

# African continental reparations framework and strategies for compensation for the European slave trade, colonial exploitations and injustices

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**ABSTRACT:** The article examines the adoption of the African Continental Reparations Framework and strategies for compensation for the European slave trade, colonial exploitation and related injustices. It highlights the African Union's efforts to establish a comprehensive reparations framework focusing on systemic accountability and transformative justice for historical wrongs. Central to this study is the legal and conceptual foundation drawn from the AU's mechanisms and the UN Basic Principles. These mandates include compensation, restitution and guarantees of non-repetition, aligning with the view that slavery and colonialism violated customary international law and constitute crimes against humanity. The article outlines core reparatory measures such as compensation for economic and environmental harm caused by resource exploitation, where colonial powers extracted mineral wealth and land, enriching Europe while impoverishing Africa. It also addresses ecological degradation and climate injustice linked to colonialism. Restitution and cultural reparations are emphasised, including the return of stolen heritage, land restitution, repatriation of looted artifacts, and redressing colonial-era dispossession and its intergenerational impacts. The implementation strategy focuses on political mobilisation and global alliances through the AU's institutions and human rights mechanisms, alongside strong commitments by AU member states to enforce the mandates of the Accra 2023 reparations conference. The article concludes that integrating legal, economic and cultural remedies offers the AU a pathway to convert historical grievances into a foundation for continental unity and global justice.

## TITRE ET RÉSUMÉ EN FRANÇAIS

**Un Cadre continental africain pour les réparations et les stratégies d'indemnisation pour la traite négrière européenne, l'exploitation coloniale et les injustices connexe**

**RÉSUMÉ:** Cet article examine l'adoption du Cadre continental africain pour les réparations et les stratégies d'indemnisation pour la traite négrière européenne, l'exploitation coloniale et les injustices connexes. Il met en lumière les efforts déployés par l'Union africaine (UA) pour établir un cadre complet de réparations axé sur la responsabilité systémique et la justice transformatrice pour les torts historiques. Au cœur de cette étude se trouvent les fondements juridiques et conceptuels tirés des mécanismes de l'UA et des Principes fondamentaux et directives des Nations unies concernant le droit à un recours et à réparation des victimes de violations flagrantes des droits de l'homme. Ces mandats comprennent l'indemnisation, la restitution et les garanties de non-répétition, conformément à l'opinion selon laquelle l'esclavage et le colonialisme ont violé le droit international coutumier et constituent des crimes contre l'humanité. Le document décrit les principales mesures de réparation, telles que l'indemnisation pour les dommages économiques et environnementaux causés

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par l'exploitation des ressources, où les puissances coloniales ont extrait les richesses minérales et les terres, enrichissant l'Europe tout en appauvrissant l'Afrique. Il aborde également la dégradation écologique et l'injustice climatique liées aux activités coloniales et multinationales. L'accent est mis sur la restitution et les réparations culturelles, notamment la restitution du patrimoine volé, la restitution des terres, le rapatriement des objets pillés et la réparation des spoliations de l'époque coloniale et de leurs répercussions intergénérationnelles. La stratégie de mise en œuvre se concentre sur la mobilisation politique et les alliances mondiales par le biais des institutions et des mécanismes des droits de l'homme de l'UA, parallèlement à des engagements fermes des États membres de l'UA à appliquer les mandats de la conférence d'Accra 2023 sur les réparations. Le document conclut que l'intégration de recours juridiques, économiques et culturels offre à l'UA un moyen de transformer les griefs historiques en fondement de l'unité continentale et de la justice mondiale.

## TÍTULO E RESUMO EM PORTUGUÊS

### **Um Quadro Continental Africano de Reparações e as estratégias de compensação pelo tráfico de escravos europeu, pela exploração colonial e pelas injustiças relacionadas**

**RESUMO:** O artigo examina a adoção do Quadro Continental Africano de Reparações e as estratégias de compensação pelo tráfico de escravos europeu, pela exploração colonial e pelas injustiças relacionadas. Destaca os esforços da União Africana (UA) para estabelecer um quadro abrangente de reparações com foco na responsabilização sistêmica e na justiça transformadora por erros históricos. No centro deste estudo está a base jurídica e conceitual extraída dos mecanismos da UA e dos Princípios e Diretrizes Básicos da ONU sobre os direitos à reparação e indenização para vítimas de violações graves dos direitos humanos. Esses mandatos incluem indenização, restituição e garantias de não repetição, alinhando-se com a visão de que a escravidão e o colonialismo violaram o direito internacional consuetudinário e constituem crimes contra a humanidade. O documento descreve medidas reparatórias essenciais, como a compensação por danos econômicos e ambientais causados pela exploração de recursos, em que as potências coloniais extraíram riquezas minerais e terras, enriquecendo a Europa e empobrecendo a África. Ele também aborda a degradação ecológica e a injustiça climática ligadas às atividades coloniais e das empresas multinacionais. A restituição e as reparações culturais são enfatizadas, incluindo a devolução do patrimônio roubado, a restituição de terras, o repatriamento de artefatos saqueados e a reparação da expropriação da era colonial e seus impactos intergeracionais. A estratégia de implementação concentra-se na mobilização política e nas alianças globais por meio das instituições e dos mecanismos de direitos humanos da UA, juntamente com fortes compromissos dos Estados-membros da UA para fazer cumprir os mandatos da conferência de reparações de Accra 2023. O documento conclui que a integração de soluções jurídicas, econômicas e culturais oferece à UA um caminho para converter as queixas históricas em uma base para a unidade continental e a justiça global.

**KEY WORDS:** reparations; African continental reparations framework; slave trade; ecological degradation

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**1 INTRODUCTION**

The trans-Atlantic slave trade and colonial exploitation represent two interconnected historical injustices that profoundly shaped African societies, with enduring impacts visible today. These systems of exploitation extracted human and material resources, disrupted social structures and entrenched economic dependencies that continue to affect the continent.

The trans-Atlantic slave trade was the largest forced migration in history. Between the sixteenth and nineteenth centuries, approximately 12 to 15 million Africans were forcibly transported to the Americas, with an estimated 2 million dying during the Middle Passage due to overcrowding, disease and brutal conditions.<sup>1</sup> European powers such as Britain, Portugal and Spain orchestrated this trade, exchanging weapons and goods for enslaved individuals captured through raids, wars of conquest, and sold by African intermediaries, local chiefs and warlords. Major West African regions, including modern-day Nigeria, Senegal, The Gambia, Ghana, Sierra Leone, Benin and the Democratic Republic of the Congo (DRC), were disproportionately targeted. Historically, in 1492, Christopher Columbus sailed across the Atlantic on behalf of the Spanish crown and arrived in the Caribbean. This discovery made Europeans aware of the Americas for the first time and how it could provide economic benefits. In the aftermath of this voyage, Portugal and Spain began to develop colonies. This meant that they took control of territories in the Americas in places such as Peru, Mexico and Hispaniola, imposing their customs and beliefs. They coerced indigenous peoples into slavery, compelling them to mine gold and silver and to cultivate crops. This allowed European countries to increase their power and expand their empires. From 1500 onwards, Portuguese and Spanish traders began to take slaves from West and Central Africa to the new colonies (New World) in the Americas. The trans-Atlantic slave trade started and continued for over 300 years. According to the historian Robin Blackburn, during this time, the enslaved people crossing the Atlantic outnumbered free European migrants with a ratio of four to one.<sup>2</sup>

During the 1500s, the ‘Triangular Trade’ was the name given to the three main voyages of the trans-Atlantic slave trade. British slave

1 BBC ‘The Trans-Atlantic slave trade overview’ BITESIZE, <https://www.bbc.co.uk/bitesize/articles/zfkfn9q> (accessed 2 May 2025).  
2 Royal Museum Greenwich ‘Atlantic worlds: enslavement and resistance’, <https://www.rmg.co.uk/stories/topics/history-transatlantic-slave-trade> (accessed 4 May 2025).

traders sailed from ports of Glasgow, Liverpool and Bristol to West Africa. The captured West African slaves were exchanged for goods such as guns, spirits, cloth, iron and beer. These trafficked people were then taken across the Atlantic to be sold in the West Indies and North America. This journey is known as the Middle Passage. It is estimated that over 2 million Africans died during the journey, due to the horrific conditions on board the ships. Another source has it that overcrowding, poor diet, dehydration and disease led to high death rates, estimated at 450 000 of the 3,4 million Africans transported in British ships crossing the Atlantic. Those who resisted by refusing food and water were beaten and force-fed. Attempts at more violent, organised rebellion were even more severely punished. Some people preferred death to slavery and committed suicide during the voyage or later. It is important to note that the objective of this article is to analyse frameworks and propose strategies for restitutions, compensation, rehabilitation, satisfaction, and guarantees of non-repetition to the people of African descent who suffered from the slave trade.

