 20th-century phenomenon. Thus, one cannot use modern international law to punish crimes that occurred before such law was in place, so they argued. Second, the WEOG argued that focusing on the transatlantic slave trade was counterintuitive because such a conversation takes away from the focus and discussion of modern forms of racial discrimination.

This view was the foundation of the WEOG’s position against the “crime against humanity” terminology. Their defensive stance was articulated at the various PrepCom and finally at the Durban conference. For example, Wood testified that any paragraph in the DDPA that referred to the transatlantic slave trade and slavery as crimes against humanity was a “destructive provision.” Congresswoman Cynthia A. McKinney of Georgia then asked, “could you tell me what those provisions are with respect to slavery?”¹⁸⁵ He passed the question to Wagenseil because he was “closer to the documents themselves.”¹⁸⁶ Wagenseil listed paragraphs

¹⁸⁵ U.S. Congress. Senate. Committee. *A Discussion on the U.N. World Conference against Racism*, p-68.

¹⁸⁶ Ibid.

95, 96, 107, 108, and 109 as destructive provisions with vocabulary that the United States could not accept in the Geneva draft DDPA. Additionally, during the testimony, Congresswoman McKinney asked Wood the following question: Do you object to the characterization of slavery as a crime against humanity? Mr. Wood responded that such an inquiry was a legal question that required a legal response. However, he did not clearly express the legal response during the testimony. Instead, Mr. Woods answered that slavery “is a mortal sin against humanity” because “it treats other human beings as property.”¹⁸⁷ Thus, WEOG was willing to acknowledge the immorality of the transatlantic slave trade. That is as far as they were willing to go. Mr. Wood testified that designating the transatlantic slave trade as a crime against humanity at the time of occurrence “goes beyond the limits of what the United States or other governments can accept.”¹⁸⁸ The only language they would tolerate was that which conceptualized the slave trade by today’s standards and one that did not necessitate an apology as a form of reparations. This is why statements of regrets have consumed political statements on reparations.

The WEOG held this position of denial at the Chile regional meeting in 2000. At the regional PrepCom the WEOG made it a point to reject every paragraph that referred to the need to declare the transatlantic slave trade as a crime against humanity. For example, draft paragraph 4 “repudiate the brutal crimes and injustices that were committed against indigenous peoples and Africans and their descendants who were subjected to slavery, the transatlantic slave trade and other forms of servitude that today could constitute crimes against humanity.”¹⁸⁹ The paragraph places the transatlantic slave trade in today’s context. Thus, if it occurred in the 21st century, it would be denounced and punished as a crime against humanity. When the draft was passed for

¹⁸⁷ Ibid, p-69.

¹⁸⁸ Ibid, p-68.

¹⁸⁹ A/CONF.189/PC.2/7 p-5.

comments, Canada argued that “that it is inappropriate to apply a modern concept of international law to acts which took place centuries ago.”¹⁹⁰ The WEOG held that applying a modern term, crime against humanity, to the transatlantic slave trade was inappropriate. The argument and position of the WEOG group were cemented at the Durban Conference final meeting on September 7, 2001. Paragraph 70 in the Chile DDPa became paragraph 10 in the Durban DDPa draft. However, the content of paragraph 10 did not reflect the WEOG objective, nor the radical language favored by the African and the GRULAC group. Paragraph 10 of the DDPa draft states the following:

Paragraph 10: We acknowledge that slavery and the slave trade, including the transatlantic slave trade, were appalling tragedies in the history of humanity not only because of their abhorrent barbarism but also in terms of their magnitude, organized nature and especially their negation of the essence of the victims and further acknowledge that slavery and the slave trade are a crime against humanity and *should* always have been so, especially the transatlantic slave trade and are among the major sources and manifestations of racism, racial discrimination, xenophobia and related intolerance, and that Africans and people of African descent, Asians and people of Asian descent and indigenous people were victims of these acts and continue to be victims of their consequences.¹⁹¹

