

# The influence of the African diaspora on democracy-building processes in countries of residence

*Sabelo Gumedze\**

**Abstract:** *This article discusses the role of the African diaspora in democracy-building processes in the African diaspora. The contribution presents a general overview of the sources and causes of the present-day situation of people of African descent in the diaspora and how they impact on their participation in democracy-building processes in the diaspora. The article underscores the critical role which the African diaspora plays and notes the challenges it faces due to the continuing social ills of racism, racial discrimination, Afrophobia, xenophobia and related intolerance. These social ills prevent the African diaspora from effectively exercising their rights to take part in the conduct of public affairs; to vote and to be elected in genuine periodic elections, and to have access, on general term of equality, to public services in their country. A quick scan of what obtains in the African diaspora shows that political participation remains a challenge for people of African descent and there is a need for a concerted effort to address this challenge both at the international and state levels. The contribution also underscores the need for the implementation of the International Decade for People of African Descent as a tool for changing for the better the situation of the African diaspora, particularly in their participation in democracy-building processes. Owing to the historical facts and contemporary migration, the African diaspora is not homogeneous. This presupposes the need to contextualise any strategy aimed at addressing the challenges faced by the African diaspora in democracy building.*

**Key words:** *African diaspora; people of African descent; democracy; political participation; racism*

## 1 Introduction

The African diasporas, just as any other human beings, have the right to influence democratic processes wherever they live. This right can take many forms and dimensions. The African diasporas, also referred to as people of African descent in the diaspora, are important political stakeholders for their countries of origin as well as for the countries in which they live. Depending on their circumstances, the African diasporas

\* BA Law (Swaziland) LLB (Swaziland) LLM (Pretoria) LicSoSc (International Law) & DocSoSc (International Law) (Åbo); [sgumedze@gmail.com](mailto:sgumedze@gmail.com); Member of the Working Group of Experts on People of African Descent, Special Procedures, Human Rights Council. This article is based on a paper prepared for and presented at the Global Classroom, a project of the Global Campus of Human Rights, Yerevan, Armenia, in April 2018.

would at times have no links with their ‘ancestral roots’, but only with the countries in which they live. In this case, their right of participating in their country’s politics remains equally important. It is for this reason that the Durban Declaration and Programme of Action (DDPA), the outcome document of the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (2001), urged states to ‘facilitate the participation of people of African descent in all political, economic, social and cultural aspects of society’.<sup>1</sup> The participation of people of African descent in the diaspora, which is the focus of this contribution, has a positive bearing on democracy-building processes. However, people of African descent in the diaspora continue to suffer racism, racial discrimination, Afrophobia,<sup>2</sup> xenophobia and related intolerance. This is despite global efforts to combat these undesirable acts. The lack of political participation no doubt has a negative bearing on democracy-building processes.

The role of African diasporas in democracy-building processes cannot be overemphasised. The influence of these diasporas on democracy-building processes cannot be discussed without context. First, the article presents an general overview of the sources and causes of the present-day situation of the African diaspora. Second, it discusses the way in which people of African descent effectively participate in politics and decision-making processes, if at all. To this end, it makes reference to what obtains in countries outside the African continent. Third, the contribution looks into the question of how people of African descent can effectively participate in politics, thus contributing towards democracy-building processes. Fourth, it discusses in brief the International Decade for People of African Descent and its importance in the discourse on the role of people of African descent in democracy building. Lastly, a conclusion is drawn.

## 2 The definitional conundrum

The definition of ‘African diaspora’ presents a double challenge in the sense that one must first define ‘African’ before defining ‘diaspora’. Both terms require an intellectual exercise, which is likely to defeat the purpose of this contribution. For instance, the people in and from the African continent, as well as those who are of African ancestry, are quite diverse. The diaspora, which generally connotes migration or spreading, may be within the African continent as well as outside the African continent. It then boils down to a process of self-identification for one to be considered part of the African diaspora. Alpers argues that ‘[w]hen we speak of African diaspora, we must recognise that we are really speaking of multiple frequently overlapping diasporas’ (Alpers 2001: 27). Alpers observes that we must further include in our definition ‘a comparative dimension that looks both within that of the African experience and beyond to other global diasporic communities’ (Alpers 2001: 27).

