

# **Reparations are a Human Right: The 21<sup>st</sup> Century Reparations Paradigm**

Paper delivered by Kamm Howard, January 15, 2014 at the 8<sup>th</sup> Pan African Conference held in Johannesburg, Azania (South Africa)

Hotep.

In what has become established tradition in the Afrikan-centered circles in America, before I begin, I must ask permission from the elders at this 8<sup>th</sup> Pan Afrikan Congress to continue.

Greetings to all the Congress organizers –those who had the vision and determination to see to it that this 8<sup>th</sup> Pan African Congress would be one that puts the conferences back on tract to establishing sure and certain direction for the Pan Afrikan world going forward.

I also want to express greeting to all the presenters and participants to the 8<sup>th</sup> PAC. Our being here, and what we bring to and take from the Congress will determine which way forward for the Afrikan World Community.

In addition, I want to acknowledge gratitude to Bankie Bankie and Professor Prah for the invitation and the opportunity to present here at the 8<sup>th</sup> PAC.

I also bring greetings from America. First, from one of my mentors and participant at the 6<sup>th</sup> Pan Afrikan Congress, Dr Anderson Thompson, professor emeritus of the Jacob Carruthers Center for Inner City Studies, currently led under the directorship of Dr. Conrad Worrill.

I am here representing N’COBRA, the National Coalition of Blacks for Reparations in America. It was founded in 1987 as a mass-based coalition organized for the sole purpose of obtaining reparations for Afrikan descendants in the United States. All send their greetings and well wishes for a successful Congress.

Finally, I bring greetings from the Amos N Wilson Institute. I co-founded the Amos N Wilson Institute to keep alive and to put to test Dr. Wilson’s theories on Black power and particularly Afrikan-centered consciousness as an instrument of Black power. Dr. Amos Wilson was a brilliant and immensely political, race-first Afrikan-centered psychologist in America.

## **The Durban World Conference**

I’d like to begin my conversation reminding everyone of the World Conference Against Racism (WCAR) that was held here in South Africa, in Durban in 2001. Led by the December 12<sup>th</sup> Movement in New York, the Black United Front in Chicago, and N’COBRA, the National Coalition of Blacks for Reparations in America, (that I serve as Legislation Commission Chair), nearly 400 African descendants from the Diaspora descended on Durban for this important world conference.

These men and women have become known as the Durban 400. Collectively they greatly assisted in making monumental history for the Afrikan world.

In the 2000 GRULAC (Group of Latin American and Caribbean Countries) regional preparatory conference for WCAR, held in Chile, South America, the African-descendant representatives, determined, at the ushering of Roger Wareham of December 12<sup>th</sup> Movement, that Afrikan countries could not go to Durban with all their individual issues; this would be the first world conference against racism since the 1970's and only the 3rd in the UN's history. It was determined that this was a time where we needed to agree on a few issues that affect us all and we would take those issues collectively to the WCAR. This was Pan Africanism in practice. They settled on three issues 1) the Trans Atlantic Slave Trade, slavery and colonialism were crimes against humanity, 2) that there was an economic component to racism, and 3) that reparations are due. (1)

The United States did not like that language and tried to get it removed from the pre-conference document that would be debated on at the WCAR in Durban. They were unsuccessful but it was known that they were and would continue to use their diplomatic might to persuade nations to remove this language at the World Conference. That's where the Durban 400 came in. They organized and went to Durban with a plan to systematically lobby all the Nation States to keep this language in the outcome document. In addition, they wanted to make a huge impact at the Non-Governmental Organization Forum and at the government conference held before the delegates. They were successful on all accounts. America, witnessing their lack of influence and conceding to defeat, walked out of the Conference. Israel joined them. Canada and Australia abstained. The other nations that were members to the United Nations signed on to the Durban Declaration and Program of Action (DDPA), with this language in tact, as the outcome document of the 2001 World Conference Against Racism. (2) Thus this document bears great international weight concerning global racism. In addition, in the DDPA "they created international definitions and established new U.N. mechanisms to address racism and other related issues." (3)

After viewing many of the reports of the nations who met in Geneva, Switzerland at the Durban Review Conference, in 2009, I was convinced that this document had huge historical significance. In fact, I wrote a piece shortly after that arguing that the DDPA was one of the three greatest documents to have an impact on the Afrikan world in the last 500 years. Although the first two had wickedly great, far reaching and monumentally evil impacts on the Afrikan world, the DDPA I argued, if Afrikans empowered ourselves with it, could be used to reverse much of the injury we've suffered and endured over the last 500+ years of European contact. **Again, empowered with the spirit of the DDPA we can reverse much of the 5 centuries of accumulated injury.** (4)

### **The Sublimus Deus**

What were those two earlier documents that had this great effect on the Afrikan world? The first was the 1537 Papal Bull entitled *The Sublimus Deus or the Magna Carter of Indian Rights*. When the first Europeans arrived in the Caribbean islands in 1492, there were an estimated 6 million Taino and Caribe Amerindians. Less than 20 years later, in 1509, there were roughly only 60,000 remaining. (5)

In the minds of the destroyers, something had to be done, -- however not from a humanistic perspective and certainly not something that would interfere with their economic agenda. Having witnessed that the Africans in the Americas were better acclimated to this “new” environment, they had their answer. The Africans were genetically resistant to many of the European diseases, were already agrarian-based, and unencumbered by the heat and humidity of the new shores. In other words they were “suited” for this economic activity. This “knowledge,” together with the nearly complete elimination of many of the indigenous people of this “new” land, the first great document of the last 500 years was produced by, none other than, the Roman Catholic Church.

Before I get to that document, let me clarify and objectify my use of the word “great.” I’m speaking of being and having a far-reaching and/or all-encompassing nature or effect. Not that it was great in the context of being good. In fact its impact was wicked and evil.