Paragraph 10 operates in three ways. It captures the African and the GRULAC group's ideas about the transatlantic slave trade without the “radical” language that the WEOG wanted to suppress. The first part acknowledges that slavery, the slave trade, and the transatlantic slave trade were appalling on moral grounds. The second section acknowledges that slavery, the slave trade, and the transatlantic slave trade “should always have been” a crime against humanity. The “should always have been so” was a compromise. The GRULAC and African group wanted to declare that such a history was a crime against humanity at the time of occurrence. However, the WEOG wanted to remove any language that alluded to the transatlantic slave trade being a crime

¹⁹⁰ Ibid, 53.

¹⁹¹ Emphasis added.

against humanity in any context. Thus, paragraph 10 is a great departure from paragraphs 4 and 70 adopted at the Chile regional meeting. Paragraphs 4 and 70 states that the transatlantic slave trade could constitute a crime against humanity today without acknowledging the past. However, paragraph 10 acknowledges that although it was not a crime against humanity at the time of occurrence, it should have been designated as a crime against humanity. The “should” language was a compromise between the “was” language, preferred by GRULAC and the African Group, and the “today” terminology, which was accepted at the initial stage of negotiations to appease the WEOG. Paragraph 10 and the “should” language were adopted in the final DDPA as paragraph 13. At the conclusion, the WCAR acknowledged that:

Slavery and the slave trade, including the transatlantic slave trade, were appalling tragedies in the history of humanity not only because of their abhorrent barbarism but also in terms of their magnitude, organized nature and especially their negation of the essence of the victims, and further acknowledge that slavery and the slave trade are a crime against humanity and should always have been so, especially the transatlantic slave trade, and are among the major sources and manifestations of racism, racial discrimination, xenophobia and related intolerance, and that Africans and people of African descent, Asians and people of Asian descent and indigenous peoples were victims of these acts and continue to be victims of their consequences.

Although the “Should” language was unanimously adopted, the Barbados statement clarified what the “should” language meant outside the politics of U.N negotiations. GRULAC’s requests echoed the Durban 400 demands in the delegate forum in Durban. By September 7, 2001, the delegate forum was on the verge of finalizing the language of reparations and the crime against humanity. Before adopting the draft DDPA, the delegate forum entertained statements and reservations from various countries.¹⁹² They were not read at the delegate forum but were included in the WCAR report due to time constraints. The Barbados statement outlines the

¹⁹² Statements were heard from Australia, Belgium on behalf of the European Union, Canada, Chile, Ecuador (also on behalf of Brazil, Canada, Chile, and Guatemala), the Islamic Republic of Iran, the Syrian Arab Republic, and Switzerland. Statements from Barbados (also on behalf of Belize, Cuba, Guyana, Haiti, Honduras, Jamaica, Saint Vincent and the Grenadines, and Trinidad and Tobago).

position of the global anti-racist movement. First, the statement touched on slavery, apartheid, and genocide as crimes against humanity. Second, the statement declared colonialism as a manifestation of racial discrimination, xenophobia, and related intolerance. Third, the statement concludes that an explicit apology, reparations, and remembrance are the main ingredients for the truth and reconciliation process.¹⁹³

The Durban Declaration and Program of Action was unanimously adopted on September 8, 2001. The DDPA is an international declaration that expresses principles and values that countries recognize as critical to the betterment of society. The document acknowledges that racism does not have geographical boundaries. This is why world governments, NGOs, and civil society gathered in Durban to confront the impacts of racial discrimination. Durban provided a symbolic location, recognizing that racism is a global concern that requires universal solidarity. The second recognized principle is that countries must protect individuals from racial discrimination on a systemic level. This is to say that racial discrimination is not an individual question; it is a systemic question that is embedded in the social, political, and economic structures of society. Thus, the program of action outlined policy recommendations at the national and international levels, urging states to provide redress and compensation to victims of structural racism. In acknowledging the need for reconciliation, the DDPA calls for states and the international community to address the history of Racism, Racial Discrimination, Xenophobia, and Related Intolerance by presenting apologies and memorials of those affected by such a history.