## 2 HISTORICAL FOUNDATIONS OF THE REFORM MOVEMENT

The movement for reparations for slavery, colonialism and related injustices has evolved into a coordinated, global campaign involving African nations, the African diaspora and international organisations. The movement for reparations has deep roots, with advocacy dating back to the late nineteenth and early twentieth centuries, including the activism of Callie House and the National Ex-Slave Mutual Relief, Bounty and Pension Association and, later, the Universal Negro Improvement Association (UNIA) led by Marcus Garvey.<sup>3</sup> Throughout the twentieth century, various organisations and individuals in the United States (US) and globally advocated reparations, linking the struggles of African-Americans to broader pan-African and anti-colonial movements.<sup>4</sup> The movement for reparations has evolved from localised and national campaigns into a coordinated, global effort. Major events such as the Abuja Reparation Conference in 1993,<sup>5</sup> the Durban World Conference on Racism in 2001 and the Accra Proclamation and Reparation Conference of 2023<sup>6</sup> have marked turning points, catalysing unified positions and strategies at

3 Atlantic Daily World 'Reparation: a timeline and distillation' *ADW News* 17 June 2019, <https://atlantadailyworld.com/2019/06/17/reparations-a-timeline-distillation/> (accessed 3 May 2025).

4 HM Beckles 'From local movements to global movements: reparations mechanism and a development framework' *The UN Chronicle* 25 March 2024, <https://www.un.org/en/local-moments-global-movement-reparation-mechanisms-and-development-framework> (accessed 3 May 2025).

5 Declaration of the First Abuja Pan-African Conference on Reparations for African Enslavement, Colonisation and Neo-Colonisation, sponsored by the Organisation of African Unity and its Reparations Commission, 27-29 April 1993, Abuja, Nigeria.

continental and international levels. Again, in recent times, the United Nations General Assembly (UNGA) declared the International Decade for People of African Descent in December 2013, launching it on 1 January 2015 under the theme 'People of African descent: recognition, justice and development'. Throughout this ten-year period, United Nations (UN) member states pledged to address and eliminate racism and other systemic injustices faced by people of African descent. These injustices include the trans-Atlantic slave trade and colonialism, whose lasting impacts, such as persistent poverty, racial discrimination, environmental harm, and the broader underdevelopment of African communities are evident.<sup>7</sup> The ongoing expansion of the movement reflects both the enduring legacy of historical injustices and the increasing demand for justice and systemic change worldwide.<sup>8</sup>

### 3 CONCEPTUAL AND LEGAL FOUNDATION: THE UN BASIC PRINCIPLES

The UN principles of restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition are crucial frameworks in addressing the aftermath of historical crimes such as slavery and colonialism. These principles constitute a comprehensive rights-based approach to justice, acknowledging the multifaceted harms inflicted by the European slave trade and colonialism on African peoples. These principles help to address the long-term injustices and offer pathways for redress. The following are the conceptual clarifications needed to ensure clarity regarding key terms and concepts that will run through this article, such as slavery, reparation, reparatory justice, compensation, rehabilitation, satisfaction and guarantees of non-repetition, which are synonymous with the subject matter of the article.

A slave can be narrowly described as a person considered the legal property of someone else or, more broadly, as someone completely controlled by another person or influence. Slave trade refers to the business of obtaining, transporting and selling slaves, particularly the historical trans-Atlantic trade that brought Africans to America. Defining a slave as legal property suggests that the governments involved in this trade sanctioned this. The wider concept of slavery also captures Africa's post-independence neo-colonial era, during which African nations remain economically, politically and ideologically dominated, treated as mere price takers in a concentrated global market. Consequently, Africa's developmental history since the 1400s

6 Accra Reparations Conference 14-17 November 2023, <https://mobile.ghana.gov.gh/GhanaHomePage/business/Ghana-to-host-inaugural-Accra-Reparations-Conference-in-November-2023-1868957?gallery=1> (accessed 4 May 2025).

7 JA Mavedzenge 'Towards a framework of reparatory measures for the enslavement and colonisation of the African people' (2024) 24 *African Human Rights Law Journal* 398; see Resolution 68/237, adopted by the 68th session of the United Nations General Assembly, 23 December 2013.

8 African Union 'Concept note on the African Union Theme of the Year for 2025' Executive Council 45th ordinary session 19 June-19 July 2024 Accra, Ghana, EX.CL/1528(XLV) Rev.1.

can be seen as encompassing three forms of slavery, namely, captive slavery, colonial slavery and neo-colonial slavery.<sup>9</sup>

The term 'reparation' is often mistaken for its plural form 'reparations', which carries a completely different meaning. Reparations, in the plural, arise from power imbalances where the defeated party, though not always the aggressor, is forced by the victor to pay compensation. This process is detached from justice and can even promote injustice by incentivising aggression. In contrast, the singular 'reparation' refers to restitution intended to compensate, appease and help the victim to heal and avoid future retaliation. It is rooted in justice and atonement following the aggressor's acknowledgment of wrongdoing. Because slavery is recognised by perpetrators as a crime against humanity, reparations to Africans are inherently justified. When such reparations are made, the African diaspora loses any justification for retaliation. If reparations are withheld, especially given that similar compensation has historically been provided to other groups, it implies that Africans have been denied justice or subjected to discrimination, thereby legitimising retaliatory actions against the perpetrators at any time.<sup>10</sup> The term 'reparations' denotes the entitlement under international human rights law to receive compensation or remedy by individuals who have suffered harm. 'Reparatory justice' is closely connected to this right and encompasses a wider, more inclusive strategy aimed at addressing the underlying causes of harm and systemic injustices to promote extensive social and political transformation. There is no single approach towards explaining the term 'reparations' or reparatory justice processes, but they must at minimum meet the following standards to comply with international human rights norms: prioritise survivors and victims, while being guided by the affected communities; strive to acknowledge historical injustices that continue to cause harm; and pursue accountability and remedies for those injustices.<sup>11</sup>

Restitution involves restoring the victim's rights or status which, in the context of slavery and colonialism, can mean the return of land, cultural artifacts, or recognition of suffering. It aims to repair the material and symbolic violations inflicted by colonial powers or slave traders.<sup>12</sup>

Compensation refers to providing financial or material reparations for damages suffered. It recognises the enduring economic and social disadvantages faced by descendants of enslaved peoples and colonised

9 DT Osabu-Kle 'The African reparation cry: rationale, estimate, prospects, and strategies' (2000) 30 *Journal of Black Studies* 331.

10 Osabu-Kle (n 9) 332.

11 Q&A 'Reparations for historical and ongoing colonial atrocities' 4 September 2025, <https://www.hrw.org/news/2025/09/04/qa-reparations-for-historical-and-ongoing-colonial-atrocities> (accessed 29 October 2025).

12 United Nations 'Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law' United Nations Human Rights, OHCHR, adopted 16 December, 2005.GA Res. 60/147.

populations. Compensation aims to acknowledge these lasting inequalities and support their redress.<sup>13</sup>

Rehabilitation focuses on restoring the dignity and well-being of victims through social, psychological and legal support. For victims of slavery and colonialism, rehabilitation means addressing intergenerational trauma, fostering social inclusion, and ensuring access to justice and healthcare services.<sup>14</sup>

Satisfaction entails measures such as official apologies, memorialisation, truth telling, and acknowledgment of past abuses. These acts aim to acknowledge the suffering, foster healing, and restore dignity, thereby contributing to societal reconciliation.<sup>15</sup>

Guarantees of non-repetition are measures to prevent the recurrence of such crimes in the future. In the case of slavery and colonialism, this includes legal reforms, education and policies aimed at dismantling systemic inequalities rooted in these histories.<sup>16</sup>

According to the UN Guidelines, these principles recognise that slavery and colonialism are crimes against humanity and have long-lasting effects that sustain racial, social and economic disparities. Implementing these principles is essential for redressing historic injustices, fostering reconciliation and building societies based on justice, equality and solidarity. Furthermore, these principles emphasise that reparations are not solely about material compensation but involve a broader process of acknowledgment, truth and systemic change, which is vital for addressing the legacies of these crimes and preventing their reoccurrence. These different forms of reparations and strategies exist as outlined in the UN Basic Principles and Guidelines on the Right to a Remedy, and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (UN Basic Principles).<sup>17</sup>

#### **4 APPLYING THE FRAMEWORK FOR COLONIALISM AND SLAVE TRADE REPARATION FOR AFRICA**

Before discussing the application of the framework for colonial and slave trade reparation for Africa, reference will be made to the work of Mavedzenge. He stated that the claim for reparations was given a push

13 United Nations Basic Principles (n 12) paras ix(20)(a)-(e).

14 CS Villalba *Rehabilitation as a form of reparation under international law: the redress* (2009) 11.

15 Basic Principles (n 12) paras ix (22)(a)-(h); see UN General Assembly 'Implementation of the International Decade for People of African Descent' Report of the Secretary-General, Implementation of the International Decade for People of African Descent A/78/317, 18 August 2023 10-16.

16 Basic Principles (n 12) paras ix(23)(a)-(h).

17 Global Survivors Fund 'What is reparation', <https://www.globalsurvivorsfund.org/why-we-exist/what-is-reparation/> (accessed 15 May 2025).

through the influence of the work of Rodney, which addressed the issue of ‘underdevelopment school of thought’. As articulated by Rodney:<sup>18</sup>

Underdevelopment is not absence of development, because every people have developed in one way or another and to a greater or lesser extent. Underdevelopment is comparing levels of development. It is very much tied to the fact that human social development has been uneven and from a strictly economic viewpoint some human groups have advanced further by producing more and becoming wealthier. The moment that one group appears to be wealthier than others, some enquiry is bound to take place as to the reason for the difference.

