

# The Case for Reparations: The US and Beyond

United States Shadow Report for the Committee on the Elimination of Racial Discrimination (CERD) 2022

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## **Introduction**

This Shadow Report for the Committee on the Elimination of Racial Discrimination (CERD) presents the case for providing reparations to the descendants of African Slaves through policy implemented by the United States of America (US) and internationally. The case for reparations for descendants of African slaves includes 3 components:

1. The *harm* that was done.
2. The *profit* gained from that harm.
3. *The ongoing permeation* of the harm done, which remains unaddressed today.

The enslavement of African people was not just a phenomenon in the USA but rather a part of the transatlantic slave trade, which involved 1) multiple nations around the world benefitting from that system, as well as 2) many descendants of those enslaved who now live around the world, including but not limited to the Caribbean. As such, the need for reparations for not only exists for US American descendants of African slaves, but for descendants of African slaves across the world by the many countries continuing to benefit from African enslavement that have not yet made the appropriate steps to make reparations a reality.

The conditions in the US today for the descendants of African slaves are deeply connected to the ways in which chattel slavery in America operated in order to control the Black enslaved population as well as ensure subjugation and sustain profits for hundreds of years. For every dollar made in the slave trade, Black families and communities suffered generations of damage. We will demonstrate ways in which these damages connect from slavery to the modern day.

## **Manufactured Social Ills that Destroy the US Black Community**

### **The Disarrayment of the Black Family**

Many political ideologies have solely blamed conditions in the Black community on the Black family. However, these beliefs miss, intentionally and unintentionally, how the Black family has been impacted throughout history as a result of slavery and other unjust systems. The idea that Black families spontaneously became disconnected or disarrayed, or that disconnected families result from a unique “moral deficiency” in Black people is untrue. The truth, however, is that slavery forced into Black culture not only the separation of Black families but also a culture of Breeding Young without a cohesive family unit with a mother and a father to raise them.

Today, people may know the “baby mama dynamic,” or the idea of the single, unmarried Black mother with children that have no active father around. Instead, we need to consider when in the past this dynamic in Black culture has also been present: slavery.

Both Black women and men were forced to “breed” to produce more slaves. In this “breeding” dynamic, Black men were never expected to raise the children produced (Sublette and Sublette, 2016). This separation of families through forced reproduction mirrors family dynamics often present in modern Black communities. These forced “breedings” and family separations dominated Black enslaved communities for 400 years. While chattel slavery no longer is legal today, the overall conditions faced by Black communities still include poverty, gun violence, low wages, police brutality, and economic exploitation, all of which result from the ongoing impacts of slavery. As such, the Black family may appear to continue the dynamic enforced during slavery specifically because the results of slavery remain unaddressed. Wondering why this dynamic continues without analyzing the reasons for its continuation supports the beliefs established by white supremacy that Black people are inherently morally “inferior.”

These ideas about the Black family adds to a worldview that deems Black people in general to be of “inferior” moral status. This supposed “evidence” of “moral inferiority” “validates” why Black people simply have inferior outcomes. Because of this imposed belief of Black “inferiority”, an incorrect assumption develops that the white population in the same country must be “morally superior” because they are not experiencing the same ills of poverty, single parent homes, police brutality and more at the same rate. Disconnecting slavery from its ramifications on Black people and culture over hundreds of years enables these untrue beliefs of inferiority, which further validates white supremacist ideology. This ideology of “moral inferiority” is also then used as justification to deny the reparations owed to Black communities.

This refusal of reparations leads to further generational disenfranchisement and the continuation of the ills listed above that have been forcefully injected into a culture as a result of chattel slavery. Slavery is not a victimless crime today in the same way that it is not a crime without beneficiaries who are found among the descendants within the multiple nations that also built up from the wealth produced by slavery.

Now that we have reviewed the impact of slavery on the Black family, let us also look at the impact on the Black community and how it has created poverty within the Black community.

### **The New Deal vs. Welfare for Black Communities**

Between 1933 and 1939, President Franklin D. Roosevelt of the United States enacted a series of comprehensive policies, acts, and programs under the New Deal, which provided government subsidies and investment into US American citizens who had been impacted by the Great Depression (1929-1939) in the United States (Badger, 2008). The Great Depression was an economic recession that resulted in many US Americans falling into deep poverty, now represented by the images of people standing in bread

lines. Nearly every financial and economic system was impacted (Best, 1990). Despite the fact that the Great Depression impacted *all* citizens of the United States, the New Deal introduced clauses and barriers that frequently prevented investments from going to Black US Americans. Even the Servicemen's Readjustment Act of 1944, informally referred to as the G.I. Bill, created to uplift soldiers returning from World War 2, seldomly went to Black soldiers coming back from the very same war, despite making the very same sacrifices (Smithsonian American Art Museum, 2015). The government intervention via the New Deal only proves the United States ability to intervene and provide adequate resources that can lift entire generations out of poverty. However, it also shows the inequity resulting from the detrimental race-based stipulations included in these interventions. Such intervention to support US American descendants of African slaves as a group has never occurred in the same way.

