



AFRICAN FORUM AND NETWORK
ON DEBT AND DEVELOPMENT

THE POLITICAL ECONOMY OF DEBT AND REPARATION IN AFRICA:

BUILDING A UNITED FRONT TO ADVANCE THE CAUSE OF DEBT
JUSTICE AND REPARATIONS IN AFRICA AND DIASPORA

LIST OF ABBREVIATIONS

AComHPR	African Commission on Human and Peoples' Rights
AU	African Union
CARICOM	Caribbean Community
CF	Contingent Financing (or Crisis Facility, depending on context)
CERDS	Charter for the Economic Rights and Duties of States
CIL	Customary International Law
DCS	Debt-for-climate swaps
DNS	Debt-for-Nature Swap
DSSI	Debt Service Suspension Initiative
ECOSOCC	Economic, Social and Cultural Council
ECOWAS	Economic Community of West African States
ECHR	European Court of Human Rights
EU	European Union
G-20	Group of Twenty
GDP	Gross Domestic Product
HIPC	Heavily Indebted Poor Countries (Initiative)
ICCPR	International Covenant on Civil and Political Rights
ICC	International Criminal Court
ICJ	International Court of Justice
IFIs	International Financial Institutions
ILO	International Labour Organization

OAU	Organisation of African Unity
OECD	Organisation for Economic Co-operation and Development
ODA	Official Development Assistance
OPEC	Organization of the Petroleum Exporting Countries
SDGs	Sustainable Development Goals
SDR	Special Drawing Rights
SAPs	Structural Adjustment Programmes
TJ	Transitional Justice
TRC	Truth and Reconciliation Commission
TWAIL	Third World Approaches to International Law
UK	United Kingdom
UN	United Nations
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Programme
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNGA	United Nations General Assembly
UNHRC	United Nations Human Rights Council
UDHR	Universal Declaration of Human Rights
US\$	United States Dollar
WB	World Bank
WTO	World Trade Organization

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EXECUTIVE SUMMARY

Africa's sovereign debt crisis has reached dizzying unprecedented levels, with total external liabilities exceeding \$1.8 trillion. Yet these sovereign debts are not simply financial figures on a balance of payments sheet. They are the living embodiment of a historical continuum of colonial exploitation and racialised extraction that has shaped the global order for centuries. Africa's debt burden cannot be disentangled from the deliberate plunder of its human and natural wealth. These include the millions of African lives stolen, environmental damage, intense extraction of African minerals and agricultural riches, and the systems of commerce distorted to serve imperial accumulation. The wealth of the Global North was built on this foundation of African dispossession, embedding structural underdevelopment and dependency. This colonial legacy did not end with formal independence. Instead, it mutated into pseudo-independence and neo-colonialism that entrenched a modern debt system- an intricately predatory machinery of financial control. The global debt architecture in this way, continues to sustain global hierarchies of power while draining African resources under the guise of fiscal prudence and financial stability. Post-independence African states inherited fragile, mono-export, and externally oriented economies deliberately designed to feed foreign industries. Thrust into the global market without protection or fair terms of trade, they were swiftly ensnared in cycles of borrowing that became mechanisms of subjugation rather than instruments of development. These cycles were often triggered by multiple and often overlapping orchestrated crises- all serving to deepen Africa's dependence on external finance and policy diktats.

At the centre of this unjust global financial and debt architecture stand the International Financial Institutions (IFIs), notably the International Monetary Fund (IMF) and the World Bank which, under the pretext of stabilisation and reform, have enforced fiscal regimes that prioritise repayment, austerity, and liberalisation over human welfare and sovereign choice. Mechanisms such as Special Drawing Rights (SDR) allocations, structural adjustment programmes (SAP), loans, debt-for-nature swaps, and unfulfilled climate finance pledges have further entrenched this imbalance. Presented as benevolent instruments of development, they instead perpetuate a new colonial contract; a regime where creditor interests supersede African agency, and where the language of sustainability often conceal entrapment and dependency through creditor control. International creditors and private banks remain complicit in this unjust global financial and debt order, profiting from Africa's distress while evading responsibility for the historical and ongoing crimes and systemic injustices that created and feed the exploitative systems. This dynamic lays bare the profoundly political nature of global financial governance, a system that cloaks itself in technocratic neutrality while reproducing centuries-old asymmetries of race, power, and capital. Its refusal to confront the moral and material debts owed to Africa and its diaspora amounts to a continuation of the same imperial logic that legitimised slavery and colonisation.



It is within this context that the political economy of debt and the demand for reparations is situated—not merely as an economic debate, but as an essential wrestle for justice, autonomy, and redress. Reparations and debt justice are inseparable dimensions of a single moral and structural question: who bears responsibility, and for which historical and continuing wrongs.? The time has come for Africa and its diaspora to forge a united front a movement that transcends borders and ideologies to dismantle the systems of exploitation and dependency that continue to define Africa’s place in the world economy. A decolonial and multidimensional strategy is therefore essential one that confronts both the past and the present, linking debt justice to reparative justice, ecological restitution, and the reclamation of Africa and its diaspora’s economic sovereignty. To this end, a series of transformative policy directions are proposed which include:

- ▶ **Leveraging international and regional courts**, such as the African Court on Human and Peoples’ Rights and the International Court of Justice, to challenge illegitimate or odious debts and assert legal claims to reparations. Litigation and advisory rulings can enhance negotiating leverage and set precedents for debt cancellation or restructuring.
- ▶ **Establish independent Pan-African institutions a Pan-African Credit Rating Agency**, to challenge biased assessments, produce contextually grounded fiscal metrics, and break dependency on Western rating monopolies.
- ▶ **Strengthen transnational alliances with other debt-affected regions of the Global South**, particularly the Caribbean and Latin America, through coordinated legal action, joint debt audits, and multilateral advocacy for systemic reform.
- ▶ **Develop and persistently implement a multi-pronged Pan-African strategy**, that unites litigation, education, advocacy, cultural mobilisation, and media campaigns to expose and challenge the racial and structural inequities embedded in the global financial system.
- ▶ **De-link the false conflation of debt relief and climate finance**, through instruments such as debt-for-nature swaps, which perpetuate eco-financial colonialism by repackaging control over African resources in the language of environmental stewardship.

By implementing these strategies, Africa and its diaspora can shift from a position of structural subordination to one of strategic agency and leadership, transforming sovereign debt from a tool of control into an instrument of emancipation. The urgency of this transformation cannot be overstated. Africa must move from rule-taker to rule-maker in the global economic order, asserting its collective right to reparations, debt justice, and ecological sovereignty. A reimagined international financial order, grounded in equity, accountability, and solidarity, is imperative. Such an order would challenge the entrenched asymmetries upheld by IFIs, creditors, and rating agencies, while enabling African states and their diasporas to reclaim resources siphoned off through debt servicing, slavery, and colonialism. These reclaimed resources must be redirected toward the advancement of human rights, social equity, ecological restoration, and sustainable self-determination



INTRODUCTORY CONTEXT

With a debt-to-GDP ratio soaring to an unprecedented 252 per cent for 2025, the highest on the continent, Sudan exemplifies the acute fiscal distress gripping many African countries.¹ Prolonged conflict, systematic plundering of Sudanese resources, have plunged Sudan into a severe debt crisis, undermining financial stability and development prospects.² While Sudan's situation is an outlier, its situation reflects the broader challenges faced by many African countries today. Ghana's recent domestic debt exchange, anticipating defaults on nearly half of its \$28.4 billion external debt, highlights the acute fiscal pressures African states face today.³ Africa's sovereign debt crisis is not merely a financial problem; it is deeply political. The global financial architecture, embodied in institutions such as the IMF and World Bank and enforced through austerity and structural market reforms systematically reproduce dependencies that constrain the fiscal sovereignty of African states.⁴ Emerging private creditors, international bankers, and transnational corporations are also implicated in Africa's financial dependencies.⁵ Grappling with a debt figure amounting to over \$1.8 trillion, Africa's debt cannot be understood without acknowledging both historical and contemporary mechanisms of subjugation.⁶ Africa's unsustainable debt trajectory is a direct consequence of the legacy of the transatlantic slave trade, colonisation, extraction, economic forced labour, systematic political and economic subjugation, which truncated Africa's self-determined natural development path through entrenched structural

Sudan Debt-to-GDP

252%

Highest in Africa (2025)

Ghana External Debt

US\$28.4
BILLION



- 1 Trading Economics, Sudan Government Debt to GDP <https://tradingeconomics.com/sudan/government-debt-to-gdp>
- 2 Kidane Kiros, The Ongoing War in Sudan and Its Implications for the Security and Stability of the Horn of Africa and Beyond (Policy Center for the New South, 12 October 2024) <https://www.policycenter.ma/publications/ongoing-war-sudan-and-its-implications-security-and-stability-horn-africa-and-beyond>
- 3 African Sovereign Debt Justice Network, Sovereign Debt News Update No. 138: Ghana's Fiscal Path: Insights from Recent Credit Upgrades and Debt Management Efforts (5 June 2025) <https://africansovereigndebt.org>
- 4 Cosmas Emeziem, 'Untouchable Sovereign Debts: Towards A New Model Of Transitional Justice And Global Finance' (30 June 2024) SSRN <https://ssrn.com/abstract=5176007>
- 5 Jacob Mahlangu, 'Transnational Corporations as Neo-Colonial Powers: Challenging State Sovereignty in the Global South' (Advance, 20 May 2025) <https://doi.org/10.31124/advance.174773368.85240931/v11-5>; Alfred Schipke and Li Hui Tang, 'Chapter 8 Strengthening Policy Frameworks and Capacity: International Experience and Toolboxes' in *Africa-China Linkages* (International Monetary Fund 2025), 10-280.
- 6 Id.



inequalities.⁷ As noted by Her Excellency Dr. Arikana Chihombori-Quao, a former Ambassador of the African Union to the United States, Africa's underdevelopment must be understood within its broader historical context that has structured and continues to shape its economy.⁸ Compounding these inequities is the failure of developed nations to fulfil climate finance commitments. Research estimates the Global North owes the Global South as much as US\$5 trillion annually in climate reparations.⁹ Thus, Africa's reparative justice demands spans both debt and ecological restitution.