Furthermore, Rodney contends that Africa’s underdevelopment, in contrast to Europe, stems directly from European exploitation. He maintains that slavery and colonialism led to Africa’s stagnation and simultaneously enriched countries in the Global North by forcibly removing African labour and extensively plundering its natural resources. Rodney’s ‘underdevelopment school of thought’ builds upon Williams’s foundational work from 1944,<sup>19</sup> which established that the enslavement of Africans was pivotal to the emergence and maintenance of capitalist societies in the Global North. Considerable evidence demonstrates that Africa’s natural resources, especially minerals, were expropriated to facilitate the advancement of colonial powers such as Britain, Belgium and France.<sup>20</sup>

The UN defined ‘reparations’ as measures adopted by the government to repair violations of human rights by providing a range of material and symbolic benefits to victims or their families as well as affected communities and society as a whole. The UN names these necessary components of something to qualify as reparations: restitution, compensation, rehabilitation and satisfaction.<sup>21</sup>

Reparations for slavery applies the United Nations reparations framework to the human rights violations of chattel slavery in the United States and its legacies for victims of slavery and/or their descendants. There are distinct conceptions of reparations in legal philosophy and in transitional justice. Reparations can take many forms, including practical and financial assistance to the descendants of enslaved people, acknowledgments or apologies to peoples or nations negatively affected by slavery, or honouring the memories of people who were enslaved by naming things after them. ‘Victims of slavery’ can refer to past slavery or ongoing slavery in the twenty-first century. Reparations under international law are grounded in principles aimed at addressing harm from gross human rights violations and serious breaches of humanitarian law. The 2005 UN Basic Principles and Guidelines (Resolution 60/147) codify these principles, outlining five core forms of reparations and emphasising

18 W Rodney *How Europe underdeveloped Africa* (1972) 25, cited in Mavedzenge (n 7).

19 E Williams *Capitalism and slavery* (1944), cited in Mavedzenge (n 7).

20 Mavedzenge (n 7) 399–400.

21 Wikipedia ‘Reparations for slavery’, [https://en.wikipedia.org/wiki/Reparations\\_for\\_slavery](https://en.wikipedia.org/wiki/Reparations_for_slavery), (accessed 8 May 2025).



state responsibility while recognising non-state actor liability.<sup>22</sup> The framework derives from state responsibility for wrongful acts under international law, as articulated in the Draft Articles on State Responsibility 2001. Reparations are a victim's right, requiring states to provide redress proportional to the harm caused. This applies to violations such as like torture, systemic discrimination or war crimes.<sup>23</sup>

#### **4.1 Forms of reparations and strategies under the United Nations Basic Principles**

Different forms of reparations and strategies exist as outlined in the UN Basic Principles and Guidelines on the Right to a Remedy, and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.<sup>24</sup>

##### **4.1.1 Restitution**

This involves actions aimed at restoring the victim to their prior state, for example, by returning land or assets that were seized. This type of reparation is favoured, while other forms, such as compensation, generally apply when restitution is not feasible or adequate.<sup>25</sup> An example is the South African land reform programme which included restitution of land that was confiscated from black people during colonial rule and under apartheid.<sup>26</sup> Restitution should focus on survivors' right to the circumstances in which they were before the violence, including restoration of the enjoyment of human rights, including civil status, employment, access to education, land and property.<sup>27</sup> It aims at restoring victims to their original situation as far as possible or to their pre-violation status, including reinstating liberty, citizenship, employment or property, for the purpose of policies. Most courts have recommended the order of restitution because it is always the preferred one as it aims to fully restore the victim to their original state prior to the violation. This may include measures such as restoration of liberty, property, employment and benefits, restoration of parental rights, and expunging criminal records.<sup>28</sup>

22 Basic Principles (n 12).

23 As above. See also <https://oag.ca.gov/system/files/media/ch14-ca-reparations.pdf> (accessed 13 May 2025).

24 Global Survivors Fund (n 17).

25 M Abraham 'Reparations: an opportunity for transformative justice', <https://www.somo.nl/reparations-an-opportunity-for-transformative-justice/> (accessed 27 October 2025).

26 South African Government Land Reform Natives Land Act 1913. The Land Act was finally repealed when the Abolition of Racially Based Land Measures Act 108 of 1991 came into force on 30 June 1991.

27 Global Survivors Fund (n 17).

28 African Court on Human and Peoples' Rights *Comparative study on the practice and law of reparations for human rights violations* (Registry of the African Court on Human and Peoples' Rights, September 2019) ix; see the cases of *Konate v Burkina Faso* Application 4/2013, African Court on Human and Peoples' Rights,

The article argues that the difficulties in quantifying the economic and moral damages caused by slavery and colonialism centuries ago stem from several factors: the long temporal distance complicates accurate economic valuation; the widespread and diverse forms of exploitation, including forced labour and resource extraction, create challenges in measurement; the lack of comprehensive historical data and records; and the intangible character of moral harms arising from human suffering, social dislocation and cultural destruction, which cannot be reduced to financial metrics. Additionally, the enduring demographic and social consequences, such as loss of population and disrupted societal development, compound the complexity of assessment. These issues require multifaceted approaches to capture the full scale of the harm done.<sup>29</sup>

#### **4.1.2 Compensation**

Compensation is the most well-known element of reparations, involving payment for any economically assessable damage. For example, during World War II, the US government paid US \$1,6 billion to over 80 000 people of Japanese descent whom it had rounded up and incarcerated in concentration camps in the US.<sup>30</sup>

#### **4.1.3 Rehabilitation**

In addition to an award of compensation, an order to provide rehabilitation may be necessary depending on the nature of the harm suffered. It is the kind of preparation that needs to include medical, psychological and social support. It provides survivors with all the essential services required to live their lives in a dignified way, including medical and psychological care, legal and social services, housing, and economic support through education and employment opportunities.<sup>31</sup>

#### **4.1.4 Satisfaction**

Satisfaction involves those measures that acknowledge forms of violations and it is intended to end any continuing violations, and restore the dignity and reputation of the victim.<sup>32</sup> It includes the

Judgment on Reparations para 15 (3 June 2016) ('A state found liable of an internationally wrongful act is required to make full reparation for the damage caused'); *Mtikila v Tanzania* Application 11/2011, African Court on Human and Peoples' Rights, Ruling on Reparations, paras 45-46 (13 June 2014); *Zongo v Burkina Faso* Application 13/2011, African Court on Human and Peoples' Rights, Judgment on Reparations para 100 (5 June 2015); and *Mamboleo Itundamilamba v Democratic Republic of Congo* Comm 302/05, African Commission on Human and Peoples' Rights, Decision, para 133 (18 October 2013).

29 Mavedzenge (n 7) 403-404.

30 Abraham (n 25).

31 Global Survivors Fund (n 17).

32 See African Commission on Human and Peoples' Rights General Comment 4 para 44.

recognition of the status of individuals and communities as survivors of violations;<sup>33</sup> actions to end ongoing violations; establishing the truth through different fact-finding initiatives; official declarations restoring the dignity of survivors, such as a judgment handed down by a court; public apologies or acknowledgments of responsibility;<sup>34</sup> commemoration and tributes to the victims; and issuing appropriate sanctions against perpetrators. It is a *formal apology*, truth commission, acknowledgment of harm. Satisfaction measures also help to recover the memory of the victims, re-establish their reputation, console their next of kin or transmit a message of official condemnation of the human rights violations in question and commitment to the efforts to ensure that they do not happen again.<sup>35</sup>

In 1991, Mr Patricio Aylwin, Chile's former President, publicly apologised during a nationwide televised ceremony for the human rights abuses carried out by the state under General Pinochet's regime. This apology accompanied the presentation of the Rettig Commission's report, which detailed the violations and offered recommendations for reparations and measures to avoid future abuses.<sup>36</sup> It is important to state that companies have issued apologies for their involvement in supporting the slave trade. For instance, Lloyds of London expressed regret and, in 2023, committed \$50 million in recognition of its part, which involved providing insurance for slave-carrying voyages and even the treatment of slaves as cargo. While the apology and pledge fall short of full reparations, they may have been influenced by legal challenges and new incriminating evidence revealing the company's role in sustaining the slave. In 2011, victims of the Mau Mau uprising in Kenya filed a petition in a British High Court seeking compensation for the suffering they endured in British detention camps. The British government challenged the petition, asserting that the claimants lacked the legal standing to bring their case before British courts. However, the Court decided that the Mau Mau victims were entitled to pursue compensation through British courts. Due in part to the pressure from the legal proceedings, the British government entered into an out-of-court settlement with the claimants, agreeing to pay £19.9 million to 5 228 victims.<sup>37</sup>

In 2023, seven UN Special Rapporteurs reminded the German and Namibian governments of their obligations under international human rights law, which recognised, contrary to the governments' arguments,

33 See *Mtikila* (n 28); *Zongo* (n 28).

34 *Groupe de Travail sur les Dossiers Judiciaires Stratégiques v Democratic Republic of Congo*, Comm 259/2002, African Commission on Human and Peoples' Rights para 92 (24 July 2011). See also *Hadi v Sudan* Comm 368/09, African Commission on Human and Peoples' Rights para 93(ii)(a) (5 November 2013).