Let's investigate some of these race-based stipulations. While the welfare and public housing system, operated by the U.S. Department of Housing and Urban Development (HUD), consisted of welfare programs and housing programs for African Americans in poverty, the requirements to access these programs only further exacerbated the segregative policies and dissolution of Black family units. One example found in public housing policy includes the "man in the house" rule during the 1960s, which forbade a woman with children to have their father living in the home if they were to receive government benefits (National Low Income Housing Coalition, 2020).

Those Black fathers simultaneously faced a lack of equal job opportunities or adequate pay because of this same discrimination. Such policies, alongside a lack of economic opportunities, forced most Black men to decide to leave their households so that their families could access those basic provisions otherwise provided by the government. Yet today, there is constant conversation asking "Where are the fathers in Black homes?" As a consequence, US society blames this manufactured "fatherlessness" for a variety of struggles within the Black community, particularly among youth, and this blame occurs without any critical examination of how the United States government actually perpetuated these family disconnections through executive and legal policies.

United States domestic policies and the generational deprivation of Black communities can be directly linked to the reality that 1) Black parents are the most likely to have their parental rights terminated while Black children are least likely to be adopted, and 2) Black families and children are overrepresented in the child welfare system (Noonan and Burke, 2005). Let us further inspect the reality of Black poverty and deteriorating communities within the United States.

## **The Enforced Continuation of Black Poverty**

It is important to state that issues such as poverty, gun violence, low wage jobs, police brutality or economic exploitation are not unique to Black people in the United States. Nonetheless, the case for reparations to US American descendants of African slaves can be traced back to the legally sanctioned institution of slavery in the United States and the transatlantic slave trade. As a comparison, when the COVID-19 pandemic began, people with “pre-existing” conditions that compromise their immune system were at greater risk, as well as prioritized for disease prevention policies (Centers for Disease Control and Prevention, 2020). A similar idea can be considered with US American descendants of African slaves: the generational degradation, subjugation and genocidal abuse of enslaved African people led to this group and their descendants experiencing socially constructed “pre-existing” conditions. As a result, societal “viruses” found within US society, such as poverty, low wages, police violence, gun violence, mass incarceration, etc., have a greater impact with increased risks to the most severe outcomes for US American descendants of African slaves. If we follow through with this comparison, then this means that US American descendants of African slaves should also be prioritized in policies that prevent the continuation of these societal ills.

For the greatest positive effect, these societal ills must be addressed on both a federal level within the United States and the globe. Let’s consider the supposed ineffective impact of gun regulation within cities like Chicago. Because of the high gun violence despite its strict local gun laws, gun rights advocates use Chicago as an example of failed gun regulation to argue against any increase in gun regulation. This argument, however, removes a very important factor: Chicago is in the state of Illinois, which is surrounded by other states such as Indiana and Wisconsin, and both of these states do not have the same level of regulation (Kurtzleben, 2017). The lack of gun regulations in these states allows people from Chicago to simply go across state lines to procure guns that would otherwise be regulated where they are. Therefore, even when individual municipalities have stricter regulations, if the neighboring municipality or state does not, stricter regulations can be easily overcome. The same proves true for higher wage laws, poverty programs and employment equity. We cannot expect a maximum effect by policies aimed to improve each of these issues if these solutions are done in a piecemeal manner that leaves bordering areas without the same guidelines. Without consistent policies, entities can simply move to a location where they can continue to pay lower wages or avoid regulatory law, even if that move must be globally. These examples prove that the solutions to support reparations to descendants of African slaves must both be federal in the United States as well as global to disallow the usurping of these laws and regulations through relocation. Such relocation would allow for continued exploitation of new demographics that don’t have those protections, which could include descendants of African slaves in multiple countries that deserve safety

from further deteriorating communities resulting from unjust policies as well as access to reparations regardless of their location.

Next, we will explore how both the North and the South in the United States, even though divided through the Civil War over slavery, participated in and benefited from the slave trade as well as how multiple nations also participated in and benefited from the implementation of the transatlantic slave trade. This discussion will challenge the idea that only a portion of the United States, such as the South, or only one nation, such as the United States, is responsible for reparations to the descendants of African slaves.