Kafle (2010: 136) observes that the concept of diaspora is associated with migration and dispersal. This is a term that signifies any people living

1 Para 4 of the Durban Declaration and Programme of Action, 2001.

2 This term describes the unique and specific form of racial discrimination affecting people of African descent and the African diaspora.

outside their homeland (Anand 2003: 212). In our context the 'homeland' would be the African continent. Descendants that are born away from their parents' or ancestors' 'homeland' are also regarded as the African diaspora. While, technically speaking, these would not be African diasporas since their 'homeland' becomes a 'homeland' outside Africa, they are nevertheless referred to as the African diaspora. It is for this reason that the term 'people of African descent' is used to encompass all people of African ancestry. The concept of people of African descent also presents another challenge as it does not differentiate between African residents and those in the diaspora. For this reason, the term 'people of African descent in the diaspora' is sometimes preferred.<sup>3</sup>

The term 'African diaspora' in this context is used in its broader sense as encompassing a multitude of people of African ancestry who find themselves living outside the African continent, to which they (and their ancestors) were historically 'rooted'. African diaspora, in this sense, is 'a term of self-identification among many varied groups who themselves or those of whose forbearers migrated [voluntary or involuntary] from one place to another or to several places' (Vertovec 2005: 2). Accordingly, the African diaspora was born out of the voluntary and involuntary movement of Africans to various areas of the world since ancient times, but involuntary migration through the trans-Saharan, transatlantic and Indian Ocean slave trades accounts for most black presence outside of Africa today (Jallow 1996: 3). The historical facts relating to Africans and people of African descent has a direct bearing on the contemporary situation of the African diasporas and their influence (or lack thereof) on democracy-building processes in the diaspora.

### 3 Sources and causes of the present situation of people of African descent

The sources and causes of the present situation of people of African descent are well documented. The Durban Declaration and Programme of Action is instructive in terms of shedding light on what befell Africans. This history is linked to the present situation of African descent in the African diaspora.

First, the enslavement of Africans 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, organised nature and especially their negation of the essence of the victims. The enslavement of Africans and the slave trade are crimes against humanity. The vestiges of the slave trade and enslavement of Africans manifested in laws that had a negative impact on people of African descent. For example, it can also not be denied that laws such as

3 Para 7 of the Durban Declaration and Programme of Action, 2001, eg, 'requests the Commission on Human Rights to consider establishing a working group or other mechanism of the United Nations to study the problems of racial discrimination faced by people of African descent in the African diaspora and make proposals for the elimination of racial discrimination against people of African descent'. The Working Group on People of African descent has a mandate, among other things, '[t]o study the problems of racial discrimination faced by people of African descent living in the diaspora'.

the Jim Crow laws of the eighteenth, nineteenth and twentieth centuries in the United States placed a stigma on African Americans, which promoted the idea that blacks are second-class citizens. The Jim Crow laws practised during and after the slavery era fuelled racial segregation, which also affected the political participation of people of African descent and deprived them of being part of democracy-building processes. As a result of Jim Crow laws, African Americans were deprived of equal social and economic opportunities such as access to education, jobs, voting, travel and housing, as compared to white privileges. The remnants of Jim Crow laws are also reflected in the systemic exclusion of the African diaspora in democracy-building processes.

Second, colonialism just rubbed salt in African wounds. It intensified racism, racial discrimination, xenophobia, Afrophobia and related intolerance. Africans and people of African descent were victims of colonialism and to this day continue to be victims of its consequences. Not only did colonialism impact the political and economic conditions of contemporary Africa, but it also affected the manner in which Africans were (to be) treated in the African diaspora. Colonialism perpetrated the stereotype that African people are incapable of having any influence on democracy-building processes. This stereotype is also reflected in the African diaspora, where the political participation of people of African descent generally remains minimal. The adverse effects of colonialism, particularly in the treatment of Africans, had long-lasting effects even on Africans in the diaspora.

