

Draft Resolution on Recognition, Restitution & Reparations for Slavery & Colonialism

The United Nations General Assembly,

Recalling all its previous resolutions on the comprehensive follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the effective implementation of the Durban Declaration and Programme of Action adopted by the World Conference, and in this regard underlining the imperative need for their full and effective implementation **(A/RES/69/162 PP1)**

Recalling the United Nations Sub-Commission on Human Rights Decision 2000/114, and drawing the attention of the international community to the massive and flagrant violations of human rights which constituted crimes against humanity perpetrated under the umbrella of slavery, colonialism and inflicted on numerous peoples in the world, **(Sub-Commission on Human Rights Decision 2000/114, adapted)**

Recalling that the effects of these heinous and barbaric Crimes Against Humanity continue to have grave and negative impacts on the social, cultural and economic development of the victims, **(E/CN.4/SUB.2/RES/2002/5 PP4, PP6)**

Noting that Slavery and Slave trade, especially 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 and organized nature, **(Durban Declaration, Page 6 P13)**

Also noting that Slavery and colonialism are among the major sources of Racism, Racial Discrimination and Xenophobia, and that Africans, people of African descent, and people of Asian Descent continue to be victims of these consequences, **(Durban Declaration, Page 7 P14, adapted)**

Noting with deep concern that despite the Atlantic Charter frowning upon territorial changes which did no accord with the freely expressed wishes of the people concerned, borders were arbitrarily carved out by colonisers without giving any concern for the wishes of the affected people, **(Atlantic Charter, adapted)**

Deeply disturbed by the wanton and widespread looting of African and Asian treasures and artefacts which today remain largely unreturned and in the possession of National Museums and private collections of the looting nations, the continued illicit traffic in cultural property and its damage to the cultural heritage of nations **(A/RES/67/PP13 Adapted)**

Aware of the importance attached by the countries of origin to the return of cultural property that is of fundamental spiritual, historical and cultural value to them, so that they may constitute collections representative of their cultural heritage, **(A/RES/67/80 PP13)**

Considering that it is not possible to combat racism and racial discrimination, struggle against impunity or denounce the human rights violations which persist in the world without first taking account of the deep wounds of the past, **(E/CN.4/SUB.2/RES/2002/5 PP3)**

Welcomes that some countries most responsible for this dark period of slavery, and colonialism have taken the initiative of regretting, expressing remorse or presenting apologies for their past deeds **(inspired by Durban Declaration Page 17 P100)**

Regretting the fact that some States largely continue to resist official recognition of these acts as a crime against humanity and refuse to officially apologise for them, (New)

Convinced that these heinous crimes against Humanity committed against Africans, Asians and people of African and Asian descent should be the subject of sincere formal recognition and reparation, **(E/CN.4/SUB.2/RES/2002/5 PP5 adapted)**

Bearing in mind That such recognition and reparation will constitute the beginning of a process that will foster the institution of an indispensable dialogue between peoples whom history has put in conflict, for the achievement of a world of understanding, tolerance and peace **(E/CN.4/SUB.2/RES/2002/5 PP9, adapted)**

1. *Takes note* of the Declaration and Programme of Action adopted in Durban in September 2001 at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, **(E/CN.4/SUB.2/RES/2002/5 OP1)**

2. *Takes note also* of Resolution 2002/5 of the Sub-commission of Human Rights. **(New)**

3. Requests the United Nations High Commissioner for Human Rights to:

a) Report on the causes and consequences of those ills which have been brought about largely by slavery, slave trade and colonialism;

b) To determine the various crimes that were perpetrated under the dreadful aegis of slavery, slave trade and colonialism;

c) Officially identify the culprits as well as victims of slavery and slave trade; **(New)**

4. *Declares* that slavery and slave trade where illegal, remain illegal and that there was no, and can be no justification for determining slavery and slave trade as legal at the relevant times; **(New)**

5. *Declares* that slavery and slave trade were and are crimes against humanity and for all intents and purposes should be treated as such; **(Durban Declaration Page 3 Paragraph 13, adapted)**

6. *Recognises* the negative economic, social and cultural consequences of slavery, slave trade and colonialism, which have contributed significantly to the underdevelopment of developing countries and, in particular, of Africa and the Caribbean's; **(inspired by E/CN.4/SUB.2/RES/2002/5 PP6)**

7. *Requests* all countries responsible for slavery, slave trade and colonialism and its negative consequences to acknowledge and recognize their historical roles and formally apologise to the countries concerned; **(E/CN.4/SUB.2/RES/2002/5 OP3)**

8. *Calls upon* the States responsible for slavery, slave trade and colonialism to pay just reparation, including through active cooperation in development not limited to existing measures of development assistance, debt cancellation, technology transfers for the benefit of the peoples concerned **(E/CN.4/SUB.2/RES/2002/5 PP7 adapted)**

9. *Emphasizes* the importance of social education on the inhumane realities of slavery, slave trade, and colonialism, as an instrument for eliminating racism, racial discrimination and any other form of intolerance; **(E/CN.4/SUB.2/RES/2002/5 OP3 adapted)**

10. *Recognises* the historical, cultural and economic consequences suffered by Africans, people of African descent and Asians, as a result of such widespread and systematic looting of their treasures and; **(Inspired by A/Res/67/80 PP13)**

11. *Requests* the Secretary General to Appoint imminent experts to:

- a) assess in monetary terms the quantum of economic loss suffered by African and Caribbean nations as a result of slavery, slave trade and colonialism;
- b) identify all treasures and artefacts looted from Africa and Asia as well as identify the perpetrators such widespread looting;
- c) determine the current locations of the looted treasures and artefacts;
- d) Report to the 71st session.

12. *Calls Upon* all states responsible to identify and ensure the immediate identification and restitution of all illegally held treasures and artefacts to their respective countries of origin, to provide appropriate support, and means to ensure their protection;(A/RES/67/80 OP3, E/CN.4/SUB.2/RES/2002/5 PP7 adapted)

13. *Requests* the Secretary General to initiate all necessary procedures for guaranteeing the immediate implementation of this resolution, in particular with regard to recognition, acknowledgment reparation and restitution.

14. *Decides* to remain seized of these issues at its 71st session.