This policy paper is guided by the central question—how can a decolonial political economy framework advance the case for reparations and debt justice in Africa, in light of historical injustices, contemporary debt burdens, and systemic global inequalities? It explores how slavery, colonialism, and neocolonialism have shaped Africa's debt architecture; how colonial debts, extractive investments, and structural adjustment programs (SAPs) deepened fiscal dependency. It explores also how current global financial structures using SAPs to skewed allocation of the IMF SDRs continue to entrench debt injustice. By situating African debt within its historical, political, economic, and structural roots, the brief challenges the dominant narrative of debt as a neutral technical issue and instead frames reparations and debt justice as urgent political imperatives for achieving true sovereignty and restoring economic dignity. To achieve its aims, several methodologies are employed. Qualitative methods and analysis draw on case studies, such as the Congo's debt issues arising from colonial systems from King Leopold's genocidal rule and Belgium's excessively borrowing, Kenyan tea farm extractive colonialism among others. African Union documents and international agreements are equally relied on. A critical discourse analysis grounded in Third World Approaches to International Law (TWAIL) and African voice-centred perspectives ensure African perspectives are prioritised.¹⁰ Comparative insights from Caribbean reparative justice efforts, including the CARICOM's 10-Point Reparations Plan also provide viable models to challenge Western-dominated paradigms.¹¹

Africa's Total Debt

US\$1.8
Trillion

Climate Reparations

US\$5 Trillion
per year

Estimated amount Global North
owes Global South

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- 7 Maureen Nwando Onyejebu, 'Slavery and the Trans-Atlantic Slave Trade in Africa: Discourse on the Impacts on African History and Image' (2025) 21(1) International Journal of Studies in Education 317-326; Joshua D Settles, The Impact of Colonialism on African Economic Development (Chancellor's Honors Program Projects, University of Tennessee 1996) https://trace.tennessee.edu/utk_chanhonoproj/182-1-13
 - 8 Insights from Dr Arikana Chihombori-Quao (Coconote AI notes, 19 April 2025) <https://coconote.app/notes/8de344c5-6416-4078-a492-757ab1c5a502>; <https://www.interdependence.org/program-speaker/h-e-dr-arikana-chihombori-quao/>
 - 9 Climate Action Network International (CANI), US\$5 Trillion Owed to Global South by Global North Due to the Climate Crisis (20 September 2024) <https://climatenetwork.org/2024/09/20/us5trillion-owed-to-global-south-by-global-north-due-to-the-climate-crisis/>
 - 10 Makau Mutua, What is TWAIL? Proceedings of the ASIL Annual Meeting. (CUP, 2000); James Thuo Gathii, "Writing race and identity in a global context: What CRT and TWAIL can learn from each other." (2020) 67 UCLA L. Rev. 1610; Miranda Fricker, Epistemic Injustice: Power and the Ethics of Knowing (Oxford University Press 2007) 20-25.; Larissa Ramina, "TWAIL—" Third World Approaches to International Law" and human rights: some considerations." (2018) 5(1) Revista de Investigações Constitucionais 0261-0272.
 - 11 CARICOM, CARICOM Ten Point Plan for Reparatory Justice, <https://caricom.org/caricom-ten-point-plan-for-reparatory-justice/>

Finally, the following structure is adopted. Section one provides the context and background of the study, laying the groundwork for the analysis that follows. Section two reviews the relevant literature and presents key conceptual clarifications and the analytical framework, defining central ideas such as sovereignty, debt coloniality, reparations, and structural dependency, and outlining the theoretical and methodological tools guiding the study. Section three traces the historical roots of Africa's debt crisis, examining how slavery, colonial conquest, and extractive economic practices transformed a once-sovereign and prosperous continent into one marked by structural dependency. Section four explores the post-independence mechanisms of debt entrapment, including IMF and World Bank conditionalities, structural adjustment programs, and the neocolonial control exerted through global finance and private capital. Section five advances the moral and legal justifications for reparations, linking them to Africa's pursuit of sovereignty, development, and debt justice. Section six draws on illustrative case studies, Namibian, African American, Caribbean reparations realities and initiatives to identify practical lessons for advancing reparative justice. Section seven proposes an effective African debt and economic reparations framework, integrating lessons from history, policy experiences, and comparative international models to promote transformative change. Finally, section eight presents policy recommendations, including actionable pathways to address denial and resistance toward an equitable global financial architecture that centres African interests, justice, and sovereignty.



2.0



LITERATURE REVIEW: CONCEPTUAL CLARIFICATION AND ANALYTICAL FRAMEWORK

Understanding Africa's current debt crisis and the call for reparative justice requires a conceptual clarification and analytical framing that links historical injustices including slavery, colonization, and extractive economic systems with contemporary global financial asymmetries.

2.1 Conceptual Clarifications

The complexity of Africa's debt crisis cannot be fully understood without first unpacking the key concepts that shape the discourse on African debt and demands for reparations. A conceptual clarification is necessary because key concepts such as dependency, debt justice, and reparations lack universally accepted definitions. Various schools of thought interpret these terms differently which can create ambiguity in analysis. By drawing on the work of Africa, diasporic, and global south scholars, this study positions these concepts from a collective African lens, ensuring that their usage reflect the historical, political, and socio-economic realities of Africa and its diaspora. This approach centres African perspectives in debates that have often been dominated by Western frameworks, making the paper analyses both contextually relevant and analytically robust.

The concept of underdevelopment provides a powerful lens for examining how historical exploitation has translated into contemporary structural vulnerabilities, shaping the nature of African economies through persistent constraints on sovereignty, fiscal autonomy, and social well-being. Underdevelopment sets the structural conditions that underpin Africa's debt challenges and defies a universal definition like most concepts.¹² Underdevelopment can best be understood by deciphering the scope of development; which is movement towards a desired positive outcome. In terms of a country or region, this outcome can be economic, social, human and political. Underdevelopment generally refers to a condition where a country or region has low levels of economic, social, and technological progress more industrialised countries.¹³ Core indicators are the lack of infrastructure, weak institutions, limited access to quality education and healthcare, and a low standard of living for the majority of the population.¹⁴ Leys attributes

12 Cinjel Nandes Dickson, Abubakar Lawan and Orluchukwu Godwin, 'Issues in Development and Underdevelopment: A Theoretical Discourse and Paradigm' (2020) 4(8) *International Journal of Academic Multidisciplinary Research (IJAMR)* 147-153.

13 Id.

14 Id.

underdevelopment to capital seeking profits subjugating regions to subordinate development for the purpose of extracting opportunities to accumulate capital.¹⁵ These were and are still done by capitalist manufacturers, merchants, insurers and bankers. Rather than an inherent or accidental state, underdevelopment is a historically produced condition, emerging from centuries of extraction, dispossession, and subjugation.¹⁶ Scholars such as Rodney, Amin, and Ojo argue that European development was contingent upon the systematic underdevelopment of Africa, beginning with the transatlantic slave trade, continuing through colonial resource extraction, and extending into post-colonial economic arrangements.¹⁷ The wealth transfer from the exploitation of African resources and labour laid the foundation for most of Europe and America's long-term economic development on the one hand. On the other hand, African countries continue to experience persistent poverty, lack of industrialisation, weak infrastructure, and limited access to basic social services. Mizuno and Okazawa maintain that beyond colonialism and slavery, indirect colonial rule entrenched underdevelopment by empowering a privileged indigenous elite to collaborate with colonial rulers in resource extraction.¹⁸ The consequences are visible today in persistent poverty, weak industrial capacity, limited infrastructure, and constrained access to social services such as health, education, and housing.¹⁹ This legacy is compounded across Africa countries including in the Democratic Republic of Congo where prolonged conflict and foreign resource exploitation have entrenched structural vulnerability.²⁰ Understanding underdevelopment as a historically rooted, systemic condition provides the foundation for linking Africa's contemporary debt crises to their structural causes.

Closely following underdevelopment is **dependency theory**. Dependency theory traced from Leys through Namkoong and later reflections by Islam, exposes underdevelopment as a structural condition produced by unequal relations between the global core and periphery to created dependencies.²¹ Leys warned, however, that dependency should not be viewed as static, but as an ongoing reality shaped by internal class and external state dynamics, while Namkoong and Islam both highlight the need to contextualize dependency within changing global political economies. Contemporary analyses, such as Aja and Ohazuruike, Akolgo extend this logic into the post-colonial era, showing how Africa's reliance on external powers in critical sectors like health and finance perpetuates dependence.²² Africa's high debt burden thus reflects a continuum of dependency first on European colonial metropolises, later on Western financial institutions, and now increasingly on new creditors such as China reproducing

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15 Colin Leys, 'Underdevelopment and Dependency: Critical Notes' (1977) 7(1) *Journal of Contemporary Asia* 92

16 Mgbonyebi Voke Charles and Umerah Ezenwani Stephen, 'Analyzing Africa's Development and Underdevelopment Dynamics in Management and Social Sciences' (2025) 2 BW Academic Journal 99-105

17 Walter Rodney, *How Europe Underdeveloped Africa* (1st edn, Bogle-L'Ouverture Publications 1972) 1-73. Samir Amin, *Unequal Development: An Essay on the Social Formations of Peripheral Capitalism*, trans Brian Pearce (Monthly Review Press 1976). 1-65; Emmanuel Oladipo Ojo "Underdevelopment in Africa: Theories and facts." *The Journal of Social, Political and Economic Studies* 41.1 (2016): 89-103. Samir Amin, «Underdevelopment and dependence in black Africa: Historical origin.» *Journal of Peace research* 9.2 (1972): 105-119.