Third, apartheid was an untold evil and caused immense suffering for Africans and people of African descent. Apartheid constitutes a crime against humanity and is a major source and manifestation of racism, racial discrimination, xenophobia and related intolerance. Apartheid created a divide between white and black people. Despite the fact that apartheid occurred in South Africa, it affected Africans and perpetrated a stereotype that Africans are incapable of being part of democracy building, not only on the African continent but also in the African diaspora. It should be noted that the entry into force of apartheid laws in 1948 in South Africa resulted in institutionalised racial discrimination. Although not directly linked to apartheid, the minimal participation of the African diaspora in democracy-building processes in the diaspora sometimes results from institutionalised racial discrimination. The effects of apartheid are the same as those of systemic anti-black racism.

Fourth, the recent migration of Africans to Europe also revealed another cruel side: the trade in enslaved Africans in Libya. The actions of African migrants as merchandise in Libya are 'reminiscent of one of the darkest chapters in human history, when millions of Africans were uprooted, enslaved, trafficked and auctioned to the highest bidder'.<sup>4</sup> With the recent migration (voluntary and involuntary) of Africans to Europe, for instance, there is 'a tendency to regard categories "foreigners", "immigrants", and "ethnic minorities" as roughly interchangeable' (Crowley 2001: 104). These categories could be making up the African diaspora with citizenship

4 Statement of Independent Experts of the Special Procedures of the Human Rights Council, 'Libya must end outrageous auctions of enslaved people, UN experts insist', available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22475&LangID=E> (last visited 18 April 2018).

(or even dual citizenship) and rights in African diaspora countries. However, for the careless categorisation, such African diasporas would generally not be 'accepted' as deserving all the rights to be exercised by the general citizenry.

The sources and causes of the present-day situation of African diasporas provide a perspective of what obtains in contemporary times, particularly in their contribution (or lack thereof) to democratic processes. This is backed up by the examples found in the enjoyment (or non-enjoyment) of political rights by people of African descent in the diaspora.

#### 4 Political participation of people of African descent

According to Steiner, the concept of political participation has been an 'indispensable building block' in the post-war construction of human rights law (Steiner 1998: 77). Political participation is a vital human right. The Universal Declaration of Human Rights (Universal Declaration) and the International Covenant on Civil and Political Rights (ICCPR) both recognise a right to political participation. Article 21 of the Universal Declaration states:

- (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
- (2) Everyone has the right of equal access to public service in his country.
- (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 25 of ICCPR states:

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- (a) to take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- (c) to have access, on general terms of equality, to public service in his country.

The right to political participation is but part of a democracy-building process, which the African diasporas should exercise in accordance with the law. It is also important to note that the right to political participation contains two parts, namely, an 'election clause' and a 'take part' clause (Steiner 1988: 86). What follows are examples of challenges faced by people of African descent in the diaspora in their exercise of the right to political participation (or lack thereof). This has a direct bearing on their influence on democracy-building processes.

##### 4.1 United Kingdom of Great Britain and Northern Ireland

During its country visit to the United Kingdom of Great Britain and Northern Ireland, the Working Group of Experts on People of African Descent (Working Group) found that people of African descent were

historically underrepresented in British politics both as political figures and as active participants in political processes.<sup>5</sup> The first people of African descent to be elected as Members of Parliament were Bernie Grant, Paul Boateng and Dianne Abbott, elected in 1987. In the 2010 elections there were 27 Members of Parliament of African and Asian descent elected.<sup>6</sup> While the situation was improving, the pace was very slow. It is clear that where there is an underrepresentation of people of African descent in politics, their influence in democracy-building processes is minimised. The right to effective political participation, therefore, is important in democracy-building processes.

## 4.2 Panama

During its country visit to Panama, the Working Group found that people of African descent were underrepresented in public service positions and only a few occupied important political positions.<sup>7</sup> During its visit to Panama in 2013, the Working Group found that the Minister of Education and certain other high-level politicians were people of African descent and were fully committed to the fight against racism in Panama. The reality, however, pointed to the fact that in Panama the number of people of African descent holding elective executive positions or belonging to political parties was substantially lower than it should be, based on their number in the general population.<sup>8</sup>

The Working Group established that in Colón, Panama, people of African descent remained invisible in public life, particularly in relation to political processes. People of African descent felt completely disenfranchised from decision-making processes. Panama presents another example where the influence of people of African descent on democracy-building processes is minimal.