### **Unprosecuted Anti-Black Racist Terror**

Multiple examples of anti-Black racist terrorism can be found in the United States as well as around the world. As part of the United States delegation, we will provide one example of such terrorism from US history. However, this single example is by no means exhaustive of the countless ways in which anti-Black racist terror has been implemented and remained unprosecuted in both the United States and across the globe.

In 1921, Tulsa, Oklahoma, USA, was the scene of one of the worst racial massacres in United States history. At the time, the Greenwood District was a thriving African-American neighborhood, full of successful businesses, schools, and homes, known as “Black Wall Street.” On May 31 and June 1, 1921, the neighborhood was completely leveled and burned to the ground by a white lynch mob. A 2001 state commission estimated that anywhere between 75 to 300 African Americans were slaughtered (Editors of Encyclopaedia Britannica, 2022). During this massacre, an airplane was even used to drop explosives on the town, which was one of the first domestic air bombings in US history (Jones Parrish, 1922). Despite these clear acts of terrorism, no one was prosecuted. Today, a portion of the leveled town now sits on the property of Oklahoma State University, a predominantly white institution (PWI). The history of the Tulsa Race Massacre is one unfortunate yet perfect example of the way in which racial terror has destroyed successful attempts at building thriving Black communities and how racism and white supremacist ideology violently rejects the success of descendants of African slaves, in this case by burning down and destroying their progress. Despite this clear and direct period of violence, no major reparations have been implemented to this day.

The lack of reparations also holds true for the myriad of victims of state-sanctioned murder by police in overpoliced Black communities. For example, 12-year-old Tamir Rice, a young African-American boy, while playing in the park with a toy BB gun, was shot and killed by police within barely 2 seconds of police arriving on the scene (Green Library Exhibit, 2022). As with the Tulsa Race Massacre, no one was prosecuted for his murder. In the United States, these state-sanctioned murders of Black people occur even when

there is ample evidence of police ability to prevent such murders every single time a fully armed white mass shooter is apprehended alive by Police (Smiley and David, 2016). Unfortunately, there is statistical proof that it is safer to be a White person known to have a gun, than to be a Black person that is only imagined to have a gun. This imbalanced reality within the United States is additional evidence of the ongoing socially and legally sanctioned racist terrorism, with the belief and state's need for control over Black people decidedly rooted within the history of slavery.

Furthermore, a lack of police oversight and the militarization of police forces inside the United States also persist as a growing problem that disproportionately impacts African Americans. The United States police force can find its roots in formerslave patrols created to catch runaway slaves and return them back to slavery. This foundation still relates to the way that Black communities are overpoliced even today. Most of the conditions endured by Black communities occur because of a lack of access to: adequate employment, equal education, mental healthcare, quality nutrition, and more, all of which result from generational poverty and discrimination, and none of which are problems that police can solve. Despite that reality, police have become the blanket solution for many of the issues taking place within Black communities, which entirely ignores the roots of these issues ingrained via centuries of discriminatory social and legal policies. The overreliance on police to repair the social ills experienced within Black communities causes Black people to have far more interactions with police, which naturally culminates in even more incidents of police violence per capita (Harvard School of Public Health, 2020). Importantly, the slave codes maintained during slavery did not consider it illegal to kill runaway slaves (Block, 2017), and the influence of these codes lingers today when there remains a lack of legal prosecution of not only police, but also racist vigilantes who brazenly kill unarmed Black people, often the same descendants of enslaved people who were permitted to be killed if they ran away, solely because the police and/or vigilantes have deemed the Black person in front of them a threat, even when absolutely no threat is present.

## **The Vestiges of Slavery through Segregation**

### **Policies Denying Black Economic Development**

When discussing reparations and the impact of the transatlantic slave trade, we must always consider the modern day impact and implications of slavery. This consistent acknowledgment of slavery's impact on the Black community today allows us to trace where tangible repair is needed and how reparations can be a direct solution in addition to policy changes necessary both domestically and globally. Continuing this report's focus on the United States, there are many discriminatory practices that arose even after slavery was technically and legally abolished through the Emancipation

Proclamation of 1863 (National Archives, 2022). One such practice includes vagrancy laws that made it illegal for newly freed Black men to be caught outdoors and unemployed; these laws criminalized Black men while ignoring that discriminatory hiring practices resulted in unmatched unemployment rates precisely because Black men were often overlooked for jobs and other economic and social opportunities.

