

Reparatory Justice for People of African Descent: Building Legal and Institutional Frameworks to Redress Slave Trade, Colonialism and Plunder of Natural Resources

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Reparatory Justice for People of African Descent: Building Legal and Institutional Frameworks to Redress Slave Trade, Colonialism and Plunder of Natural Resources

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Abstract

This paper critically examines how the ideal of reparatory justice can be actualised for people of African descent globally. The paper argues that fostering reparatory justice is vital in addressing current and historical human rights violations perpetuated against people of African descent. These violations include the legacies of slavery and colonialism and current injustices such as systematic racism and plunder of natural resources. Despite its viability in upholding the rights of people of African descent for Sustainable Development, the paper notes that the ideal of reparatory justice is yet to be actualised. As a result, the paper discusses how reparatory justice can be attained for people of African descent globally by building effective legal and institutional frameworks to redress slave trade, colonialism and plunder of natural resources.

1.0 Introduction

Reparatory justice is a concept that involves the use of reparations towards acknowledging and repairing the causes and consequences of human rights violations and inequality in countries emerging from dictatorship, armed conflict, and political violence, as well as in societies dealing with racial injustice and legacies of colonialism¹. It has been pointed out that all victims of human rights violations have a right to reparations². This right encompasses measures to redress violations of human rights by providing a range of material and symbolic benefits to victims or their families as well as

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¹ International Center for Transitional Justice., 'Reparations' Available at <https://www.ictj.org/reparations> (Accessed on 21/12/2025)

² Office of the United Nations High Commissioner for Human Rights., 'Reparations: OHCHR and Transitional Justice' Available at <https://www.ohchr.org/en/transitional-justice/reparations> (Accessed on 21/11/2025)

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affected communities³. It has been argued that reparations must be adequate, effective, prompt, and should be proportional to the gravity of the violations and the harm suffered in order to effectively foster reparatory justice⁴.

The ideal of reparatory justice can be achieved through several measures. For example, it has been observed that compensation or the payment of money is one of the most common forms of reparatory justice aimed at acknowledging and repairing human right violations⁵. Reparatory justice can also take the form of restitution of civil and political rights, physical rehabilitation, and granting access to land, housing, health care and education among other services⁶. Further, it has been observed that reparatory justice can also take the form of revealing the truth about human rights violations and historical injustices and guaranteeing non-repetition of such acts in future⁷.

Pursuing reparatory justice is crucial agenda for the global community. Reparations are recognized as part of the right to a remedy under international law for victims of serious violations of International Humanitarian Law (IHL) and human rights⁸. According to the United Nations, reparatory justice is a fundamental agenda in the 21st century towards addressing the injustices perpetuated by the trans-Atlantic slave trade, colonialism, apartheid, and systemic racial discrimination among other historical crimes⁹. Further, reparatory justice is key in transforming the international trade, finance, and governance systems that have perpetuated injustice for centuries¹⁰. It has been argued that ensuring adequate, effective and prompt reparations is vital towards addressing systematic and

³ Ibid

⁴ Ibid

⁵ International Center for Transitional Justice., 'Reparations' Op Cit

⁶ Ibid

⁷ Ibid

⁸ Ibid

⁹ United Nations., 'Beyond Compensation: Reparatory Justice as a Structural Economic Imperative for Africa' Available at <https://www.un.org/osaa/news/beyond-compensation-reparatory-justice-structural-economic-imperative-africa> (Accessed on 21/12/2025)

¹⁰ Ibid

structural injustices that are prevalent globally, rectifying legacies of human rights violations including slavery and colonialism, and ensuring full and equal enjoyment of human rights for all towards Sustainable Development¹¹. Fostering reparatory justice is therefore fundamental in the quest for Sustainable Development.

This paper critically examines how the ideal of reparatory justice can be actualised for people of African descent globally. The paper argues that fostering reparatory justice is vital in addressing current and historical human rights violations perpetuated against people of African descent. These violations include the legacies of slavery and colonialism and current injustices such as systematic racism and plunder of natural resources. Despite its viability in upholding the rights of people of African descent for Sustainable Development, the paper notes that the ideal of reparatory justice is yet to be actualised. As a result, the paper discusses how reparatory justice can be attained for people of African descent globally by building effective legal and institutional frameworks to redress slave trade, colonialism and plunder of natural resources.

