

**PRESENTATION BY MARCUS GOFFE, LEGAL ADVISOR TO THE ETHIO-AFRICA  
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RASTAFARI COMMUNITY**

**TO THE REPARATIONS CONFERENCE, 'COLONIALISM, SLAVERY,  
REPARATIONS AND TRADE: REMEDYING THE 'PAST'  
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In Durban, South Africa the United Nations (U.N.) held a World Conference Against Racism, Racial Intolerance and Xenophobia (WCAR) from August 31<sup>st</sup> unto September 8<sup>th</sup>, 2001. This Conference was made possible largely by the vigilant, herculean efforts of the Group of Eminent Persons (GEP) empanelled by the Organization of Africa Union (O.A.U.) and in collaboration with the U.N., to study the legal issues on Reparations as pronounced at the Abuja Declarations in April, 1993. From the African perspective, this historic Conference took a major step forward when 168 Nations of the world adopted a declaration and programme of action which recognized that "slavery and the slave trade are crimes against humanity and should always have been so". The Durban document explicitly recognizes the relationship between this legacy and the current unequal condition of African people worldwide.

The Rastafari community has for many decades championed the cause of reparations for slavery and the slave trade, with repatriation being a fundamental component of that reparation. Over the years we have participated in many fact-finding missions, conferences, discussions and reports. At this stage we are desire to see a process established to harness the years of deliberations and to pool the expertise, both within Africa and the African Diaspora, as well as those others who are sympathetic, willing and able, to derive some tangible results from the debates.

We are of the firm view that the legal basis for the claim for reparations for slavery and the trans-atlantic slave trade is sound. The invasion of Africa, the mass capture of Africans, the trauma of the middle passage, the chattelization and dehumanization of Africans in the New World and the decimation of the communities, families, way of life and culture of Africans, for over 500 years, constitutes a sustained crime against humanity.

There has been much debate about the extent to which newer forms of contemporary slavery outweigh or overshadow slavery during the times of the trans-atlantic slave trade. While newer forms of slavery are to be vigilantly investigated and prosecuted, the permanent, inter-generational, socio-psychological consequences of trans-atlantic slavery cannot be compared with

contemporary forms of slavery, other than like a river is compared to a tributary.

Without earnest international efforts to reconcile and heal the deep inner wounds of slavery and the trans-atlantic slave trade, there will never be world peace, justice or equality, only war. The world cannot afford to address the international economic and trade aspects of the problem without addressing and repairing the root – the policy that legitimized globally the superiority of one race over another; the inequality of man.

Just as any lawyer approaches a potentially litigious claim, the reparations lobby needs to fully research and document the facts and confirm the statistics, country by country, region by region, in various categories or ‘heads’ of damages. Then the European nations and corporations which are liable should be approached diplomatically in the first instance, to seek an amicable settlement if possible, it being recognized that litigation is inherently protracted and uncertain. If that process bears no reasonable reparations settlement, then a suitable forum must be sought to bring the guilty to justice for their abominable crimes against Africa and Africans.

For Rastafari, “Repatriation is a Must!” But from experience, repatriation must be managed co-operatively and be accompanied by monetary reparations, so as not to create further problems and tensions between those Africans at home and those abroad. This is another reason why we support and encourage the African Union member states to follow the example of Ethiopia and Ghana and implement more favourable laws to facilitate Afro-descendants’ right of abode and citizenship in Africa.

As the UN sponsored NGO Forum of the WCAR recommended in its ‘Programme of Action’, we recommend the establishment and resourcing of (a) a working group on Africans and Afro-descendants throughout the world; (b) a world institute based in Africa dedicated to research, fact finding and resource networking for Africans and Africans in the diaspora; and (c) an international tribunal to measure the extent of the damages resulting from the slave trade, slavery and colonialism on Africans and Afro-descendants.

The claim amount should be assessed by experts in each aspect of life and in each region of Africa and the diaspora affected by the institution of slavery. Each affected country should be studied, under various categories of damage. It should not be only monetary compensation but other forms of reparations like apology, restitution, rehabilitation, grant of educational and skills training scholarships to Africa and Africans in the diaspora, as well as physical and

psychological healthcare to redress inter alia the mental and emotional effects of slavery.

There should be also be a database of all organizations, cities, institutions and companies whose capital and equity can be traced to the slavery, so that diplomatic claims for reparations may importantly also be directed at those entities, many of which and/or their successors, still exist today and which may very well prove more vulnerable to litigation than states.

The unity of Africa and Afro-descendants is fundamental to Africa's restoration and redevelopment. As the Father of Africa and of the Organization of African Unity, H.I.M. Emperor Haile Selassie I said, we must organize and centralize, for Africa's redemption is near. We therefore think that this process should be administered under the auspices of the African Union, which has proposed a 6<sup>th</sup> Region Diaspora constituency to integrate the Africans in the diaspora politically.

As the example of the Jewish community's successful reparations claims shows, internal organization must be supported by powerful partners within the international community. Through a reinvigorated and reintegrated African Union, supported by the United Nations, the community of developing and diaspora nations, non-governmental organizations, experts, policy advisers and academics, the global reparations for slavery lobby can be brought to bear tangible fruit, through unified lobbying, negotiating and pressuring diplomatically the liable states and corporations, in all international human rights and international trade fora.

In that regard, recognizing that the World Trade Organization has outlawed preferential treatment in relation the trade of bananas between the EU and the ACP, we want to emphasise the fundamental necessity of concerted lobbying and resistance against further erosion and misappropriation of the intellectual property rights of African and Afro-descendant developing countries by the countries of the north. This is an area of international trade which possesses great economic potential for the survival of developing countries and which, in light of the history of slavery-based denial of human rights to the fruits of creative and cultural labour, should also be prosecuted with due diligence and alacrity as a component of reparations.

Only when we organize, centralize and apply diplomatic and media pressure, will we be able to level the global playing field, economically, geopolitically and socio-psychologically, for the common and collective security of future generations.