Conclusion

¹⁹³ A/CONF.189/12, p-48-52.

The World Conference Against Racism provided a platform for countries and civil society to engage in a critical dialogue about the conditions of the 21st century. For the global anti-racist struggle, the 21st-century timetable entailed a conversation about restorative and reparative justice. Such a form of justice required the West to reckon with its tainted historical relationship with the people of African descent. For black people, the question of reparation and declaring slavery, the slave trade, and the transatlantic slave trade as a crime against humanity was paramount to any platform seeking to address the relationship between the West, Africa, Latin America, and the Caribbean. Durban 400, the African Group, and GRULAC approached the Durban Conference to provide an avenue for a reconciliatory process that prioritizes the healing of the self and the community. Such an approach aimed to disturb the intellectual embargo surrounding the transatlantic slave trade; who gets to tell the history of black people and the framework in which such history is narrated? For the GRULAC, the Durban 400 and African group, telling the story of people of African descent was the prerogative of progressive black voices that sought to affirm the humanity of black people in every aspect of life. However, at the Durban Conference, the West followed their long-term denial policy and statements of regret that avoided the core of the reparation and the crime against humanity question. The goal of the WEOG was to delete the question of reparative and restorative justice from the world's agenda by negotiating weak language concerning the historical effects of slavery, the slave trade, and the transatlantic slave trade. However, as this chapter demonstrates, the Durban 400, the African Group, and GRULAC did not appease the West's denial strategy on the international stage. In Durban, the West met a strong coalition of black voices that no longer accepted its politics of statement of regrets. Although the final DDPA does not include the "was" language concerning the transatlantic slave trade or make an explicit link between the slave trade and

reparations, the global anti-racist movement succeeded in letting the West know that they are no longer the center of the world structure in defining the history of Black women, men and children.

Chapter 5: Conclusion

The project began by referencing Baldwin's work. It is only appropriate that it concludes the way it began. *I am not your Negro* documentary film parts with the following words:

Not everything that is faced can be changed, but nothing can be changed until it is faced. History is not the past. It is the present. We carry our history with us. We are our history. If we pretend otherwise, we literary are criminals.¹⁹⁴

Again, although the documentary is within the United States context, its parting words are what the anti-racist movement wants the world to recognize. The world cannot continue as normal until the plight of people of African descent has been addressed. Avoidance and statements of regret do nothing but refuse to face the history that considered human beings as property and the consequence that such designation has on the world today. The anti-racist movement has proposed that the challenge must be approached within the context of restorative and reparative justice to understand why history is the present rather than the past. This is to say that the present state of the black world, economically, politically, and socially, has its foundation in the transatlantic slave trade. For example, one cannot understand the current imperial conflict in the Democratic Republic of the Congo without understanding the Congo Free State that annihilated 10 million people under the guise of humanitarianism or the assassination of Patrice Lumumba at the hands of the CIA. Similarly, examining the Haiti of the 21st century without understanding the economic, political, and intellectual embargo Michael West apologized for in his work is a limited endeavor to understand the Haitian people's call for independence in 2024. Further, if the world continues to pretend that racism, exploitation, and expropriation of resources and black labor is a question of the past, "we are literary criminals"

¹⁹⁴ Peck, Raoul, dir. 2016. *I Am Not Your Negro*. Kanopy. <https://www.pbs.org/independentlens/documentaries/i-am-not-your-negro/>.

because such an act is an obstruction of justice. Such denial of history erases black people from their own history and thus delegitimizes cases of systemic racism and calls for reparations. If a crime is not recognized, then justice is seldom granted. The act of denial is tampering with evidence, thus preventing justice from being granted.

