



The Activist Files Episode 53: Back in Black: will the UN finally unite around people of African descent

Announcer:

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Vince Warren:

Hey everybody, this is Vince Warren from the Center for Constitutional Rights. Welcome to the Activist Files Podcast. Today we're gonna have a wonderful conversation about the United Nation's Permanent Forum for People of African Descent, and we're gonna be joined by two extraordinary activists and thinkers that have been in this space that can talk to us about what it is, why it's important, why they were participating, and what it was like to be there. And so today I want to introduce Gay MacDougal, who is a member of the UN Committee on the Elimination of all Forms of Racial Discrimination. She's been a member of that committee for 10 years, and also a former special rapporteur on minorities, which she did for six years. And I have to say in addition to being a good friend, she is also a Center for Constitutional Rights Board member. Welcome Gay.

Gay MacDougal:

Thank you.

Vince Warren:

And also Amara Enyia, who is the chair of the International Civil Society Working Group for the Permanent Forum. She's also the manager for Policy and Research of Movement for Black Lives, and the president of Global Black Amara Welcome.

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Amara Enyia:

Great to be here.

Vince Warren:

So it's great to have you both here, and we all got to spend time together in Geneva for this really groundbreaking forum. But Gay, maybe you can start us off for people that aren't familiar with the UN alphabet soup that frankly I'm a little mystified by, tell us a little bit about what the Forum was designed to do and how we even got it.

Gay MacDougal:

Well, how we got it is the story that starts in 2001 with the Third World Conference against Racial Discrimination where 40,000 people from all over the world gathered in Durban to try to structure the next big agenda item for the UN after the end of apartheid. And it's set up several organizations within the UN, one being an intergovernmental working group to further the aims of the work in Durban. And they, in 2005, declared a decade on people of African descent. And there were many goals set up, but there were two primary ones. One was the establishment of a forum on people of African descent, and the second was the elaboration of a declaration on people of African descent. So this is a long, thought for, long wished for entity, this Permanent Forum. And so, you know I think we're all thrilled that we have it. There's a lot of discussion about what it is. We have <laugh>, but <laugh>, you know, I, it is certainly, to me, as somebody's worked in these spaces for so long. It is a dream of my career.

Vince Warren:

That's extraordinary. I mean, it's decades in the making. And for those of us like me that just kind of pulled up in the end of 2022, it was vibrant. There were literally black folks from around the world, from the Caribbean, from Africa black folks from Europe and the US. It was really extraordinary. Can you just tell us a little bit about what a forum means in the context of the United Nations? Like what, what is, what does that mean for folks that don't know?

Gay MacDougal:

Well, you know, the resolution that establishes, it's a consultative, a vehicle that is to see to the livelihood, if you will, of people of African descent. That's very general, and it doesn't state any real functions or you know, duties or the degree to which anybody else has to pay attention to. It <laugh>. And that's part of our problem, these forums. And there, there's several that have, have been established over time. I, I did one on minorities. They are what people make of them. And so what we've got ahead of us is the road to making this forum be something that speaks to our aspirations and really establishes a new array of rights for people of African descent. And, you know, one of the major outcomes is to elaborate a declaration on the rights of people of African descent.

Vince Warren:

That's a great segue to Amara, who is chair of the International Civil Society Working Group for Permanent Forum. And Amara just a bit about what that role is. Gay was talking about that these forums are what we make it. And tell us a little bit about your role in terms of the International Civil Society and their engagement in this process.

Amara Enyia:

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Sure. So, you know, it, as Gay mentioned, the Permanent Forum is part of a long, you know, years long effort to be established. And Gay has been deeply embedded in that work, and so many others have been deeply embedded in that work. But we also know that 2020 was a catalytic year. So a lot of the things that folks have been working on for a long time, all of a sudden, of course, this is after the killing of George Floyd and these uprisings that took place around the world, a space was created to, I think, accelerate some of that work. And so it was in that context that I became involved in the process of continuing the advocacy to establish the forum. So it was myself and many other people from around the world that were just meeting kind of informally. We decided that we wanted to try to move aggressively to get it established. And so that required advocacy meeting with different diplomats and ambassadors from different countries navigating somewhat precarious terrain as it relates to who was actually for establishing the Permanent Forum and who wasn't. And could we move member states over to our, to our side, as well as the modalities for the forum that were drafted, which outlined how it operates.