18 Nobuhiro Mizuno and Ryosuke Okazawa. "Colonial experience and postcolonial underdevelopment in Africa." *Public Choice* 141.3 (2009): 405-419.

19 Id. Dickson et al, supra note 12.

20 PC Rwigema, 'Belgium's Legacy in the African Great Lakes Region: A Critical Analysis of Negative Impacts on Rwanda, Burundi, and the Democratic Republic of Congo' (2025) 6(1) *Reviewed International Journal of Political Science & Public Administration* 87.

21 Leys, supra note 15. Young Namkoong's "Dependency Theory: Concepts, Classifications, and Criticisms" (1999) 2(1) *International Area Review*, 121-150; M Islam, 'Conceptualizing Development and Underdevelopment: From Classical Modernization to Contemporary Post-Development Discourse' (2018) 4 *Journal of Asian Development* 107;

22 Elechi Felix Aja and Kennedy Chibuike Ohazuruike, 'Post-colonial Dependency of Africa and Vaccine Nationalism in the COVID-19 Era' in *Colonial Heritage and the Socio-Economic Development of Africa* (Springer Nature Switzerland 2025) 309. Issac Abotebuno Akolgo, "Ghana's Debt Crisis and the Political Economy of Financial Dependence in Africa: History Repeating Itself?" (2023) 54 (5) *Development and Change* 1264-1295.

underdevelopment through cycles of external control, conditionality, and extraction. Thus, from an African perspective, dependency is a structural condition in which a country's development is constrained by reliance on external powers perpetuated through mechanisms like coercive lending and unequal trade, among others.

The persistence of underdevelopment is clarified through a **political economy perspective**, which situates contemporary African debt within broader global structures of power, institutions, and laws. The political economy of sovereign debt refers to the complex interplay between domestic political incentives, global financial systems, and the historical and structural conditions that shape a state's borrowing practices and debt management.²³ Far from being a neutral or purely technical matter, sovereign debt is deeply embedded in power relations, both within states and in the broader international political economy.²⁴ Scholars such as Kaplan and Thomsson highlight how electoral cycles influence sovereign borrowing, as governments in developing countries often increase external debt in pre-election periods to finance politically strategic spending, reinforcing fiscal vulnerability.²⁵ Nadabo and Alkasim, Philips support this view by noting this pattern is not isolated but shaped by the pressures of global capital markets, where investor confidence and creditworthiness are dictated by IFIs largely controlled by the Global North.²⁶ In this context, sovereign debt is a continuation of historical injustices and contemporary structural dependency, rooted in the legacies of slavery, colonialism, and the extractive dynamics of global capitalism. Upon gaining independence, many African countries inherited colonial debts and economies structured around the export of raw materials. Post-independence, this economic structure was maintained through new mechanisms foreign aid, trade imbalances, and later, debt conditionalities imposed by IFIs.²⁷ SAPs introduced in the 1980s, further weakened public service delivery and national sovereignty by enforcing austerity, deregulation, and privatisation. Recent studies, including Oduk and Mithai, Mangani, and Debt Justice, highlight how this trajectory continues.²⁸ African countries today pay two to four times more to borrow than 'developed' states, with debt servicing crowding out health, education, and climate adaptation investments. Bradlow proposes that resolving Africa's debt crisis would require a new conceptual framework, one that centres legitimacy, equity, and African agency in debt restructuring and negotiation processes.²⁹ Therefore, political economy perspective situates African sovereign debt within broader historical and global power structures, showing that borrowing and debt management are shaped by both domestic political incentives and external pressures, necessitating debt justice.

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- 23 Nqobizitha Dube, Political Economy of Climate Finance in Africa (Afrodad, February 2022) 1-55 https://afrodad.org/wp-content/uploads/2022/02/POLITICAL-ECONOMY-OF-CLIMATE-FINANCE-IN-AFRICA_2ND-DRAFT.pdf
 - 24 Ronald Mangani, "The Political Economy of Debt in Africa: Critical Propositions to Stop the Bleeding." (2022) 65 Development 108-115.
 - 25 Stephen B Kaplan and Kaj Thomsson, 'The Political Economy of Sovereign Debt: Global Finance and Electoral Cycles' (2017) 79(2) The Journal of Politics 605.
 - 26 Yusuf Shamsuddeen Nadabo and Sada Alkasim, 'Decolonizing Debt: A Critical Analysis of Neocolonial Structures in International Debt Agreements and Institutional Sovereignty in Sub-Saharan Africa' (2025) 3(5) International Journal of Integrative Research 343. Nicola Phillips, 'Power and Inequality in the Global Political Economy' (2017) 93(2) International Affairs 429 <https://doi.org/10.1093/ia/iix019>
 - 27 Reality of Aid, International Financial Institutions: Financing Dependency Through Neoliberalism (22 May 2020) <https://realityofaid.org/international-financial-institutions-financing-dependency-through-neoliberalism/>
 - 28 John Oduk and Catherine Mithia, Debt Sustainability Analysis: Re-evaluating Debt Sustainability Analyses in the Context of Hegemonic Power and Sovereign Debt Restructuring (African Forum and Network on Debt and Development, May 2025) <https://afrodad.org/sites/default/files/publications/Debt%20Sustainability%20Analysis%20-%20Re-R> Mangani, 'The Political Economy of Debt in Africa: Critical Propositions to Stop the Bleeding' (2022) 65 Development 108 <https://doi.org/10.1057/s41301-022-00352-1> accessed 21 July 2025., Debt Justice, The Colonial Roots of Global South Debt (September 2023) <https://debtjustice.org.uk/wp-content/uploads/2023/09/The-colonial-roots-of-global-south-debt.pdf>.
 - 29 Daniel Bradlow, 'A New Conceptual Framework for African Sovereign Debt: Finding an Optimal Outcome that Addresses Five Challenges' (2024) 33(Supplement_2) Journal of African Economies ii62

Debt justice is a response to Africa's interlinked structural conditions. Anton, Nduko, and Olaleye; Mudeyi and Amonde, recognise sovereign debt as a justice that interrogates the legitimacy of obligations, the fairness of creditor-debtor relationships, and the broader social and developmental consequences of debt servicing.³⁰ Efforts toward debt justice, seek to confront the structural inequalities embedded in the global financial system by calling for the cancellation, restructuring, or transformation of sovereign debt that is illegitimate, odious, or accumulated through unjust conditions.³¹ An effective debt justice framework recognises that debt servicing obligations often constrain public investment in essential services, undermining human rights and sustainable development in African states.³² Moreso, debt justice exposes the fact that Africa's debt is structurally illegitimate and intertwined with the legacies of colonialism and contemporary forms of economic dependency. Situating debt in this framework provides a strong rationale for reparations, as addressing Africa's historical and ongoing exploitation including debt extraction becomes a matter of justice, equity, and restitution. **Historical injustice** refers to systemic harms rooted in slavery, colonisation, and racially stratified global economic arrangements for the continuous extraction of African resources, denial of autonomy, and structural subjugation.³³ Together, debt justice rooted in historical and continuing injustice strengthens the justification for reparations and enforced debt justice.

Reparations acknowledges that true development and sovereignty cannot emerge without confronting and correcting these embedded injustices.³⁴ Reparations for Africa, as highlighted by Anghie, Posner & Vermeule, Enyia, and Mbaye & Mudeyi, is multi-dimensional and extend beyond symbolic acknowledgment to encompass material restitution, structural reform, and systemic accountability for historical injustices and ongoing economic marginalisation.³⁵ Collectively, reparations are both a moral and legal imperative. Diverse positions on possible resistance to reparations abound. Anghie notes the challenges of translating historical responsibility into enforceable legal obligations, particularly under international law. Posner and Vermeule add a pragmatic lens, analysing the feasibility of claims and stressing the need to assess causality, magnitude of harm, and identification of responsible parties, while acknowledging political and practical obstacles. Enyia notes that given these challenges, reparations can best be achieved if it is situated within a global advocacy and human rights framework, while demonstrating how Afro descendant communities continue to pursue acknowledgment, restitution, and systemic reform for economic justice and postcolonial accountability. Mbaye and Mudeyi propose the focus on regional institutional mechanisms, particularly African human rights bodies, as critical avenues for turning reparatory principles into concrete outcomes that address both historical and contemporary socio-economic injustices.

