



Special Political & Decolonization (SPECPOL)

Topic 3: Reparations for Historical Injustices and their Impact on Global Equity

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1. Definition of key terms

Historical Injustices: Systemic or individual wrongdoings, such as slavery, colonization, genocide, discrimination, and exploitation, that have occurred in the past and continue to impact individuals or communities today.

Global Equity: The principle of fairness and justice applied on a global scale, aiming to reduce disparities, inequalities, and injustices among nations, societies, and diverse groups worldwide.

Human rights: Rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more.

Restitution: The act of restoring or returning something that was taken away or lost, often used interchangeably with reparations but sometimes specifically referring to the return of specific assets or rights.

Transgenerational Trauma: The psychological and emotional impact that historical injustices can have across generations, affecting individuals or communities long after the initial injustice occurred.

Colonialism: The policy or practice of acquiring political and economic control over other countries or territories, often through colonization, exploitation, and imposition of cultural dominance.

2. Introduction

The term "Historical Injustices" is used to describe past moral wrongs committed by individuals who have since passed away but continue to impact the well-being of those currently living. These

episodes are often associated with discrimination, slavery, genocide, colonialism, mass expulsion of peoples, forced conversions, torture, and various other forms of oppression. For political, economic, religious, or ethnic reasons, states frequently engaged in or permitted the mistreatment of minorities and foreign populations.

The enduring consequences of these events persist today, sometimes leading to the emergence of new conflicts. Furthermore, these actions are now widely recognized as morally wrong, even though they may not have been illegal at the time they occurred.

According to the UN, all victims have the right to reparation, implying that they should receive both material and symbolic benefits. The UN asserts that "reparation must be adequate, effective, prompt, and proportional to the gravity of the violations and harm suffered."

The reparation measures recognized by the UN include:

1. Restitution, aiming to restore the victims' original situation to how it was before the violation occurred, such as the restoration of liberty.
2. Compensation, provided in cases of economically assessable damage, loss of earnings, loss of property, loss of economic opportunities, and moral damages.
3. Rehabilitation, encompassing medical and psychological care, as well as legal and social services.
4. Satisfaction, involving the cessation of continuing violations, truth-seeking, efforts to locate disappeared persons or their remains, recovery, reburial of remains, public apologies, judicial and administrative sanctions, memorials, and commemorations.

3. Background information

States and governments respond to claims concerning historical injustices in various ways. In many cases, heads of state and governments issue formal apologies or finance the creation of monuments and memorials to address past events.

In the 19th and 20th centuries, White Americans controlled and terrorized Black people by committing violent public acts known as lynching. Lynchings involved the public killing of individuals who had not yet been taken to trial, often accompanied by torture, mutilation, decapitation, desecration, and, in some cases, victims being burnt alive. Lynchings aimed to reinforce and celebrate white supremacy, often considered a form of public spectacle in which many people participated. It is estimated that between 1882 and 1968, 4,743 lynchings occurred in the United States. One reparation measure addressing this issue is the creation of the National Memorial for Peace and Justice, opened on April 26, 2018, in Montgomery, Alabama.

In other situations, governments opted for different approaches to address claims of historical injustices. During World War II, on February 19, 1942, President Franklin D. Roosevelt issued Executive Order 9066, leading to the construction of Japanese internment camps that affected the lives of over 120,000 people. This action, a direct consequence of the Pearl Harbor attacks, is considered one of the most egregious violations of American civil rights in the 20th century.

At a later time, in 1976, President Gerald Ford officially repealed Executive Order 9066. In 1988, Congress issued a formal apology, and thanks to the passing of the Civil Liberties Act, over 80,000

Japanese Americans were awarded \$20,000 each as reparations for the treatment they had previously received.

Apartheid was a legislative system that supported segregation against non-white residents of South Africa. In 1948, the Afrikaner National Party won the elections and immediately started to enforce pre-existing policies concerning racial segregation. The party's objective was to create a division between white and non-white citizens to decrease Black South Africans' political power. Under apartheid, over 3.5 million non-white citizens were forcibly removed from their homes and moved to separate areas called "Bantustans." Moreover, contact between the two groups was limited: white and non-white inhabitants had to use separate public facilities. It was only in 1991 that President F.W. de Klerk began to repeal the laws that caused apartheid. The Truth and Reconciliation Commission was a restorative justice body assembled in 1996 as reparation, with the objective of offering rehabilitation to victims of apartheid. All witnesses considered victims of gross violations of human rights were invited to share their experiences, and some were selected for public hearings in which perpetrators of violence were taken to trial.

