

**27TH SESSION OF THE WORKING GROUP OF EXPERTS ON PEOPLE OF AFRICAN DESCENT (WGEPAD)  
“THE URGENCY OF NOW: SYSTEMIC RACISM AND THE LESSONS OF 2020” \*  
PUBLIC VIRTUAL MEETING, 30 NOVEMBER – 3 DECEMBER 2020, 14.00-16.00 (CET)  
ROOM XIX, PALAIS DES NATIONS, GENEVA**

**STATEMENT TO WGEPAD REGARDING TARGETED DATA COLLECTION,  
DIGITAL IDENTIFICATION, AND ADVOCACY FOR THE LEGAL RIGHT OF  
RETURN FOR AFRODESCENDANT DIASPORA TO THE AFRICAN CONTINENT**

December 2, 2020

Hon. Mdme. Chairperson Dominique Day,  
WGEPAD Working Group Members,  
Distinguished Delegates, Member States, and Participants,

I humbly petition you today on behalf of the approximately 210 million global descendants<sup>1</sup> of the European Trans-Atlantic and Arab (Eurasian) slave trades, which escalated exponentially with the fall of the last African Moor Sultanate on the Iberian Peninsula on January 2, 1492,<sup>2</sup> and which continues today in the form of modern chattel servitude systems, such as the ongoing practice of *kafala*<sup>3</sup> in the Arabian Gulf Coast and North Africa.

As vividly and accurately depicted by the panelists during this public meeting period, the descendants of the Trans-Atlantic and Arab controlled slave trades remain in grave danger globally, alongside their more recent African immigrant brethren. Anti-Blackness is a global form of systemic discrimination,<sup>4</sup> and has far-reaching cultural, psycho-social, economic, legal, and political implications. Afro-descendant Diaspora, however, face a unique set of barriers that require immediate redress by WGEPAD and its partner and member states.

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<sup>1</sup> The Diaspora Prepared to Invest in Africa. African Development Bank. Retrieved December 1, 2020, from <https://www.afdb.org/en/news-and-events/the-diaspora-prepared-to-invest-in-africa-11881>.

<sup>2</sup> Reconquest of Spain, HISTORY (2020), <https://www.history.com/this-day-in-history/reconquest-of-spain> (last visited Nov 29, 2020).

<sup>3</sup> Kafala system. Retrieved December 1, 2020, from <https://www.ilo.org/dyn/migpractice/docs/132/PB2.pdf>.

<sup>4</sup> Out of Pandemic Anti-Blackness, a Case for Pan-Africanism. Al Jazeera. Retrieved December 1, 2020, from <https://www.aljazeera.com/opinions/2020/5/6/out-of-pandemic-anti-blackness-a-case-for-pan-africanism/>.

Despite enduring nearly 600 years of unspeakable indignities and abuse in colonial states, Afro-descendant Diaspora are no shrinking violets. Collectively, they have fought for emancipation and revolutionary civil rights protections from their captor states, including the Immigration Act of 1965, the legal mandate that paved the way for the majority of recent African immigrants to the United States.<sup>5</sup> The social justice movements that emerged from Afro-descendant Diaspora created the bedrock upon which the vast monetary network of African remittances was built, creating the primary source of foreign direct investment (FDI) that has sustained the transition of the African Continent from imperialist rule to fragile independence,<sup>6</sup> and that continues to sustain African Union member states in the wake of the global COVID-19 pandemic. In this way, Afro-descendant Diaspora, in collaboration with other African Diaspora, are the key not only to post-Covid-19 economic recovery, but to the transformation of the entire African Continent from a collection of vassal states subordinate to Western powers, to the economic empire imagined in the recent African Continental Free Trade Agreement (AfCFTA).<sup>7</sup>

The United Nations Universal Declaration of Human Rights, Article 13 §§1-2, states that “[e]veryone has the right to freedom of movement and residence within the borders of each state” and that “[e]veryone has the right to leave any country, including his own, and to return to his country.”<sup>8</sup> However, these rights remain in name only for the global descendants of the African slave trade.

Pursuant to the 2002 Constitutive Act of the African Union, the governing body was enacted to “achieve greater unity and solidarity between the African countries *and the peoples of Africa* [emphasis added].”<sup>9</sup> However, to date, despite informal recognition as “Region 6” of the African Union, all individual Afro-descendant Diaspora, as well as Afro-descendant nation

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<sup>5</sup> Bill Ong Hing, African Migration to the United States: Assigned to the Back of the Bus, in *The Immigration and Nationality Act of 1965: Legislating a New America* 60–115 (Gabriel J. Chin & Rose Cuison Villazor eds., 2015).