35 African Court *Comparative Study* (n 28) 58. See the case of the 'Street children', *Villagran-Morales & Others v Guatemala* Inter-American Court of Human Rights, Judgment (Reparations and Costs) para 84 (26 May 2001).

36 Abraham (n 25).

37 R Paulose & R Rogo 'Addressing colonial crimes through reparations: the Mau Mau, Herero and Nama' (2018) 7 *State Crime Journal* 369; see also Mavedzenge (n 7) 416-417.

the right to reparations for the Nama and Ovaherero peoples due to the ongoing impacts of Germany's colonial era genocide. However, on 14 August 2025, in response to a parliamentary question, the German government asserted that, since German colonial atrocities at the time did not violate international law, the concept of reparations was 'not applicable in the context of Germany's colonial past'. This stance starkly contrasts with Germany's position that paved the way for reparations related to Nazi atrocities. By selectively invoking the principle, Germany appears to apply a double standard, which risks setting a dangerous precedent that other governments may follow.<sup>38</sup>

#### **4.1.5 Guarantees of non-repetition**

Guarantees of non-repetition require structural reforms to prevent recurrence. They are actions that address the structural causes of violations, including any kind of discrimination, and that seek to ensure that others do not suffer in the same way as survivors have suffered. This can be through law reform, human rights training for law enforcement officials, or sensitisation campaigns for communities.<sup>39</sup> Generally, the 'overall aim of guarantees of non-repetition is to break the structural causes of societal violence, which are often conducive to an environment in which human rights violations take place and are not publicly condemned or adequately punished'.<sup>40</sup> It is suggested that concrete structural reforms to guarantee non-repetition include legal and institutional reforms to uphold human rights, economic reforms targeting dependency and exploitation, reparative justice to foster reconciliation and social transformation, and governance reforms to enhance oversight and inclusion. These combined measures create a robust framework to prevent recurrence of historical injustices linked to slave trade and colonialism.

## **5 A UNIQUE DIMENSION: ENVIRONMENTAL REPARATIONS AND CLIMATE JUSTICE**

### **5.1 The Abuja Declaration of 1993 on Reparations to Africa**

The Abuja Declaration, also known as the Abuja Proclamation, was issued at the First Pan-African Conference on Reparations held in Abuja, Nigeria, from 27 to 29 April 1993.<sup>41</sup> Organised by the Organisation of African Unity (OAU) (now the African Union (AU)) and its Group of Eminent Persons (GEP), the Declaration marked a pivotal

38 Q&A (n 11).

39 Global Survivors Fund (n 17)

40 *Rashidi v Tanzania* Application 9/2015 para 149 (28 March 2019).

41 Declaration (n 5).

moment in the global movement for reparations for African enslavement, colonisation and neo-colonialism.<sup>42</sup>

The First Pan-African Conference on Reparations, resulting in the Abuja Proclamation, was a watershed moment. It called for global recognition of a 'unique and unprecedented moral debt owed to the African peoples', and demanded the return of stolen cultural property, debt cancellation, and greater African representation in international bodies. This was the first unified position by African political leadership on reparations.<sup>43</sup>

### **5.1.1 Essential features of the Abuja Proclamation**

#### **Recognition of harm**

The Proclamation asserted that the damage inflicted on African peoples through slavery, colonisation and neo-colonialism is not merely historical but continues to manifest in the lives, economies and societies of Africans and the African diaspora worldwide from Harlem to Harare, and from Guinea to Guyana.

#### **Moral debt**

The Abuja Proclamation called on the international community to recognise a unique and unprecedented moral debt owed to African peoples, which remains unpaid. The Declaration compared the African case to other groups who had received reparations, such as Jewish victims of the Holocaust and Japanese-Americans interned during World War II.

#### **Nature of reparations demanded**

Reparations generally take five forms, namely, financial compensation; return of cultural property; debt cancellation; institutional support; and right of return. The Abuja Declaration on Reparations advocated cash transfers and debt annulment for African countries and diaspora communities, especially in the Caribbean and the Americas.<sup>44</sup> It called for the return of looted African artifacts, such as the Benin bronzes, to their rightful owners. The document demanded the cancellation of Africa's external debt, which was seen as a legacy of colonial

42 INOSAAR 'The First Pan-African Conference on Reparation', <https://www.dtest.hss.ed.ac.uk/in/timeline/first-pan-african-conference-reparations> (accessed 16 April 2025).

43 Declaration (n 5); see African Union (AU) 'Concept note' (n 8).

44 A Adebajo 'From Abuja to Durban – Africa's 30-year quest for reparations' *The Gleaner* 30 April 2023, <https://jamaica-gleaner.com/article/focus/20230430/adekeye-adebajo-abuja-durban-africas-30-year-quest-reparations> (accessed 17 May 2025).

exploitation.<sup>45</sup> The Proclamation included technology transfer, support for education and health care, and greater African representation in global institutions such as the World Bank, the International Monetary Fund (IMF), and a permanent seat on the UN Security Council. The Declaration requested that African states recognise the right of return for diaspora Africans wishing to resettle in their ancestral homelands. The following are some basic concepts that are enshrined under the Abuja Proclamations/Declarations.

### **Restitution and accountability**

The Abuja Declaration condemned slavery and colonialism as crimes against humanity and urged former colonial powers to acknowledge their historical responsibility and take concrete steps toward restitution.<sup>46</sup>

### **Pan-African unity and advocacy**

It emphasised the need for united action by Africa and its diaspora, calling for the mobilisation of African societies and diaspora communities to press for reparations, and for the AU to grant observer status to diaspora groups working on restitution.<sup>47</sup>

### **Catalyst for global movement**

The Proclamation revitalised the reparations discourse, institutionalising it as a pan-African priority and inspiring subsequent efforts, such as the Africa Reparations Movement and later declarations such as the Accra Proclamation.<sup>48</sup>

#### **5.1.2 Legal implications of the Abuja Proclamation**

The Abuja Declaration is regarded as a foundational document in the modern reparations movement. While it faced resistance from Western powers and internal divisions within Africa, it established reparations as a legitimate and urgent demand, framing these as a matter of justice, development and global solidarity for Africans and people of African descent worldwide.<sup>49</sup>

45 A Adebajo 'UP expert opinion: Africa's 30-year struggle for reparations continues' *University of Pretoria News* 3 May 2023, [https://www.up.ac.za/news/post\\_3144285-up-expert-opinion-africas-30-year-struggle-for-reparations-continues](https://www.up.ac.za/news/post_3144285-up-expert-opinion-africas-30-year-struggle-for-reparations-continues) (accessed 14 May 2025).

46 B Onditi 'Revitalizing reparation discourse through historical and contemporary praxis' HORN: International Institute for Strategic Studies, 10 March 2025, <https://horninstitute.org/revitalizing-reparations-discourse-through-historical-and-contemporary-praxis/> (accessed 16 May 2025).

47 As above.

48 INOSAAR (n 42).

49 Onditi (n 46).

The Abuja Proclamation of 1993 is a form of soft law considered visionary in calling for the return of looted African artifacts to their rightful owners, which the French, German and British governments have recently started to do. The document further called on the OAU/AU to grant observer status to diaspora groups working on restitution. The Declaration emphasised that Western countries that had benefited from four centuries of free slave labour and a century of colonial exploitation must repair this damage. It advocated cash transfers and debt annulment for African countries and diaspora states and communities across the Caribbean and the Americas. Abuja further called for greater African representation in institutions of global governance such as the World Bank and IMF and a permanent seat for Africa on the UN Security Council.<sup>50</sup>

## 5.2 Durban World Conference Against Racism 2001

The Durban Conference on Racism, officially named the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, took place in Durban, South Africa, from 31 August to 8 September 2001 under the auspices of the UN.

The World Conference Against Racism (WCAR) brought the issue of reparations to a global forum. African leaders demanded international compensation schemes and a development reparation fund, emphasising that Africans had yet to be adequately redressed for crimes against humanity such as the slave trade and colonialism.<sup>51</sup> The conference covered several controversial issues, including redress for trans-Atlantic slavery and the second-class citizenry issue in Palestine-Israel.

The 2001 WCAR, also known as Durban I, prominently brought the issue of reparations for slavery and colonialism to the international stage. The conference addressed the legacy of trans-Atlantic slavery and colonialism, acknowledging that these historical injustices have contributed to ongoing poverty, marginalisation and economic disparities, particularly in Africa and the developing countries of the Americas.

The conference's Final Declaration and Programme of Action included language recognising the moral outrage of slavery and colonialism and their status as crimes against humanity today, but it carefully avoided retroactively applying this principle to the era before such legal concepts existed. This wording was a compromise designed to satisfy African nations without legally imposing reparations on former colonial powers. Reparations were one of the most controversial

<sup>50</sup> As above.