2.0 Examining the need for Reparatory Justice for People of African Descent

It has been observed that people of African descent have for many centuries endured worst forms of human rights violations including the lasting consequences of enslavement, the trade in enslaved Africans and colonialism¹². According to the United Nations, the quest for reparatory justice for people of African descent is informed by historical and ongoing crimes and human rights violations including the trans-Atlantic slave trade, colonialism, apartheid, and systemic racial discrimination¹³. It has been

¹¹ McEachrane. M., 'Reparatory Justice and Sustainable Development: A Way Forward?' Available at <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/forums/forum-african-descent/sessions/session1/statements/2023-01-23/Michael-McEachrane-Reparatory-Justice.pdf> (Accessed on 21/12/2025)

¹² United Nations., 'Strong Leadership and Political will Crucial to Ensure Reparatory Justice for People of African Descent - UN Report' Available at <https://www.ohchr.org/en/press-releases/2023/09/strong-leadership-and-political-will-crucial-ensure-reparatory-justice> (Accessed on 23/12/2025)

¹³ United Nations., 'Beyond Compensation: Reparatory Justice as a Structural Economic Imperative for Africa' Op Cit

argued that the enduring legacies of colonialism, trans-Atlantic slavery, apartheid, and systemic racial discrimination have left socio-economic, cultural, and psychological wounds across the African continent and the African diaspora¹⁴.

The legacies of slave trade and colonialism alongside current injustices such as systematic racial discrimination and plunder of natural resources have perpetuated global inequalities and hindered Africa's development agenda¹⁵. For example, it is estimated that between 25 million and 30 million people were violently uprooted from Africa for enslavement throughout history¹⁶. This situation was particularly severe during the transatlantic slave trade from the 16th century to the 19th century when approximately 12.5 million Africans were enslaved by Europeans and shipped to colonies in the Americas to work as slaves¹⁷. During the transatlantic slave trade, millions of people from Africa were kidnapped, forced onto European and American ships, and trafficked across the Atlantic Ocean to be enslaved, abused, and forever separated from their homes, families, ancestors, and cultures¹⁸. It has been observed that close to 2 million Africans lost their lives during the Middle Passage across the Atlantic Ocean¹⁹. Further, those who survived the Middle Passage were reduced to property in North and South America and the Caribbean Islands where they were subjected to forced labour, abuse and violence²⁰.

The transatlantic slave trade left deep and enduring scars on Africa and the African diaspora. For example, it has been observed that Africa was not only deprived of

¹⁴ Reparations: Justice, Healing and a Fair Future for Africa and its Diaspora., Available at <https://ecosocc.au.int/en/blog/reparations-justice-healing-and-fair-future-africa-and-its-diaspora> (Accessed on 23/12/2025)

¹⁵ Ibid

¹⁶ Amnesty International., 'Why do reparations for colonialism and slavery matter?' Available at <https://www.amnesty.org/en/latest/campaigns/2025/10/why-do-reparations-for-colonialism-and-slavery-matter/> (Accessed on 23/12/2025)

¹⁷ Ibid

¹⁸ Equal Justice Initiative., 'The Transatlantic Slave Trade' Available at <https://eji.org/report/transatlantic-slave-trade/> (Accessed on 23/12/2025)

¹⁹ Amnesty International., 'Why do reparations for colonialism and slavery matter?' Op Cit

²⁰ Chutel. L., 'What Reparations are owed to Africa?' Available at <https://qz.com/africa/1915182/what-reparations-are-owed-to-africa> (Accessed on 23/12/2025)

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manpower and income, but also creativity, innovation, and relationships undermining the continent's development²¹. Further, the transatlantic slave trade shaped race relations and the development of racism as a philosophy for social organization, where most societies where it has touched are now structured in such a way that people of African descent are considered the most marginalised people, and the descendants of the enslaved people still continue to suffer racism²².

In addition, colonialism has had a lasting impact on people of African descent. Colonialism perpetuated many harms and injustices against people of African descent such as denial of self-determination, dispossession of land, the imposition of colonial borders that split communities, plunder of natural resources in Africa, the exploitation of labor of enslaved and colonized peoples, and the destruction of local cultures, languages and knowledge systems²³. Further, it has been observed that colonialism lives on today in the forms of racism, racial discrimination, xenophobia and intolerance against people of African descent²⁴. The weight of colonialism still lives on in the Global South, where political independence and decolonization have not been matched by the enjoyment of human rights including the right to development²⁵. Some of the deep and lasting impacts of colonialism on people of African descent include systemic racism, poverty, economic inequity, overincarceration, dispossession of traditional lands and territories, criminalization of indigenous human rights defenders, and loss of language and culture²⁶.

