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Comment on the First Draft of the General Recommendation on Reparations

To: International Committee on the Elimination of All Forms of Racial Discrimination (ICERD)

From: **Submitted by:**
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Washington, D.C., United States
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I. Introduction and Organizational Background

Rapporteur Attorney Gay McDougall and Honored Committee. My name is **Nkechi Taifa**, Executive Director of the **Reparation Education Project (REP)**, a 501(c)(3) organization based in Washington, D.C. Our mission is to support and amplify the escalating reparations ecosystem as a trusted resource and strategic thought partner—bringing to the table long-standing expertise and demonstrated capacity for effective cross-sector collaboration. We serve as a bridge between scholarship, grassroots organizing, cultural production, and policy advocacy in advancing reparatory justice in the United States and globally.

It is with deep respect and appreciation that I submit this **Comment on the First Draft of the Committee's General Recommendation on Reparations**. I do so both in my capacity as Executive Director of REP and as a long-time advocate within the reparations movement, including my participation on April 15, 2025, before the Fourth Session of the United Nations Permanent Forum on People of African Descent (PFPAD), where I addressed, amongst other issues, the power of decolonized language in shaping both legal and moral consciousness.

II. Commendation of the General Recommendation

I applaud this Committee for its bold and visionary leadership in drafting this General Recommendation, which seeks to clarify the scope and content of the right to reparations under

the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), as well as other relevant instruments of international law.

The document represents a landmark in the evolving global consensus that reparations are not a matter of charity or goodwill, but of justice, obligation, and international legal responsibility. The Recommendation's articulation of State liability—including direct and indirect complicity in the transatlantic "slave trade" and system of chattel slavery—is both accurate and morally necessary.

I fully and unequivocally support the substance of the Committee's Draft in its entirety. My sole request is a modification and/or clarification of the term "slave trade" as used in reference to the system of abduction and horrific transatlantic deportation of African human beings that began in the 15th century.

III. The Power and Responsibility of Language

I was invited to and had the honor of testifying before the Fourth Session of the **UN Permanent Forum on People of African Descent**, at the November 15, 2025 session chaired by **Dr. June Soomer**, alongside representatives from the **African Union** and **CARICOM**. Part of my testimony centered on **the power of language**—that words are not neutral, that they shape public memory, perception, and ultimately policy.

Language is both a tool and a weapon. When we fail to update our terminology, we risk perpetuating the very structures we seek to dismantle. The continued use of the term "slave trade," even in the most well-intentioned legal instruments, inadvertently preserves a colonial lexicon that normalizes atrocity and obscures culpability.

While the Committee's commitment to maintaining consistency across UN anti-racism mechanisms is commendable, **consistency must not come at the expense of accuracy, dignity, and evolving moral consciousness.** The phrase *"slave trade"* implies a voluntary exchange of goods and services, whereas, as emphasized in the General Recommendation, the transatlantic trafficking in Africans was a crime against humanity, as recognized by the 2001 Durban Declaration and Programme of Action (DDPA).

This was not "trade." It was **war**—a global enterprise of racialized terror, mass kidnapping, rape, and genocide. To continue employing a euphemism that dignifies the perpetrators while dehumanizing the victims undermines the moral authority of our collective reparative efforts.

IV. The Transatlantic Trafficking in Abducted Africans as Crime Against Humanity

The system of abduction and horrific transatlantic deportation of African peoples was the first and longest-running system of state-sanctioned human trafficking in recorded history. Its purpose was

not commerce in goods but the industrialized commodification of human life. Millions were kidnapped from their homes, subjected to unspeakable violence, and forcibly transported under conditions of horror unimaginable in scale and duration.

To call this a "trade" sanitizes what was in truth a **war of racial domination**—a global system of conquest and subjugation that laid the foundation for modern capitalism and racial hierarchy. It meets, in both intent and outcome, the legal definitions of genocide and crimes against humanity articulated under:

- The Convention on the Prevention and Punishment of the Crime of Genocide (1948);
- The Rome Statute of the International Criminal Court (1998);
- And the International Law Commission's Articles on Responsibility of States for Internationally Wrongful Acts (2001).

As the Durban Declaration affirmed, "Slavery and the slave trade are a crime against humanity and should always have been so." The term "slave trade," therefore, must be recontextualized or replaced in order to align with the evolving standards of international human rights law.