<sup>51</sup> United Nations 'Peace, dignity and equality on a healthy planet', <https://www.un.org/WCAR/pressreleases/rd-d24.html> (accessed 4 April 2025). See United Nations 'Question of Palestine, acknowledgment of past, compensation urged by many leaders in continuing debate at racism conference' RD/D/24, adopted 2 September 2001, <https://www.un.org/unispal/document/auto-insert-214067/> (accessed 5 May 2025).

topics at WCAR. Some African leaders opposed monetary reparations, viewing the effects of slavery and colonialism as beyond financial evaluation. South Africa, as the host, preferred focusing on practical aid programs rather than reparations to maintain domestic reconciliation and international support. Despite these tensions, consensus was reached to include reparations-related language in the Declaration, although the issue remained sufficiently contentious to contribute to the withdrawal of the US and Israel from the conference over other disputes.<sup>52</sup>

In parallel, the NGO Forum associated with WCAR adopted a stronger stance on reparations, explicitly calling for compensation for victims of slavery and colonialism, particularly the trans-Atlantic slave trade. African-American organisations played a key role in pushing for reparations to be included in the intergovernmental documents, criticising the US government for avoiding the issues.<sup>53</sup>

The US government opposed explicit reparations demands, viewing references to trans-Atlantic slavery in draft documents as selective and unbalanced. The US favoured a forward-looking approach focusing on contemporary racism rather than historical reparations, and it refused to apologise or accept legal responsibility for slavery.<sup>54</sup>

The WCAR was a landmark event that brought reparations for slavery and colonialism into international discourse, balancing recognition of historical injustices with political and diplomatic sensitivities. While the official Declaration acknowledged the enduring impact of these injustices, it stopped short of mandating reparations, reflecting the complex global negotiations and divergent national positions at the conference.

### 5.3 Accra Reparation Conference 2023

The Accra Reparation Conference, held in Ghana from 14 to 17 November 2023, marked a significant milestone in the global movement for reparations for historical injustices related to slavery and colonialism. This summit brought together delegates from across Africa, the Caribbean and the wider African diaspora to establish a united front in advancing the cause of reparatory justice. The conference culminated in several landmark resolutions, including the establishment of a Global Reparation Fund and the adoption of the Accra Proclamation on Reparations, setting a new course for reparations advocacy on the international stage. The inaugural Accra

52 AR Speight 'Xenophobia and related intolerance' Africa Film Festival New York, 23 July 2014.

53 As above. NAACP Resolution 2001 submitted under article X, section 2 of the Constitution of the National Association for the Advancement of Coloured People (NAACP), [https://naacp.org/sites/default/files/documents/Resolutions%202001\\_final.pdf](https://naacp.org/sites/default/files/documents/Resolutions%202001_final.pdf) (accessed 20 May 2025).

54 Speight (n 52); CRS Report for Congress 'The 2009 UN Durban Review Conference: Follow-Up to the 2001 UN World Conference Against Racism' Order Code RL34754, 20 November 2008.



Reparations Conference, co-organised by the AU and the Ghanaian government, aimed to unify and advance the reparations agenda.<sup>55</sup> The conference established an African Committee of Experts to develop a Common African Position on Reparations and an African Reparatory Programme of Action, seeking to consolidate efforts and forge a united front for reparatory justice.<sup>56</sup>

The Accra Reparations Conference emerged as a critical development in the long-standing movement for reparatory justice for victims of the trans-Atlantic slave trade and colonial exploitation. Officially titled International Conference on Building a United Front to Advance the Cause of Justice and Reparations to Africans, the event was co-organised by the government of Ghana and the AU.<sup>57</sup> The summit represented a continuation of previous global efforts at addressing historical racial injustices, building on the groundwork laid by the Abuja conference in 1993 and the Durban conference in 2001.<sup>58</sup> The conference gained particular significance as it was convened in the aftermath of the global Black Lives Matter protests, which brought renewed international attention to issues of systemic racism and historical injustice.<sup>59</sup> The timing of this conference was strategic, occurring during a period of growing global consciousness about racial inequities and historical accountability. It also followed the February 2023 endorsement by the thirty-sixth ordinary session of the Assembly of Heads of State and Government of the AU of Ghana's proposal to host such an international conference.<sup>60</sup>

According to Umubyeyi, the Accra summit distanced itself from this Eurocentric perspective of reparations and put African actors back at the heart of the process. They will no longer be confined to the role of spectators who are occasionally invited to give their opinion. African civil society members, researchers and heads of state are actors who will formulate their expectations. Furthermore, this summit puts more structural issues, such as the rebuilding of governance systems and international solidarity systems, at the heart of the debate on reparations. In this sense, the Accra summit moves the reparations debate beyond simple actions of restitution of cultural heritage or human remains to more ambitious actions.<sup>61</sup>

55 'Ghana to host inaugural Accra reparations conference in November 2023' ARC 14-17 November 2023, <https://mobile.ghanaweb.com/GhanaHomePage/business/Ghana-to-host-inaugural-Accra-Reparations-Conference-in-November-2023-1868957?gallery=1> (accessed 5 May 2025).

56 AU 'Concept note' (n 8).

57 AU 'International Conference on Building a United Front to Advance the Cause of Justice and Reparations to Africans' 14 to 17 November 2023, Accra, Ghana.

58 L Umubyeyi 'The Accra summit and the reparations for historical and contemporary social violence' African Sans Frontiers (ASF), <https://asf.be/the-accra-summit-and-reparations-for-historical-and-contemporary-racial-violence/> (accessed 17 May 2025).

59 As above.

60 AU 'Concept note' (n 8).

61 Umubyeyi (n 58).

Another major challenge of the Accra conference is to make the issue of reparations a priority for a supranational body such as the AU. This supranationalisation aims to free the issue of reparations from any bilateral relations between former slave-owning and colonial powers and their former colonies. It would therefore no longer be a dialogue between France and Algeria, or Belgium and the DRC, with all the political dealings that may emerge, but a discussion conducted at a transnational level. This could increase the power of action of states seeking reparations.

### **5.3.1 Legal framework of the adopted Accra Reparation conference and the strategies for compensation**

The Accra conference on reparations has its legal framework rooted in AU Assembly decisions, prior continental proclamations, and international human rights principles, aiming to advance the cause of justice and reparations for Africans and people of African descent affected by slavery, colonialism and apartheid. This sub-head foregrounds the strategies for compensation for the European slave trade and associated injustices.

#### **AU Assembly decisions**

The legal authority for the conference is grounded in AU Assembly decisions, notably Assembly/AU/Dec.847 and Assembly/AU/Dec.884 (XXXVII), which endorsed the convening of the conference, the establishment of expert bodies, and the development of a common African position on reparations.<sup>62</sup>

This decision laid the foundation by endorsing the convening of a conference to build a united front to advance justice and reparations for Africans. It called for the establishment of expert bodies and mechanisms to develop a common African position on reparations. The decision emphasised the importance of accountability and reparatory justice for historical crimes such as the trans-Atlantic slave trade, colonialism, genocide and apartheid, recognising these as fundamental for addressing the social and economic losses suffered by African states and people of African descent globally.<sup>63</sup>

The AU Assembly/AU/Dec.884 (XXXVII) decision, adopted at the thirty-seventh ordinary session in February 2024, reaffirmed and expanded on the earlier mandate. It took note of progress reports and reiterated the need for a united front involving the AU, African diaspora and international partners to pursue reparations and reparatory justice. It endorsed the establishment of a Committee of Experts on Reparations and a Legal Reference Group to provide legal advice and support, as well as the creation of frameworks such as a Global

62 Decision on Building a United Front to Advance the Cause of Justice and the Payment of Reparations to Africans (in Implementation of the Assembly Decision Assembly/AU/Dec.847(XXXVI)) and the Assembly/AU/Dec.884(XXXVII).

63 AU Assembly/AU/Dec.847 Decision.

Reparations Fund and a Transcontinental Partnership Framework linking the AU with Caribbean and diaspora groups worldwide. This decision also designated 2025 as the 'Year of Justice for Africans and People of African Descent Through Reparations', highlighting the AU's commitment to advancing this agenda.<sup>64</sup>

### **5.3.2 Accra Proclamation on Reparations Conference 2023**

The conference culminated in the adoption of the Accra Proclamation on Reparations, a comprehensive document outlining commitments and recommendations for advancing the reparations agenda. This Proclamation established a formal framework for coordinated action on reparations by African nations, regional organisations and diaspora communities.<sup>65</sup>

The Accra Proclamation asserts that reparations for Africans are a moral and legal imperative, rooted in justice, human rights and human dignity. The Proclamation builds on precedents such as the Abuja Proclamation (1993), further embedding reparations as a collective continental demand.<sup>66</sup> The Accra Proclamation included the establishment of a Committee of Experts on Reparations by the AU Commission, tasked with developing a Common African Policy on Reparations and incorporating an African Reparatory Programme of Action. The Proclamation also called for an increased role for AU organs and regional economic communities in the reparations campaign, emphasising the need for institutional support and coordination.<sup>67</sup>

Together, these Assembly decisions provide the legal and political mandate for the conference, the formation of expert bodies, and the development of a cohesive African position on reparations, aiming to address historical injustices and promote healing and justice for Africans and the African diaspora.

### **International human rights law**

The framework explicitly references international law, particularly the recognition of slavery, colonialism and apartheid as grave violations of human rights. The conference called for the exploration of legal and judicial options for reparations, including potential litigation in regional and international courts.<sup>68</sup>

64 AU Assembly/AU/Dec.884 (XXXVII) Decision. See AU 'Decisions, declarations and resolutions' Assembly of the Union 37th ordinary session 17-18 February 2024, Addis Ababa, Ethiopia, Assembly/AU/Dec.866-902 (XXXVII) Assembly/AU/Decl.1-4(XXXVII) Assembly/AU/Res.1- 2 (XXXVII).