²¹ Ibid

²² United Nations., 'Unravelling the Legacies of Slavery' Available at <https://news.un.org/en/story/2024/04/1148166> (Accessed on 23/12/2025)

²³ Amnesty International., 'Why do reparations for colonialism and slavery matter?' Op Cit

²⁴ Office of the United Nations High Commissioner for Human Rights., 'Racism, Discrimination are Legacies of Colonialism' Available at <https://www.ohchr.org/en/get-involved/stories/racism-discrimination-are-legacies-colonialism> (Accessed on 23/12/2025)

²⁵ Ibid

²⁶ Ibid

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In addition to the legacies of slave trade and colonialism, plunder of Africa's natural resources is major cause of human rights violations and injustices. It has been observed that resource-rich African countries are losing huge amounts of revenue through exploitation by multinational corporations²⁷. Embezzlement of profits from resource extraction and tax evasion to the benefit of multinational corporations has resulted in Africa losing from proceeds its natural capital undermining the continent's development agenda²⁸. Multinational corporations involved in exploitation of natural resources in Africa have been accused of failing to enhance benefits to local communities by focusing on maximising profits which are usually channeled out of the continent²⁹. Further, unsustainable extraction of natural resources in Africa is causing human rights abuses, ethnic militancy, displacement of indigenous communities from their lands, and environmental challenges including environmental degradation, loss of biodiversity and soil and air pollution as a result of oil spillages³⁰.

In light of the foregoing challenges, it has been argued that reparatory justice is not merely about addressing historical wrongs and abuses against people of African descent but is also vital towards building a just and equitable future for all people³¹.

3.0 Building Legal and Institutional Frameworks to Redress Slave Trade, Colonialism and Plunder of Natural Resources

Reparatory justice is a key agenda for people of African descent towards addressing the injustices and human right violations caused by slave trade, colonialism and plunder of

²⁷ Capital flight from Africa: Resource Plunder and the Poisoned Paradises in Tax Havens., Available at <https://taxjustice.net/2021/03/24/capital-flight-from-africa-resource-plunder-and-the-poisoned-paradises-in-tax-havens/#:~:text=In%20a%20world%20with%20weak,what%20to%20do%20about%20it?> (Accessed on 23/12/2025)

²⁸ Ibid

²⁹ Muigua, K., 'Multinational Corporations, Investment and Natural Resource Management in Kenya.' Available at <http://kmco.co.ke/wp-content/uploads/2018/11/Multinational-Corporations-Investment-and-Natural-Resource-Management-in-Kenya-Kariuki-Muigua-November-2018.pdf> (Accessed on 23/12/2025)

³⁰ Ajibade, L.T & Awomuti, A.A. 'Petroleum Exploitation or Human Exploitation? An Overview of Niger Delta Oil Producing Communities in Nigeria' *African Research Review* Vol. 3 (1), 2009. Pp. 111-124

³¹ Reparations: Justice, Healing and a Fair Future for Africa and its Diaspora., Op Cit

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natural resources. It has been observed that reparatory justice highlights the intrinsic link between the legacies of colonialism and enslavement and contemporary forms of systemic racism and racial discrimination, intolerance and xenophobia faced by people of African descent³². It has been argued that these legacies remain the primary barriers to the full enjoyment of human rights by people of African descent globally³³. The historical injustices of slavery and colonialism are inextricably linked to present challenges faced by people of African descent including racism and global economic inequalities³⁴. Further, plunder of Africa's natural resources continues to undermine the continent's development while also causing human rights violations especially against indigenous peoples and local communities³⁵.

It has been observed that in order to effectively foster reparatory justice for people of African descent, there is need to put in place effective legal and institutional frameworks to redress historical and current injustices including slave trade, colonialism and plunder of natural resources³⁶. The United Nations notes that strong leadership and political will are vital in tackling the lasting consequences of enslavement, the trade in enslaved Africans and colonialism among other injustices experienced by people of African descent³⁷. Through this, it is possible to design and implement legal and institutional frameworks that can foster reparatory justice for people of African descent globally. In particular, it has been argued that achieving the ideal of reparatory justice for African descent involves more than financial compensation and requires effective measures to tackle inequalities in global finance, trade and governance systems³⁸. This requires

³² Ibid

³³ Amnesty International., 'Why do reparations for colonialism and slavery matter?' Op Cit