So the mass extinction and suffering of the indigenous peoples of the Americas and Caribbean Islands led to the production of the 1<sup>st</sup> wickedly great and massively evil document to have a far-reaching and all-encompassing effect on the African world.

This document, the *Sublimus Deus*, or *Magna Carta of Indian Rights*, was issued at the bequest of the Portuguese “man of God,” Bartholomew De LaCasa. De LaCasa, who later became a Bishop, petitioned the Church to end the enslavement of the indigenous Americans. He argued that they were human and thus, endowed with souls. And as such, they had human rights that should be upheld; he concomitantly recommended the legitimization of African enslavement. He saw no problem with Africans receiving the inhumane treatment administered to the Amerindians. After some debate, the Pope issued his response. The year was 1537 and the Pope was Pope Paul III. (6)

As a result, of the De LaCasa’s efforts, the Pope issued the above Papal Bull, or edict, that basically stated that all enslavement of indigenous Americans was against the teachings of the Church and should cease. With the issuance of this document, the Church, in effect, 1) legitimized and relegated the future enslavement to African peoples, 2) denied African people their humanity, 3) rendered them “soul-less” and 4) denied them rights to their property, and 5) made them first, indentured, and then, the perpetual property of Europeans.

Thus the Trans-Atlantic Slave trade system was unofficially, officially inaugurated. This system, led to centuries of genocide and crimes against African humanity; the depopulation, destabilization, and underdevelopment of African nations; and the **creation of sub-groups of African peoples in the Americas and Europe with highly fragmented and falsified African conscious and identities.** Fractured peoples like Black Americans (USA), Black Canadians and Black Mexicans; Belizeans, Panamanians, and Grenadines; Haitians, Trinidadians, and Jamaicans; Afro-Brazilians, Afro-Columbians, and Afro-Venezuelans; Blacks Britons, Black Italian’s and Black Frenchmen, among the many others, subsequently exist outside of Africa’s continental shores and culture. And we must mention the millions of Africans who died prior to reaching these shores – 4 out of 5 - and the massive trauma and underdevelopment left behind on the continent. There can be no question or contradiction, that actions emanating from the Papal Bull had a great impact on Africa - a far-reaching and all-encompassing evil impact on the African world. And by its nature, had a diametrically opposite effect – a developing and

productive effect, a positively great impact on the European world. This is why every centennial anniversary of 1492 they have a collective orgasmic celebration across the European world, raising the image of Columbus, - *the name and symbol of the advent and continuation of European domination. And reveals why, no matter what European ethnic group, they name their greatest achievements after Columbus.*

### **The 1885 Berlin Act**

Now for the second great document that preceded the DDPA and is used to frame its potential power and historic nature. This document was equally as wicked and equally as far-reaching as the 1537 Papal Bull. This document was a collective agreement by European powers (nation states) assembled together from November 1884 to February 1885 in Berlin, Germany. This assemblage is better known as the 1884 Berlin Conference. This conference is widely known by continental Africans.

During this Conference, the African continent was “gentlemanly” divided among the European powers of the time. Without any African knowledge or input, these nations partitioned the continent and determined which territory “belonged” to what European power for their subjugation and exploitation. All of Africa became the terrain of the greed, evil and militaristic might of Europe. Although Ethiopia did not succumb to colonialism, they still were impacted by their need to defend themselves against the attempted subjugation by the Italians.

This document or agreement, known as the Berlin Act of 1885 was ratified by Great Britain, Austria-Hungary, France, Germany, Russia, U.S.A., Portugal, Denmark, Spain, Italy, the Netherlands, Sweden, Belgium and Turkey. (With the exception of Russia, Sweden and Turkey, these are the very countries, among others that either didn't show up or walked out in a staged protest at the Durban Review Conference in Geneva. (We can see the connection.)

The Berlin Act, along with its map of “ownership,” marshaled in another hundred-plus years of crimes against African humanity. Collectively these crimes emanate from the programs of colonialism, neo-colonialism, and now globalism. Years of sophisticated, orchestrated murder (or wars of domination) was initiated to secure the rule and exploitation of the African continent. Disease, famine, massive rape of natural resources, economic stagnation and retardation, internal warfare created by European imposed ethnic animosities, leading in some cases to genocide, alienation of African consciousness and crisis in identity, kleptocratic rule, strangling economic debt and economic collapse, cultural discontinuity and a view by the world of a hopeless and backward continent, all result from this imposed colonial, neo-colonial and globalist order. This Act produced the “collective mess” (in the words of Baba Jake Caruthers) in which the African continent is wrestling to extract itself.

Here, we again conclude, that the Berlin Act also had a far-reaching and all encompassing evil consequence for the African world. Also, again, like the first wickedly great document, this Act resulted in an opposite effect on the European world. Extreme wealth has been created by this contact with Africa. Natural resources that fueled the industrial, technological, nuclear, medical and information advances of all of Europe and America derived from the armed exploitation and rape of the African continent and its peoples during colonialism, is continuing today through its offspring - neocolonialism and globalism. Massive comfort, materialism, progress and privilege

have become synonymous with white skin, as well as an errant view of holiness, intelligence, rightness, and beauty- and that all of this- the fruit of death, disease, deception and destruction, was ordained to them by a loving and just god.

### **The Importance of the DDPA**

Now I turn back to the Durban Declaration and Program of Action. I suggested that the DDPA can have, (and is demonstrating it currently) as far-reaching and all-encompassing positive impact on the African world as the prior two documents had a wickedly great effect on the African world. So in essence, I contend, this document has the potential to galvanize the African masses in an effort to neutralize the negative effects of the last 500 years.