As such, Black men were not only systematically denied economic opportunities, but were punished for vagrancy directly arising from discriminatory policy by frequently being placed in a prison chain gang (Constitutional Rights Foundation, 2022). The Black men in these prison chain gangs then provided exploited, free labor for the construction and expansion of the United States railroad system that still exists today and allows the ongoing cargo transportation necessary for the economy within the US. Therefore, we see how the same formerly enslaved Africans and descendants of Africans were immediately placed back into forced free labor, and this free Black labor was utilized to continue building the infrastructure in the US. Although vagrancy laws were technically abolished by the Civil Rights Act of 1866, these and other similar laws set the stage as a model for the current prison system and mass incarceration of Black people within the United States today. The new, legally-endorsed enslavement system remains used by corporations that are dependent on cheap labor through which incarcerated workers, overly represented by Black people, are rarely paid more than 2.00 USD per hour (Gottlieb and Flynn, 2021).

### **Black Lived Experiences of Policy Enforcement Failures**

The lived reality of Black people in the United States and other countries is not always consistent with the laws written intended to protect descendants of African slaves and their futures. Too often, the written law does not reflect the way society actually functions. We must identify this disconnect to avoid continuing a pattern of policy and law creation without robust enforceability. Documentation change alone is no longer enough in a time when we need actual structural change. A perfect example of this disconnect was the aftermath of the Montgomery Bus Boycott of 1955-1956. Jeffery Robinson spoke about this aftermath in the 2021 documentary *Who We Are: A Chronicle of Racism in America* and specifically read from a document called “The Victory Document,” which was an instructional letter for “Negro” passengers as they returned to desegregated buses (Who We Are, 2021). This document laid out particular “ground rules” to keep “Negro” passengers safe after the bus boycott victory, including instructions like, 1) “Do not deliberately sit next to a white person”, 2) “Always speak in a hushed tone”, and 3) “If you can’t take it, walk two more weeks” (King and Powell, 1956).

Even though the 1956 United States Supreme Court case *Browder v. Gayle* officially made segregation of public transportation illegal, these were the instructions shared



with the Black community after this victory because Black people still had to live under these “unspoken” laws of white society instead of being protected by the written laws of their own society. The same proved true following the 1954 US Supreme Court decision for *Brown v. Board of Education* (National Park Service, 2022). Though this victory made the racial segregation of public schools illegal, to this day, schools represent the racial segregation of neighborhoods in the same way as during the time of legal segregation.

Following this decision, white flight began during which many predominantly white communities began to see an influx of African American homebuyers, and white residents would then choose to move because of racial prejudices and an unwillingness to live with African-American neighbors (Leitz, n.d.). Despite Black US Americans attempting to join white communities and create less segregated spaces, because white people fled their former neighborhoods, communities continued to experience the very same segregation from before, though now in different locations. White residents faced no penalties for their racially-motivated decisions to “flee”; in fact, they enjoyed rewards for these decisions. Developers took advantage of these mass moves and created new, massive suburban communities to which white people fled in order to avoid desegregation. These new suburbs became areas with racial covenants and homeowner association rules, policies, and norms that sought to keep any non-White residents out (Welsh, 2018). Seldomly are these practices addressed on a national level, which further permits for the law and its attempts at desegregation to remain separate from the reality experienced by US American descendants of African slaves.

## **Testimonials**

The below testimonials speak to the continued trauma resulting from centuries of inhumane treatment during the transatlantic slave trade as well as the following centuries of inaction after the slave trade was legally ended. There is a clear need for immediate implementation of reparations to the descendants of African slaves around the world to prevent the continuation of cruel, inhumane, and destructive environments.

### **Pamela Bosley, Mother of Terrell Bosley**

*“My son Terrell Bosley was an active and vibrant young man who played sports. He was a gospel bass player, playing for great artists around the city of Chicago, and loved his family. Twelve years ago, April 4, 2006, Terrell at age of 18 was shot and killed by a 45 caliber on the ground of a church.*

*Terrell’s dream of traveling the world and being successful in his music was ended by senseless gun violence, and his case remains unsolved. After the devastating murder of my son, my goal was to continue to be Terrell’s voice by telling his story while saving my other two sons and other youth from senseless gun*

*violence. This devastation changed the directions of my life. I am now empowered to make a difference in the lives of youth and of parents whose children were taken by violence. I am empowered to be a voice for Terrell while addressing everyday shootings. Also advocating for common-sense gun measures and teaching young people to be leaders and guiding them to discover their own voices and abilities to bring change to their communities. Also I support parents whose children were murdered, since I understand this hurtful pain” (2022).*

### **Rev. Michael Louis Pfleger of Saint Sabina Parish**

*“I always teach my congregation that our concerns should not just be our house, our block, our home, our neighborhood; but we have to be globally minded, because we’re affected globally, and we ought to be affecting globally so we should always think in terms of the world. The world’s concerns should be our concerns.*

