

## Reparation & the Right to Development

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*(Check Against Delivery)*

Thank you Chair for your kind introduction, and my thanks to all of you distinguished members of this audience for your attendance at this 16<sup>th</sup> session of the Working Group of Experts on People of African Descent (WGEPAD). I add my own thanks to all representatives of States, NGOs and CSOs as well as the Secretariat and partner mandate holders who worked collaboratively to secure the Decade for People of African Descent. Previous panelists have spoken eloquently about various aspects of the Decade, but I wish to conclude the discussion by addressing issues relating to the actual implementation of the Programme of Activities (POA); for without action, the Decade will end up being an unrealized ideal. But first a reminder of why the Decade is so critical by reviewing the background, rationale and key objectives: (Slides 2-4).

- The International Decade for People of African Descent, 2015 to 2024, constitutes an auspicious period of history when the United Nations, Member States, civil society and all other relevant actors will join together with people of African descent and take effective measures for the implementation of the programme of activities in the spirit of Recognition, Justice and Development.
- To strengthen national, regional and international action and cooperation in relation to the full enjoyment of economic, social, cultural, civil and political rights by people of African descent and their full and equal participation in all aspects of society
- To promote a greater knowledge of and respect for the diverse heritage, culture and contribution of people of African descent to the development of societies
- To adopt and strengthen national, regional and international legal frameworks in accordance with the DDPA and the ICERD and to ensure their full and effective implementation.

While staying within the theme of development, I suggest a way in which justice and development can be combined, because the theme for the Decade cannot always be neatly disaggregated. Indeed, all aspects are linked; and they are particularly linked to The Durban Declaration and Programme of Action (DDPA). (Slide 5).

- The programme of activities recognizes that the Durban Declaration and Programme of Action is a comprehensive United Nations framework and a solid foundation for combating racism, racial discrimination, xenophobia and related intolerance, and

represents a new stage in the efforts of the United Nations and the international community to restore the rights and dignity of people of African descent.

So, what aspects of the DDPA and the POA relating to justice and development do I wish to highlight today? I would first like to flag the observations and recommendations relating to reparation for past tragedies in the DDPA and the POA and remind this audience of the exact reference to the need for States to repair the damage done by the trans-Atlantic “slave trade”, slavery and colonialism, which appears under “Justice” in the Programme of Activities, to which many States are signatories, and of the necessity of States that have not yet done so to “*find some way to contribute to the restoration of the dignity of victims*” for “*grave and massive violations committed*” (Slides 6)

- Acknowledging and profoundly regretting the untold suffering and evils inflicted on millions of men, women and children as a result of slavery, the transatlantic slave trade, colonialism, apartheid, genocide and past tragedies
- Noting that some States have taken the initiative to apologize and have paid reparation, where appropriate, for grave and massive violations committed

Those “violations” are, of course, well-known to this audience. (Slide 7)

- Destruction of African communities
- Capture and forced relocation of Africans to the Americas
- African Maafa
- Enslavement
- Brutal/inhumane treatment under slavery and colonialism
- Post-slavery racial apartheid
- Suppression of anti-colonial struggles

The Programme of activities also calls upon States “*to take appropriate and effective measures to halt and reverse the lasting consequences of those practices, bearing in mind their moral obligations.*” The DDPA explicitly calls upon “*those that have not yet expressed remorse or presented apologies to find some way to contribute to the restoration of the dignity of victims*” and invites “*... the international community and its members to honour the memory of the victims of these tragedies with a view to closing those dark chapters in history and as a means of reconciliation and healing*”. (Slide 8)

With respect to development, the POA and the DPPA are not silent.<sup>1</sup> Clause 18 of the DDPA (Slide 9) emphasizes that “*poverty, underdevelopment, marginalization, social exclusion and economic disparities are closely associated with racism, racial discrimination, xenophobia and related intolerance, and contribute to the persistence of racist attitudes and practices which in turn generate more poverty.*”

Clause 158 of the DDPA (Slide 10)

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<sup>1</sup> The DDPA, Clauses 11, 14, 18, 158, 159

- Recognizes that... historical injustices have undeniably contributed to the poverty, underdevelopment, marginalization, social exclusion, economic disparities, instability and insecurity that affect many people in different parts of the world, in particular in developing countries; and recognizes the need to develop programmes for the social and economic development of these societies and the Diaspora, within the framework of a new partnership based on the spirit of solidarity and mutual respect