The global anti-racist movement has been asking the world to face the thing that needs to be changed. Until the transatlantic slave trade is faced as a crime against humanity, nothing can change in terms of the treatment of black people or social movements calling for such recognition. This has been one of the successes of the anti-racist movement, especially the Durban Conference. At each historical moment, as documented in this analysis, the movement has forced the world to look at the experiences of black people as a collective rather than as individuals. Because the slave trade was a global process that was enacted at an international scale, its solution should be nothing short of an international call for justice. In the discussion on ICERD, the masses put the struggle on the world map within the context of the Black freedom struggle in the United States and the apartheid system in South Africa in the 1960s. The anti-racist movement had entered the UN General Assembly and placed racial discrimination and the rights of black people on the agenda. As a result, the anti-racist movement received an International Convention on the Elimination of All Forms of Racial Discrimination. As an international legal document, it provided a legal framework for national and international policy agendas. However, ICERD had a limited conceptualization of racial discrimination. The definition and reference to racism do not provide enough room to protect black people against systemic racism.

The Durban Conference in 2001 gave the world another opportunity to reflect on the past and to determine the way forward. In Durban, the anti-racist movement pushed for the agenda

and the outcome to acknowledge the crimes committed against people of African descent. This acknowledgment would facilitate reparative and restorative justice and a way forward into the 21st century. As demonstrated, the road to Durban took four hundred years, hence the name the Durban 400. However, the road has yet to reach the finish line. The struggle for justice and reparations, beginning in Haiti and passing through the Garvey movement and the African Congresses, culminated in Durban. The energies found themselves in South Africa with a world audience.

Although the struggle is not over, it has provided various lessons for the future of the movement. First, it shows how the struggle from below must stay in conversation with the struggle from above. This understanding, on the part of the Black women, necessitated intersectionality as a framework and as a way of organizing. For Ella Baker, participatory democracy was a way to combine the two forces in the struggle for self and collective emancipation against white supremacy and the capitalist mode of production. For Micere Mugo, the success of the Pan African movement depended on the meeting point of the Pan Africanism from below and above. It is from that meeting point, the center, that white supremacy would be confronted with an undisputable energy that would unearth the graves of Indigenous peoples and peoples of African descent wherever they may be hidden.

The Durban Conference demonstrated the potential of this collective call for justice. It registered the highest participation of civil society, with a critical role in guiding the preparatory committees whose DDPA drafts influenced the delegate forum and negotiation process. Although various regional and national PrepCom took place around the world, this work focused on the Latin American, Caribbean, and African regional meetings. These were the voices driving the demands for reparations and the call to declare the transatlantic slave trade as a crime against

humanity. The Caribbean and Latin American groups were paramount in this aspect. The call for reparations in the region had found a chorus point between civil society and governments, thus closing some of the space for division that the West wanted to exploit. The GRULAC, African Group, and the Durban 400 Movement sought to replicate the unity energy of Durban. Their resistance and persistence in pushing the reparation question and refusing the WEOG pressure to accept the pacifying language were exemplary.

Second, the achievements of the global anti-racist movement were not procured from the West and its friends out of generosity. If anything, the West does not give things for free, let alone allow black people to exist as human beings at no cost, both physically and emotionally. This is to say that the West has been pushed to accept and negotiate with the global anti-racist movement on the international stage. Black people have had to assert their humanity by resisting the forces of enslavement, colonization, and modern-day structural racism at every period in history. When the movement confronted the West about the history of its two-faced democracy, the West, especially the United States, did not retreat. They articulated the very nature of American racism on the international stage for the world to hear. In the 21st century, opponents of Critical Race Theory continue to articulate the nature of American racism. They refuse to understand it as an emancipatory framework. The theory affirms that history is the present as articulated by James Baldwin. At the core of the concept is an endeavor to conceptualize the transatlantic slave trade and its impacts on the lived experiences of African Americans. Understanding why it was necessary to legally classify human beings as less than human for profit accumulation is a critical starting point to comprehending the nature of structural racism that does not attribute racial discrimination to individual biases. Rather than understanding the approach as an avenue for healing and reconciliation, opponents understand it as a theory of

division and indoctrination that has dominated school board meetings, book bans, and tenured termination on university campuses. Designating slavery, the slave trade, and the transatlantic slave trade as crimes against humanity and reparations as a form of restorative justice requires a critical mind that looks beyond the “forward-looking” position that essentially tell black people to move on.