*The issue in this country [the United States of America] is we lack the federal resources that we need. When there’s a hurricane, a tornado, a fire, in this Country, we call for a federal state of emergency and resources come in to help those communities build. Well, we need to come into our communities where crime and violence are the most growing and the 15 neighborhoods in Chicago and bring in jobs... we say 4.6% unemployment in America. Well, it’s 25 to 32% where I live.*

*Sit down and listen and talk. We can tell you on the ground level what we need and then see what you can do. We don’t live in Chicago in a post traumatic stress, we live in a present traumatic stress. When I asked a sixth grade girl, ‘What do you want to be when you grow up?’, and her answer is ‘Alive’, we have a serious problem here. And I think we have the answers, but I don’t think we have the will, and we’re not willing to commit the resources nor have the courage to admit that there are many American problems that we’ve got to deal with if we really want to stop this violence.*

*...People always ask me what it’s like for me to be white in a Black community when the real question is what is it like to be Black in a White Community. Black communities have always had white firemen, white policemen, white store owners. I think what people want is the commitment of being genuine and authentic, roll up your sleeves and live this and walk this with us. I’ve lived on that corner of 78th place in the Auburn-Gresham community for over forty years, and people want to know are you here to help us and walk with us” (2017).*

### **Sybrina Fulton, Mother of Trayvon Martin**

*“I am a mother, not a lawyer or a legislator. I don’t pretend to know all the details of the law, policy or politics surrounding “Stand Your Ground”. What I do know, and what I am reminded of every day, is that my son was murdered. He was walking*

*home with a snack and minding his own business when a stranger stalked him, chased him after he ran, confronted him and finally killed him.*

*I believe in my heart that “Stand Your Ground” shares responsibility for what has happened to my family. “Stand Your Ground” may not have been in George Zimmerman’s legal defense. But it was in his head from the law class he had taken, it was in the police chief’s explanation for why they handled the case the way they did, and it was in the instructions given to the jury that acquitted him. Our family has dedicated our lives to changing “Stand Your Ground” laws in the hope that other families might be spared what we have gone through. One of the jurors said, “George Zimmerman got away with murder.”*

*People should not be allowed to get away with murder. I find it sad that I even have to say that. How this can be legal is beyond my comprehension. What I do know is that “legal” does not always equal moral. Many terrible injustices were considered “legal” at one time or another, but then people saw the light and changed the law. In America in 2013 it is my belief that the people that you represent do not wish to see immorality justified with legality. To safeguard life and the liberties that we all appreciate so much, we must remain eternally vigilant against the great dangers of legalized injustice” (2013).*

## **A Global History of the Enforcement of Slavery and its Profiteering**

Within the United States, the southern states<sup>1</sup> are most often associated with the slave trade. The (US) American Civil War began in 1861 over the institution of slavery and the ownership of the resulting profits. In reality, however, both the North and the South were direct participants in the proliferation of the slave trade. The South was most directly connected to the production aspects of slavery, specifically through physical plantations producing cotton, textiles, tobacco, and sugar. The North also directly participated in slavery through banking and insurance industries, both of which remain to this day.

Southern plantations remain known for their harsh conditions and the most gruesome aspects of slavery. While the South was where runaway enslaved people aimed to escape from, the North was home to the banks that issued slave owners insurance policies on the bodies of enslaved people who either died or ran away and also provided loans to the same slave owners to purchase more slaves. Some of these entities include AIG and Aetna insurance companies and also US banks including but not limited to JP Morgan,

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<sup>1</sup> During the Civil War, the southern states consisted of Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, and Texas.

Bank of America, and Wells Fargo, as well as the now defunct Lehman Brothers, which provided loans for slave purchases specifically (Swarns, 2016).

The international participation in the transatlantic slave trade also points to the necessity of a global solution to address its harms. If countries across the globe could organize and collaborate together to enslave African people for profit, those same countries that continue to reap the benefits of that system can also organize and collaborate to implement the repair of those harms.

Let us also review examples from both the United States and internationally in how reparations have been previously implemented. Former implementations, however, provided reparations not to either the enslaved African people nor the descendants of enslaved Africans, but to the slave owners for the “loss of property” following the abolishment of legal slavery. In the United States, a law was established to provide financial payment to white slave owners who lost their slaves (Craemer, 2021). In Haiti, following their revolution for independence, France wanted to repay the former slave owners in France for their loss of human “property,” and it placed the debt on the newly formed Haitian government. These reparations to slave owners have been ongoing for centuries at this point at the cost of the descendants of those formerly enslaved, which has caused Haiti to remain in deep poverty and lack modern day development (Casey, Fernandez, and Nikova, 2022).