Amara Enyia:

And so that group of us that were meeting regularly, but informally, so it wasn't an official thing pushed and pushed. And then finally when the forum was established when the resolution was passed in 2021, we knew that we can't just clap, celebrate, and then go our separate ways. And so it was a conversation that I recall having with myself and actually one of the current Permanent Forum members and say, we have to establish a working group. The folks that came together and pushed and worked together to advocate, we have to continue this because it is, as Gay said, it's going to be what we make of it. And so we have to make sure that it is impactful, that it reflects the vision that so many people had and that it functions in a way that helps to advance the cause, the things that many of us are advocating for. So that was the genesis of the working group. The next month it was passed, the resolution was passed in August, email went out maybe a week or so after that. Like, okay, we, we have to establish the Civil Society Working Group for those who are interested in continuing this work. And, and that was sort of the, the origins of getting started.

Vince Warren:

That's amazing. You know, it's just how the work is sometimes. It's like just getting the forum, getting the platform to be able to discuss this work can take decades. And then once it's established, then it's like go time on the ground. Right. We had, I'm listening to you. It sounds like you've had about 45 minutes to get everybody, okay folks, what are we gonna do? How are we gonna engage with this? And, you know so let's just talk a little bit about, I mean, you mentioned Amara that the establishment at this particular point in time, particularly after the murder of George Floyd, which has, along with the many, many, many other murders that happen by the police of black folks in the United States, has really galvanized the world community to elevate and create some urgency around these discussions. I also, you know, just wanna note, just for the, for the listeners that, you know, coming to the forum, my experience was, so who are the players? And so we have Civil Society to which, you know, the Center for Constitutional Rights and Movement for Black Lives, and many, many, many, many other groups were a part of. Then there are the Forum members. And I would should mention that Justin Hansford from who runs the Thurgood Marshall Center at Howard Law School-

Gay MacDougal:

-Also a board member,

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Vince Warren:

<Laugh>, and also a board member. I'm just saying, I mean, you know. Yeah,

Vince Warren:

Right. No, you should <laugh> <laugh>.

Vince Warren:

I mean, you know, it's rare that you get to flex the way that Gay and I just did. But we have really extraordinary board members here. But there are the members, and then there are the member states, which in sort of layperson's language, these are the countries, these are the governments that also have a role to play in, certainly in terms of the declaration that we're shooting for. And so there's a lot of, I think advocacy and negotiation, as you were mentioning, Amara, particularly with how we can get member states onboard to think about the interests of the black folks that live in their countries and not as much the interest of the countries and where they wanna relegate black folks.

Gay MacDougal:

Mm-hmm. <Affirmative>.

Vince Warren):

Gay. What was the, what, what did you see as some of the, I don't know, takeaways, things that you sort of, observations that you saw from the forum that really kind of resonate with you, that you think may be opportunities? What did you see?

Gay MacDougal:

Well, you know, I think first of all, it was everybody took away the feeling, the recognition that we as people of Africanness everywhere, we're stretched out all over the world. Now, you know, now there are at least 15 million in Europe. There are, you know many, we don't have the number quite down yet in Asia and 170 million at least in the Americas. And so all of these were represented people from the South Pacific came <laugh>. So, I mean, that was a dynamic realization that, you know, we are, we are the world <laugh> shall, shall we say. And yet we came together, you know, with the same sort of rump list of priorities to be achieved. You know, certainly reparations was the first on, on the list, and I think everybody, you know, agreed about that. You know, and there was several more, interestingly enough, climate justice was high on the list. Migration rights of people of African descent were some that you would not have as along with education, criminal justice issues, et cetera. But the other thing I think is primary in this is we want the right to speak for ourselves. And that was one of the tensions in the forum that maybe some didn't pick up on.