65 AU 'International conference' (n 57).

66 AU Preamble. See Africa Union, para.8.

67 AU Accra Proclamation on Reparations para 8.

68 As above.

### **5.3.3 Institutional framework established under the Accra Reparation Conference**

The legal framework mandates the creation and operationalisation of several mechanisms to advance reparatory justice, discussed below, which captures some of the strategies for compensations.

#### **Committee of Experts on Reparations**

The conference established clear institutional mechanisms to ensure the implementation of its resolutions. The Committee of Experts on Reparations, to be established by the AU Commission in consultation with member states and other stakeholders, would provide technical expertise and coordination for reparations efforts. The Committee is tasked with developing a Common African Policy on Reparations and an African Reparatory Programme of Action, serving as the AU's principal reference on reparations.<sup>69</sup> This Committee would be responsible for developing the Common African Policy on Reparations, ensuring a unified approach to reparatory justice.

#### **Reference group of legal experts**

The Accra Proclamation provides for legal advice, supports litigation strategies, and ensures best practices in the legal pursuit of reparations, working closely with AU judicial organs, namely, the African Charter on Human and Peoples' Rights (African Charter); the African Commission on Human and Peoples' Rights (African Commission); the Extraordinary African Chambers; the African Union Commission on International Law; and the AU Advisory Board against Corruption. The AU and the Africa reparations movement should examine legal cases that have achieved some measure of success, such as those involving reparations for the enslavement of African-Americans. For instance, in 2004 a lawsuit was brought in a federal court in Manhattan against Lloyds of London, FleetBoston and RJ Reynolds, alleging their involvement in genocide by financing and insuring ships that transported slaves to tobacco plantations in the US. Although these petitions did not result in any judicial remedy, some of the companies have since issued apologies for their involvement in the slave trade; in addition, the earlier-cited case of the Mau Mau victims of British colonialism in Kenya, as earlier referred to under satisfactory remedy.<sup>70</sup> These examples should be studied more closely, to identify opportunities for mounting and supporting similar litigation efforts in the domestic courts of the relevant states, targeting governments, royal families and private corporations.

69 As above; AU 'Concept note' (n 8). See the Decision on Building a United Front to Advance the Cause of Justice and the Payment of Reparations to Africans (in Implementation of the Assembly Decision Assembly/AU/Dec.847(XXXVI)) and the Assembly/AU/Dec.884 (XXXVII).

70 Paulose & Rogo (n 37). See also Mavedzenge (n 7) 416-417.

## Global Reparations Fund

One of the most significant outcomes of the conference was the agreement to establish a Global Reparations Fund to facilitate compensation for the descendants of enslaved Africans.<sup>71</sup> The fund is an autonomous fund based in Africa, designed to pool resources and support reparations initiatives continentally and globally, in collaboration with multilateral institutions. This fund represents a concrete mechanism for implementing reparatory justice and signals a shift from rhetorical commitments to practical action on reparations. While the conference did not specify the exact operational details of the fund, it was determined that compensation would be based upon 'moral and legal rights and dignity of the people'.<sup>72</sup> The fund is expected to be championed by a committee of experts set up by the AU Commission in collaboration with African nations, with a special envoy engaging in campaigns, litigation and judicial efforts to advance reparations.<sup>73</sup> This suggests that part of the financing strategy may also involve legal claims and diplomatic negotiations with former colonial powers to secure reparations payments.<sup>74</sup>

## Office of the AU special envoy on reparations

This organ is to champion international advocacy and coordinate reparations efforts at the global level, reinforcing the work of the Committee of Experts.<sup>75</sup> In addition to the Global Reparation Fund, which will be championed by a committee of experts set up by the AU Commission in collaboration with African nations, 'a special envoy will engage in campaigns as well as litigation and judicial efforts', said reparations should go beyond direct financial payments to also include developmental aid for countries, the return of colonised resources and the systemic correction of oppressive policies and laws.<sup>76</sup>

## Transcontinental partnership framework

Under the Accra Proclamation, this body is expected to foster collaboration between the AU, the Caribbean Community (CARICOM)

71 Essence Girls United 'Could there be a global reparation fund for transatlantic slavery? These leaders are pushing for it', <https://www.essence.com/news/global-summit-ghana-agrees-global-reparations-fund/> (accessed 19 May 2025).

72 NAARC 'From local movements to global movements: reparations mechanism and a development framework', NAARC, 27 March 2024, <https://reparationscomm.org/reparations-news/from-local-movements-to-global-movement-reparation-mechanisms-and-a-development-framework> (accessed 3 May 2025).

73 F Kokutse 'A Ghanaian reparations summit agrees on a global fund to compensate africans for the slave trade' *ICTJ* 16 November 2023, <https://www.ictj.org/latest-news/ghana-reparations-summit-agrees-global-fund-compensate-africans-slave-trade> (accessed 20 May 2025).

74 'Africa to set up global fund for slavery reparations' *TRT AFRIKA* 16 November 2023.

75 As above.

76 As above.

and the African diaspora worldwide to build a united front for reparatory justice, for example, through the joint resolution of the CARICOM and AU plan to co-sponsor UN resolutions on reparatory justice, leveraging their collective diplomatic weight. The framework advocates a UN-hosted forum to mainstream reparations as a pillar of sustainable development. Diplomatic missions and collaboration through AU and CARICOM missions in New York and London ensure aligned messaging in multilateral negotiations.<sup>77</sup>

Others are legal and judicial collaboration by exploring legal avenues to legitimise reparations claims. By analysing international law to determine whether trans-Atlantic slavery and colonialism constitute crimes against humanity under both historical and contemporary legal standards, AU human rights bodies – such as the African Court on Human and Peoples' Rights (African Court) – are working with Caribbean states to explore potential litigation strategies in regional and international courts. This collaboration also involves knowledge exchange and coordinated messaging aimed at promoting a unified narrative that frames reparations as essential to addressing the systemic inequities rooted in slavery and colonialism. Academic partnerships, involving universities such as the University of the West Indies (UWI) and their African counterparts, aim at documenting the socio-economic consequences of historical injustices to support evidence-based claims.<sup>78</sup>

The Accra framework of civil society and grassroots mobilisation through the global stakeholder's forum supports inclusive movements involving civil society, artists and the youth to sustain grassroots pressure. For instance, the 2023 Bridgetown and Accra conferences united activists, scholars and policy makers. There is also a need for diaspora engagement initiatives such as the AU-CARICOM-CPAN (Canadian Pan-African Network) tripartite mechanism to ensure diaspora voices shape reparations strategies, as seen in their 2015 institutional linkage efforts.<sup>79</sup> The Transcontinental Partnership Framework (TPF) emphasises that reparations must include direct financial transfers to affected regions, alongside non-monetary

77 AU 'Building a united front to promote the cause of justice and payment of reparations to Africans' Executive Council 44th ordinary session, 15 January–15 February 2024, Addis Ababa, Ethiopia EX.CL/1501(XLIV) paras 5–6. See also H Brown 'CARICOM-African Union is an essential alliance for realising the reparations claim' CARICOM-Caribbean Community 16 April 2025, <https://caricom.org/caricom-african-union-is-an-essential-alliance-for-realising-the-reparations-claim-dr-hilary-brown/> (accessed 21 May 2025).

78 TD Jules and others 'An African Union-Caribbean Community alliance in the global reparations movement: promises, perils, and pitfalls' *The Round Table, The Commonwealth Journal of International Affairs*, 19 March 2024, <https://www.commonwealthroundtable.co.uk/commonwealth/americas/caribbean/research-article-an-african-union-caribbean-community-alliance-in-the-global-reparations-movement-promises-perils-and-pitfalls/#>, (accessed 21 May 2025).

79 CIDO 'Strengthening the AU-Caribbean diaspora relationship: CIDO holds tripartite meeting with CARICOM and the Canadian Pan-African Network (CPAN)' Citizens and Diaspora Organisation Directorate, 5 December 2015, <https://au.int/en/pressreleases/20151205> (accessed 21 April 2025).

measures such as formal apologies, educational reforms and cultural restitution.<sup>80</sup>

It is argued that by integrating diplomatic, legal and grassroots efforts, the framework transforms fragmented regional campaigns into a cohesive global movement. CARICOM and the AU are shifting from advocacy to demanding 'concrete results', such as recent settlements with entities such as the Church of England and Glasgow University. This united front amplifies pressure on former colonial powers while ensuring reparations are defined by impacted communities, not donors.<sup>81</sup>

#### **5.4 Africa Dialogue Series 2025: justice for Africans and people of African descent through reparations**

The Justice for Africans and People of African Descent Through Reparations Africa Dialogue Series (ADS) 2025 at the UN headquarters in New York was a comprehensive platform held from 5 to 30 May 2025 focusing on reparatory justice for Africans and people of African descent.<sup>82</sup> Its core legal framework emphasises reparations as not merely financial compensation but as a broad, systemic pursuit of justice that includes economic, social, cultural, ideological and environmental redress for centuries of slave trade and colonialism. The highlights of the ADS follow below.