These are clear examples of the misallocation of reparations while also presenting that nations are very capable of implementing reparation policies as they see fit. We will now conclude this report by 1) summarizing the need for a transatlantic solution in regards to reparations, 2) reviewing current violations of international policy, and 3) offering direct recommendations to both the United States of America and the United Nations. Our goal is to bring justice to the global community of descendants of African slaves via the participation and organization of the international community.

## **The Responses by and Responsibilities of the US and International Governments**

### **US (Failed) Attempts at Reparations**

While the United States government has implemented some attempts to address systemic racism and the poverty that has impacted US American descendants of African slaves, for several reasons, these policies have fallen short. We will briefly look at why and the solutions we can consider instead.

The first major US government response to the plight of enslaved Africans and their descendants was the Emancipation Proclamation signed by President Abraham Lincoln

in 1863, which officially freed enslaved people in the Confederate States of America. During this time, Lincoln's Secretary of War, Edwin M. Stanton, and Union Army General, William T. Sherman, met with twenty of Georgia's Black ministers to discuss what many historians call the nation's first act of reconstruction (Gladstone, 1865). Following this meeting, on January 16, 1865, General William T. Sherman issued "Special Field Order No. 15," which stated that Confederate land<sup>2</sup> confiscated by Union troops be turned over to the newly-emancipated freedman, up to 40 acres each. He also had mules given to those freedmen to till the land and make produce, which could then provide a sustainable income for the formerly enslaved Black Americans to build their lives after emancipation (Shabazz, 1994). This order resulted in the idea of "forty acres and a mule." One example indicating the Government's early support of freedmen included how one Assistant Commissioner of the Freedmen's Bureau, a white man against the Emancipation Proclamation, resisted these decrees and was fired.

Following the assassination of President Lincoln, the new President Andrew Johnson sent General Oliver O. Howard to "effect an agreement mutually satisfactory to the freedmen and the land owners" (John Fitz, 2011). Unsurprisingly, this discussion turned into an agreement that benefited white enslavers at the cost of their newly emancipated former slaves. The confiscated land was returned by the federal government to the former slave owners, and the former slaves were forced to work the land at a cost, now required to pay for not only the land space, but also for the tools and any other fees that their former enslavers saw fit (Smithsonian American Art Museum, 2014). Though legally free from slavery, this exploitative arrangement resulted in the formerly enslaved Africans and their descendants becoming indebted and unable to pay off those newly-arranged debts to their former slave owners. This arrangement is evidence of one of many broken promises made by the United States government to formerly enslaved people and their descendants, and as a matter of course, no repair for that betrayal has ever been made.

Beyond this immediate (and failed) attempt at reparations to formerly enslaved people, the United States has implemented some welfare programs, such as the Women, Infants, and Children Program (WIC); the Housing Choice Voucher Program (Section 8); the Supplemental Nutrition Assistance Program (SNAP Food Benefits), and so on. However, these programs often go underfunded and can include waitlists that can last nearly thirty years to receive support like housing (Kilpatrick, 2022). These intentionally underfunded

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<sup>2</sup> Because international justice needs to be intersectional, it is also important to identify that giving confiscated Confederate land to formerly enslaved Black Americans unfortunately contributed to the continued displacement of the Indigenous populations from those areas who initially lived on those lands and thus carried on the traumatic cycle of displacement experienced by both Indigenous peoples and descendants of African enslaved people.

programs exist in the same system in which the United States also provides unending amounts of subsidies and tax breaks (federally and locally) to major corporations that pay low wages to workers and resist the creation of workers' unions. These tax breaks then also lower the overall possible contributions available for these programs (Gardner and Wamhoff 2021). Minimizing the support of important welfare programs has been perpetuated by both major political parties found within the United States, Democrats and Republicans.

### **Why We Need a Transatlantic Solution**

As implied by its name, individuals impacted by the transatlantic slave trade live across the entire world, and the many countries that benefited from slavery span beyond the United States. Therefore, a solution for the repair owed to the descendants of African slaves must be both global in its actions and domestic, specifically based on each country's participation in the slave trade and the needs and wants of the descendants of those who were enslaved who still live on these lands. As a global institution, slavery required the collective participation of multiple nations around the world. As such, reparations will *also* require a collective participation of nations around the world. At this time, while countries historically collaborated internationally to enact the slave trade, they have not yet collaborated internationally for these necessary reparations. Finally, let us discuss what has already been attempted, some recommendations for what this collaboration can look like, and what can be implemented to begin the true repair of unarguably one of the largest and longest lasting crimes in our shared world history.