So, distinguished audience, a key United Nations instrument recognizes that poverty is absolutely a consequence of colonialism and has always been tied to its discriminatory practices and legacies. The consequence of this is that Caribbean governments that emerged from slavery and colonialism have inherited the massive crisis of community poverty and institutional unpreparedness for development. The pressure of development has driven governments to carry the burden of public employment and social policies designed to confront colonial legacies. As Amartya Sen argued in his 1999 book *Development as Freedom*, overcoming these socio-economic problems is a central part of the exercise of development and of the process of ensuring that freedom that will otherwise fall at the feet of underdevelopment.<sup>2</sup>

The DDPA and the POA have suggested solutions. Clause 159 of the DDPA (Slide 11)

- Urges international financial and development institutions and the operational programmes and specialized agencies of the United Nations to give greater priority to, and allocate appropriate funding for, programmes addressing the development challenges of the affected States and societies, in particular those on the African continent and in the Diaspora.

The POA urges “Special Measures for the Decade” as a solution: (Slide 12)

- Recognizing that poverty is both a cause and a consequence of discrimination, States should, as appropriate, adopt or strengthen national programmes for eradicating poverty and reducing social exclusion that take account of the specific needs and experiences of people of African descent, and should also expand their efforts to foster bilateral, regional and international cooperation in implementing those programmes

But these solutions are rather vague and non-binding and are framed within the context of what David Martin terms “lexical colonialism,”<sup>3</sup> with insufficient emphasis placed on the recipient and not enough empowerment of the “recipient” to deal with the “artefact being transferred”.<sup>4</sup> Technology transfer, support for the payment of domestic debt, and cancellation of international debt, are all necessary reparatory actions. And this is not unique to the Caribbean as we are all watching the current discussion within Greece about reparatory justice for historic actions.

So, as there is an accepted link between colonialism and underdevelopment, and as there is a growing trend to frame the discourse of development in the South within the discourse of

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<sup>2</sup> Amartya Sen, *Development As Freedom* (New York: Anchor Books, 2000)

<sup>3</sup> David Martin, “Thoughts on Technology Transfer and Commercialization”, p. 3, response to TTF question #5

<sup>4</sup> Ibid.

reparation (and vice versa), ensuring development of post-colonial societies, disfigured and impoverished by colonialism, would be one critical strategy “*to take appropriate and effective measures to halt and reverse the lasting consequences of those practices, bearing in mind their moral obligations.*”

This is the direction in which the CARICOM Heads of Governments announced in July 2013 that they were thinking of going when they adopted a Ten Point Action Plan for reparatory justice. For those unfamiliar with the 2013 Plan, here are the 10 points at a glance (Slide 13)

- |   |                                 |
|---|---------------------------------|
| 1. Full Formal Apology                      | 6. Illiteracy Eradication       |
| 2. Repatriation                             | 7. African Knowledge Programme  |
| 3. Indigenous Peoples Development Programme | 8. Psychological Rehabilitation |
| 4. Cultural Institutions                    | 9. Technology Transfer          |
| 5. Public Health Crisis                     | 10. Debt Cancellation           |

I am not sure about the current status of those plans. Anyway, the one that I will use to illustrate my paper is the 9<sup>th</sup> point, **Technology Transfer**, defined by Bruce Seely as “...*the processes and consequences of moving technological ideas, skills, processes, hardware, and systems across a variety of boundaries—national, geographic, social and cultural, or organizational and institutional.*”<sup>5</sup> David Martin adds that technology transfer should “*meet the objectives which balance education and learning, enterprise creation and advancement*”.<sup>6</sup> Technology Transfer, which can be located within the right to development framework, is a growing field of study, as scholars interested in it have taken their cues from the unfolding events of history. Historians of technology transfer point to the massive transfer of profits to colonizing nations from the 16<sup>th</sup> to the 19<sup>th</sup> century, which then aided their industrialization. But the results of such industrialization have never been equitably shared with the former colonies in the Caribbean.