Gay MacDougal:

Yes, the UN is an organization of governments, so the governments were there, but who gets to write the Declaration on the rights of people of African, the governments say they got the right. I think that it should be an expression of what people of African descent around the world, you know, want the aspirations, the declaration that we are here and we are the world and all of that. And that's gonna be a tension going forward. That's quite significant on reparations. There is a major powerful grouping of states that don't wanna hear that word at all as they didn't wanna hear it at the Durban Conference in 2001, and will do everything they can to block it. But on the other hand, among us is the group of African

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states, which is the largest group in the UN. And to the extent that they're able to flex their muscles, then that can help us. The problem is that they are also, as a group, poor. And when we were lobbying for the institutional outcome, that would be an expression of outrage over George Floyd's death, and we went to the Africa group to carry that forward. There were certain governments, our own <laugh>, by the way, that were threatening the African countries, that aid packages, you know, you, if you'd vote for this next year, you are not gonna get the same aid package threatening them politically. So that's a dynamic that we're gonna have to figure out how to, you know, manage and maneuver.

Vince Warren:

Yeah. That's, you know, I love the idea that the fundamental concept of having us speak for ourselves, and particularly in the context of who writes that declaration, because, you know, the last time they wrote a declaration in this country.

Gay MacDougal:

Right.

Vince Warren:

We had nothing to do with it.

Gay MacDougal:

Exactly. Exactly. That's, that's our problem.

Vince Warren:

That that is our problem. And, you know, lesson learned and note to self. Right. Don't let that stuff happen no more. Amara, I wanted to sort of kick it to you on, on a kind of two things. What were some of the takeaways that you had from the forum? And then I think picking up on what Gay said about some of the shenanigans that are happening with states trying to influence, threaten African states or states that kind of wanna step out with us, what are some of the, the challenges and strategies that are there?

Amara Enyia:

Yeah, so one of the major takeaways for me was, and this is just kind of this is following on Gay's point, was really just the recognition of each other. The fact that we, we are everywhere around the world and we all were in the same space. And it's something that can't be overstated because the first, at least in my view, the first step in sort of relationship building is seeing each other and recognizing each other and starting to build a familiarity with each other that I think we are in a unique point, even in history, where we have these avenues of making those connections. We have technology that can mitigate the geographical differences, the language differences, and some of those things that may have been barriers to our coming together or being sharing space with each other. And so we, this is a time for us to take full advantage of this unique historic moment. And so it was inspiring to see us in that space. And that was the major takeaway even before, you know, and I'm definitely the type of person, you know, I just like to get stuff done. Okay, what's the strategy? How are we operationalizing this? You know, that's, that's just my jam. But it was just good to- oh, wow, yes, we're here. And just to sit in that, and that was one of the, one of the most powerful takeaways for me from the Permanent Forum.

Amara Enyia:

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I think, you know, on the other question of just some of the, yeah, some of the shenanigans, some of the navigating that you have to do, you know, I, even with that, I think that we are at a time where there is an increasing sense of one of urgency by some of the states that have not benefited from the current global order. And that global order is shifting. And particularly when it comes to African states, I think there are generational shifts that are occurring, as well as just more observations of how things are, are changing and stepping into a position of having more agency. Because that's always been the challenge, particularly for African states, and even in the, in the Caribbean and Central South America, people of African descent within countries. It's been this sort of, you've always been on someone else's agenda, but had no agenda, no agency or were treated as though we had no agency. And that's actually changing right now. I mean, there's, I just left a meeting where we're talking about the continent, several countries on the continent developing common position on reparations, where they're starting to define what is the strategy on this issue when it comes to development. They're thinking differently about development and what it actually means within their country. So these, so the tools and the levers that have been used in the past, such as aid, are perhaps the effectiveness.

Amara Enyia:

We can now say we can't assume that those tools will be just as effective going forward. And that's a great thing because it means that now we are able to drive an agenda that actually makes sense for us, whether on the continent or people of African descent in whatever countries they inhabit. And that's exciting to see. For those who may have seen at the end of last year, there was the US Africa Leaders Summit that took place in Washington DC and you started to see this barrage of announcements of what the US in particular was going to do for African leaders and trade policies that were supposedly beneficial to African leaders. And all of these just announcements. So you can tell that there's a shift that's taking place in the power dynamics. And I think our responsibility is to take more space, is to step into the space and to help facilitate the shift in ways that allow us to kind of build the systems and the structures and institutions that reflect our values and speak to our human rights as people of African descent.