##### **5.4.1 Holistic reparatory justice beyond financial compensation**

The ADS 2025 stressed reparations must transcend monetary payments to address economic disenfranchisement, cultural erasure, and ideological injustices inflicted on Africans and their descendants. This includes ethical reparations affirming dignity and human rights, historical reparations documenting slavery and colonialism as crimes against humanity, and cultural reparations aiming at restoring African heritage and identity.<sup>83</sup>

##### **5.4.2 Structural and systemic changes**

Reparatory justice advocated by ADS 2025 is deliberate and systemic, targeting foundational economic and social structures to shift from extractive and unequal models to inclusive prosperity. This involves leveraging regional initiatives such as the African Continental Free

80 Brown (n 77).

81 As above.

82 United Nations African dialogue series (ADS), adopted at the UN headquarters, New York 5-30 May, 2025.

83 As above.

Trade Area (AfCFTA) to empower African economies and foster sustainable development framed within the AU's Agenda 2063 and UN 2030 Agenda for Sustainable Development which is left with another five years.<sup>84</sup>

#### **5.4.3 Africa-centric leadership and participation**

This requires placing African voices and leadership at the centre. ADS 2025 calls for stronger civil society engagement and collaboration with the African diaspora. It advocates reparations approaches defined by Africans themselves, fostering a global solidarity movement. It also urges decolonisation of education and reforming curricula to accurately reflect Africa's history and contributions.<sup>85</sup>

#### **5.4.4 Cultural and linguistic justice**

This emphasises the recognition of the damages of colonialism on African cultures, languages and narratives. The framework includes promoting cultural pride through the revival and protection of African languages and indigenous knowledge systems. The return of cultural artefacts and recognition of traditional social protection methods are crucial for cultural healing and narrative sovereignty.

#### **5.4.5 Integration with development agendas**

Reparatory justice should be framed as central to advancing development goals in Africa. ADS 2025 ties reparations to the rights-based implementation of sustainable development efforts, ensuring reparations contribute to poverty alleviation, social equity and empowerment of marginalised groups, especially women, the youth and diaspora communities.<sup>86</sup>

There is no gainsaying that the Justice for Africans and People of African Descent Through Reparations as expanded under the ADS 2025 establishes a comprehensive legal framework advocating reparatory justice that is systemic, multidimensional and African-led. It thereby aims to repair historical harms of slave trade and colonialism through wide-ranging, sustainable justice and development measures that restore African dignity, economic sovereignty, and cultural identity.

84 As above.

85 As above.

86 As above.



## 6 A UNIQUE DIMENSION: ENVIRONMENTAL REPARATIONS AND CLIMATE JUSTICE

Colonialism historically manifested in different ways. In certain instances, the native populations were entirely wiped out, while in others they were displaced and deprived of their land, or used as a labour force.

According to Blomfield,

[i]n order to figure out who should be held responsible for the fact that some human populations are particularly at risk from climate change, it seems that we must explain why it is that some communities are burdened by problems of underdevelopment; environmental degradation and mismanagement; poverty, inequality and scarcity of livelihood options; institutional weakness and failed governance; vulnerability to international financial pressures; or land tenure arrangements that engender insecurity and marginalisation. Such explanations will be difficult to provide and will necessarily differ for each community. But one thing of which we can be sure is that various historical injustices will be causally implicated in the fact that certain communities are afflicted by factors that render them particularly vulnerable to climate events.<sup>87</sup>

As Nagel famously notes, 'that we do not live in a just world may be the least controversial claim one could make in political theory'.<sup>88</sup> Throughout history, injustices such as unjust war, colonialism and slavery have significantly shaped our present circumstances. These wrongs have contributed to making certain communities especially susceptible to climate impacts by leaving behind environmental damage, poor governance, and persistent poverty and inequality. Consequently, colonialism has been a crucial factor in discussions surrounding environmental reparations and climate justice.<sup>89</sup>

The Accra Conference strongly linked historical exploitation, particularly the European slave trade and colonial exploitation of Africa's resources and people, to contemporary climate vulnerability. This linkage laid a robust foundation for including environmental reparations as a critical and distinct component of Africa's broader reparations framework. The Conference emphasised how colonialism and the trans-Atlantic slavery system facilitated the rampant extraction of Africa's natural resources minerals such as gold, copper, uranium and rubber, fuelling Europe's industrial revolution and military complex. This exploitation significantly disrupted African socio-economic systems and led to widespread dispossession of land, contributing to persistent underdevelopment and poverty in Africa. The environmental degradation resulting from these exploitative

87 M Blomfield 'Climate change and the moral significance of historical injustice in natural resource governance' Chapter One Draft, <https://philarchive.org/archive/BLOCCA-3> (accessed 29 October 2025).

88 T Nagel 'The problem of global justice' (2005) 33 *Philosophy and Public Affairs* 113.

89 Blomfield (n 87).

processes has compounded Africa's vulnerabilities today.<sup>90</sup> Delegates at the Accra Conference recognised that the descendants of enslaved Africans and colonised populations face acute climate risks that are disproportionately severe relative to Africa's minimal contribution to global greenhouse gas emissions. The forced relocation of enslaved labour and the exploitative colonial economies left African nations with fragile environmental and economic bases, unable to cope with contemporary climate change effects. This framing made a compelling case for climate justice as a form of reparatory justice, underscoring historical responsibility by industrialised nations for Africa's current environmental challenges.<sup>91</sup>

The Conference framed environmental reparations not merely as a financial transaction but as part of a broader justice agenda. These reparations include climate financing, technology transfers to support adaptation and mitigation, and compensatory mechanisms such as the loss and damage fund. These are essential for Africa to address the sustained harm from climate change linked to colonial era environmental exploitation. Consequently, environmental reparations are seen to form a substantial part of the argument for reparations for the European slave trade and colonial legacies in Africa, highlighting an intersection between historical injustices and present-day ecological and vulnerabilities.<sup>92</sup> This is framed under the narrative sounding the concept of post-colonial climate justice (PCJ) which fundamentally refers to the vital connection between historical colonial legacies and the current climate crisis. Understanding the meaning of PCJ requires recognising that it goes beyond just environmental issues and is deeply embedded in historic power inequalities. For centuries, colonialism operated as a system where countries from the Global North extracted and exploited resources from those in the Global South. This history is not something distant but continues to influence the current susceptibility of these nations to climate.<sup>93</sup>

The importance of PCJ lies in its assertion that climate action cannot be separated from the pursuit of historical justice. Its core message is that effectively tackling climate change necessitates recognising and correcting the past injustices that have contributed to and worsened current vulnerabilities. This framework aims to move beyond a solely technical or economic perspective on climate change, emphasising equity, justice and accountability for historical wrongs. PCJ carries a moral obligation: it is not only about reducing climate impacts but doing so in a manner that is equitable and just, especially for communities that have historically faced marginalisation and exploitation.<sup>94</sup>

90 International Conference on Building A United Front (Accra Proclamation on Reparations) (n 57) 5-6.

91 As above.

92 As above.

93 Post-colonial Climate Justice, <https://climate.sustainability-directory.com/term/postcolonial-climate-justice/> (accessed 29 October 2025).

94 As above.

The significance of these viewpoints is profound. It indicates that climate solutions must extend beyond mere emission reductions. They should also incorporate actions that confront historical injustices, including providing financial and technological assistance to post-colonial countries for both adaptation and mitigation, while guaranteeing their active role in global climate governance. The importance of PCJ lies in its transformation of the climate conversation from a solely environmental matter to one that is deeply ethical and political.

This concept aims to establish a climate framework that is not only effective but also inherently just and fair, acknowledging the historical obligations owed to post-colonial nations. It directly references the linked histories of colonialism and climate change, calling for a justice-centred approach. At its core, PCJ demands a profound reconsideration of climate responsibility and actions, firmly rooted in historical fairness. Its fundamental principle is an unwavering dedication to justice for those disproportionately affected by climate change as a result of enduring power inequalities stemming from colonial histories.<sup>95</sup>

## **7 IMPLEMENTATION STRATEGIES FOR ACHIEVING REPARATIONS**

Reparations demands are not a recent development; the idea has been around for centuries. Traditionally, states have sought reparations, particularly after wars, with the winning side requesting compensation for damages incurred. The notion of an individual's entitlement to reparations became prominent after World War II, when the UN established an international legal system to protect human rights. This system acknowledged that individuals whose rights have been violated are entitled to effective remedies and reparations. Fundamentally, reparation involves halting the harm inflicted on victims and making amends for it.<sup>96</sup>

In implementing strategies for achieving reparations can be delineated broadly into three pathways: legal and judicial, political and diplomatic, and institutional. Each pathway approaches reparations from a distinct angle and involves specific actors, mechanisms, and challenges.

### **7.1 Legal and judicial**

Legal options for achieving reparations for slavery and colonialism encompass both domestic and international judicial avenues, alongside strategic use of advisory opinions from the International Court of Justice (ICJ).

<sup>95</sup> As above.

<sup>96</sup> Abraham (n 25).