The analysis of the ICERD and the DDPA demonstrates the West’s continued position on the question of racial discrimination. ICERD provided an international platform for the West to address the apartheid question and the demands of black people to be politically, economically, and socially free. The West, especially the United States, focused on racial superiority as a question of individual biases rather than the result of deep-rooted structures that benefit white supremacy at the expense of black life. While ICERD presents racial discrimination as a question of the past, embedded in individual beliefs, the DDPA implicitly refers to systemic and structural racism as a form of racial discrimination embedded in social, political, and economic structures of society. Such formulation was articulated and delivered in the demands for reparations and declaring the slave trade a crime against humanity. Calling for compensation required the West to recognize the ways in which racism was embedded in the system of society, preventing black people from equal access to healthcare, housing, and education, for example. However, the West entered the negotiating table with the objective of removing such demands from the world’s agenda.

The force behind the Durban 400, combined with the progressive voices of the GRULAC and African Group, pushed the West on defense. They explicitly demonstrated their unwillingness to accept the history of black people, which influenced their lived experience. Although the global anti-racist movement did not get the exact language that they wanted in

these international conventions and declarations, they did something profound. They forced the West to articulate their policy of denial on the world stage. They had succeeded in putting some form of language concerning reparations and crime against humanity in the DDPA and exposed the West's duplicity on the world stage. As Viola Plummer acknowledged, the Durban Conference was a success.

Bibliography

- “African Liberation Movements.” n.d. *SNCC Digital Gateway* (blog). Accessed June 25, 2024.
<https://snccdigital.org/inside-sncc/international-connections/african-liberation-movements/>.
- “Ain’t I a Woman?” 2014. Learning for Justice. July 2, 2014.
<https://www.learningforjustice.org/classroom-resources/texts/aint-i-a-woman>.
- Alexander, Leslie M. 2022. *Fear of a Black Republic: Haiti and the Birth of Black Internationalism in the United States*. 1st ed. Champaign, IL: University of Illinois Press.
- Amin, Samir. 1971. *Accumulation on a World Scale: A Critique of the Theory of Underdevelopment*. Monthly Review Press.
- Aptheker, Herbert. 1939. "Maroons within the Present Limits of the United States." *The Journal of Negro History* 24 (2): 167-184.
- Baptist, Edward E. 2014. *The Half has Never been Told: Slavery and the Making of American Capitalism*. 1st ed. New York: Basic Books, a member of the Perseus Books Group.
- Beckles, Hilary, 2013. *Britain's Black Debt: Reparations for Caribbean Slavery and Native Genocide*. Kingston, Jamaica: University Of West Indies Press.
- Blacks Demonstrate at United Nations Against the Death of Patrice Lumumba, WSB-TV newsfilm collection, reel 0736, 58:16/60:19, Walter J. Brown Media Archives and Peabody Awards Collection, The University of Georgia Libraries, Athens, Georgia
- Bonilla-Silva, Eduardo, 2010. *Racism without Racists: Color-Blind Racism and the Persistence of Racial Inequality in the United States*. 3rd ed. Lanham: Rowman & Littlefield Publishers.
- Bowker, Geoffrey C. and Susan Leigh Star. 1999. "The Case of Race Classification and Reclassification under Apartheid." *Sorting Things Out: Classification and its Consequences*. 1st ed. Cambridge, Mass: MIT Press. doi:10.7551/mitpress/6352.001.0001.
- Cass. "Fidel Castro and Malcolm X at the Hotel Theresa, 1960," *Harlem World Magazine*, 25 Nov. 2020, <https://www.harlemworldmagazine.com/fidel-castro-and-malcolm-x-at-the-hotel-theresa-a-1960/>
- Campbell, Horace.1987. "Challenging the Apartheid Regime from Below. " *Popular Struggles for Democracy in Africa*. United Nations University, edited by Nyong'o, Peter Anyang, London, Tokyo, Japan.
- Campbell, Horace.1996. "Rebuilding the Pan African movement, a report on the 7th Pan African Congress" *African Journal of Political Science*, vol 1, no, 1.
<https://n2t.net/ark:/85335/m5bc3wz84>
- Carmichael, Stokely,1998. *Ready for Revolution: The Life and Struggles of Stokely Carmichael (Kwame Ture)*. First Scribner trade paperback ed. New York: Scribner.
- Carlton, W.F. 1943. "Union Labor Must Lead the Fight for Negro Rights." *Labor Action, Transcribed & Marked up by Einde O' Callaghan for the Encyclopedia of Trotskyism On-Line (ETOL 7 (33))*.
- Carlton, W.F. 1944. "Negroes Need a Labor Party." *Labor Action, Transcribed & Marked up by Einde O' Callaghan for MIA*. 8.
- Chimni, B. S. 2004. "International Institutions Today: An Imperial Global State in the Making." *European Journal of International Law*, vol 15, no. 1: 1-37.
- Crenshaw, Kimberlé.1989. "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics," University of Chicago Legal Forum: Vol. no. 1, Article 8.
<http://chicagounbound.uchicago.edu/uclf/vol1989/iss1/8>