Gay MacDougal:

I mean, if I could just add on that one of the, one of the dynamics that has been very helpful in this situation that we didn't have in Durban 2001, is that CARICOM has finally come forward,

Vince Warren:

Tell us What CARICOM is,

Vince Warren:

CARICOM is the Regional Organization of Caribbean States. And in Durban 2001, we only had one Caribbean country there who was, you know, acting on our behalf as, you know, the global black people. But it, there was no power in that. Now we've got Caribbean leaders who are speaking out way beyond the Caribbean, and they are fierce, and they're forceful, and they're educated, and they're not taking shit.

Amara Enyia:

Yes.

Gay MacDougal:

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And this is critical to our ability to move forward on all of these issues.

Vince Warren:

That's, that's beautiful and well said. So let's talk about reparations. And one of the, one of the dynamics that both of you raised up are one of the dynamics is that here we have civil society groups from all over the planet, and we have found connection around reparations. We are, as Amara was talking about, are really looking to, to build out what that actually means, what the strategy is there. But at the same time, every, I would've venture to say that every group that is there has been in a decades long pitch battle with their own country.

Amara Enyia:

Mm-Hmm. <affirmative>.

Vince Warren::

And at the same time now we are talking about a broader shift to align certain countries and to take leadership on some of these issues. And then you have European countries, the or the global north countries with the money and the power that on the one hand are like, yes, yes, to everything black. And everything that you say is awesome. But I'll tell you what, if you cross this line, particularly around reparations, we're gonna snatch your money. How do we, where does that, let's talk about reparations. What's, what do you see as the major challenges in terms of moving that really key piece forward?

Gay MacDougal:

Well, I think we just gotta keep pushing it. I mean, we now have a, a very powerful statement from the now prior High Commissioner for Human Rights saying, Hey, this is, you know, time is up, you know, reparatory justice, which is the soft way of making <laugh>. But we, you know, that's a big step forward reparatory justice, okay. That the states have to undertake this. And she set up a mechanism in her office to move that program. She calls it a four-point transformative agenda to racial justice. And so, you know, I mean, it's taken a long time. It took a long time to get her there. It took George Floyd's murder to get her there. It took Black Lives Matter in the streets to get her there. But it's a significant move. And as Amara said, we do just gotta step into the space and keep pushing at the same time. You are right.

Gay MacDougal:

We got to really shape what this demand is. Now, you know, the CARICOM the states, the Caribbean states have their own 10-point program, which is longstanding now it does not fit for other places. It wouldn't fit in the US. So we have to realize our commonalities and our diversity and begin to look at reparations through the lens of our diversity as well. So here in the US I mean, I just had a long discussion with somebody yesterday. I was just in a two-day conference last week with lawyers from, you know, all over about reparations. But we need to begin to talk in, you know, we are captured people, <laugh>, you know, non-represented people, CARICOM, the Caribbean countries can talk sovereign to sovereign. We, we have a different set of parameters that we've got to work out. And they're not easy, but they'll take a lot of discussion to get there.

Vince Warren:

Yes. And you were, were referring to the former High Commissioner Michelle Bachelet, who, you know, one way of looking at it is on the way out the door.

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Gay MacDougal:

Exactly. <laugh> Exactly.

Vince Warren:

Drop the bomb.

Gay MacDougal:

Yes, yes.

Vince Warren:

And as we know, as we know, anybody empowered does not do that without tremendous push from the people on the ground. So that, that those four points that are setting the stage, also credit and props go to the people that-

Gay MacDougal:

-They're our points <laugh>, right. <Laugh>. And to get them implemented, we've got to keep pushing them forward.

Vince Warren:

Amara, what do you see as challenges and strategies relating to reparations?