What makes the DDPA so potentially powerful are particularly the three issues mentioned earlier: that the slavery, the Trans Atlantic slave trade, and colonialism were crimes against humanity, there was an economic component to racism, and that reparations are due.

### **Crimes Against Humanity**

Let's briefly examine each of these. The Trans Atlantic Slave Trade, slavery and colonialism were crimes against humanity.

International law Professor, Nora Whitman gives us the international law perspective on crimes against humanity in her new book, Slavery Reparations Time is Now.

Article 6 of the Statue of the Nuremberg Tribunal considers as crimes against humanity "murder, extermination, enslavement, deportation, and other inhuman acts committed against any civilian population, before or during the war, or persecutions on political, racial or religious grounds in execution or in connection with any crime. ...

... What makes specific conduct a crime against humanity is its nexus to an international element. For this to be given, it is enough that the conduct is "state action or policy." That is the case if the specified crimes are committed as part of "state action or policy, (also when committed with the connivance or knowledge of higher-ranking public officials, or when such high-ranking officials fail to carry out their obligation to prevent the conduct in question or fail to punish the perpetrators when the conduct is discovered or reasonably discoverable, or if the action or policy is based on discrimination and persecution against an identifiable group, and if the acts committed are otherwise crimes in the national criminal laws of the state. (7)

The DDPA has this to say:

13. We acknowledge that slavery and the slave trade, including the transatlantic slave trade, were appalling tragedies in the history of humanity not only because of their abhorrent barbarism but also in terms of their magnitude, organized nature and especially their negation of the essence of the victims, and further acknowledge that slavery and the slave trade are a crime against humanity and should always have been so.... (8)

And

15. We recognize that apartheid and genocide in terms of international law constitute crimes against humanity... (9)

### **Economic Basis of Racism**

There was an economic basis to racism. I detailed that earlier how the slave trade and colonialism fueled every stage of European development, since the latter 1400's. There would be no developed Europe if it weren't for these economic systems of exploitation that had their basis in European racism, racial-economic philosophy and pseudo-scientific racial justification. Recall that the Trans Atlantic Slave Trade was founded on the racist philosophy that grew out of the Sublimus Deus.

The economic status of African nations and peoples was as stated earlier the exact opposite. To the degree that Europe was made opulent, Africa and its peoples were impoverished and decimated. See Walter Rodney's How Europe Underdeveloped Africa.

We see today that the economic structures laid during each of those periods still have the same duo and diametrically opposed enriching and impoverishing outcomes.

Specifically, the DDPA asserts

14. We recognize that colonialism has led to racism, racial discrimination, xenophobia and related intolerance, and that Africans and people of African descent, and people of Asian descent and indigenous peoples were victims of colonialism and continue to be victims of its consequences. We acknowledge the suffering caused by colonialism and affirm that, wherever and whenever it occurred, it must be condemned and its reoccurrence prevented. We further regret that the effects and persistence of these structures and practices have been among the factors contributing to lasting social and economic inequalities in many parts of the world today; (10)

And

18. We emphasize that poverty, underdevelopment, marginalization, social exclusion and economic disparities are closely associated with racism, racial discrimination, xenophobia and related intolerance, and contribute to the persistence of racist attitudes and practices which in turn generate more poverty.

19. We recognize the negative economic, social and cultural consequences of racism, racial discrimination, xenophobia and related intolerance, which have contributed significantly to the underdevelopment of developing countries and, in particular, of Africa.... (11)

### **Reparations Are Due**

Finally, the emphasis that reparations are due. The Universal Declaration of Human Rights asserts the fundamental right to redress for violations of human rights. International law standard holds that the right to redress includes effective remedy for the violations. Effective remedy for human rights violation may take the form of a) an apology; b) investigation and documentation of the violation and harm; c) restitution or reparation; and, d) punishment of perpetrators.

Specifically, the DDPA asserts in paragraphs:

101. With a view to closing those dark chapters in history and as a means of reconciliation and healing, we invite the international community and its members to honor the memory of the victims of these tragedies. We further note that some have taken the initiative of regretting or expressing remorse or presenting apologies, and call on all those who have not yet contributed to restoring the dignity of the victims to find appropriate ways to do so and, to this end, appreciate those countries that have done so;

102. We are aware of the moral obligation on the part of all concerned States and call upon these States *to take appropriate and effective measures to halt and reverse the lasting consequences of those practices*; (12) [emphasis added]

And

104. We also strongly reaffirm as a pressing requirement of justice that victims of human rights violations resulting from racism, racial discrimination, xenophobia and related intolerance, especially in the light of their vulnerable situation socially, culturally and economically, should be assured of having access to justice, including legal assistance where appropriate, and effective and appropriate protection and remedies, *including the right to seek just and adequate reparation or satisfaction for any damage suffered* as a result of such discrimination, ... (13) [Emphasis added]

### **21<sup>st</sup> Century Reparations Paradigm**

From Durban and the DDPA we now can chart, and are charting, a new type of fight for reparations - what I am calling the 21<sup>st</sup> Century Reparations Paradigm. First, we ask, how is reparations defined? In 2002, the Afrikan and Afro Descendant Caucus at Durban held a follow-up of WCAR in Bridgetown Barbados. In their outcome document, the Bridgetown Protocol, the Afrikan world adopted N'COBRA's definition of reparations – *the process of repairing, healing, or restoring a people who where injured due to their group identity in violation of their fundamental human rights by a government, corporation, institution or individual*. (14) Now key to this definition is repair from injuries resulting from a violation i.e., crime.