These conceptual clarifications above, define and situate key terms used in this discourse such as

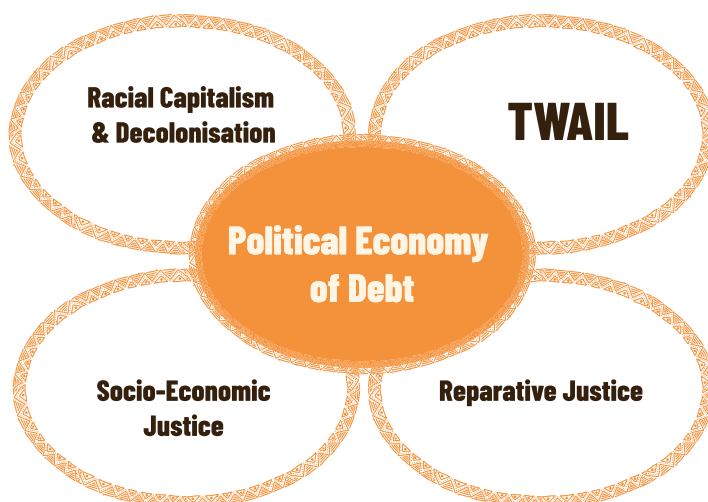
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- 30 Dakota Anton, Malaika Nduko, and Adeyinka Olaleye. "A Human Rights-Based Approach to Debt and Climate Justice. (2023). 20-25. Miracle Okoth Mudeyi and Merlene Amonde. "Towards a Transformative Approach: Rethinking Debt Architecture through TWAIL Lens." (2024) 67(3) Development 370-377.
 - 31 Vasuki Nesiah, 'A Double Take on Debt: Reparations Claims and Regimes of Visibility in a Politics of Refusal' (2022) 59(1) Osgoode Hall LJ 153.
 - 32 Jubilee Debt Campaign, Honest Accounts? The True Story of Africa's Billion Dollar Losses (July 2014) https://debtjustice.org.uk/wp-content/uploads/2014/07/Honest-Accounts_Final-Version.pdf
 - 33 Steve Carlton-Ford, Legacies of Injustice: The African Slave Trade, Colonialism, and Today's Human Rights (Routledge 2024) 20-45.
 - 34 Adewale Rafiu Aregbeshola and Ibrahim Ayoade Adekunle, 'Demystifying Colonialism and Migration: An African Perspective' (2024) Research in Globalization 9 100262 <https://doi.org/10.1016/j.resglo.2024.100262>
 - 35 Antony Anghie, 'The Injustices of Reparations' (2025) 119 American Journal of International Law 423; Eric A Posner and Adrian Vermeule, 'Reparations for Slavery and Other Historical Injustices' (2003) 103 Columbia Law Review 689; Amara Enyia, 'Global Reparations Agenda for Afrodescendants: An Overview of Recent Developments and the Way Forward' (2024) 55 Development and Change 601; Lucky Philomena Mbaye and Miracle Mudeyi, Advancing Reparatory Justice in Africa: The Role of Regional Human Rights Bodies in Addressing Historical Injustices, Colonial Exploitation, and Systemic Violations (2025) 1-30

dependency, debt justice, and reparations from an African perspective, providing a coherent foundation for analysis and argumentation. By grounding the study in an Africa-centred view of these concepts, the framework ensures that subsequent discussions of reparations, sovereignty, sustainable development, and transformative justice are historically informed, structurally aware, and analytically rigorous. In this way, the conceptual framework both directs the study and anchors it in a lens capable of addressing Africa’s enduring structural inequalities and demands for reparations and debt justice.

2.2 Analytical Framework

This study employs an integrated analytical framework that weaves together racial capitalism, decolonial theory, TWAIL, political economy, socio-economic and epistemic justice, and reparative justice to critically examine Africa’s debt crisis and the imperative for reparative action. Its integrated framing situates Africa’s debt crisis and the discourse on reparations within the intertwined historical, legal, political, and socio-economic structures of global power. At the foundation of these structures **is racial capitalism**, as conceptualised by Robinson and further elaborated by Rodney, Jones-Rogers, among many others which identifies how colonialism and racialised hierarchies structured global economic systems to extract value from Africa and its diaspora.³⁶

Figure one: Analytical Framework for Debt



Jones-Rogers analysis of racial capitalism brings a powerful contribution to the understanding of racial capitalism, dismantling the long-standing myth that white women played only a passive or secondary role in the institution of slavery.³⁷ Instead, Jones-Rogers reveal that white women were not peripheral figures but direct economic actors who actively bought, inherited, and profited from enslaved people, including enslaved African women.³⁸ Racial capitalism illuminates the historical roots of Africa’s debt subordination, demonstrating that contemporary debt burdens are enduring legacies of centuries of systemic exploitation. As Kundnani furthers this argument, positing that racism functions as

36 Rodney, *supra* note 17; Cedric J Robinson, ‘Race, Capitalism, and the Antidemocracy’ in Robert Gooding-Williams (ed), *Reading Rodney King/Reading Urban Uprising* (Routledge 2013) 73–81

37 Stephanie Jones-Rogers, *They Were Her Property: White Women as Slave Owners in the American South* (Yale University Press 2019) 1–55.

38 *Id.*

a mechanism through which the relationships between different modes of production and forms of differentiated labour are structured, regulated, and legitimized in capitalism.³⁹ By emphasizing the continuity between past and present, racial capitalism provides the historical-contemporary lens through which Africa's structural vulnerabilities and drive for reparations can be understood.

Building on this foundation, the **Third World Approaches to International Law (TWAIL) framework**, articulated by Antony Anghie, Makau Mutua, Obiora Okafor, and James Gathii, shows how the structure that uphold racial capitalism were institutionalised, legitimised, enduring within international legal systems via international law.⁴⁰ TWAIL reveals that the legal and institutional architectures of global finance, including sovereign debt contracts, lending practices, and conditionalities- systematically favour creditor states and institutions, reproducing historical subordination. The **political economy of debt and global finance**, informed by Thandika Mkandawire, Grieve Chelwa, Franklin Obeng-Oduum, and Eric Toussaint, extends this analysis to contemporary mechanisms of debt dependency.⁴¹ By interrogating structural adjustment programs, conditional lending, credit ratings, and exclusion from global decision-making, the political economy lens links the historical and legal subordination identified by racial capitalism and TWAIL to present-day financial practices. This framing reveal that Africa's debt dependency is a structurally produced outcome of global power asymmetries, where international financial institutions, credit markets, and donor policies reinforce underdevelopment and constrain sovereign agency, thus justifying the calls for reparation.

Complementing these lenses is the focus on which foregrounds the recognition and validation of African knowledge systems in global policy debates. **Epistemic justice, informed by the broader work on socio-economic justice** and critical knowledge perspectives, exposes how Africa's marginalization is both material and discursive.⁴² By challenging Eurocentric epistemologies and centering African voices, this approach reveals that historical, legal, and economic subordination is reinforced not only through material extraction but also through exclusion from knowledge production and decision-making processes. The integration of epistemic justice ensures that analyses of debt, dependency, and reparations are rooted in African perspectives, challenging dominant narratives that have historically obscured Africa's agency. Finally, **reparative and transformative justice**, drawing on Andrea Smith and global movements such as CARICOM's reparations campaign, synthesizes the preceding analyses into an ethical and policy-oriented framework.⁴³ Reparative justice addresses both material and symbolic redress for historical and ongoing harms, while transformative justice advocates systemic reforms to dismantle the structures that perpetuate inequality, debt dependency, and marginalization. By situating reparations within the interlinked frameworks of racial capitalism, TWAIL, political economy, and epistemic justice, the study demonstrates that reparatory claims are grounded in historical

39 Arun Kundnani, 'What is Racial Capitalism?' (23 October 2020) <https://www.kundnani.org/what-is-racial-capitalism/>

40 James Gathii, Obiora Okafor and Antony Anghie, 'Africa and TWAIL' (2010) 18 *African Yearbook of International Law Online/Annuaire Africain de droit international Online* 9.

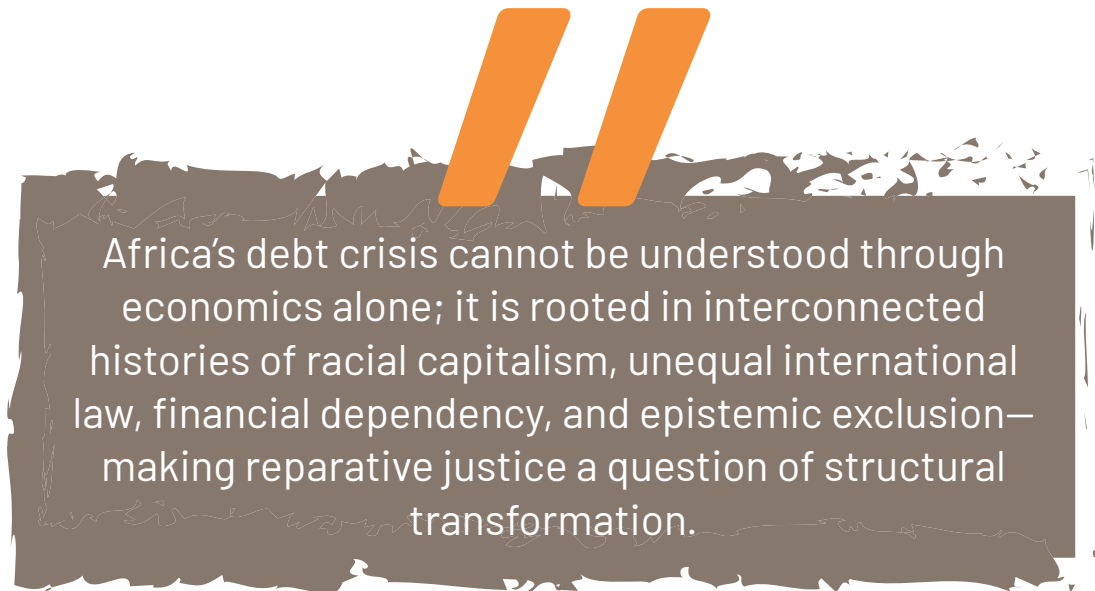
41 Thandika Mkandawire, "Neopatrimonialism and the Political Economy of Economic Performance in Africa: Critical Reflections." (2015) 67 *World Politics* 1-50; Thandika Mkandawire, "On tax efforts and colonial heritage in Africa" (2010) 46 (10) *Journal of Development Studies*, 1647-1669; Franklin Obeng-Oduum, "Land reforms in Africa: Theory, practice, and outcome." (2012) 36 (1) *Habitat international*, 161-170. Grieve Chelwa, 'Does economics have an "Africa problem"?' (2021) 50 *Economy and Society* 78; Grieve Chelwa et al, 'External Forces and Zambia's Permanent Debt Crisis' (2024) 67 *Development* 248, Éric Toussaint, *The Debt System: A History of Sovereign Debts and Their Repudiation* (Haymarket Books 2019). See also, Joseph E Stiglitz, *The Great Divide: Unequal Societies and What We Can Do About Them* (WW Norton & Company 2015)

42 Fricker, *supra* note 10. Abena Dadze-Arthur and Mary S. Mangai. "The journal and the quest for epistemic justice." (2024) 44 (4) *Public Administration and Development*, 326-341. Christopher Mbazira, "'Appropriate, just and equitable relief' in socio-economic rights litigation: the tension between corrective and distributive forms of justice." (2008) 125(1) *South African Law Journal* 71-94.