Yet there is precedence in how this has been attempted. Martin gives as an example the technology reparations from the German Industrial and State complex at the end of the Second World War, which, in his view, “*serve as the greatest single technology transfer moment of the last century, benefitting industries...*”<sup>7</sup> Bruce Seely uses as example the success of the Marshall Plan, which influenced a major historical instance of organized technology transfer—international aid programs for the less-developed world. The post-independence demand for development with input from former colonial powers, still continues, especially as nationalist leaders, anxious to capitalize on the “*prostrate condition of European nations after World War II,*”<sup>8</sup> in Seely’s words, never pressed for compensation. On the contrary, the new nations, founded with much hope, faced daunting economic challenges. Seely quotes Ahmad and Wilkie who noted: “*These nations soon began to realize that political freedom could not be construed as*

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<sup>5</sup> For an extensive discussion of these ideas see Bruce Seely, “Patterns in the Scholarship of Technology Transfer,” *Comparative Technology Transfer and Society* 1, (April 2003), pp. 7-48.

<sup>6</sup> David Martin, “Thoughts on Technology Transfer and Commercialization”, p. 1

<sup>7</sup> Ibid.

<sup>8</sup> Seely, p. 11

*an end in itself and that achieving it did not automatically ensure the social and economic well-being of their people.*"<sup>9</sup> And even the Marshall Plan did not result in the creation of modern economies. Aid to former colonies only increased dependency rather than address the problems of poverty and economic backwardness; and ignored the differences in indigenous culture and value systems. A more systematic technology transfer with true development in mind will highlight early mistakes in the post-World War II failure to recognize the interactive nature of transfer and development activities, opines Seely.<sup>10</sup>

Why then is technology transfer from North to South the responsibility of former colonial States working in tandem with the Nation States? Bruce Seely says that scholars of international relations place primary attention on the State, because governments often set the rules for transfers across national boundaries.

In support of this point about the link between technology transfer, addressing historical tragedies and development, **Rohan Kariyawasam**, in his contribution to the collection of essays on reparation edited by Frenne Brennan and John Packer, titled *Colonialism, Slavery, Reparations and Trade: Remediating the Past?* (2012) argues that while other strategies for remediating past atrocities might not work – such as the legal route - the Right to Development framework (conceptualised by the Senegalese jurist Keba M'Baye in 1972 and reformulated into a declaration by the UN about 10 years later) would facilitate technology transfer and trade agreements. According to him, former colonial powers should invest in the affected countries in technical skills, technology, research & development, education, health and services. He concludes that the right to development should be a legally enforceable right; that those who do not uphold this RTD, should be held accountable through the United Nations' Universal Periodic Review.<sup>11</sup> We may argue about that; but what I think we all agree on is that under-development in any part of the globe does not serve the good of the human population – even from a strictly economic perspective. Bi-lateral trade and investment in the social infrastructure in countries who were left far behind by colonialism and its legacies, are necessary strategies if we are to adopt a joined-up approach in the fight against poverty.

And this appeal is not to negate the technology transfers and investments in the economies of the developing world that have already taken place and that are on-going. But headlines like "EU Aid to Jamaica Tops \$100 Billion" which appeared in a Jamaican newspaper in 2010<sup>12</sup> and outlined what is called "grant funding" (and that figure was for the years 1975-

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<sup>9</sup> A. Ahmad and A.S. Wilkie, "Technology Transfer in the New International Economic Order: Options, Obstacles, and Dilemmas," In J. McIntyre and D.S. Papp (Eds.), *The Political Economy of International Technology Transfer* (New York: Quorum, 1979), pp. 77-94.

<sup>10</sup> H. Cleveland, *The Overseas Americans* (New York: McGraw-Hill, 1960); S.C. Sufrin, *Technical Assistance—Theory and Guidelines* (Syracuse, NY: Syracuse University Press, 1966) and G. Rosen, G., *Western Economists and Eastern Societies: Agents of Change in South Asia, 1950–1970*. Baltimore: The Johns Hopkins University Press, 1985), quoted in Seely, p. 14

<sup>11</sup> Rohan Kariyawasam, "Reparations: The Universal Periodic Review and the Right to Development, In Frenne Brennan and John Packer. *Colonialism, Slavery, Reparations and Trade: Remediating the Past?* (United States: Routledge, 2012).

<sup>12</sup> See *Jamaica Observer*, 23 Feb 2010 < <http://www.jamaicaobserver.com/news/EU-aid-to-Jamaica-tops-100-trillion>> See Patrick Foster, "EU Aid to Jamaica Tops \$100 Billion," *Jamaica Observer* 23 February 2010.

2010); and “170 Billion in 40 years”<sup>13</sup> which appeared in the same newspaper on February 2015, while welcome, create a picture of benevolence instead of development, when what is really needed is sustainable development. What is required is a recognition that development is a right and that it can end poverty. Such a recognition would be part of that reparatory justice that activists in Africa and the African Diaspora are seeking. As Sen has long noted, “*development requires the removal of major sources of unfreedom: poverty, poor economic opportunities, social deprivation and neglect of public facilities.*”<sup>14</sup> Of course, post-colonial regimes may well have to be more insistent with “donors” on the need for sustainable development.