## 4.3 Brazil

During its visit to Brazil, the Working Group found that Brazil had adopted several measures to increase Afro-Brazilian participation and representation in decision-making spaces. However, the Working Group noted that there was no law for quotas to ensure a minimum number of Afro-Brazilian parliamentary candidates. The Working Group also learned that under the initiative of the Nucleus of Black Parliamentarians of the Workers' Party and other members of the government, there were a number of legal projects under consideration in the National Congress to increase Afro-Brazilian parliamentary candidates. It was also comforting to note that under the initiative of the Nucleus of Black Parliamentarians of the Workers' Party and other members of the government, a number of legal projects were under consideration in the National Congress to increase Afro-Brazilian political participation. The Working Group also learned that the Constitutional Bill would add an item to the Transitional Constitutional Provisions Act determining the reservation of seats for

5 Report of the Working Group of Experts on People of African Descent on its 12th session. Mission to the United Kingdom of Great Britain and Northern Ireland, 5 August 2013, A/HRC/24/52/Add.1 14.

6 As above.

7 Report of the Working Group of Experts on People of African Descent on its 12th session Mission to Panama, 21 August 2013, A/HRC/24/52/Add.1 10.

8 Report of the Working Group (n 7) 10.

members of the black population in the House of Representatives and the Legislative Assembly.<sup>9</sup>

#### 4.4 The Netherlands

During its visit to The Netherlands, the Working Group expressed concern about the lack of participation of Curaçaoans in the political process involved in the development of legislation of The Netherlands. Curaçaoans expressed dissatisfaction that due to their limited political participation, their voice was not heard in the international arena, which would further cement their autonomous status. The Working Group recommended that the Dutch government needs to take additional steps to change the historic underrepresentation of people of African descent in politics in The Netherlands both as political figures, as institutional figures in Curaçao, and as active participants in political processes.<sup>10</sup>

#### 4.5 Sweden

During its visit to Sweden, the Working Group learned that the political discourse by far-right parties in Sweden, as in other countries, had contributed to the negative picture that immigration was a problem and a threat to Swedish culture and the welfare system.<sup>11</sup> This created a rise in Afrophobic attacks and fear amongst the communities concerned.<sup>12</sup> Such fear led to African diasporas being discouraged to participate in democracy-building processes, including participating in politics.

The role some politicians play in suppressing the participation of African diasporas or people of African descent in politics is also well document in Sweden. This sometimes is not direct but very subtle. A classic example involves a Sweden Culture Minister who in 2012 was invited to slice a cake which was designed like a naked African woman. While the Minister defended her action of cutting the cake by stating that she had only been invited to cut the cake and not to review art, the action was seen as a 'crude caricature which "makes mockery of racism"'.<sup>13</sup> This kind of action by a political figure not only demeans Africans but perpetuates dangerous stereotypes against people of African descent, and is an antithesis to the worldwide struggle against racism, racial discrimination, xenophobia, Afrophobia and related intolerance.

#### 4.6 Italy

During its visit to Italy, the Working Group expressed concern about the escalation in xenophobia across Europe by the political manipulation of people's fears about the increase in the number of migrants. In Italy the Working Group observed how people's fears had been manipulated to

9 Report of the Working Group of Experts on People of African Descent on its 14th session Mission to Brazil, 23 September 2014, A/HRC/24/52/Add.2 10.

10 Report of the Working Group of Experts on People of African Descent on its 16th session, Mission to The Netherlands, 20 July 2015, A/HRC/24/52/Add.2 10.

11 Report of the Working Group of Experts on People of African Descent on its 16th session, Mission to Sweden, 25 August 2015, A/HRC/30/56/Add.2 5.