43 Andrea Smith, 'Abolition Feminism and Jumping Scale: Transformative Justice as a Way of Life' in Roberta Guerrina (ed), *Feminism, Corporeality, Materialism, and Beyond* (IntechOpen 2023).

accountability, structural reform, and socio-economic equity.

Together, these frameworks form a coherent analytical lens for discussing the political economy of debt. By interlinking these perspectives, the analytical framework situates Africa's debt crisis within a comprehensive historical, legal, political, and ethical realities as a premise for Africa-centred debate on debt justice, reparations, and structural transformation.



3.0



FROM SOVEREIGN PROSPERITY TO STRUCTURAL DEPENDENCY: TRACING THE HISTORICAL ROOTS OF AFRICA'S DEBT CRISIS.

Africa's debt crisis cannot be fully understood without tracing two key historical epochs. In the pre-colonial era, kingdoms like Mali, Songhai, Great Zimbabwe, the Zulu, and ancient Egypt thrived with trade, learning, and governance systems that rivalled the world's best. This flourishing was violently disrupted by the transatlantic slave trade, which extracted people and wealth while crippling local economies. The second epoch, Berlin Conference to the independence era, saw Europe's formal colonization of Africa, marked by land dispossession, forced labour, and extractive institutions. These legacies laid the foundation for Africa's current economic dependency and debt vulnerability.

3.1 Pre 1500 Century to Transatlantic Epoch

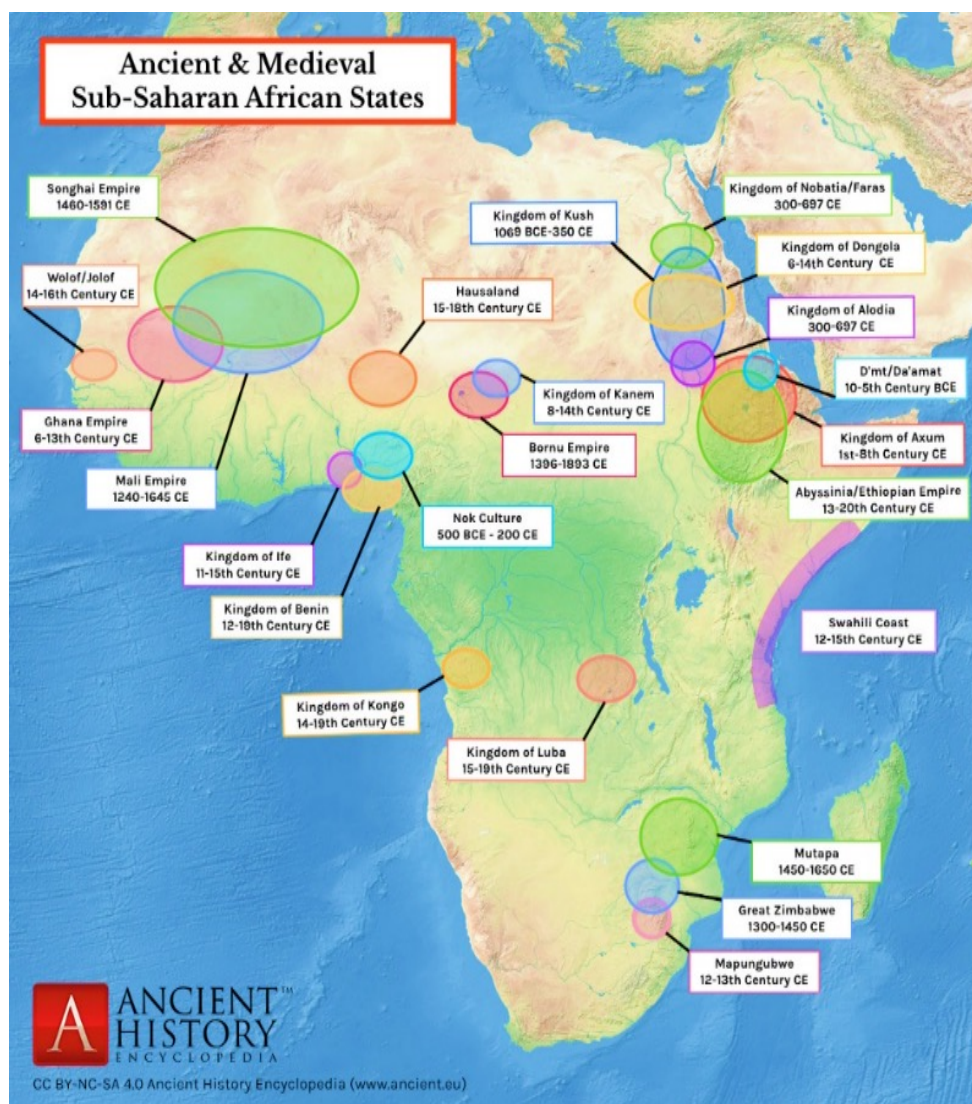
Before the intrusion of colonial forces, Africa was a continent of thriving civilizations, dynamic knowledge systems, and expansive political and economic structures. Africa was home to some of the most advanced civilizations in the ancient world. One of the earliest and most prominent was Ancient Egypt, whose glory long predates the Greek Ptolemaic rule.⁴⁴ Ancient Africans developed complex agricultural systems, hieroglyphic writing, engineering marvels such as the pyramids, and sophisticated administrative and legal institutions. Their advancements in astronomy, medicine, architecture, and statecraft influenced civilizations around the world.⁴⁵ Contrary to narratives that credit Greek thinkers for foundational knowledge, the Greeks themselves studied in African institutions, particularly during Egypt's classical period, and later during the flourishing of the University of Timbuktu in Mali.⁴⁶ The Mali Empire under Mansa Musa in the 14th century stood as one of the wealthiest and most powerful realms in global history.

44 John G Jackson, *Introduction to African Civilizations* (Ravenio Books 2015). 13-50.

45 Cheikh Anta Diop, *The African Origin of Civilization: Myth or Reality* (Lawrence Hill Books 1974). 1-10, 204.

46 Nicholas Anakwue, 'The African Origins of Greek Philosophy: Ancient Egypt in Retrospect' (2017) 18 *Phronimon: Journal of the South African Society for Greek Philosophy and the Humanities* 167. Nkosi Ato Diop (James Riley Jr), *The Kemetic Cultural Influence on Ancient Greek Philosophy* (unpublished paper, Course 4.621, Orientalism and Representation, 18 December 1995, supervised by S Bozdogan and N Rabbat). Goolam, N. M. I. "The Timbuktu manuscripts-Rediscovering a written source of African law in the era of the African renaissance." *Fundamina: A Journal of Legal History* 12.2 (2006): 29-50.

Figure 2: African Kingdoms in Pre-Colonial Times⁴⁷



With vast gold reserves, Mansa Musa's legendary pilgrimage to Mecca demonstrated Africa's influence in global trade and diplomacy. Under his rule, the University of Timbuktu emerged as a world-renowned centre of learning, drawing scholars across the Islamic world to study theology, astronomy, medicine, and law.⁴⁸ Across the continent, other kingdoms flourished with similarly complex and prosperous systems. In Southern Africa, the Shona people built the Great Zimbabwe, a civilization marked by intricate stone architecture, sophisticated agriculture, and transcontinental trade networks.⁴⁹ The Zulu Kingdom under Shaka Zulu developed advanced military tactics and statecraft, while East African Swahili city-states like Kilwa, Mombasa, and Zanzibar thrived as global maritime hubs, engaging in Indian Ocean trade and cultural exchanges.⁵⁰ Pre-colonial African systems from all indications were often communal, egalitarian, and environmentally attuned, formed the basis of sustainable development before foreign

- 47 World History, <https://www.worldhistory.org/uploads/images/10453.jpg?v=1748182145-0>
- 48 JP Martin, *The Mali Empire: The Complete History of the Mali Empire* (Trafford Publishing 2023). 10-98.
- 49 Shadreck Chirikure, *Great Zimbabwe: Reclaiming a 'Confiscated' Past* (Routledge 2020). 23-45.
- 50 Gabriel Kingsley Osei, *Shaka the Great: King of the Zulus* (BC Press 1971). 17-19, Elgidius B Ichumbaki and Edward Pollard, 'The Swahili Civilization in Eastern Africa' (2021) Oxford Research Encyclopedia of Anthropology.

imposition. Moagi and Mtombeni maintain that governance structures emphasized consensus and spiritual stewardship, with women playing central roles in trade, governance, and land custodianship.⁵¹ Wealth was relational and not extractive, value was rooted in collective wellbeing and not accumulation. Contrary to colonial and postcolonial depictions of Africa as a continent devoid of political or economic sophistication, these pre-colonial societies demonstrated endogenous growth and innovation. There was no also no sovereign debt in or between African kingdoms as it is today.

Before the onset of colonial domination, African kingdoms engaged in mutually beneficial trade with European powers, exchanging gold, ivory, spices, and textiles for firearms, metals, and other goods.⁵² These exchanges were largely commercial, conducted through African agency. A shift began in the late 15th century, especially with the Portuguese arrival on the West African coast, trading in commodities gradually and increasingly trade in humans, culminating into the Transatlantic slave trade, marking a fundamental rupture where European powers moved from trading partners to imperial conquerors. As Obiwuru notes, the scale, brutality, and lasting underdevelopment caused by European enslavement make it a uniquely devastating chapter in African history.⁵³ The shift from equal trade relations to exploitative colonial domination was driven by Europe's growing demand for cheap labour, industrial ambition, racial imperial ideology, and the perceived strength of African bodies, rationalised through the religiously endorsed 'curse of Ham' myth.⁵⁴ The transatlantic slave trade devastated African societies by forcibly removing millions of people, disrupting communities, and undermining indigenous economic systems. Over 12 million Africans were forcibly extracted through slavery, with their history, origin erased, decimating populations and productive labour systems while institutionalizing violence, intercommunal conflict, and militarized insecurity. This mass human theft destabilized Africa's demographic and social structures for generations.