### **Current UN Initiatives**

First, we wish to acknowledge the current efforts initiated and enacted by the United Nations. While not a direct solution for reparations to descendants of African slaves, we recognize that the International Convention on the Elimination of all forms of Racial Discrimination (ICERD) was adopted and opened for signature on December 21, 1965, which also resulted in the creation of the Committee on the Elimination of Racial Discrimination (CERD). We believe that the International Decade for People of African Descent, proclaimed by the General Assembly to take place between 2015-2024, is also an excellent opportunity to address some of the global ills experienced by descendants of African slaves around the world. The International Decade of People of African Descent of the United Nations states its 9-year objectives as:

1. Promote respect, protection and fulfillment of all human rights and fundamental freedoms by people of African Descent, as recognized in the Universal Declaration of Human Rights;
2. Promote a greater knowledge of and respect for the diverse heritage, culture and contribution of people of African descent to the development of societies;

3. Adopt and strengthen national, regional and international legal frameworks according to the Durban Declaration and Programme of Action and the International Convention on the Elimination of All Forms of Racial Discrimination and to ensure their full and effective implementation (United Nations, 2014).

As representatives invited by the Committee to the United States delegation, we are also encouraged by the new Permanent Forum on People of African Descent, created by the United Nations on August 2, 2021. We are very much looking forward to the first session of the Permanent Forum of People of African Descent taking place on December 5-8, 2022, in Geneva. This session, and the many sessions to follow, will be an excellent opportunity for people of the African diaspora from around the world to connect with one another and not only discuss the ongoing efforts taking place to meet the objectives established by the International Decade of People of African Descent, but also to identify what is still missing to attain these goals for the improvement of our communities everywhere.

We also acknowledge that we are in the year 2022, and as such, we are less than two years away from the end of the proclaimed International Decade of People of African Descent. Across the globe, however, we can see by the current state of people of African descent that these goals have not been met in the past 7 years in a demonstrative way that is worthy of the people this decade and its objectives were created for, especially when considering objective number 3.

Accordingly, we share our recommendations, partially based on US violations of ICERD outlined in the following section, in the final section and formally request that these necessary changes be executed within the International Decade for People of African Descent by the end of 2024 as to avoid a disappointing and unfulfilling end to the decade and more importantly, to meaningfully meet the theme proclaimed: recognition, justice and development for People of African descent.

### **United States Violations of the International Convention on the Elimination of All Forms of Racial Discrimination**

The United States signed the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) in 1966 and ratified it 1994. This means that the United States has been in agreement to the Convention for nearly three decades and has been in violation of its responsibility to this Convention for just as long. The below list briefly outlines some, not all, of these violations.

- Part 1, Article 2.1 - The United States actively discriminates against Black people through various institutions and individuals, including but not limited to the current police state, the prison industrial complex, redlining within housing,

mortgage lenders, and anti-Black statements made by public government officials (especially within but not limited to the conservative Republican Party, or GOP).

- Part 1, Article 2.2 - At this time, nine states within the United States have restricted affirmative action programs, and affirmative action programs will be nationally challenged by two upcoming Supreme Court cases in 2022. Affirmative action programs, which support efforts to equitably hire groups disenfranchised by systemic discrimination, have been critical to ultimately provide access to “equal enjoyment of human rights and fundamental freedoms.”
- Part 1, Article 3 - Racial segregation continues in the United States due to redlining, as mentioned above, which leads to inadequate resources between often-racially-divided wealthier and poorer regions. These divisions perpetuate generational poverty among Black communities who do not and/or cannot afford higher taxes so that their communities may also access improved schools.
- Part 1, Article 4 - Countless organizations “based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin” legally exist within the United States, including but not limited to the Ku Klux Klan (KKK), a white supremacist hate group that originated in 1865; the Proud Boys, a far-right, neo-fascist organization primarily composed of men established in 2016; and neo-Nazi groups such as the Daily Stormer and the National Alliance.
- Part 1, Article 5
  - Point a - There is consistent racial discrimination on multiple levels of the US justice system, from law enforcement officers to judges to juries not always being composed of “peers” (i.e., white people often being selected to judge Black people).
  - Point b - There are multiple instances of state-sanctioned police violence against Black people, who frequently experience destructive and deadly bodily harm.
  - Point c - Political rights are limited through the removal of the right to vote from prisoners, including ex-felons, who are disproportionately Black. As such, the criminalization of Black people resulting from a system of over policing ensures a racially-based lack of equal suffrage, which is further exacerbated as district lines are gerrymandered to include prison populations, which increases district population in general, despite having less eligible voters. These policy decisions increase the likelihood for the GOP, despite its proven racist history, to win.
  - Point d - A non-exhaustive list of highlighted violations include intimidation against unions, inaccessible and unaffordable housing, lack of universal healthcare resulting in private or healthcare that leads to increased comorbid health conditions and likelihood of unnecessary disability and death, lack of access to well funded and resourced schools,



and real estate and mortgage organizational norms that do not actively penalize white realtors and lenders who differentiate real estate offerings based on whether a potential homeowner is Black or not.