12 As above.

13 C Parsons 'A tasteless, racist spectacle: Swedish minister triggers race row after cutting cake in the shape of a naked, black, native African woman', available at <http://www.dailymail.co.uk/news/article-2131365/Racist-cake-causes-outrage-Sweden-Lena-Adelsohn-Liljeroth-triggers-race-row.html> (last visited 23 March 2018).

promote a racist anti-immigration agenda, to disseminate false information and incite hatred against people of African descent and migrants. In Italy, the Working Group was appalled by a statement made by the Deputy President of Senate, Roberto Calderoli, in 2013, which described Ms Cécile Kyenge (an Italian of Congolese descent), then Minister for Integration, as a 'orangutan'. Ms Kyenge was elected as Member of the European Parliament (MEP) on 25 May 2014. The Working Group found that this statement had racist connotations and was in contravention with the absolute prohibition of racial and ethnic discrimination stipulated in international human rights law.<sup>14</sup>

The Working Group underscored the key role that political leaders and political parties can and ought to play in combating racism and encouraging political parties to ensure that their members refrain from public statements and actions that encourage or incite racism, racial discrimination, xenophobia, Afrophobia and related intolerance. These public statements generally discourage African diasporas from influencing democracy-building processes. They further inhibit African diasporas from effectively exercising their right to political participation as they are impliedly silenced.

#### 4.7 Germany

In Germany, the Working Group found that the federal parliament had two members of African descent, and there were some elected officials of African descent at the state and community levels across Germany.<sup>15</sup> The Working Group observed that the lack of representation of people of African descent in government and politics meant that their issues were not taken up in national political dialogue. The Working Group recommended that people of African descent in Germany should be legally recognised by the government as a minority group that has made and continues to make profound economic, political, social and cultural contributions to Germany.<sup>16</sup>

### 5 Addressing the lack of political participation of people of African descent

The examples referred to above illustrate the point that in so far as the lack of political participation by people of African descent in the diaspora is concerned, more is required. Among the African diaspora, there are citizens who have the right to political participation. This right must not only be promoted but also protected. African diasporas maybe distinct from the general population, but this does not warrant any suppression of their right to political participation. Just like other citizens, the African diasporas must influence democracy-building processes. Disadvantaging the African diasporas in politics, particularly in political participation, has a negative bearing on any country's socio-economic development. Addressing the lack of political participation of people of African descent

14 Report of the Working Group of Experts on People of African Descent on its mission to Italy, 12 August 2016, A/HRC/33/61/Add.1 9.

15 Report of the Working Group of Experts on People of African Descent on its mission to Germany, 15 August 2017, A/HRC/36/60/Add.2 9.

16 Report of the Working Group (n 15) 14.

must include strengthening their influence on democracy-building processes, and this must be undertaken at all levels.

### 5.1 Role of states

In addressing the lack of effective political participation of people of African descent, various instruments must be implemented by states. The Universal Declaration provides for the principles of equality and non-discrimination. States, therefore, must encourage respect for human rights and fundamental freedoms for all without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.<sup>17</sup> States must further ensure the universal accession or ratification and full implementation of their obligations arising under the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the principal international instrument to eliminate racism, racial discrimination, xenophobia, Afrophobia and related intolerance.

In crafting the Durban Declaration and Programme of Action, states recognised that 'equal participation of all individuals and peoples in the formation of just, equitable, democratic and inclusive societies can contribute to a world free from racism, racial discrimination, xenophobia, Afrophobia and related intolerance'.<sup>18</sup> This equal participation, therefore, must include people of African descent in the diaspora. The Durban Declaration and Programme of Action highlights the need for states to ensure that political structures correspond to the multi-ethnic characteristics of the population. This in turn will ensure that the citizenry, including the African diaspora, has an effective influence on democracy-building processes for the betterment of society.

Despite the increasing racism, racial discrimination, xenophobia, Afrophobia and related intolerance, people of African descent continue to contribute to the political life of the countries where they live. States must encourage such contributions. It should be noted, however, that inequitable political conditions can breed and foster racism, racial discrimination, xenophobia, Afrophobia and related intolerance, which in turn exacerbate inequity. Special measures or positive actions aimed at achieving appropriate representation in political parties, parliament and other public institutions must be implemented by states. In some cases electoral reforms must be undertaken to ensure equal participation.