Amara Enyia:

Well, one of the biggest challenges I would say is the framing and how it is framed, recognizing the country-specific context, because it is true, there is a specific context depending upon whether you're in the US or if you're in Barbados or if you're in, you know, any other country. But there's also a global backdrop. There's a global context. And that's the space where I've done a lot of my work. When it comes to reparations it's recognizing that there's a global financial architecture that was built on the backs of the trans-Atlantic slave trade and colonialism and neocolonialism that's still very present. And it's represented in the institutions that perpetuate a particular kind of worldview for which black people were exploited, were used as labor. And so we built an entire global economic system that is still very much vibrant and in existence with the multilateral institutions that support this global economic system.

Amara Enyia:

And so, when I think about reparations, a lot of the, the framing is about making sure that we don't reduce it just to questions of compensation, which tend to dominate a lot of the conversations around reparations, but that we look at one of the most important components, which at least in my view, is the guarantee of non repetition, which implicates the systems and the structures that uphold the worldview where exploitation is the norm and the institutions and structures that were built to perpetuate that. And so that framing, I think, creates more space for people not only to better understand what reparations can look like at the domestic level, but also connecting it to this global level. And it's a way also of connecting those struggles for reparations with each other. Right? So you, it, when you understand the global context, it's hard to, to just focus on, well, my experience in the US is the only one

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that matters. It helps us to see each other and the commonality in our experiences, which then creates the space for us to develop strategies that actually take, take that into account.

Gay MacDougal:

Mm-hmm.

Amara Enyia:

And that part is definitely a challenge, but once we at least have the baseline established, understanding the domestic as well as the, the global context, then we can come together and use these spaces, like the spaces that we created at the Permanent Forum last year, to engage in collective strategy development, to share opportunities, things that are working for us, and to address the challenges that we're having in our advocacy. And for that reason, I'm excited about the Permanent Forum space because we can use the space in that kind of very tangible strategic way.

Vince Warren:

Yeah. I totally agree. And let me give a shout out to the Movement for Black Lives Reparations Toolkit, which was for me a revelation. And in fact, just as, as an example of looking at things like non repetition, looking at things like acknowledgement, acknowledgement of harm, right? And making sure that it doesn't, and then stopping the harm, and then making sure that it doesn't repeat even those particular steps are applicable simply to every black community on the planet. And I was in a conversation in 2021, I was in Berlin with our partner, European Center for, for Constitutional and Human Rights. And they, that organization, had been working with folks from Namibia to get reparations from Germany for the Namibian genocide. And so, in a conversation with cma, one of the, one of the key activists there, and we, and I was talking about the ways that the framing that movement for Black Lives has. And it was as if it was as if the differing political context, the differing economic context, the differing timeframes melted away. And we were very much in agreement that those were steps that could be taken, and it needed to be addressed both in the Namibian context and in the UN context.

Gay MacDougal:

Right, right.

Vince Warren:

That's, that's actually what's really exciting me about this conversation, the framing.

Amara Enyia:

Yes.

Gay MacDougal:

Yeah.

Vince Warren:

I wanted to move to, I wanted to talk about Durban a little bit because for anybody that was at the forum that many people were talking about preserving some of the elements that came out of the Durban context the conference and Gay, would you mind just saying a little bit about some of the, I won't call it

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some of, some of the key pieces of Durban that civil society very much wants to move forward, and why is everybody scared of it,

Gay MacDougal:

<Laugh>? Well, lemme just say, you know, I always, say I'm the last person alive that was actually at Durban <laugh> and went through all of this. So there's a lot of mythology and there's a lot of, you know, misunderstanding about what Durban was, about, the outcomes. But I mean, Durban, I think was a seminal moment. For one thing, it was like the launch of the Permanent Forum as we looked around the room and saw all together. Now in Durbin though, what melted away were these the divisions between groups around racism, groups around colonialism, groups around you know the structures on indigenous peoples you know, the Dalits were there. We were all there together. And seeing the struggle as common one, that that was very powerful. And Durban was the first time in UN, you know, lore and in the, the framing within the UN that there was a historical component added to the harm. I mean, even if you look at the International Convention Against Racial Discrimination, which, you know, I'm on the third the treaty body of, and, you know, I think that it is, you know, a really a useful major tool, but it doesn't speak about the past and therefore, you know, a major piece of what is current can't be reached through that convention. But Durban connected all of this past, present, and future. And that was very you know, I mean, it said that while fighting Apartheid was for most countries in the world a foreign policy issue that Durban said, the racism exists in every country, in every region of the world. And that was scary to. <Laugh>, lot of of countries.