³⁴ Ibid

³⁵ Ajibade, L.T & Awomuti, A.A. 'Petroleum Exploitation or Human Exploitation? An Overview of Niger Delta Oil Producing Communities in Nigeria' Op Cit

³⁶ United Nations., 'Beyond Compensation: Reparatory Justice as a Structural Economic Imperative for Africa' Op Cit

³⁷ United Nations., 'Strong Leadership and Political will Crucial to Ensure Reparatory Justice for People of African Descent - UN Report' Op Cit

³⁸ United Nations., 'Beyond Compensation: Reparatory Justice as a Structural Economic Imperative for Africa' Op Cit

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comprehensive restructuring of economic, political and social structures that continue to perpetuate inequalities and discrimination against people of African descent³⁹.

Designing and implementing strong and effective legal and institutional frameworks is therefore necessary in the quest for reparatory justice for people of African descent. Such frameworks should be designed addressing inequalities in economic, social and governance frameworks towards racial justice and equality⁴⁰. This can be achieved through ensuring adequate investments in people of African descent in key sectors including education and healthcare and economic empowerment⁴¹. Further, it has been suggested that effective and inclusive legal and institutional frameworks are key towards reforming the global financial architecture to ensuring equitable representation for Africa and people of African descent in shaping global economic policies in order to enhance inclusive and equitable development for all people in all countries⁴². In addition, it has been observed that establishing and implementing a Global Reparation Fund can enhance access to effective and adequate compensation as a form of reparations for people of African descent⁴³. Further, strong environmental governance frameworks that encourage equitable benefit-sharing with local communities, public participation in governance of Africa's natural capital and local, national and regional value addition can

³⁹ Ibid

⁴⁰ Office of the United Nations High Commissioner for Human Rights., 'Reparatory Justice for People of African Descent' Available at <https://www.ohchr.org/sites/default/files/2024-12/reparatory-justice-african-descent-people-1-en.pdf> (Accessed on 23/12/2025)

⁴¹ International Services for Human Rights., 'ACHPR83: Advancing justice for Africans, people of African descent through reparations' Available at <https://ishr.ch/latest-updates/achpr83-panel-on-justice-for-africans-and-people-of-african-descent-through-reparations/> (Accessed on 23/12/2025)

⁴² United Nations Economic Commission for Africa., 'Reparative justice for Africa and people of African descent must go beyond financial compensation - ECA Chief' Available at <https://www.uneca.org/stories/reparative-justice-for-africa-and-people-of-african-descent-must-go-beyond-financial> (Accessed on 23/12/2025)

⁴³ Kokutse. F., 'Ghana Reparations Summit Calls for Global Fund to Compensate Africans for Slave Trade' Available at <https://apnews.com/article/accra-slavery-reparation-conference-08f10f083359e9be57b74d6f6e983a8f> (Accessed on 23/12/2025)

prevent plunder of Africa's natural resources and maximise benefits for Sustainable Development⁴⁴.

4.0 Conclusion

Promoting reparatory justice is vital in tackling injustices and human rights violations faced by people of African descent. These include slave trade, colonialism and plunder of natural resources among others. In order to achieve this goal, it is vital to build effective legal and institutional frameworks that can ensure access to adequate, effective and prompt compensation for people of African descent⁴⁵; reform global economic and financial systems⁴⁶; ensure equality in access to opportunities in economic, social and political spheres⁴⁷; and foster sound environmental governance and equitable extraction of Africa's natural capital⁴⁸. Achieving reparatory justice for people of African descent is therefore an achievable dream for equity, human rights and development.

⁴⁴ Cairo Declaration on Managing Africa's Natural Capital for Sustainable Development and Poverty Eradication., Available at <https://nairobi-convention.org/clearinghouse/sites/default/files/Cairo%20Declaration%20on%20Managing%20Africa%E2%80%99s%20Natural%20Capital%20for%20Sustainable%20Development%20and%20Poverty%20Eradication.pdf> (Accessed on 23/12/2025)

⁴⁵ United Nations., 'Beyond Compensation: Reparatory Justice as a Structural Economic Imperative for Africa' Op Cit

⁴⁶ United Nations Economic Commission for Africa., 'Reparative justice for Africa and people of African descent must go beyond financial compensation - ECA Chief' Op Cit

⁴⁷ Ibid

⁴⁸ Cairo Declaration on Managing Africa's Natural Capital for Sustainable Development and Poverty Eradication., Op Cit

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