### 5.2 Role of the United Nations

At the United Nations (UN) level, the Working Group of Experts on People of African Descent was established to study the problems of racial discrimination faced by people of African descent living in the African diaspora and to make proposals for the elimination of racial discrimination against people of African descent. Indeed, the Working Group has pronounced on the issue of political participation in its reports. For example, in the case of the United Kingdom of Great Britain and Northern Ireland, the Working Group recommended that more should be done to empower people of African descent to be represented in political structures

17 Art 2 Universal Declaration of Human Rights.

18 DDPA 6.

such as parliament.<sup>19</sup> In particular, the Working Group stated that attention must be given to all political parties to improving the representation of people of African descent and to analyse their political representation at all levels.<sup>20</sup>

In Brazil, the Working Group underscored the implementation of affirmative action policies which have the potential of increasing Afro-Brazilian participation and inclusion in political processes which, in the long term, contribute to the reduction of racism and discrimination in society in general.<sup>21</sup> In the case of The Netherlands, the Working Group reaffirmed its firm belief that targeted policies and affirmative action policies should be adopted to promote the effective equality of people of African descent specifically to address the lack of sufficient political participation of people of African descent as well as the lack of appropriate representation of people of African descent in public sector employment.<sup>22</sup> In Italy, the Working Group recommended the importance of accountability for politicians that stigmatise and negatively stereotype people of African descent or use racist propaganda for political purposes.<sup>23</sup>

In Germany, the Working Group recommended that the government should ensure that people of African descent are actively recruited to state institutions in order to create a diverse workforce to represent the population of Germany and combat structural racism.<sup>24</sup> In the case of Panama, the Working Group noted that political participation was a key factor in the success of policies and measures designed to overcome discrimination and racism. For this reason, the full participation of people of African descent in politics was essential.<sup>25</sup>

## 6 International Decade for People of African Descent

People of African descent have made (and continue to make) significant contributions to the development of societies and nations the world over. They continue to shape the politics of the countries where they reside. Despite this, their influence on democracy-building processes remains minimal as a result of the challenges they face, which partly is the legacy of the enslavement of Africans, the slave trade and colonialism, among other things. These manifested in racism, racial discrimination, xenophobia, Afrophobia and related intolerances. The systematic exclusion people of African descent in politics has become a serious cause for concern. It is for this reason that the International Decade for People of African Descent (2015-2024) was proclaimed by the United Nations. The International Decade is an important commitment to the fight against racism as it is aimed at strengthening action to dismantle the multifarious obstacles encountered by the millions of people of African descent in every region of the world. Presenting an historic opportunity, the International Decade must be viewed as a tool of change aimed at addressing the need for

19 Statement (n 5) 18.

20 As above.

21 Report (n 9) 12.

22 Report (n 10) 19.

23 Report (n 14) 16.

24 Report (n 15) 16.

25 Report (n 7) 19.

African diasporas to have an effective influence on democracy-building processes wherever they reside.

### 6.1 International human rights law

There is no doubt that the influence of the African diaspora on democracy can be greatly enhanced through the implementation of the International Decade for People of African Descent, of which the life span is from 2015 until 2024. The International Decade was proclaimed by the General Assembly in its Resolution 68/237, with the theme 'People of African Descent: Recognition, Justice and Development'. The International Decade is a timely and unique opportunity to underline the important contribution made by people of African descent to societies and to propose concrete measures to promote equality and to combat discrimination of any kind. Among other things, the main objective of the International Decade is to promote respect, protection and fulfilment of all human rights and fundamental freedoms by people of African descent, as recognised in the Universal Declaration. This includes the right to political participation.

The International Decade focuses on the strengthening of national, regional and international action and cooperation in relation to the full enjoyment of economic, social, cultural, civil and political rights by people of African descent and their full and equal participation in all aspects of society. As part of its programme of activities, the International Decade urges states to 'adopt measures to enable the full, equal and effective participation of people of African descent in public and political affairs without discrimination, in accordance with international human rights law'.<sup>26</sup> In order for any influence on meaningful democracy-building processes to take place, people of African descent must be empowered.

