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**Discussion on the Declaration for the Rights of People of African Descent**

Good morning. Thank you very much for the invitation to participate in this important space.

After decades of struggle we celebrate the fact that there is an now acceptance at the international level that people of African descent constitute a group facing specific and disproportionate violations of their fundamental human rights, often underpinned by structural anti-black racism. The work of the UN Working Group of Experts on People of African descent over the past 16 years has been fundamental in highlighting that despite the diversity of experiences and histories of people of African descent throughout the diaspora, whether descendants of those Africans enslaved and trafficked to the Americas during the colonial period, or more recent migrants around the world, structural racism operates at all levels manifesting in unequal access to economic, social and cultural rights like adequate housing, education and health, to discrimination and racism in access to justice, the media, culture and sports and exclusion from politics and public life.

Despite this recognition, the case for a declaration on the rights of people of African descent has been opposed based on the assertion that these rights are already addressed in existing international norms, in particular the ICERD but also other human rights instruments such as the ICCPR, the ICESR and others, all of which provide for the right to non-discrimination in their implementation. However many historically discriminated groups have sought further protections through specific instruments that respond to their particular experiences. International human rights law has seen the proliferation of human rights instruments responding to the rights of specific groups such as women, children, people belonging to national, linguistic and ethnic minorities, indigenous peoples, and more recently the current development of a declaration on the rights of peasants. These group specific protection mechanisms, whether declarations or conventions, stem from a recognition that despite the existing instruments for the most fundamental human rights there is still a need for states to pay special attention to and take specific and special measures for the rights of particular groups, often based on a recognition in their preambles, of the historical patterns of discrimination and marginalisation these groups have faced.

In the case of people of African descent we can point to an emerging framework of rights principles which demonstrates the increasing recognition by the international community for a need for a specific instrument. From the DDPA and the establishment of the WGPAD, to the adoption of the International Year and the CERD GR 34 on the rights of people of African descent in 2011, and the current international decade on people of African descent. Many of the rights demands central to Afro-descendant civil society mobilisation around the world, in particular collective rights to culture and territory are addressed in these mechanisms, and a Declaration would be important and progressive step to consolidate these norms into an internationally recognised human rights instrument.

Yet, the case for a Declaration is not only a legal one in which we must identify gaps in the existing human rights framework, but a moral one which requires a political and philosophical conversation in which we must think about why, despite the existing universal human rights framework, do people of African descent throughout the world continue to have their most fundamental rights violated, and to a devastatingly disproportionate degree. This question invites us to not only think about the historic experiences of colonisation and enslavement, but to confront the ongoing paradigm of coloniality which since the colonial period has functioned to dehumanise Africans and their descendants or renacientes, denying their equality as human beings and thus their inclusion in the implementation of universal human rights. Ideologies of racism, based on the same stereotypes myths and prejudices established in the colonial period, manifest today in the structural racism that functions to deny the rights of people of African descent. The justification for a Declaration then lies not only in the gaps in international human rights law, but in its potential for us as an international community to re-examine the very lens with which we look at the world, how we understand concepts of humanity and to affirm the equality of people of African descent as subjects of human rights.

Part of the denial of the humanity and equality of people of African descent has been to marginalise the very ways in which this group thinks, views and understands the world along with a denial of the contributions that have been made to world development through African philosophy and science. The Declaration on the rights of people of African descent, by centring on the cosmovisiones, epistemologies and struggles of PAD can not only begin to break the paradigm that has long denied their role in the world, but can contribute to the very development and expansion of the human rights framework itself.

The decades and centuries of struggles and activism of people of African descent for freedom and equality have led to some of the most progressive human rights demands around the world. Demands for freedom from colonialism and for self-determination, the right to protect ancestral lands and territories, the right to have own systems of education and models of development based on traditional culture and cosmovisiones. If a declaration draws from the experiences, demands and collective mobilisation of people of African descent themselves as it must, it would be an invaluable contribution to IHRL.

For example, people of African descent throughout Latin America have made important contribution to expanding the notion of collective rights through struggles at the domestic and regional level. In Colombia collective rights have meant not only mobilising around a set established human rights norms to land and territory, but actually developing own concepts of collective rights which highlight the interdependence and indivisibility of land rights, territorial rights, cultural rights, autonomy and political participation for Afro-descendant communities. These rights have been conceptualised through people-centred human rights processes, which emerge directly from the lived experience of struggle for dignity and freedom. A declaration on the rights of people of African descent which draws from movements such as these has the potential to not only create an important protection mechanism for people of African descent, but to expand the very scope and concept of collective rights towards an internationally accepted norm.

Related to this, as the environmental movement continues to grow around the world and there is increasing recognition by States and international actors of the need to take urgent measures to prevent the irreversible destruction of our planet, the international community must look to those peoples who have long struggled for the protection of their environments, their territories and natural resources as part of their struggles for autonomy. People of African descent like the indigenous peoples all over the world can and must be protagonists in this movement. A declaration can create important guarantees to protect Afro-descendant leaders whose very lives are often under threat due to their mobilisation around environmental issues, and can foster a dialog for proposals and models for a more sustainable world which centre on Afro-descendant cosmovisions and protect and promote traditional and sustainable cultural practices and ways of relating to the natural world.

Afro-descendant women activists and academics have long been protagonists in promoting and ensuring that the women’s rights movement takes an intersectional approach recognising and challenging the particular multiple and compound forms of discrimination that women face, based on their gender and racial/ethnic identities but also on their class, sexual identities and religion. A declaration on Afro-descendant people’s rights that incorporates this black feminist way of analysing and understanding intersecting forms of oppression would be an important and relevant instrument setting standards for how all forms of intersecting discrimination are understood and addressed in international human rights law.

These are just some of the areas in which a declaration on the rights of people of African descent will be fundamental in both ensuring a specific protection mechanism for this specific group, and also progressively expanding standards within the ever-evolving human rights system as a whole. If the right to participation of people of African descent from all over the Diaspora, from a diversity of experiences and perspectives, is guaranteed for the drafting of this declaration as it must be, allowing it to draw from some of the most progressive social and human rights movements in the world has seen, it can itself be an emblematic instrument that sets new standards for the protection of human rights and the very planet we inhabit.