- Part 1, Article 6 - Expensive rates for legal aid make it difficult to access due process and potentially receive financial and legal reparation for any racial discrimination which occurs, whether in public, work, school, and other environments.
- Part 1, Article 7 - Anti-Critical Race Theory (CRT) laws are currently being enacted across the United States in multiple states, which leads to the restriction of accurate and necessary education related to the history of systemic racism within this country and as such limits the ability to challenge both historical and contemporary prejudices resulting in discrimination.

### **Recommendations for Future Actions**

Before we begin outlining the recommendations we believe necessary to support descendants of African slaves around the world via reparations, we wish to first state that all of this work, whether through the Committee, the International Decade, or the newly-established Forum, must also incorporate the needs and wants of multiply marginalized descendants of African slaves, including but not limited to women, disabled people, LGBTQI+ people, transgender/intersex people, migrants (especially undocumented people in any nation), Indigenous people, and other groups who experience intersectional lived experiences as Black people around the world.

As the delegation from the United States, we will first start with recommendations specific to the United States context. Within this context, when enacting reparations, intersectional and transformative justice must be embraced in a way that recognizes the injustice faced by both the African people displaced from their lands in Africa as human financial capital and the Indigenous people displaced from the lands stolen and occupied by the United States government. Both groups experienced a severe loss of agency as the prior were forced to work the stolen land for financial capital while the latter lost their land. These communities suffered alongside each other while facing different sources of harm. As such, we know that the solutions identified should not be at the cost and continued trauma of other communities.

First, in response to the clear violations of ICERD, we recommend that the Biden Administration develop and introduce a comprehensive plan to address all ICERD violations outlined above. At the same time as this plan is developed, we also advocate for the immediate and full funding of a national reparations plan. This national reparations plan should include a designated committee composed primarily of US American descendants of African slaves to first organize reparations actions necessary within the United States. This committee should also be expected to work in conjunction

with the United Nations to ensure that national reparations actions align with ICERD's mandates and support the goals of the International Decade of People of African Descent as well as the aims eventually established by the Permanent Forum of People of African Descent, both as related to reparations and other issues that directly impact people of African descent. Alongside this work, the committee should also plan to establish relationships with the appropriate representatives of the nations that collaborated with the United States to participate in and benefit from the transatlantic slave trade. To confirm the progress of the recommended committee's work, we request that the United Nations establish an oversight committee, also primarily led by the descendants of African slaves directly impacted by the history of slavery.

To the United Nations, we recommend the Permanent Forum on People of African Descent as an ideal opportunity through which the UN can investigate, gather information on, and implement a global solution for reparations to the descendants of African slaves. The Forum should receive devoted resources to specifically support transatlantic slave trade reparations through a community of individuals from the African diaspora as a whole. We also appeal to the United Nations to assign a dedicated role who can directly connect and collaborate with descendants of African slaves from across the diaspora. Both the Forum and such a role could be utilized to enact the actions necessary for the successful implementation of reparations both within the United States and around the world. We believe these actions would also support the goals established through the International Decade of People of African Descent.

We also suggest that CERD, the United Nations and the United States collaborate with experts already doing verifiable work and research on reparations, such as Dr. William Darity Jr., A. Kristen Mullen and Marvin Slaughter. Through their paper, "The Cumulative Calculation of Financial Reparations in the United States," they have presented calculations and formulas that account for inflation and compounded interest with account for inflation designed to address the injustices resulting from delayed reparations to descendants of Africa slaves. We advise that these formulas be reviewed and considered by the international community as a foundation for reparations calculations across the globe (Darity, Mullen, and Slaughter, 2022).

In conclusion, transatlantic reparations to the descendants of African slaves must be taken on by every country that not only participated in the transatlantic slave trade, but also continue to reap the benefits of their involvement. These recommendations are also a call to all members of the African diaspora to gather and speak up about the needs that communities face due to the largest extraction of wealth and human beings in world history. The United Nations and its leading nations have the resources and power to both support and realize global reparations to the descendants of African slaves. These actions now stand as one of the most apparent mandates of justice in global history.

## Credits

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