While defenders of transatlantic slavery often attempt to justify it by arguing that Africans themselves practiced slavery and sold other Africans, this comparison is historically misleading and morally disingenuous. The forms of servitude that existed within many African societies prior to European intervention were largely embedded in systems of kinship, debt, or the aftermath of warfare, and were characterized by the opportunities for assimilation, social mobility, and eventual integration into the host community.⁵⁵ These practices, though hierarchical, did not involve the racialized dehumanization, hereditary bondage, or commodification of human beings that defined the transatlantic slave trade. European colonial slavery, by contrast, transformed human beings into property within a global capitalist system, severing them permanently from identity, lineage, and land. It was a system of total racial domination and economic exploitation, whose legacies of violence, dispossession, and structural racism continue to shape the modern world.⁵⁶

51 Anna Lefatshe Moagi & Butholezwe Mtombeni. "Women in Pre-colonial Africa: Southern Africa." In (eds) Olajumoke Yacob-Haliso & Toyin Falola *The Palgrave Handbook of African Women's Studies*, (Cham: Palgrave Macmillan, 2020) 1-20

52 David Eltis, Lawrence C. Jennings, Trade between Western Africa and the Atlantic World in the Pre-Colonial Era, *The American Historical Review*, Volume 93, Issue 4, October 1988, Pages 936-959, <https://doi.org/10.1086/ahr/93.4.936>

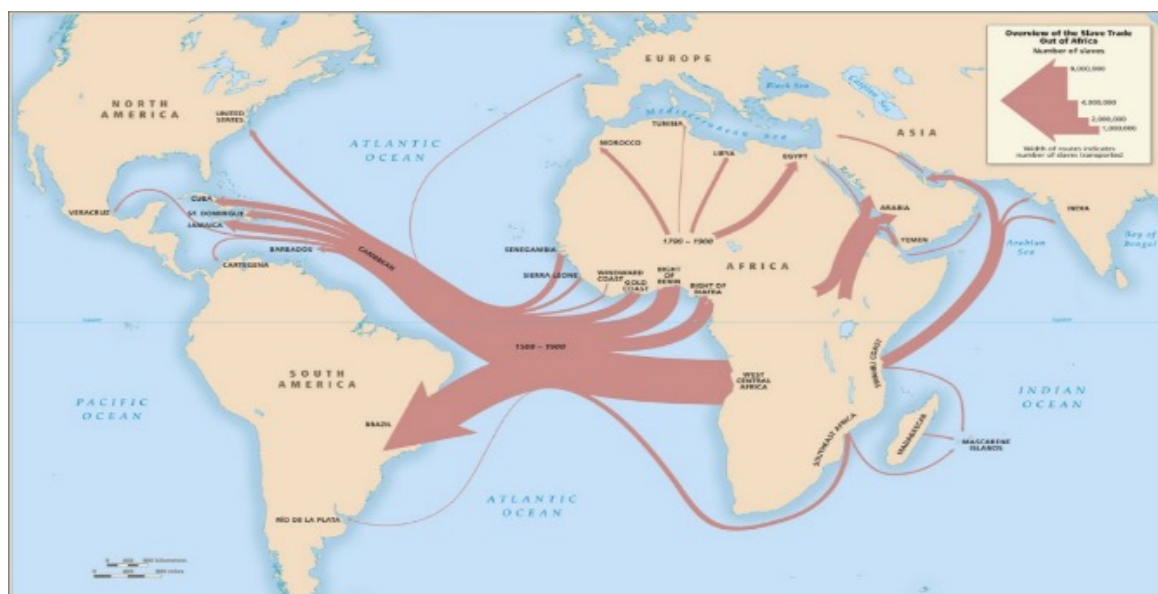
53 Chidera R. Obiwuru "Afro-European Relations: A Thorough Appraisal of the Activities of the Europeans in Africa from Pre-Colonial to Colonial." (2022) 10:1 CUPJIA 3828-3840.

54 Id. See also, David Goldenberg, "INTRODUCTION." *The Curse of Ham: Race and Slavery in Early Judaism, Christianity, and Islam*, (Princeton University Press, 2003) 1-14. In the Bible (Genesis 9:20-27), Noah curses Canaan, the son of Ham, after Ham sees Noah drunk and naked. The curse says Canaan will be "a servant of servants." Over time, some theologians and colonial powers interpreted Ham as the ancestor of African people, and the curse as divine justification for enslaving Black people.

55 Rawan Mohamed, 'From Chains to Change: The Differences Between African Slavery and the Trans-Atlantic Trade' (Gale Ambassadors, 8 April 2025) <https://review.gale.com/2025/04/08/african-slavery-vs-trans-atlantic-slave-trade/>

56 Rodney supra note 5, Robinson, Jones-Rogers, supra note 37, Makindawire, supra note 45.

Figure 3: Transatlantic Slavery Trade Route.⁵⁷



These historical trajectories reveal more than a sequence of past injustices; they form the structural foundations of Africa's present debt dependency. The continuum from slavery to colonization and postcolonial indebtedness represents a single arc of extractive dispossession, where extraction of labour, land, and wealth evolved into financial dependency and external conditionalities. This continuity reframes Africa's debt crisis not as a product of internal mismanagement but as the afterlife of racialised economic regimes designed to sustain global asymmetry. Understanding debt as a historical construct of exploitation provides the moral and analytical basis for advancing reparative justice.

3.2 Post 15th Century to Independence

By the 19th century, European powers faced increasing demand for raw materials to fuel their emerging industrial economies and new markets to absorb manufactured goods. Africa, rich in resources and labour, became central to this imperial strategy.⁵⁸ Technological advances such as steamships, telegraphs, and military weaponry gave Europe a decisive edge in projecting power inland.⁵⁹ At the same time, more pseudo-scientific and racial theories falsely portrayed Africans as inferior, justifying conquest as a civilizing mission. Africa was ripe for more picking given the success of the Transatlantic slavery but the development of Americas and Europe, leading to a scramble. On the auspices of the transatlantic slavery and the colonial conquest that followed, A Berlin Conference (1884-85) was

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57 United Nations, <https://www.un.org/en/observances/decade-people-african-descent/slave-trade>

58 South African History Online. (2011, March 22). Imperialism and socialism in the context of Africa. South African History Online. <https://sahistory.org.za/article/imperialism-and-socialism-context-africa>

59 A. Adu Boahen, ed, Africa under Colonial Domination 1880-1935, vol 7 (London: Heinemann; Berkeley, Calif: University of California Press, 1985).10-55.

set and formalized this scramble via European powers. Notably Britain, France, Belgium, Germany, Portugal, Italy, and Spain arbitrarily partitioned Africa in pursuit of imperial expansion and resource extraction without regard for existing sovereignties.⁶⁰ The motive was not just territorial control but economic restructuring of sorts to convert African economies into extractive adjuncts of European industry, enforced through colonial violence, legal subjugation, and economic dependency, exploitative colonial economies, thus stripping African polities of control, sovereignty, and bargaining power, and embedding long-term economic dependencies that persist today.

Colonial rule transferred control of Africa's critical factors of production, land, labour, capital, and entrepreneurship into European hands.⁶¹ Indigenous ownership of land was often confiscated or redefined under colonial property laws, dispossessing communities and disrupting traditional governance. African labour was exploited through forced labour systems and coerced participation in cash crop economies designed to serve European markets. Capital flows were redirected to benefit colonial enterprises, while local entrepreneurship was stifled or subordinated to colonial economic interests.⁶² This systemic expropriation entrenched foreign dominance over Africa's economic foundation, setting the stage for persistent structural dependency and contemporary struggles over sovereignty and development. Forced into cash crop economies and mineral extraction, African communities were compelled to prioritize European industrial inputs over local food security and needs, and cheaply. Infrastructure investments ports, railways, roads served extractive logistics, not developmental purposes.⁶³ These products were beneficiated in Europe and exported to Africa expensively, in the process creating appetite for expensive foreign goods via consumerist markets without the means and ability for Africans to produce themselves creating dependencies.

As Rodney contended, Europe underdeveloped Africa by systematically extracting wealth and destroying indigenous economic systems. One of the most enduring tools of this underdevelopment was the imposition of artificial currencies and colonial banking structures. During colonial rule, African societies were forced to abandon traditional systems of value exchange such as barter, cowrie shells, and community-based redistribution, in favour of colonial currencies pegged to European currencies.⁶⁴ These currencies, controlled by colonial banks such as the Banque de l'Afrique Occidentale (BAO) or the West African Currency Board, centralised monetary policy in the hands of European authorities and stifled local economic autonomy.⁶⁵ Taxation systems demanded payment in these colonial currencies, compelling Africans to engage in cash crop production for export rather than sustaining local industries or food systems.⁶⁶ Post-independence, many countries inherited weak central banks, illiquid domestic markets, and continued currency dependencies such as the CFA franc zone, which remains linked to the French treasury. These monetary legacies severely constrained fiscal sovereignty, forcing African governments to borrow externally in hard currencies to meet development needs, repay inherited colonial debts, and maintain balance-of-payment obligations. Colonialism also introduced systemic violence.⁶⁷ Education systems were designed to produce compliant clerks and intermediaries rather

60 John Mackenzie, *The Partition of Africa: And European Imperialism 1880-1900*. Routledge, 2005.

61 Stephen Ocheni & Basil C Nwankwo, "Analysis of Colonialism and Its Impact in Africa" (2012) 8:3 *Cross-Cultural Communication* 46.