V. The Evolution of Language and Consciousness

Language evolves alongside moral understanding. The U.S. Supreme Court captured this principle in **Trop v. Dulles (1958)**, noting that "the Eighth Amendment must draw its meaning from the evolving standards of decency that mark the progress of a maturing society." This wisdom applies not only to domestic law, but to the language of global human rights itself.

The vocabulary of oppression has always shifted as humanity's conscience has grown:

- "Negro" and "colored" have given way to "people of African descent" and "Afro-descendants."
- "Colonialism" is no longer romanticized as a "civilizing mission," but recognized as exploitation and domination.
- "Mental retardation" has evolved into "intellectual disability," reflecting growing sensitivity to human dignity.

To persist in describing the **Maafa**—the Great Disaster of African enslavement and dispersal—through the colonizer's lens is to perpetuate linguistic violence. As the brilliant author **Audre Lorde** so powerfully declared, *"The master's tools will never dismantle the master's house."* The master's language, too, cannot dismantle systems of racialized dehumanization.

Alternative terms or phrases such as **System of Abduction and Horrific Transatlantic Deportation of African Human Beings**", **"Transatlantic Trafficking of Kidnapped Africans"**, **"African Holocaust"**, or the Kiswahili term **"Maafa"** more accurately convey both the scale of atrocity and the moral imperative of repair.

VI. The Legal and Ethical Case for Terminological Reform

International law recognizes that **language is an instrument of justice**. The Committee's own work under **ICERD Article 1** emphasizes not only acts of racial discrimination but also the ideologies and structures that sustain it. Dehumanizing terminology is itself a structural legacy of racism.

Under the **Durban Programme of Action**, States committed to ensuring "truth, justice, and the restoration of dignity to victims of slavery, the slave trade and colonialism." The restoration of dignity begins with truthful language. To use "slave trade" without contextual correction violates the principle of *non-repetition*, a key element of reparations under international human rights law.

Moreover, in the jurisprudence of transitional justice—from **Nuremberg** to **Rwanda**—terminology has evolved to reflect the humanity of victims and the culpability of perpetrators. Just as we do not refer to the Holocaust as a "Jewish labor migration," we must not describe the mass kidnapping and genocide of Africans as a "trade."

VII. Recommendations

In light of the above, I respectfully submit the following recommendations for CERD's consideration in its forthcoming revision of the General Recommendation on Reparations:

1. **Clarify and/or Replace the Term "Slave Trade":**
   Modify references to "slave trade" with "transatlantic trafficking of abducted Africans" or equivalent terms that reflect both the criminality and the scale of atrocity.
2. **Include a Preamble Note on Terminology:**
   Add a brief explanation recognizing the evolving use of language and affirming that the term "slave trade," where retained for historical reference, is used strictly to describe the *enslavement and trafficking of Africans*, not legitimate trade.
3. **Ensure Coherence Across UN Mechanisms:**
   Encourage the use of this clarified terminology within other UN anti-racism bodies, including the **Permanent Forum on People of African Descent**, **OHCHR**, and the **Working Group of Experts on People of African Descent**, to ensure coherence rooted in justice, not colonial convention.

VIII. The Moral Imperative of Language

This is not a question of semantics. It is a question of **truth-telling**. The words we choose either illuminate or obscure reality. "Slave trade" dignifies merchants and traffickers, while "transatlantic

trafficking in Africans" or other comparable words or phrases center the humanity of the victims and the criminality of the act.

As societies evolve, so too must our moral vocabulary. To decolonize language is to decolonize consciousness. This Committee, as the principal global authority on eliminating racial discrimination, has a profound opportunity to lead the international community in modeling language that heals rather than harms, that restores rather than erases.

IX. Conclusion

We are, collectively, engaged in the monumental work of **repairing history's greatest moral wound**. The Committee's General Recommendation on Reparations is a vital step in this direction, anchoring reparative justice within the binding framework of international law.

I again express my full support for the substance of this document. My only appeal is that, as the Committee refines its text, it does so with the awareness that **language shapes law**, and **law shapes memory**. To clarify or replace the term "slave trade" is not to alter history—it is to tell it truthfully.

As humanity moves toward a new moral horizon, let us ensure that the architecture of our language rises to meet the dignity of the descendants of those who endured the **Maafa.**

With respect,

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NOTE:* This submission draws upon my testimony before the **Fourth Session of the United Nations Permanent Forum on People of African Descent (April 15, 2025), and upon the ongoing work of the **Reparation Education Project**, which serves as a trusted resource and thought partner for reparatory justice education, advocacy, and cross-sector collaboration worldwide.