The particular right to development focus of CARICOM, is captured in the works of Caribbean scholars like George Beckford, Hilary Beckles, Walter Rodney, CLR James, Gordon K. Lewis, Elsa Goveia and Lucille Mathurin Mair,<sup>15</sup> who established for us the roots of Caribbean under-development, as well as in the expressions and production of our artistes, who have captured in art and music what our scholars have captured in texts.

### **Conclusion:**

In concluding, I wish to stress in closing that for the Caribbean, reparation is not only about repair by external actors. Internal repair is vital. We have ensured that while we recall the tragedies of the past, we also engage in psychological rehabilitation and reclaim Aime Césaire's original concept of Négritude, finding our dignity and pride through concerted efforts of racial affirmation.<sup>16</sup> One way we have been doing this is by highlighting the heroic actions of our ancestors and finding ways to honour them; and this is in keeping with the Programme of Activities, which requires States to (Slide 18).

We saw such memorialization in the Permanent Memorial (Slide 14) recently unveiled at the UN in New York.

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<sup>13</sup> “\$170 Billion in 40 Years,” Jamaica Observer 14 February 2015.

<sup>14</sup> Kariyawasam, “Reparations: The Universal Periodic Review and the Right to Development,

<sup>15</sup> Sen 3.

<sup>15</sup> See George Beckford, *Persistent Poverty: Underdevelopment in Plantation Economies of the Third World* (Kingston: University of the West Indies, 1999); Hilary Beckles, *Britain’s Black Debt: Reparations for Slavery and Native Genocide* (Jamaica: University of the West Indies, 2013); Walter Rodney, *How Europe Underdeveloped Africa* (MD: Black Classic Press, 2011); C.L.R. James, *The Black Jacobins: Toussaint L’Ouverture and the San Domingo Revolution* (UK: Vintage, 1989); Gordon K. Lewis, *The Growth of the Modern West Indies* (Kingston: Ian Randle Publishers, 2004); Elsa Goveia, *Slave Society in the British Leeward Islands at the End of the Eighteenth Century* (US: Yale University, 1965); Lucille Mathurin Mair, *A Historical Study of Women in Jamaica, 1655-1845*, eds., Hilary Beckles and Verene Shepherd (Kingston: The UWI Press, 2007).

<sup>16</sup> Aime Césaire's, *Nègre je suis, nègre je resterai. Entretiens avec Françoise Vergès* (Paris: Albin Michel, 2005).



This is a way of recognizing a historical tragedy and honouring Clause 106 of the DDPA (Slide 15)

*remembering the crimes or wrongs of the past, wherever and whenever they occurred, unequivocally condemning its racist tragedies and telling the truth about history are essential elements for international reconciliation and the creation of societies based on justice, equality and solidarity.*

While this effort was led initially by Jamaica and key partners, so many other States whose representatives are here today participated in financing the project, that it gives me hope that that same spirit of collaboration which built that Monument, which ended the slave trade and slavery (the African Maafa), which brought an end to the Jewish Holocaust; which enabled the success of the voting rights march in the US South so brilliantly captured in the film Selma, which ended apartheid in South Africa and made us mark the International Day for the Elimination of Racial Discrimination, will infuse the reparatory justice and right to development agendas.

We have catalogued the tragedies; but as you can see from this attempt at a Heritage Calendar for the African Diaspora and Africa (Slides 16-27 - and it is a live document), we have also catalogued the heroic deeds (like anti-slavery and other anti-colonial protests, some leading to emancipation and independence, which we mark annually); and have found ways to memorialize the events and the actors. Some of these actions of memorialization have led to community tourism as paying visitors, for example, pour into Accompong in Jamaica each January 6 in memory of the 80 years' war of the Maroons against colonization; as they do when they pour into Soweto, the site of the anti-apartheid struggle, ensuring that they buy food at Wandis restaurant and invest in the artistic creations of the community. This too is internal repair aiding development. Both internal and external repair can take place side by side. This

consciousness of blacks' "being-in-the-world" will write them back into history and validate their achievements. It will restore the lost humanity, dignity, integrity, and subjectivity of black identity, necessary to confront colonialism, racism, and Western imperialism.

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