So right here we have the three justice concepts that inform the 21<sup>st</sup> Century Reparations Paradigm- **crime, injury, and repair**. When we wed these concepts to the spirit of the three clause of the DDPA, the model becomes complete. We can use this model to begin to address the varied issue affecting the Afrikan world – these problems/challenges would be rightfully, and at all times, identified and classified as injuries resulting from crimes that have yet to be repaired.

### **Crimes**

Here is how we move with these concepts in the spirit of the DDPA. Regardless whether we use terms like the Black Holocaust, the Maafa, the Chattellization Wars and/or humanicide, we are speaking of a “singularity situation of subjugation,” which was criminal. In asserting this reality of our experience as humanicide, Hunter Adams, informs us that:

[Humanicide] outlines how the process of *killing* of a people/person's identity, culture, history, language, religion, socialization, and family relations occurred. It considers punitive killings, including those colonized, to enforce compliance with the odiously oppressive system, Moreover, it details tactics used to create conditions and mindsets that continue to batter Africans, notably in the Diaspora ,

with unearned shame and suspicion, pervasive profiling and micro-insults, bedevil race relations, foster unwholesome ways of living, relating, and consuming, sub-consciously fulfilling the slave narrative. Humanicide is not equivalent to racism, discrimination, or Apartheid – it encompasses and eclipses them.

Humanicide reveals the fractal nature of Trans Atlantic Slavery: the deeper we probe, the more complexity we discover. Currently, Humanicide is configured and characterized by multiple interfacing categories and attributes: philosophical, psychological, physical, cultural, biological, health, economic, educational, linguistic, religious/spiritual, social historical, legal, regulatory/managerial and temporal. (15)

Since Durban the actions are internationally recognized as crimes and the perpetrators, criminal.

The two primary legal arguments for not repairing this crime are the errant notions that slavery was legal at the time so there was no crime, and that too much time has passed for there to be a charge brought against the criminals. These notions are both legally dismissed by Nora Whitman in **Slavery Reparations Time is Now**. Dr. Whitman meticulously details that prevailing international law at the time did not see these actions as legal but also as criminal.

When one contends that “slavery” was “legal”, it needs to be asked by whose standards it is supposed to have been legal. The allegation of legality is based solely on the colonial laws that European enslaver states passed after they had been the driving force in transatlantic slavery for already more than a century. However transatlantic slavery was not legal by the laws of affected Africans, nor was it compliant with international law standards of the time. It was not even “legal” by the laws of European enslaver states... (16)

In dealing with the issue of time or that it happened too long ago for claims to be brought, the power of the DDPA rises. It is well established international law that crimes against humanity have no statute of limitations.

Also from Dr. Whitman:

Legally and technically speaking, this kind of discourse refers to the doctrine of *laches*, which holds that a claim can no longer be brought forth after too much time has passed. We will see that with regards to transatlantic slavery, *laches* is without any relevance since, one, the crime is continuing and *laches* logically concerns only completed acts and because, two, the claim has in fact been brought forth since the first deportation of African over the Atlantic. Perpetrator states have only never accepted them. (17)

Therefore, if the government, corporation, institution or individual is still functioning they are criminal – until. And I will get to that “until” in a moment. Therefore, with this document, there excludes the process of needing to find them guilty of the crime. They are guilty by merely still existing. Thus, in relationship to Afrikan people, the governments of US, Britain, France, Germany, Portugal, Spain, Belgium, Italy, Sweden, the Netherlands, are today, criminals. So are multinational corporations like Firestone, Leveler, Shell, and many, many others, are criminals.



Most of what makes Europe Europe is a result of its criminality against Afrikan peoples. And as our late Queen Mother Yaa Asantewa Dorothy Benton Lewis, directed us, we must always refer to them as the criminals that they are – until. Again, I will talk about “until” later.

## **Injury**

That brings us to our second justice concept of *injury*. Have we been injured, but most importantly, do the injuries remain? Before the 15<sup>th</sup> century contact with Europe, there were many Afrikan societies far more culturally advanced than all of Europe. They were resting on centuries and even thousands of years of high culture with its accompanying spiritual, political, economic, and social institutions -what is now being referred to as Afrikan indigenous knowledge. But aside from being separated from our cultural heritage and legacy, which has its own array of injuries, as those of us here know it is often the most learned amongst us, (and this is global), we have been taught to despise all that was/is Afrikan. This injury is the most violent, pervasive, and destructive, on going, self perpetuating and has shown to be most difficult to repair.

Let me quote a few scholars on this injury.

### George G. M. James in **Stolen Legacy**

Mental slavery continues to this present day. This slavery affects the minds of all people and, in one way, is worse than physical slavery alone. That is, the person who is in mental bondage will be “self-contained.” Mental bondage is invisible violence. Not only will that person fail to challenge beliefs and patterns of thought which control him/her, he will defend and protect those beliefs and patterns of thought virtually with his last dying effort. (18)

### Carter G Woodson the Father of Black History Month in America, in **Mis-Education of the Negro**

When you control a man's thinking you do not have to worry about his actions. You do not have to tell him not to stand here or go yonder. He will find his 'proper place' and will stay in it. You do not need to send him to the back door. He will go without being told. In fact, if there is no back door, he will cut one for his special benefit. His education makes it necessary. (19)

And we have a host of radical, Afrikan-centered scholars that identify the mental injury the affects the African world in glaring detail and with various labels -each more cogent than the next:

### Sultan and Naima Latif - *Psychic Trauma*

What happens when a close nit harmonious community is shattered by strange looking foreign invaders who kidnap a number of its citizens?

What happens to those citizens who are smuggled away, locked in chains, and is shipped off to a foreign land where they are murdered, tortured, raped, beaten and forced to labor in the fields under the lash of a whip and the constant threat of death?

What happens to them when they are forced to have sex with each other, for the purpose of producing babies, who are snatched away, and sold like puppies, to strangers?