Gay MacDougal:

And it set up some mechanisms like the Working Group of Experts on people of African Descent, you know, out of a recognition that there was no focus on people of African descent at that time. No focus on the transatlantic slave trade. No focus on what that had done as a major dislocation of people in the world, and a dominant economic, global economic system. So those are very powerful. Now, as you can imagine, there were groups of powerful governments that opposed some pieces of that, you know agenda. Of course, the United States that walked out before <laugh>, the conference began, but there was also the EU which remains forcefully against anything relating to reparations. The US walked out over Palestine, which was another issue that was integrated into all of the articulations of oppression in the world that fit under, you know, the ambit, the global opposition to racism and others, you know forms of oppression. So the US walked out over Palestine, and since then, everything that every document, every piece of paper, every institutional formation in the UN that has the word Durban in it, is blocked by the US.

Vince Warren:

Wow.

Gay MacDougal:

And that, and that is why they were against the formation of the forum because it was under the agenda item of furthering Durban. You know, how silly is that?

Vince Warren:

Mm-hmm. <Affirmative>.

Gay MacDougal:

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But it's had major consequences on our ability to move an anti-racism agenda for it in the UN for 20 years.

Vince Warren:

Thank you for that background. Gay, it's very, very powerful. And we're gonna be closing soon, but I wanted to give Amara a chance to sort of bring us home. And so, I mean, what we just heard is that the United States has been very opposed to the forum, although I did read the press release that says, well, we said we were against it, but we're kind of not really against it no more, except that we don't really mess with the Durban thing, but we're kind of for it. And we're kind of not.

Gay MacDougal:

<laugh>.

Vince Warren:

We've got another session coming up this spring in New York City at the UN. We've got a United States president that's gonna be running for reelection. What are your hopes, Amara, for in the international context, but also looking at the US as a formidable power in this? What are your hopes for what we achieve this spring and beyond?

Amara Enyia:

Well, I certainly, you know, my hope is that we can continue from what was a very strong foundation in December at this subsequent forum. I think that, you know, we're going to have to think through how exactly we want to, the many ways that we can use the Permanent Forum to advance our agenda. I think one of the important things for me as I, consider like the sequencing of how we're going to get things done, is using the space to properly frame our issues. That's my hope for, for this session that's coming up in May at the end of May, because the framing of things is so important. If it's not framed appropriately, then the interventions won't be relevant. They won't be impactful. They won't be effective. And so, because there are so many issues that people have brought to bear around migration policy, around reparations, around climates, around just so many issues, the framing is critical. And I don't want us to overlook how important it is for us to do that kind of work.

Gay MacDougal:

Mm-Hmm. <affirmative>.

Amara Enyia:

Even before we jump into, okay, here's what we're gonna do. Here are the interventions. And so that's my hope for that space. And using, just harnessing the enthusiasm from the first session and the enthusiasm that we can build for participation to engage in those kinds of, that kind of discourse in the May session. And the other thing that I'll just note is that not to be, you know, trite, but resistance is futile. I mean, <laugh>.

All:

<Laugh>

Amara Enyia:

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You know, we're going to persist. And, you know, I get it. It's uncomfortable. Member states don't want to engage. They have had the privilege in the past of being able to sidestep and avoid and just run out the clock. But, you know, at this point, it's just, we're not going anywhere. In fact, we're only building, we're only gaining momentum. We're going, we are actually, it's like we're going in two opposite directions. We're building momentum, building power, building resolve. And so, you know, you can resist, but we will persist.

Gay MacDougal:

<Laugh>

Vince Warren:

<Laugh>. Gay, McDougle, Amara Enyia, thank you so much for this wonderful conversation on the Activist Files.

Announcer:

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