62 Gareth Austin, *African Economic Development and Colonial Legacies* (No 1, Institut de hautes études internationales et du développement 2010).

63 Alexander Easton and Abel Gwaindepi, 'Colonial Extractivism and Development: The State and Private Diamond Extraction at the British Cape Colony, 1870-1910' (2021) 8(3) *The Extractive Industries and Society* 100945.

64 Anthony G Hopkins, 'The Creation of a Colonial Monetary System: The Origins of the West African Currency Board' (1970) 3(1) *African Historical Studies* 101.

65 Id

66 Leigh Gardner, *Taxing colonial Africa: the political economy of British imperialism*. Oxford University Press, 2012. 2-5

67 Christopher Kollmeyer, "Colonial legacy and contemporary civil violence: a global study from 1960 to 2018." *Social Forces* (2025).

than critical thinkers or scientists. African knowledge systems were dismissed as primitive, while Eurocentric norms were universalized. Governance was reengineered from communal to hierarchical through indirect rule, where colonial governors empowered local elites and chiefs to enforce foreign authority. This disrupted indigenous checks and balances and implanted elite capture in governance, a pathology that outlasted colonial departure.

Most devastating was the gendered violence embedded in colonial regimes. In many pre-colonial societies, women were respected economic actors, spiritual leaders, and political figures.⁶⁸ In precolonial Africa, the division of labour between genders was generally flexible. For instance, in precolonial southern Africa, women could take on tasks typically associated with men, and in many cases, the roles of men and women complemented one another.⁶⁹ Similarly, precolonial Africa had powerful queens who often founded Kingdoms and ruled states such as Queen Idia of the Benin Kingdom and Queen Nzinga of Ndongo and Matamba.⁷⁰ They played crucial roles as kingmakers- installing rulers, leading military campaigns, and performing duties typically considered masculine within Western gender role epistemology and frameworks. In West Africa, and in the Ankole Kingdom in East Africa, women had immense economic power established economic production via agriculture, trade relations and marketing leadership.⁷¹ Colonial administrations introduced patriarchy after dismantling African socio-economic structures, imposing scarcity-driven gender norms such as Victorian gender ideals.⁷² These were used to facilitate colonial extraction, suppress resistance, and entrench mental slavery. The resistance to this imposed gender order such as the Aba Women's Revolt of 1929 in Nigeria was met with brutal suppression.⁷³ As a result, African women were displaced from public life, denied land rights, and subordinated to oppressive male authority, a legacy that persists in postcolonial legal and economic systems, reinforced by organised religion that continues to promote patriarchal values.⁷⁴ Female subservience is thus, in African political, economic, and other spheres is largely anti-African and contrary to the African values of Ubuntu and communal complementarity, making it a legacy of colonialism. The memory of African women's roles in history and resistance underscores the importance of recognising African women as central to Africa's recovery and transformation. It also highlights the need for an African women's movement for reparations, as this is vital to restoring and safeguarding women's power, legacy, and glory. Yet, the architecture of dependency persists today through contemporary neocolonial mechanisms, most notably in the realms of post-independence finance, private capital, and the ongoing neocolonial control of Africa's development.

68 Emmanuel Akyeampong and Hippolyte Fofack. "The contribution of African women to economic growth and development in the pre-colonial and colonial periods: historical perspectives and policy implications." (2014) 29(1) *Economic History of Developing Regions* 42-73;

69 O W Ogbomo, 'Women, Power and Society in Pre-Colonial Africa' (2005) 5 *Lagos Historical Review* 49-70;

70 Adesewa Olofinko, 'Feminism in Pre-Colonial Africa' (BlackLadyWriter, 14 May 2024) <https://blackladywriter.com/2024/05/14/feminism-in-pre-colonial-africa/>; School for Africa, Queen Nzinga, popularly known as Warrior Queen of Mbundu people who fought Portuguese for 30 years (SchoolFor Africa) <https://schoolfor.africa/africa/queen-nzinga-popularly-known-as-warrior-queen-of-mbundu-people-who-fought-portuguese-for-30-years/> Daniel Iweze and Umasom Amos, 'Matriarchs in African Societies: Examining the Roles of Queen Amina of Zazzau and Queen Idia in State and Empire Building in Pre-Colonial Nigeria' (2024) 3 *Matrix: A Journal for Matricultural Studies* 14

71 Cyrelene Amoah-Boampong and Chrstabel Agyeiwaa, 'Women in Pre-colonial Africa: West Africa' in O Jacob-Haliso and T Falola (eds), *The Palgrave Handbook of African Women's Studies* (Palgrave Macmillan 2019) 1099-1111; Donath Asimire and Medard Twinamatsiko, 'Pan African Feminist Perspectives Promoting Matriarchy: Women's Pre-Colonial Linguistic Power Perspectives, Power Loss and the Contemporary State of Affairs in Ankole Sub-Region' (2021) 8 *Open Access Library Journal* 1

72 Marion Amies, "The Victorian governess and colonial ideals of womanhood." *Victorian Studies* 31.4 (1988): 537-565.

73 Norbert Chijioke Abah, 'The 1929 Women Resistance to Colonialism in Eastern Nigeria and the Quest for Gender Equity in Nigerian Politics' (2019) 4(4) *Socialscientia: Journal of Social Sciences and Humanities*.

74 Gloria Chuku, 'Colonialism and African Womanhood' in M Shanguhya and T Falola (eds), *The Palgrave Handbook of African Colonial and Postcolonial History* (Palgrave Macmillan 2018) 171-120. Rabah Omer, 'The Modern and the Traditional African Women and Colonial Morality' (2018) 5(1) *International Journal of Culture and History* 31-34, 39.

From a journey backward through these historical realities, reparative justice, especially for Africa's debt can be conceived through four interlinked dimensions. First, recognition acknowledging that slavery, colonialism, and resource extraction systematically underdeveloped Africa and continue to shape its fiscal vulnerabilities. Second, restitution demanding the return of stolen wealth, the cancellation of illegitimate debts, and compensation for historical losses. Third, reconstruction which focuses on rebuilding economic systems through equitable trade, technology transfer, and structural reforms that restore autonomy. Finally, rehabilitation restoring the social and psychological fabric of African societies, particularly the gendered and generational harms that colonialism entrenched. Operationalising this vision requires concrete institutional mechanisms. These could include debt cancellation frameworks rooted in historical accountability, regional financial architectures that reduce dependence on former colonial currencies, and the through consistent and intense advocacy through the African Union's Economic, Social and Cultural Council (AU-ECOSOC) or a Special Rapporteur on Debt and Illicit Financial Flows under the African Commission on Human and Peoples' Rights.⁷⁵ Through these steps, reparative justice transitions from moral claim to actionable policy, bridging the historical and the contemporary in Africa's pursuit of sovereignty and development.



Colonialism did not simply extract Africa's resources—it disrupted systems of gender, power and social organisation. Reparative justice must therefore restore women's agency alongside economic and political sovereignty.

75 Marie-Louise Aren, Appointment of an AcomHPR Special Rapporteur on Debt, IFFs, Tax Justice, and Human Rights (Pan African Lawyers Union Policy Brief; 2025 upcoming) 1-8; African Union, Economic, Social & Cultural Council (ECOSOCC) <https://au.int/en/about/ecosocc>

4.0

CONTEMPORARY INSTRUMENTS OF DEBT ENTRAPMENT: POST-INDEPENDENCE FINANCE, PRIVATE CAPITAL, AND NEOCOLONIAL CONTROL OF AFRICA'S DEVELOPMENT

Africa's contemporary financial landscape reflects a direct continuity of colonial legacies and systemic marginalization which would be discussed in epochs

4.1 The Colonial Consolidation and Global Reordering (1885–1945)

The period between the Berlin Conference of 1885 and the end of the Second World War marked the consolidation of Africa's subordination within an expanding global capitalist order. Although formally articulated later epochs—post 1945s, the conditions of dependency were established during 1885–1945. Colonial economies were made export-oriented and import-dependent, producing raw materials while consuming European goods, a structure later identified by dependency theorists like Leys, Islam as the core-periphery model.⁷⁶

Through the formal partition of the continent, European powers institutionalized extractive economies that redirected Africa's wealth toward metropolitan centres. Colonial administrations established currency boards, export monopolies, and trade regulations that locked African territories into resource-dependent fiscal systems.⁷⁷ These structures ensured that production, taxation, and finance served imperial needs rather than domestic development. Africa's contributions to both World Wars further deepened this asymmetry. Millions of African soldiers, labourers, and producers sustained the Allied powers with manpower, minerals, and agricultural supplies, underwriting European recovery and post-war prosperity.⁷⁸ Yet the post-war settlements excluded Africa from the rewards of reconstruction. The creation of the Bretton Woods institutions in

Bretton Woods Conference

1944

- ▶ Creation of the Bretton Woods financial system.
- ▶ Africa had **0 representation** despite later being governed by these institutions.