### 6.2 Declaration on the Promotion and Full Respect of Human Rights of People of African Descent

As part of the programme of activities, the International Decade obligates the General Assembly to

request states to consider adopting measures to further promote and protect the human rights of people of African descent as enshrined in international human rights instruments, including through the elaboration of a draft United Nations Declaration on the Promotion and Full Respect of Human Rights of People of African Descent.<sup>27</sup>

From this request it is clear that a declaration aimed at strengthening the human rights of people of African descent is a *sine qua non* for addressing the many challenges faced by people of African descent, which includes the legacies of the most shameful practices they were subjected to and the contemporary remnants, which perpetuate their racial discrimination, which is sometimes institutional.

It is envisaged that this Declaration will address the role of people of African descent in democratic processes, particularly in ensuring their full participation in politics. The Declaration will be an expression of the

26 Programme of activities for the implementation of the International Decade for People of African Descent A/RES/69/16 7.

27 Programme of activities (n 26) 11-12.

fundamental values which must be shared by all members of the community in relation to people of African descent. As an aspirational and not legally-binding document, the Declaration will influence the development of international human rights law, as it applies to people of African descent.

It must be noted that the adoption of measures to further promote and protect the human rights of people of African descent as enshrined in human rights instruments does not suggest that states should 'reinvent the wheel'. However, the elaboration of a UN Declaration on the Promotion and Full Respect of Human Rights of People of African Descent suggests that states must push the boundaries further. The elaboration of the Declaration must, therefore, build upon the foundation that is already in existence in the form of the human rights enshrined in human rights instruments. States already have an obligation to promote and protect human rights, and elaborating on a declaration pursues this 'obligation' further, particularly with its specific focus on people of African descent. Elements of the Declaration must, therefore, augment the human rights instruments aimed at protecting and ensuring respect for human rights.

## 7 Conclusion

For the purpose of this contribution the term 'people of African descent in the diaspora' has been used to refer to the African diaspora. While these terms may be viewed as simple terms to define, navigating through their definitional conundrums is not simple. Nevertheless, a common ground was found for practical purposes. While most of the literature on diaspora studies focuses on the influence of diasporas on democracy-building processes in their 'homeland' or their historical 'roots', this contribution focused on their sphere of influence in their country of residence, in the African diaspora. The analysis found that the present situation of people of African descent in the diaspora can only be understood within the context of historical facts, which are sometimes overlooked, particularly when discussing the role that the African diaspora must play in democratic processes.

Racism, racial discrimination, Afrophobia, xenophobia and related intolerance remain antitheses for the full participation of people of African descent in democracy-building processes. The examples of what obtains in the African diaspora relating to the participation of people of African descent in political processes are just the tip of an iceberg. The degree of political participation at different levels of government of people of African descent remains low, both in so far as voting and the underrepresentation in political and institutional decision-making processes are concerned. This is directly linked to the forms of racial discrimination they are subjected to in many countries, including the multiple and aggravated forms of discrimination based on other related grounds such as age, sex, language, religion, political opinion, social origin, property, birth or other status. Most recently, the world witnessed public and political discourse, as well as the use of political platforms that promote or incite racial discrimination. These are fuelled by old and new prejudices that emanate from the treatment of people of African descent in the past and present. The constant portrayal of people of African descent as criminals and security threats makes the situation of people of African descent worse.

Racism, which constituted a huge threat to democracy, continues in many parts of the world and people of African descent are always on the receiving end.

While efforts have been made to address the challenges faced by people of African descent, this is only reflected on paper. Generally, the reality on the ground points to something completely opposite. People of African descent remain invisible 'visible' minority groups whose destiny is always determined without their involvement. The effects of the untold suffering experienced by people of African descent for many centuries remain a scar which require many efforts to reverse not only on paper. Article 1 of the Universal Declaration could not have put it any more clearly: 'All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.' People of African descent in the diaspora or African diaspora belong to the human race whose rights deserve respect. This will ensure that all human beings influence democratic processes in their societies.

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# The influence of the African diaspora on democracy-building processes in countries of residence

Gumedze, Sabelo

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