<sup>6</sup> Bodo B. Bodo, A. (2013). African Diaspora Remittances are Better than Foreign Aid Funds: Diaspora-driven Development in the 21st Century, 14, 21-28. (“In 2012 a diaspora of more than 140 million Africans remitted US\$60 billion which is more than the development aid funds from international donors.”).

<sup>7</sup> Africa set for a massive free trade area. Africa Renewal. Retrieved December 1, 2020, from <https://www.un.org/africarenewal/magazine/august-november-2018/africa-set-massive-free-trade-area>.

<sup>8</sup> Universal Declaration of Human Rights. Retrieved December 1, 2020, from [https://www.ohchr.org/en/udhr/documents/udhr\\_translations/eng.pdf](https://www.ohchr.org/en/udhr/documents/udhr_translations/eng.pdf).

<sup>9</sup> Constitutive Act of the African Union. Retrieved December 1, 2020, from [https://au.int/sites/default/files/pages/34873-file-constitutiveact\\_en.pdf](https://au.int/sites/default/files/pages/34873-file-constitutiveact_en.pdf).

states, like Haiti, have been denied formal membership and recognition (beyond observer status) to the African Union, pursuant to Article 29 (1) of the AU incorporating document.<sup>10</sup>

The denial of these UN mandated rights of “freedom of movement” and “freedom of return” for Afro-descendant Diaspora in African Union Member States directly controverts the United Nations Declaration of Human Rights, and constitutes a continuation of the indignity of the Trans-Atlantic and Arab Slave Trades. Afro-Descendants, who regularly face systemic violence, disenfranchisement, socio-economic and legal marginalization, and mental trauma in former slave colonies and anti-Black societies have absolutely no legal right to refuge, residency, or asylum in any African country, and must therefore remain subjugated in nation states and nationality schemes designed by their former and current colonial oppressors.

In light of the issues presented in the statement herein, the following urgent policy recommendations are hereby forwarded for investigation, consideration, and implementation by the WGEPAD Working Group:

1. WGEPAD must differentiate its nomenclature to distinguish between “Diaspora of African Descent” and “Afro-descendant Diaspora,” and actively encourage other governing bodies, partners, and affiliates to review legal and policy instruments for absent or limiting language that excludes the descendants of the African slave trade from rights, benefits, and privileges of African citizenship, residency, investment, or statehood;
2. WGEPAD should petition the Office of the High Commissioner for Human Rights (UN Human Rights) to fund comprehensive data collection on people of African descent living outside the African Continent, with such data disaggregated to distinguish between more recent “voluntary” African immigrants and “involuntary” Afro-descendants that were displaced by the Trans-Atlantic and Arab slave trades;
3. WGEPAD should appoint an Afro-Descendant Representative to its current working group representation, charged with the express mandate of representing the unique legal and economic challenges to identity, well-being, and nationality that Afro-descendant Diaspora face;
4. WGEPAD should sponsor and support continuing research and policy development to map the “gaps” and barriers to the legal right of return to the African Continent for Afro-descendant Diaspora historically displaced by the Trans-Atlantic and Arab slave trades;
5. WGEPAD must produce law and policy guidance for African Union Member states to encourage incentivized and specialized targeted visa, residency, citizenship, and

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<sup>10</sup> Where the African Union’s Sixth Region Falls Short. HuffPost. Retrieved December 1, 2020, from [https://www.huffpost.com/entry/where-the-african-unions\\_b\\_11303124](https://www.huffpost.com/entry/where-the-african-unions_b_11303124).

investment class pathways for Afro-descendant Diaspora to return the African Continent and reestablish their nationality in any African Union member state of their choosing, pursuant to reasonable state controls on overall immigration and naturalization; and

6. WGEPAD should zealously advocate for the inclusion of Afro-descendant Diaspora the in the African Continental Free Trade Agreement (AfCFTA), specifically, the creation of Afro-Descendent Digital ID and membership within all AfCFTA “freedom of movement” and “right of return” provisional language, whether implied or explicit, embodied in both the black letter law and spirit of this intra-African trade agreement.

These earnest and exigent policy recommendations are humbly tendered to WGEPAD Chair, Mdme. Dominique Day on this 2nd day of December in the year 2020, at Addis Ababa, Ethiopia.

Respectfully submitted by a proud descendant of African slaves,



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