What happens to their children, who learn to live in mortal fear of their captors, and whose group being taught that they come from a people who are ugly, stupid, and commanded by God to be servants?

What happens to these children who are raped by their captors, and forced to give birth to their captors' babies, then told that the offspring from these rapes are superior because they look more like the captors?

And what happens to the children conceived through rape, who are taught that the only way they will be treated with any kind of respect is if they can look, speak and act like their captors?

What is the mental condition that develops as a result of such an experience?

We believe it is psychic trauma. (20)

Dr. Na'im Akbar - Visions For Black Men. *Plantation Psychosis*

It is important to understand that when African people are in opposition to themselves they are mentally ill. That's what mental illness is. When you work against your own survival, you are crazy. [It does not matter if one wears] a three-piece suit and is part of the White House staff. You are crazy. (21)

Dr. Kobi Kambon - *Cultural Misorientation*

Cultural Misorientation [is] a psychological orientation in [African Americans] resulting from European cultural oppression reflecting a European Survival Thrust, reflecting the basic components or content dimensions of a materialistic, individualistic, alien and anti-self, self-destructive and racial integration emphasis in one's thoughts, attitudes and behaviors (22) (Kambon, 2003, pp. 72-73).

Dr. Joy DeGruy - *Post Traumatic Slavery Disorder*

P.T.S.S. is a condition that exists as a consequence of multigenerational oppression of Africans and their descendants resulting from centuries of chattel slavery. ...Under such circumstances ... predictable patterns of behavior [tend] to occur:

Vacant Esteem - Insufficient development of ... primary esteem, along with feelings of hopelessness, depression and a general self-destructive outlook.

Marked Propensity for Anger and Violence - Extreme feelings of suspicion perceived negative motivations of others. Violence against self, property and others, including the members of one's own group, i.e. friends, relatives, or acquaintances.

Racist Socialization and (internalized racism)- Learned Helplessness, literacy deprivation, distorted self-concept, antipathy or aversion for ...[the] members of ones own identified cultural/ethnic group; [the] mores and customs associated with ones own identified cultural/ethnic heritage; [and the] physical characteristics of one's own identified cultural/ethnic group. (23)

Dr. Bobby Wright – refers to the process of inculcating this alien consciousness in the minds of Afrikans as *Mentacide*

[Mentacide] which is defined as the deliberate and systematic destruction of a groups mind... [in which] the ultimate aim is the extirpation of the entire race. ...The technique of mentacide deludes Blacks into believing there is a commonality between them and oppressed whites, which leads Blacks to attempt to form alliances with them. Yet in spite of the historical failures of these alliances to benefit Blacks they continue to pursue them. (24)

Dr. Amos Wilson – agrees with Dr. Bobby Wright’s assessment that it is purposeful and intentional on the part of whites. In **Falsification of Afrikan Consciousness**, he says that the European global order is a social machine whose institutions are so ordered to manufacturer a falsified consciousness in people of Afrikan descent. (25)

If we take all of the above collectively and place them in a succinct statement, we would have to agree with Dr. Amos Wilson's conclusion that Afrikan people are “**out of our Afrikan minds.**” (26)

I heavily emphasized the psychological injury effecting Afrikan people because it is my belief that until we get the Afrikan mind back to the Afrikan all of our other injuries will remain and intensify. We only need to be reminded by Brother Steve Biko’s analysis, “the most potent weapon in the hand of the oppressor is the mind of the oppressed.” Dr Wade Nobles concurs when he states “Black Psychology should be a starting point for all recovery, restoration, and understanding of both continental and diaspora Africans,” and “[must] serve as a key praxis in the restoration of the African mind, identity and consciousness.” (27) And finally in, **Afrikan-Centered Consciousness Vs New World Order**, Dr Amos Wilson makes it cogently clear that only an Afrikan Centered consciousness can defeat the European Global System. Anything else is in service to ones own domination. (28)

When examining the Pan Afrikan situation report provided by Professor Chinweizu we see a fuller extent of both the injury from the crimes and the repair that must take place. Under the heading *Tasks before Pan Africans Today*, these tasks, nearly in their entirety, refer to injuries resulting from the European crime of humanicide. Here is the list – [paraphrased, in part]

1. Eradicating AIDS before it exterminates the Black race;
2. The deepening poverty and lack of jobs, especially for our school leavers;
3. The restitution of lands seized by European settlers;
4. The destruction of African agriculture;
5. The new, an possibly terminal, scramble for Africa;
6. Our new vulnerability;
7. Abolishing black comprador neo-colonialism;
8. Effecting cultural re-Africanization after cultural decolonization;
9. The democratization of our economic, political and cultural life;
10. Organizing our escape from the imperialist prison guarded by the IMF, World Bank and WTO;
11. Removing our own weaknesses which have either robbed us of victory in our struggles or kept us from consolidating our limited victories;
12. Defeating a resurgent Arab racism, expansionism and colonialism;

13. Environmental damage , from the dumping of toxic waste in Africa and the destruction of our forests etc;
14. Eradication of the colonialist mis-education that persists through the unchanged Eurocentric curriculum or our schools;
15. Closing the astronomical, and still widening technological gap between an unindustrialized Black Africa and the industrialized NATO countries;
16. Rehabilitating the ethno-nations of Black Africa. (29)

So injuries we know. In knowing them, we must always attach them to the crimes perpetrated in actions to advance of European expansion and greed – crimes against African humanity.