4. Major countries involved

Germany

The post-World War II German-Israeli reparations program stands out as the most expansive and comprehensive initiative of its kind. Traditionally, reparations were a practice endorsed by the defeated party to compensate the victor for wartime damages. However, the Wiedergutmachung program in Germany, also known as Shilumim in Israel, transcended this conventional interstate framework, introducing several innovative elements. The negotiations leading to the 1952 treaty involved Jewish leaders and community networks, marking a departure from the typical state-centric approach. In contrast to the historical entities involved, neither the Federal Republic of Germany (FRG) nor Israel existed during the war. Notably, reparations were disbursed to the state of Israel and Jewish Holocaust survivors, irrespective of their nationality. This landmark treaty significantly bolstered the FRG's political and economic standing, enabling its entry into the international stage and the establishment of diplomatic ties with Israel. Simultaneously, Israel's economy reaped substantial benefits from the financial support received.

USA

Reparations for slavery involve compensating victims or their descendants. In the US, they've been granted through legal rulings or voluntarily by individuals/institutions. Despite recurring proposals, no federal reparations bills have passed. Various forms of compensation have been suggested, including monetary payments, scholarships, apologies, and systemic initiatives. Calls for reparations intensified in 2020 amid protests against police brutality and COVID-19's disproportionate impact on Black Americans. However, the idea remains controversial due to uncertainties about their implementation and recipients. Some also advocate for reparations related to ongoing injustices and suggest the US prison system perpetuates a form of modern-day slavery affecting black populations disproportionately.

South Africa

In the late 1990s, South Africa embarked on a significant initiative to foster national unity and address the legacy of apartheid through the Truth and Reconciliation Commission (TRC). Established under the Promotion of National Unity and Reconciliation Act, the TRC documented

past atrocities, granted amnesty to confessors, and aimed to heal historical wounds. The process aimed to use truth to pave the way for forgiveness and reconciliation among South Africans transitioning into majority rule. This approach explored blame attribution theories, examining responsibility for both the actions of the apartheid regime and those fighting against it. The TRC provided a unique setting to test various hypotheses within a real political context, offering insights into how contextual factors influenced blame judgments among ordinary South Africans.

5. Timeline of events

- **14 December 1960 - Declaration on the Granting of Independence to Colonial Countries and Peoples:** A UN resolution affirming independence for all countries and peoples subjected to colonial rule.
- **20 November 1963 - Declaration on the Elimination of All Forms of Racial Discrimination:** A human rights proclamation and an important precursor to the Convention on the Elimination of All Forms of Racial Discrimination.
- **21 December 1965 - International Convention on the Elimination of All Forms of Racial Discrimination:** An international treaty aimed at eliminating racial discrimination in all its forms.
- **8 September 2001 - Durban Declaration and Programme of Action:** A declaration addressing racism, racial discrimination, xenophobia, and related intolerance, with the goal of preventing their future occurrence.
- **15 December 2005 - Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law:** A document providing guidelines for assessing violations of human rights and recommending reparation measures for victims of gross violations.

6. UN involvement

Reparations for racial discrimination stemming from colonialism and slavery are crucial for upholding human rights, emphasized a UN human rights expert. The Special Rapporteur urged nations to acknowledge their duty to provide reparations to victims and their descendants, stressing that it's integral for a global order committed to the dignity of all, irrespective of race or origin. Highlighting that modern racism is deeply rooted in historical injustices, she emphasized that colonial legacies persist as various forms of racial discrimination today. These historical injustices, like slavery and colonialism, perpetuated racial inequalities that continue to impact wealth disparities and hinder equality efforts.

Moreover, she criticized the existing discrimination in reparations, pointing out that those who benefited most were often perpetrators and their descendants, while the descendants of enslaved individuals remain unheard or even criticized for seeking relief from racial injustice. The Special Rapporteur criticized legal resistance to reparations and urged states not to prioritize technicalities over racial justice and human rights. She emphasized that reparations are not unprecedented; international law repeatedly affirms the obligation of states to provide reparations for breaches of

legal obligations. Ultimately, she called upon nations to recognize their responsibility to offer reparations and to reform international laws hindering reparations and racial equality efforts rooted in colonialism and slavery.

7. Bibliography and useful links

- [Apartheid: Definition & South Africa | HISTORY](#)
- [German Reparations to the Jews after World War II: A Turning Point in the History of Reparations | The Handbook of Reparations | Oxford Academic \(oup.com\)](#)
- [Historical Injustice | Oxford Research Encyclopedia of Politics](#)
- [Historical injustice | Race, Gender & Power Dynamics | Britannica](#)
- [Historical Injustices | Encyclopedia.com](#)
- [History of Lynching in America | NAACP](#)
- [Japanese Internment Camps: WWII, Life & Conditions | HISTORY](#)
- [Reparations | OHCHR](#)
- [Reparations for slavery in the United States - Wikipedia](#)
- [Truth and Reconciliation Commission \(South Africa\) - Wikipedia](#)
- [Truth and Reconciliation in South Africa: Attributions of Blame and the Struggle over Apartheid on JSTOR](#)
- [UN human rights expert calls on States to make reparations for colonialism and slavery | OHCHR](#)