- “Daily Highlights - World Conference against Racism.” 2001. World Conference Against Racism. <https://www.un.org/WCAR/dh/>.
- Department of Public Information - News and Media Services Division - New York: 2001. ACKNOWLEDGEMENT OF PAST, COMPENSATION URGED BY MANY LEADERS IN CONTINUING DEBATE AT RACISM CONFERENCE. Press Release. <https://www.un.org/WCAR/pressreleases/rd-d24.html>
- Drammeh, Iman, and Alfred Santana, dirs. 2021. *Durban 400*. <https://www.youtube.com/watch?v=k3GY7gENcsA>.
- “Early Africa Connections.” n.d. *SNCC Digital Gateway* (blog). Accessed June 25, 2024. <https://snccdigital.org/inside-sncc/international-connections/early-africa-connections/>.
- El-Khawas, Mohamed A. 1977. “Southern Africa: A Challenge to the OAU,” *Africa Today*, Vol. 24, No. 3, 25-41.
- Fick, Carolyn.1991. *The Making of Haiti: The Saint Domingue Revolution from Below*, University of Tennessee Press.
- Frey, Sylvia. 2009. “The American Revolution and the Creation of a Global African World.” *From Toussaint to Tupac: The Black International since the Age of Revolution*, Chapel Hill: University of North Carolina Press, 67.
- Ford, Yence, dir. 2024. *Power*. Netflix.
- Gleijeses, Piero. 2002. *Conflicting Missions: Havana, Washington, and Africa, 1959-1976*. The University of North Carolina Press, 2002.
- Gleijeses, Piero 2006. “Moscow's Proxy? Cuba and Africa 1975–1988.” *Journal of Cold War Studies*, vol. 8, no. 4, pp. 98–146., <https://doi.org/10.1162/jcws.2006.8.4.98>.
- Gleijeses, Piero. 2014. *Visions of Freedom: Havana, Washington, Pretoria and the Struggle for Southern Africa, 1976-1991*. The University of North Carolina Press, Chapel Hill.
- Goldstein, Judith, and Robert O. Keohane.1993. “Ideas and Foreign Policy: An Analytical Framework.” In *Ideas and Foreign Policy: Beliefs, Institutions, and Political Change*, edited by Judith Goldstein and Robert O. Keohane, Cornell University Press, 3–30.<http://www.jstor.org/stable/10.7591/j.ctvv4147z.5>.
- Hébert, Paul. 2016. “‘Stronger in Death than Alive’: Reactions to the Assassination of Patrice Lumumba in Montreal.” AAIHS.”<https://www.aaihs.org/reactions-to-the-assassination-of-patrice-lumumba/>.
- hooks, bell, 1952-2021. 1981. *Ain't I a Woman: Black Women and Feminism*. Boston, MA: South End Press.
- Horn, Ansell. 2015. Ansell Horn (UM Student Activist). Interviews. Divestment for Humanity: The Anti-Apartheid Movement at the University of Michigan, Email. <https://michiganintheworld.history.lsa.umich.edu/antiapartheid/exhibits/show/interviews/a-nsell-horn>.
- Joseph, Peniel E. 2009. “Rethinking the Black Power Era.” *The Journal of Southern History*, vol. 75, no. 3, pp. 707–16. *JSTOR*, <http://www.jstor.org/stable/27779034>. Accessed 24 June 2024.
- Kambona, Oscar.1963. “Colonialism and the African Liberation Committee.” *African Studies Bulletin* 6, no. 3. 1–6. <https://doi.org/10.2307/522987>.
- Killingray, David, and Martin Plaut. (2010). *Fighting for Britain: African Soldiers in the Second World War*. NED-New edition. Boydell & Brewer, 2010. <http://www.jstor.org/stable/10.7722/j.ctt9qdjdx>.