## 7.2 Litigation

Litigation through the international legal system faces significant limitations. The ICJ, created in 1945 under the UN, would have been the ideal platform to file a legal claim for reparations addressing the enslavement and colonisation of Africans. The ICJ's role involves adjudicating disputes and issuing binding rulings between UN member states based on international law. Generally, any state that is a party to the ICJ Statute may initiate cases before the ICJ against another state party to the same Statute. All 193 UN members automatically become parties to the ICJ Statute. However, member states may submit declarations to the UN Secretary-General outlining the conditions under which they accept the Court's jurisdiction.<sup>97</sup> Furthermore, as part of the AU's 2025 reparations agenda, legal and diplomatic frameworks, it involves preparing a Reparations Charter (AU/Charter/RTF/2025), a non-binding document encouraging member states to include reparations provisions in their bilateral treaties with former colonial powers (such as France and the United Kingdom). Additionally, it includes granting the AU's Office of the Legal Counsel the authority to submit *amicus curiae* briefs in international courts, especially in cases involving restitution disputes.<sup>98</sup>

## 7.3 Domestic courts

Domestic courts can recognise claims related to historical injustices such as slavery and colonialism, especially where there are ongoing impacts or violations deemed crimes against humanity. For example, a 2024 Belgian High Court ruling recognised ongoing harms from colonial racist policies as grounds for compensation claims against the Belgian government, thus affirming reparations rights in domestic jurisdiction.

## 7.4 International courts

According to Alfred Mavedzenge J, international judicial mechanisms offer another pathway for reparations claims. The absence of dedicated international dispute resolution mechanisms specifically addressing slavery and colonialism reparations is a notable challenge.<sup>99</sup> However, international human rights law recognises the right to reparations for serious human rights violations, including those associated with slavery and colonialism, as crimes against humanity. Legal claims can be framed under international human rights treaties such as the International Covenant on Civil and Political Rights (ICCPR), which

97 Statute of the International Court of Justice, 1945 arts 34(1), 35(1) and 93(1).

98 A Subramanian 'The African Union's 2025 reparations agenda' *FUNTIMES* 6 June 2025, <https://funtimesmagazine.com/the-african-unions-2025-reparations-agenda/> (accessed 29 October 2029).

99 Mavedzenge (n 7) 417-418.

guarantees the right to effective remedy for violations. Member states are allowed to submit declarations to the UN Secretary-General, outlining conditions under which they accept the Court's jurisdiction. Several beneficiary, perpetrator or accomplice states in Africa's history of enslavement and colonisation have deposited such declarations, limiting recognition of the ICJ's authority to disputes arising only after a specified date. For instance, the United Kingdom has declared that it recognises the ICJ's jurisdiction solely over disputes concerning facts that occurred after 1 January 1987.<sup>100</sup> Similarly, Spain has excluded from its acceptance any disputes related to events before 29 October 1990, even if those events or their effects persist. Germany has submitted a declaration affirming its acceptance of the ICJ's jurisdiction in legal disputes arising from facts occurring after 30 April 2008, except for cases related to, stemming from or connected with the deployment of armed forces abroad, involvement in such deployments, or decisions regarding these. Portugal initially recognised the ICJ's jurisdiction in December 1955 but modified this declaration in February 2005 to specify that it accepts the ICJ's jurisdiction only for legal disputes based on facts arising after 26 April 1974.

## **7.5 Strategic use of ICJ advisory opinions**

Advisory opinions from the ICJ represent an important strategic tool. Since the ICJ's advisory opinions provide authoritative legal interpretations without the binding effect of judgments, they can be sought to clarify obligations of states regarding reparations for slavery and colonialism, filling gaps where no international adjudicative body exists for such claims. For instance, advisory opinions may address whether the lack of mechanisms to adjudicate slavery and colonialism reparations breaches international obligations under rights guaranteed by ICCPR, including non-discrimination and right to remedy. It could also examine whether refusal by some states to pay reparations, despite paying reparations for different historical injustices (for instance, Holocaust reparations) constitutes discrimination under international law. Such opinions can strengthen the legal basis for reparations claims in various forums and put political pressure on states.

## **7.6 Political and diplomatic strategies**

The AU operationalises legal and political strategies to pursue reparations for the European slave trade and colonialism in Africa through several key mechanisms involving new committees and a special envoy.

The AU has established the Office of the AU Special Envoy on Reparations for Africans, which serves as the principal point of

100 ICJ Declarations recognising the jurisdiction of the Court as compulsory, 22 February 2017, <https://www.icj-cij.org/declarations/gb> (accessed 29 October 2025).

reference for the AU on reparations and healing. This office champions international advocacy and campaigns for reparations globally, reinforcing the work of the AU Committee of Experts on Reparations and Healing. The Special Envoy is tasked with soliciting and promoting reparatory justice knowledge across AU organs, member states and the global African community.<sup>101</sup>

The AU Proclamation recommends creating a legal reference group to assist the Committee of Experts and the Special Envoy by providing legal counsel on reparations. This group explores legal and judicial avenues, including international law intersections and litigation possibilities in regional and international courts. The AU thus pursues a combined legal and political strategy leveraging diplomacy, advocacy, and potential court actions.<sup>102</sup>

Financially and institutionally, the AU is establishing a Global Reparations Fund in Africa, supported by multilateral institutions and designed to provide resources for reparations campaigns and social and economic programmes. The AU also plans a reparations charter urging member states to embed reparations clauses in bilateral treaties with former colonial powers, and to engage in diplomatic and legal manoeuvres such as lodging *amicus curiae* briefs in international courts.<sup>103</sup> Furthermore, there is a need for the establishment of the African Reparations Fund (ARF), initially funded by compulsory contributions equal to 0.2 per cent of gross domestic product (GDP) from member states, beginning in January 2026, complemented by voluntary diaspora bonds and charitable donations. The introduction of a Diaspora Sovereign Bond is proposed to direct remittances toward reparations, offering tax benefits to investors in European and North American markets, while the socio-economic programme will demand the allocation of ARF funds to key areas: rural infrastructure projects in West Africa (such as roads and water systems); education scholarships for descendants of enslaved Africans; and healthcare programmes in areas historically affected by high mortality during colonial exploitation. Partnership with the United Nations Educational, Scientific and Cultural Organisation (UNESCO) to incorporate reparations-focused curricula into national education systems by 2027.<sup>104</sup>

Politically, the AU nurtures strategic partnerships, notably with the Caribbean Community (CARICOM), to present a united front in demanding reparatory justice globally. The AU advocates reforming global financial systems to address historical and contemporary

101 AU Proclamations on Reparations, Accra-Ghana, 14-17 November, 2025.

102 Amani Africa 'Why the AU's 2025 theme of the year matters for the reform of the multilateral system' Special Report of Media Research Services, Addis Ababa, Ethiopia 1-18, <https://amaniafrica-et.org/wp-content/uploads/Why-the-AUs-2025-Theme-of-the-Year-Matters-for-the-Reform-of-the-Multilateral-System-Special-Research-Report.pdf> (accessed 20 October 2025).

103 Subramanian (n 98).

104 As above.

injustices linked to slavery and colonialism and integrates climate justice into this agenda.<sup>105</sup>

## 7.7 Institutional strategies

There are two major regional examples of inter-governmental and institutional initiatives on reparations that are worth highlighting. The AU and its predecessor, the OAU, have long addressed reparations, notably at the 1993 Pan-African Conference, which produced the Abuja Proclamation highlighting persistent historical injustices. The 2023 Accra Proclamation revived this dialogue, with the AU dedicating 2025 to 'Justice for Africans and People of African Descent Through Reparations'. Civil society advocates an African Common Position and stronger AU institutions to promote reparations. Second, in 2014, the CARICOM Reparations Commission launched a ten-point plan linking colonial legacies to ongoing human rights and inequality issues, demanding measures from apologies to debt cancellation. Haiti still endures a 'ransom' debt paid to France for its 1825 independence.<sup>106</sup> Furthermore, diaspora institutional engagements include establishing a Global African Diaspora Network to connect major diaspora centres, including the African American Reparations Commission (AARC) in Washington, DC; the African Caribbean Reparations Network in Trinidad; and the Reparation Implementation Council in London. This would involve holding quarterly Diaspora-Africa Reparations Summits aligned with the AU's biannual policy organs meetings to monitor development.<sup>107</sup>

## 8 CONCLUSION

The article concludes by emphasising that reparations for the trans-Atlantic slave trade and colonialism are not mere symbolic acts but fundamental to achieving justice, healing, and sustainable development for Africans and the African diaspora. It highlights the evolving global movement, with African-led frameworks such as the Abuja and Accra Proclamations advancing legal, political and institutional strategies fostered by the AU. These efforts seek comprehensive reparatory justice that spans restitution, compensation, rehabilitation and guarantees of non-repetition, recognising the enduring socio-economic and environmental impacts of historical injustices. The shift towards inclusive, Africa-centric leadership and transcontinental partnerships underscores the need for systemic change, addressing inequality, cultural restoration and climate justice. Ultimately, reparations are framed as a multidimensional process crucial for dismantling the legacies of slavery and colonialism, ensuring

105 TRTWORLD 'African leaders seek reparations for slavery, colonialism at AU', <https://www.trtworld.com/article/18264489> (accessed 29 October 2025).

106 Q&A (n 11).

107 Subramanian (n 98).

accountability, and fostering a just and equitable future for affected communities worldwide. This vision insists on tangible action beyond rhetoric, anchored in human rights, dignity and global solidarity.