### **Repair**

That brings us to the third concept – repair. Repair, healing and restoration are processes that are initiated to make us whole and healthy. Repair will take many different forms and many different varieties and variations to bring healing to the Afrikan world. Afrikans have in the past and present, and must in the future, embark upon many ways to repair ourselves, first from the crisis of consciousness and identity, as stated earlier, and then toward those areas most noted when we talk about development. This is what is termed by Prof. Chinweizu as internal reparations. It is Afrikans using Afrikan creativity, organization and resources to repair us. It only becomes internal reparation, if and when we declare the work we are doing is to address the injuries from the various crimes against our humanity. When we boldly declare we are addressing the residual effects of European efforts of Humanicide, we are engaging in internal reparations.

We will find many Afrikans wanting to address the many negative conditions that exist among our people. If they do not have a historical understanding of the condition, at best their work will be bandages treating only symptoms. In order to heal, you must understand the injury and to understand the injury, you must know its origin and causation. Absent this analysis, we will be stuck going in circles and trying one European fix after another – all designed to hide, consciously or unconsciously “their” causation, complicity or continued benefit.

### **Determining the Healers**

In addition with this model we will be able to analyze and categorize the many and varied individual and group actors (healers) engaged in our struggle – those of the past, but particularly, those who are leading/thinking/acting as healers in the present. Do they truly understand the crime; do they properly interpret the resulting injuries; and do they engage in repair, healing and restorative work from this clear interpretation of the on-going humanicide? Are they among those that take a long historical analysis going back to Kemet, Ethiopia, the ancient kingdoms, and pre-colonial Africa in their diagnosis of, and proscription for, our injuries; - those with clearer sight, value Afrikan Indigenous Knowledge, have an Afrikan World View, drink from the “deep well” of African thought, and operate from the Afrikan Principle of doing the greatest good for the greatest number of Afrikan people?

Or are they “pro-Black” but lack a foundation in Africology, African-centered thought or Abibifology; the healers who see the injuries as something of a contemporary cause and look

only as far as colonialism or enslavement in pride of their European education in their diagnosis. As such the agents and agencies for a cure can only arise out of the historical sphere of this shallow diagnosis with its heavy and one-side dependence on the criminal and their “medicines”? Or finally are they attempting to fit our “development problems” within the context of European Globalism and empire; those working against our healing in the interest of and service to the criminals? Compradors, as Prof Chenweizu has so rightfully labeled them.

So among these healers we have Dessalines, Garvey, Malcolm X, Toure, , Lumumba, Sankara, Diop, Winnie Mandela and the current Robert Mugabe in this group. Among those healers who saw out of integrationalist eyes we would have to site Dubois, Nkrumah, King, Nelson Mandela and a host of current Afrikan leaders. And we would all agree that Mubuto Sese Seko would best describe one who prevented the healing and exacerbated the injuries in the employment of the original criminals. Here, too, we can add some current Afrikan World Leaders to this intensification list. History will most likely place Obama high, if not the highest, in this category.

### **Until What?**

On two occasions earlier, I said the European world is criminal “until.” Until what? Until they began supplying resources for the repair of injuries they inflicted upon Afrikan people. These resources are what we defined as reparations. So until we are free and healed from **all** injury we will demand resources, i.e., reparations from the criminals.

First and foremost, again I must stress, we must repair the Afrikan mind. Whatever resources we deem necessary to enact a global system that produces an Afrikan collective consciousness and shared identity in the minds of Afrikan people, we must be about enacting that system. Dr. Wilson posits that collective action can only proceed from a people with these two characteristics firmly in place. (30)

The Pan Afrikan Study Project, initiated by Professor Chinweizu, is one systematic approach. But I am fearful, however, that by the time our youth are exposed to it, they have already been indoctrinated with a consciousness orientated toward the European Global System. We have to find a way to break the information down to be inculcated much earlier. In fact, Dr. Wilson tells us that children, boys in particular, begin to be politicized at the age of 11. (31) Is this no wonder that this was the approximate age that rites of passage programs here on the Continent began to initiate our youth? In this regard, I am inspired by the Jamaican government’s inclusion of the Garvey Movement in the primary and secondary education curriculums.

### **Beware of White Concession**

Most importantly, when it comes to extracting resources form whites, we must be aware of their ways. What the European community will do and have always done is tell us how they want to fix us. Or they will simply do something without our input and say they contributed to our repair. Or they will get some of the Afrikans who know nothing about the crime or the extent of the injury and give them some resources to address the injury, knowing that it will fail because the analysis form which the remedy is targeted is faulty form the beginning. And, finally, they will employ Europeans to “fix” us – giving them back the resources that are directed at the injury. This cannot happen. In each of our areas, we must assess our damage and establish African-centered modalities to begin the repairing, healing and restoration process.

### **No Longer Advocates**

So we have the crime and the criminals, there is no debate on either. We know the injuries, we are living them and they have yet to be repaired. And right here is where the 21<sup>st</sup> Century reparationist enters the arena. No longer do we spend time proving that a crime was committed. No longer do we continue trying to convince anyone of the massive residual injury that still affects us resulting from those crimes. No longer do we aim to convince the wrong doers of their wrongs or their obligations to correct them. No longer do we advocate for the right to reparations. Thus, we are no longer reparations advocates. That is over. Done with. The work at Durban settled that for all time.