- Lapin, Andrew. 2017. "James Baldwin, In His Own Searing, Revelatory Words: 'I Am Not Your Negro.'" *NPR*, February 2, 2017, sec. Movie Reviews.
<https://www.npr.org/2017/02/02/511860933/james-baldwin-in-his-own-searing-revelatory-words-i-am-not-your-negro>.
- Lodge, Tom, 2011. *Sharpeville: An Apartheid Massacre and its Consequences*. 1st ed. New York; Oxford; Oxford University Press.
- McKenzie-Mavinga, Isha. 1991. *In Search of Mr. McKenzie*. Women's Press. London.
<http://archive.org/details/insearchofmrmcke00mcke>
- McRae, Matthew. 2023. "The Sharpeville Massacre: A Violent Turning Point in the History of South African." The Canadian Museum for Human Rights.
<https://humanrights.ca/node/501>.
- Morrow, John H. 2010. "Black Africans in World War II: The Soldiers' Stories." *The Annals of the American Academy of Political and Social Science* 632, 12–25.
<http://www.jstor.org/stable/27895945>.
- Mugo, Micere. 2002. "Re-envisioning Pan Africanism: What is the Role of Gender, Youth and the Masses?" in *Pan Africanism and Integration in Africa*, edited by Ibbo Mandaza and Dan Nabudere, Sapes Books, Harare.
- Nash, Jennifer C. *Black Feminism Reimagined: After Intersectionality*. Duke University Press, 2019.
- Nkrumah, Kwame. 1961. *I Speak of Freedom: A Statement of African Ideology* (London: William Heinemann Ltd., pp. Xi-xiv).
- Nyong'o, Peter Anyang', 1987. *Popular Struggles for Democracy in Africa*. London; Tokyo, Japan; United Nations University.
- Oyemakinde, Wale. 1975. "the Nigerian General Strike of 1945." *Journal of the Historical Society of Nigeria* 7 (4): 693-710.
- Padmore, George (ed.) 1947, *Colonial and Coloured Unity: A Programme of Action History of the Pan-African Congress*, The Hammersmith Bookshop, London.
<https://web.archive.org/web/20050513185340/http://www.etext.org/Politics/MIM/countries/panafrican/pac1963.pdf>.
- Peck, Raoul, dir. 2016. *I Am Not Your Negro*. Kanopy.
<https://www.pbs.org/independentlens/documentaries/i-am-not-your-negro/>.
- Prashad, Vijay. 2012; *The Poorer Nations: A Possible History of the Global South*. 1st ed. London; New York; Verso.
- Ransby, Barbara. 2003. *Ella Baker and the Black Freedom Movement: A Radical Democratic Vision*. 1st ed. Chapel Hill: University of North Carolina Press.
- Refslud Thomsen (Denmark) Rapporteur, Report of the Third Committee, Eighteenth Session *United Nations General Assembly, Draft Declaration on the Elimination of all Forms of Racial discrimination*, 1963.
- "Resolutions of The Plenary of The 7th Pan African Congress, Kampala, 1996." *African Journal of Political Science / Revue Africaine de Science Politique* vol 1, no. 1. 113–33.
<http://www.jstor.org/stable/23489750>.
- Robinson, Cedric J. 2020. *Black Marxism: The Making of the Black Radical Tradition*. Third, revised and updated; Revised and updated third; ed. Chapel Hill: The University of North Carolina Press.
- Rodney, Walter. 1972. *How Europe Underdeveloped Africa*. Baltimore, Maryland: Black Classic Press.

- Rothstein, Richard. 2018. *The Color of Law: A Forgotten History of How Our Government Segregated America*. Reprint edition. New York London: Norton.
- Roy-Campbell, Zaline Makini. 1996. "Pan-African Women Organizing for the Future: The Formation of the Pan African Women's Liberation Organization and Beyond." *African Journal of Political Science* 1 (1): 45-57.
- "SNCC Delegation Travels to Africa." n.d. *SNCC Digital Gateway* (blog). Accessed June 25, 2024. <https://snccdigital.org/events/sncc-delegation-travels-to-africa/>.
- Stott, Noel. "From the SADF to the SANDF: Safeguarding South Africa for a Better Life for All?" Center for the Study of Violence and Reconciliation: *Violence and Transition Series*, Vol. 7, 2002.
- Trouillot, Rolph-Michel. 1995. "The Haitian Revolution as a nonevent." *Silencing the Past: Power and the Production of History*, Beacon Press books.
- "The June 16 Soweto Youth Uprising | South African History Online." 2023. South African History Online. <https://www.sahistory.org.za/article/june-16-soweto-youth-uprising>.
- The Polaroid Revolutionary Workers. Letter, 1970. "Brothers and Sisters: The Polaroid Revolutionary Workers," letter. Boston Coalition for the Liberation of Southern Africa papers, Michigan State University Libraries Special Collections, Brookline, Massachusetts.
- United Nations Human Rights: Office of the High Commissioner, 2001. OPENING SESSION OF CONFERENCE GENERAL DEBATE FOCUSES ON ADDRESSING LEGACY OF SLAVERY, COLONIALISM. Press Release. <https://www.ohchr.org/en/press-releases/2009/10/opening-session-conference-general-debate-focuses-addressing-legacy-slave>
- U.S. Congress. Senate. Committee on International Relations House of Representatives. *A Discussion on the U.N. World Conference against Racism: Hearing before the Subcommittee on International Operations and Human Rights*, 107th Cong., 1st sess., July 10 and July 21, 2001.
- West, Michael O., William G. Martin and Fanon Che Wilkins. 2009. *From Toussaint to Tupac: The Black International since the Age of Revolution*, Chapel Hill: University of North Carolina Press.
- West, Michael O. and William G. Martin. 2009. "Contour of the Black International." *From Toussaint to Tupac: The Black International since the Age of Revolution*, Chapel Hill: University of North Carolina Press.
- West, Micheal O. and William G. Martin. 2009. "Haiti, I am sorry." *From Toussaint to Tupac: The Black International since the Age of Revolution*, Chapel Hill: University of North Carolina Press.

Biographic Narrative

Aimée Shukuru was born in the Democratic Republic of Congo. She received her B.A. in International Relations and Political Science from Syracuse University in 2022 and is a master's student in the Pan African Studies program at Syracuse University. Her research interests include the links between African politics, grassroots organizations, and the conceptualization of racial discrimination in international law. She serves on the executive committee of the Pan African Community of Central New York and the Pan African Movement-North American Delegation.