### **Reparations Enforcers\***

So now our work must be to enforce our right to reparations. (32) We must become reparations enforcers. The 21<sup>st</sup> Century Reparation Activists enforces their right to reparations. This is what the Mugabe government has done in Zimbabwe with the 2008 Zimbabwe Indigenization and Economic Empowerment Bill. The colonial crime was clear as well as the injury – an economy that still favored the foreigner exploiter at the detriment of the indigenous population. The Zimbabwean government declared the crime and injury and then they gave them an opportunity to repair the situation – the criminals (British Government) agreed to honor the repair claim (land issues agreed to in the Lancaster House Agreement. But the new regime reneged on the agreement. (33) So the Government, more particularly, the veterans, did not go back to continue to advocate for their right to be repaired. They did that already successfully and thought it insane to fight a fight over that you already won. So they enforced their right to be repaired. In 2009 they began enforcing the Act. They indigenized the land, ( they forcefully took back their land from the British settler criminals). They enforced their human right to reparations. Now 245,000 Zimbabwean farmers produce tons of food, more than the 6,000 whites produced before the enforcement. This policy has been called the “biggest” and “most progressive land reforms in the history of Africa.” (34)

They next began indigenizing the mines. According to the Economic Empowerment Secretary, George Magosvongwe, these efforts

“seeks to enforce the transfer to local entities of a least 51% of controlling equity in all existing foreign owned businesses. The aim is to ‘create a dignified employment especially for the youth, distribute wealth amongst citizens more equitably, cause a general improvement in the quality of life of every Zimbabwean and bring about sustainable national development which is homegrown. (35)

They are expecting to have similar results of development with this repair scheme as well. In fact, they have already experienced a shift in wealth utilizing this method. They have transferred 120 mining companies to Zimbabweans. (36) Their plan is to have an African only stock market trading in these shares. (37)

Additionally in their enforcement, they made certain industries exclusively indigenous. “The ‘reserved sectors of the economy’ include: retail and wholesale business, hairdressers, beauty salons, bakers, employment agencies, agricultural, transport, estate agencies and advertising agencies.” (38) Again, by enforcing the Act, they are enforcing their right to be repaired from the

crimes of colonialism. The Zimbabwe government, comprising mostly of ZANU-PF party pushed by its people (the war veterans), and coming on the heels of a major national election victory, are reparations enforcers.

Here the government used its internal resources of state-power to target individuals and corporations. This is the power that African States have to enforce reparations. On the Continent, Zimbabwe is leading the way.

### **Reparations Enforcement in the Diaspora – Brazil**

In the Diaspora, reparations enforcement is underway as well. In Brazil, where you have a country where half the population is of Afrikan descent, here we also see the government themselves enforcing the right - using the DDPA as its source of authority. In 2009, at the Durban Review Conference in Geneva, Switzerland, Brazil's Secretariat of Race, an office created specifically in response to Durban, gave a report detailing a reparations policy (not called by that, but as we said, any action *specifically* designed to counter the injuries of Humanicide is reparations, either internal or external). In sharing these best practices, he hoped they would become the standard of all countries dealing with the issue of racism, particularly injuries resulting from crimes against Afrikan humanity. (39)

At Durban 2 he reported that:

- In 2002, Brazil created the office of the Special Secretariat for Policies for the Promotion of Racial Equality. This would be a new executive office held by a Chief Minister.
- Under the Secretariat of Race, the Brazilian government entered into a national debate with its citizenry. Universities, policy makers, organizations and individuals had the opportunity to debate the government on a national level to make all concerns, issues and solutions known. Out of the national debate, the Brazilian government established a policy thrust that emphasized *that those most in need would receive targeted assistance*.

Some of the targeted policy by the Brazilian government is as follows:

- Affirmative action policy in education at the undergraduate and graduate level was created, funded, and enforced.
- Wealth redistribution beginning with land redistribution was enacted.
- Economic development of the Quilombos. It was determined that they were the most underdeveloped and should therefore be first targeted. The Quilombos population was those Afro-Brazilians who were never enslaved. They took to the mountains and waged a war of freedom and self determination for many generations until enslavement was officially ended.
- Religions that were clearly African in origin were protected from discrimination. Thereby placing African religion on par with the major world religions.
- The 23 or so indigenous ethnic groups would be targeted for self-determined policy.
- Push for the creation of a standard world equality index. (40)

The results of Brazil's reparations enforcement was that prior to Durbin 2001, 42% of the population lived at or below the poverty level. For Brazil, that was 92 million people- an astronomical number for sure. However, as a result of instituting the above policies, in seven (7) years, they reduced their poverty rate by 30%; thereby, lifting 23 million people out of poverty.

(41)

In Brazil, with former President Lula da Silva, like Venezuela under Hugo Chavez, you had leaders that understood, and vocalized their pride and commitment to their African heritage. As such, Brazil also used its state-power to redistribute state resources and to target institutions – educational and religious.

## **CARICOM**

Caribbean states as well have begun their process of reparations enforcement. In July of 2013 the Caribbean Community (CARICOM), comprising of 14 island nations, agreed to the formation of an organ to push forward for reparations. In September, they met for three days in St. Vincent. The outcome was that each state set up a Reparations Commission and the collectively they would push through the CARICOM Reparations Initiative suit against Britain, France, and the Netherlands for genocide of the indigenous people and enslavement of Africans.

Where we have the governments of the Caribbean threatening to sue governments of Europe, the intended venue to hear such claims is the International Court of Justice at The Hague. The CARICOM has sought legal assistance from the law firm that successfully won reparations from Britain for the Mau Mau of Kenya. (42) In addition, they are armed with the brilliant research of Nora Whitman, who did much of her research in the Caribbean. The major points in Dr. Whitman's work is that the Trans Atlantic Slave Trade was not legal at the time according to then international law standards; it equated to genocide; and it matters not how much time has passed because the injury is still present and ongoing. She concludes, however, by stating, that even though there is "clear legal entitlement to reparations" reparations must be "taken", i.e., enforced. (43)

In keeping with the notion even here, the paradigm remains the same, emanating out of the spirit of the DDPA– the focus is on crimes, the injury and repair. In his speech at the UN General Assembly in September of 2013, St. Vincent President, Ralph Gonzales stated, "The awful legacy of these **crimes against humanity – a legacy which exist today in our Caribbean – ought to be repaired** for the development and benefit of our Caribbean society and all our peoples" (44)

In addition, he too understands that far reaching potential of such action. "**The struggle for reparations represents a defining issue for the Caribbean for the 21st Century.**" (45) And, again, in reading and contributing to Whitman's research, they are under no illusions that reparations will not have to be enforced.

CARICOM is using the sovereign power of states to target other states in International Court of Justice and perhaps the International Criminal Court.

## **Afrikans in America**

In America the situation is slightly different. The United States government did not sign on to the Durban Declaration and Program of Action. In fact, remember, they walked out of the WCAR and did not even send a delegation to the Review Conference. So we could not hold them to Durban, like an Afrikan in Britain, or France. Like the Afro-descendants in Brazil have. So Blacks in America sit outside of the DDPA's covenant.



However, earlier last year I was doing some research for the Chicago Alliance Against Racist and Political Repression in regards to their efforts to get enacted legislation creating a Civilian Police Review Council. They asked me to lead a group that would prepare a complaint before the Human Rights Commission at the United Nations. The US was coming up for its periodic review of its human rights obligations and I suggested that this was an opportunity to get the ubiquitous police crimes against people of African descent in America, Chicago in particular, before a world body. In doing my research, I came across CERD General Recommendations 34: Racial Discrimination Against People of African Descent.

(ICERD is the International Covenant for the Elimination of Racial Discrimination. It is one of the major international law instruments of the UN body of treaties. Over the years CERD, the Committee for the Elimination of Racial Discrimination that monitors and enforces the Covenant through its required periodic reports from governments and its recommendations proceeding from those reports, have issued General Recommendations (to all signatories to the Covenant) that have similar weight as amendments.)

Specifically, GC 34 “recalls Durban”, and notes that it is evident from reports that racism and discrimination of people of Afrikan descent is structural and cultural resulting from the Transatlantic Slave Trade, slavery and colonialism and concluded that only special measures could overcome them, - that is, specifically targeted policies, programs and projects on a national scale.<sup>(46)</sup>

Re-calling our definition of reparations – the process of repairing, healing and restoring a people, injured due to their group identify, in violation of their fundamental human rights, by a government, corporation, institution or individual – special measures become part and parcel of the process on healing, repairing and restoring. In CERD GC 32, the Committee provides the meaning and scope of special measures.<sup>(47)</sup>

Therefore, in America, African descendants must go through the ICERD to get to the content of the DDPA, and are thus not excluded from the DDPA. The main point is that we too are empowered by international law to enforce our claim for repair resources as well.

We have tested this paradigm in the city of Chicago with Norfolk Southern Railroad – a company that criminally injured thousands of African descendants for 33 years during the period of enslavement and many, many thousands more for nearly a hundred years after enslavement ended in America, via America’s prison convict leasing system. (This was America’s system of theft of Afrikan labor post enslavement.) We declared them criminal, sited our human right to be repair from our injury, made a specific claim for resources, and sought the city government to assist us in enforcing our human right by barring the Company access to city controlled land until they dealt with their crime.

We did not get the resources we demanded- we were seeking 6% of the \$285 Million project cost- \$17 Million); however, by making the reparations demand as reparation enforcers, we did force concessions from the Railroad that benefited the Afro-descendent community in the community where they were investing. In fact, in a Chicago Sun-Times article entitled “Mayoral-Backed \$285 Million Rail Yard Project Temporarily Derailed” the reporter called our efforts a “political derailment for Mayor Rahm Emanuel.<sup>(48)</sup> In a second article “City Council

OKs Expansion of Englewood Rail Yard,” he wrote that we “extracted a string of concessions from Norfolk Southern.” (49) In the article he refers to environmental groups. However, it was our clear and consistent vocalization that reparations were a human right, that they had an obligation to repair the injury, that the City of Chicago had an obligation under the DDPA via CERD GC 34 to ensure our repair, and an understanding that the project could be delayed indefinitely, that NS Norfolk Southern was forced to give in to the environmental concerns. They had refused to move on this issue with over a year and a half of advocacy by those “environmental” groups prior to our involvement.

Here we enlisted the power of the local government to assist us in going after corporations. Our next stage, in Chicago, and throughout the US of A, is to build the capacity to enforce completely our reparations without dependence on government support. We must be able to radically effect the brand “value” of these entities through mass direct action campaigns as such that were used powerfully in the Civil Rights Era. This time not for civil rights but for reparation resources from declared criminal organizations, institutions and families. Operating from the view of Professor Y.N. Kly, in *The Black Book II*, “we have to make it more beneficial to these entities to concede to reparations than it would be if they did not.” (50) Once we do that, we will then also have capacity to enforce our human right of reparations from the Government of America, as well

### **Conclusion**

So whether a African state on the continent like Zimbabwe, an African state in the Diaspora like those belonging to CARICOM, a state that has an equal or majority African descendant population like Brazil, or a state where the African descendant population in a national minority like America, the method for all is the same. We notify the criminal entity, whether government, corporation, institution or individual, that we are aware that they are declared criminals in relation to people of African descent and that their criminality injured us and that injury remains. International law substantiates all of this. In doing so, we inform them of their obligation to begin to provide resources for our healing, giving them a reasonable time to do so. After that time has expired, we enforce our human right to be repaired with our collective ability to impact the brand of these entities.

Thus, as we move forward for reparations in the 21<sup>st</sup> Century, we must arm ourselves collectively with both the spirit and “rulings” issued in DDPA, with a liberated, African-centered interpretation of the three justice concepts in the African definition of reparations and the confident and sure notion that advocating for reparations is over, and we will thus have a new paradigm for reparations activism in the 21<sup>st</sup> century - Reparations Enforcement. Reparations Now!!

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