76 Leys, supra note 15; Islam, supra note 21; Tatah Mentan, *The State in Africa: An Analysis of Impacts of Historical Trajectories of Global Capitalist Expansion and Domination in the Continent*. African Books Collective (Langaa RPCIG, 2010) 49–93

77 Id, Mentan at 93–169

78 Pádraig R. Carmody, *The new scramble for Africa*. (John Wiley & Sons, 2017) 20–100.



1944 set and enshrined a financial architecture that reflected and reproduced colonial hierarchies for contemporary dependency via debt.⁷⁹ Africa, still under colonial rule, had no seat at the table, yet would later be governed by these same institutions. This period thus represents the historical bridge between formal colonial extraction and the neocolonial financial order that emerged after independence. The political decolonisation of the 1950s and 1960s unfolded within an international economic system already designed to maintain external control.⁸⁰ In this sense, independence was largely “pseudo-independence” political sovereignty constrained by inherited structures of financial dependency. The seeds of contemporary debt entrapment were therefore sown in this era, when the foundations of today’s global economic governance were laid without African participation or consent. The aftermath of the Second World War ushered in a wave of African independence movements, but these were negotiated within the confines of a global order already structured to preserve Western dominance. Analytically, the 1885–1945 period laid the foundations of Africa’s structural dependency within a racialized global economy. The colonial export model entrenched what dependency theorists later termed the core-periphery divide, positioning Africa as a supplier of raw materials and a consumer of foreign goods. Empire’s political economy, rooted in racial capitalism, deepened underdevelopment and foreclosed autonomous growth. These structures birthed the political economy of pseudo-independence, where decolonisation brought sovereignty without economic power. Colonial debts, currency pegs, and trade dependencies persisted, while development finance became the new instrument of control. It is within this context that the first post-independence epoch (1950s–1970) must be understood as a period marked by optimism, developmental planning, and simultaneous entrapment within a neocolonial financial regime.

African Independence Era

1950s–1960s

- ▶ Wave of political independence across Africa.
- ▶ Economic dependence persisted through inherited colonial financial systems.

4.2 Post Independence Epoch One: (1950s–1970)

At independence, African states inherited extractive economies deliberately structured by colonial powers with minimal industrial capacity, leaving these newly sovereign governments with the monumental task of financing infrastructure, education, health, and governance.⁸¹ This period marked a

79 Maxwell Miyawa, “Towards Development Justice: Re-visiting the Accountability of the World Bank and IMF from a Right to Development Perspective.” Available at SSRN 3732120 (2020)132, Patrick Haughey, ‘Legacies of Colonialism: Towards an Architectural History of Capitalism’ in A History of Architecture and Trade (Routledge 2018) 10–43.

80 David Kenneth Fieldhouse, Black Africa 1945–1980: Economic Decolonization and Arrested Development (Routledge 2012) 50–97.

81 Abdullahi Abdulkarim & Chembayil Saleel, “Colonial legacies and their impact on Africa’s economic system” British Journal of Interdisciplinary Research. 2. 97–114. 10.31039/bjir.v2i5.35.

fundamental shift in the mandate of the Bretton Woods Institutions—from a focus on post-World War II reconstruction in war-torn Europe to a global mission of addressing so-called “underdevelopment” and “poverty,” conditions largely created and perpetuated by European and other Western colonial powers.⁸² In Francophone Africa, colonial ties were institutionalised through the Franç-afrique framework and the CFA franc monetary zone, which kept national reserves in French banks and policy aligned with Paris.⁸³ Similar continuities appeared elsewhere through trade dependencies and financial aid conditionalities that constrained policy sovereignty, especially through international trade and investment agreements.⁸⁴ The independence granted to African states perpetuated direct economic and monetary control. Far from enabling self-determined development, these instruments and institutions—IMF, World Bank, and international commercial banks ensure that African economies remain locked at the periphery of the global production chain, primarily as commodity exporters, thereby reproducing a cycle of extraction under the guise of development finance. Through loans, technical assistance, and fiscal advice, these institutions embedded Western financial norms and priorities in the policy machinery of newly independent states.⁸⁵ Development finance became the new instrument of control, an ostensibly benevolent mechanism that preserved the logic of extraction through debt.

By the mid-1960s to 1970s, however, a new form of economic subordination began to emerge, resembling a colonial architecture under the guise of development. Within this context, African leaders again aiming to strengthen their countries’ global standing and overcome colonial-era structural weaknesses, pursued large-scale development and infrastructure projects despite limited domestic resources.⁸⁶ Cold War rivalries made foreign borrowing an attractive and politically expedient path, where both Western and Eastern blocs used aid and loans as tools of geopolitical influence, often rewarding compliant regimes while undermining radical nationalist

Rise of Foreign Borrowing

Mid 1960s–1970s

- ▶ African governments increasingly financed infrastructure and development through external loans.

Debt Crisis Emerges

Late 1970s–1980s

- ▶ Rising debt burdens and declining export earnings paved the way for neoliberal Structural Adjustment Programmes (SAPs).

82 Jennifer Prah Ruger, “The Changing Role of the WORLD BANK in Global Health” (2005) 95(1) American Journal of Public Health, 60–70; Ineba Bob-Manue, Tubobereni Ben and Charles Ohanyelu, ‘Analyzing the Impact of Bretton Woods on Post-World War II International Economic Relations’ (2023) 11 International Journal of All Research Education and Scientific Methods 341–346

83 Pape Lat Fatime Diouf, Political Stakes of the CFA Franc: The Françafrique Structure as an Instrument for Neo-imperialism’ (Wein University Master’s Thesis: 2021) 17–43.

84 Dominic N Dagbanja, ‘The Limitation on Sovereign Regulatory Autonomy and Internationalization of Investment Protection by Treaty: An African Perspective’ (2016) 60(1) Journal of African Law 56–78.

85 Marie Louise F. Aren, The Impact of IMF - Recommended Consumption Tax Policy on Africa’s Rising Public Debt Levels, (2 Afronomicslaw Sovereign Debt Quarterly Brief, 2025) 3–15; Miranda Stewart and Sunita Jogarajan, The International Monetary Fund and Tax Reform (2004) 2 British Tax Review, 146–170.

86 Anthony I Bature and Chigozie Joseph Nebeife, ‘De-Development Of The Underdeveloped: Interrogating the Political and Religious Leadership Factor in Africa’s Post-Colonial Development Crisis’ (Proceedings, 2023). 1–3. See also Ruger, supra note 83.

leaders who sought structural autonomy.⁸⁷ In this climate, financial dependency was reinforced by political coercion, as global powers moved decisively to eliminate any leadership that threatened the emerging financial order. These geopolitical pressures manifested violently. The assassinations of Patrice Lumumba, Thomas Sankara, and the installation of Western-aligned military regimes across Africa deliberately ensured that African states remained tethered to externally dictated economic and political agendas. Additionally, these interventions suppressed alternative models of African economic self-determination thereby enabling the continued exploitation of African people and resources.⁸⁸

The 1973 Yom Kippur War further intensified these dynamics.⁸⁹ The OPEC-imposed oil embargo on Western nations triggered supply disruptions and skyrocketing oil prices, generating massive petrodollar surpluses that were deposited in international commercial banks.⁹⁰ Over time, these banks emerged as the dominant financiers of sovereign debt, gradually supplanting the Bretton Woods Institutions as the main lenders.⁹¹ While this capital influx largely by passed most African countries in favour of Latin America, a few African states accessed these commercial loans. The result was perpetuation of dependence in new forms– African states started becoming dependent on external finance to meet the development needs created by colonial underinvestment. For most of Africa, African economies depended on commodity exports. When prices fell in the late 1970s–1980s, export revenues collapsed.⁹² At the same time, U.S. interest rates spiked under Paul Volcker’s monetary tightening in 1979–1981, making debt servicing far more expensive.⁹³ The result of these economic woes from the late 1970s made the perfect entry point for the full-scale global neo-liberal policies and the modern chokehold of debt in Africa.

4.3 Post Independence Epoch Three (1980–late 1990s)

By the early 1980s, a landmark financial crisis hit the world.⁹⁴ Many African countries as a result, faced serious difficulties in servicing loans obtained from creditors.⁹⁵ As Sgard notes, the financial crisis was systemic and reflected structural problems in the global lending system for developing countries.⁹⁶ In response, IFIs like the IMF intervened with conditional lending packages, most notably through

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- 87 Seth Schindler, Ilias Alami, Jessica DiCarlo, Nicholas Jepson, Steve Rolf, Mustafa Kemal Bayırbağ, Louis Cyuzuzo, et al. 2023. “The Second Cold War: US-China Competition for Centrality in Infrastructure, Digital, Production, and Finance Networks.” *Geopolitics* 29 (4): 1083–1120.
- 88 Rodrigue Ntsatou and Brel Grâce Mangalala, ‘Negative Impacts Confronted by Africans from Independence Struggle to the Present Day: A Case Study of African Elites and Freedom Fighters’ (2021) 6(12) *Saudi Journal of Humanities and Social Sciences* 515–522; Kateřina Ženková Rudincová, ‘Assassinated Visionaries: Lumumba, Sankara, and Their Enduring Impact on Africa’ in JJJ van den Bosch and N Lindstaedt (eds), *Encyclopedia Tyrannica: A Research Guide to Authoritarianism* (ibidem Verlag 2025). 528–531.
- 89 Marie-Louise F Aren, ‘Designing an African Common Position and Strategy on Vulture Litigation’ in ed James T Gathii, *How to reform the global debt and financial architecture* (2023) 56. <https://www.afronomicslaw.org/sites/default/files/pdf/HowtoReformtheGlobalDebt%26FinancialArchitecture.pdf>
- 90 id
- 91 id
- 92 Biodun Olanosu and Andy Wynne, ‘Africa Rising? The Economic History of Sub-Saharan Africa’ (ISJ, Issue 146, 12 April 2015) <https://isj.org.uk/africa-rising/>
- 93 Catalina Espinosa, Volcker Shock: Federal Funds, Unemployment and Inflation Rates 1979–1987 (2 September 2024). <https://www.statista.com/statistics/1338105/volcker-shock-interest-rates-unemployment-inflation/>
- 94 Jérôme Sgard, *The Debt Crisis of the 1980s Law and Political Economy* (2023) 1–11.
- 95 Id.
- 96 Id.

Structural Adjustment Programs (SAPs).⁹⁷ These programs mandated market-oriented reforms, including currency devaluation, privatization of state-owned enterprises, trade liberalization, and fiscal austerity. While officially framed as measures to restore economic stability, SAPs effectively transferred policy authority to external actors, undermining domestic decision-making and constraining national sovereignty. Rather than alleviating debt burdens, these reforms deepened structural dependency, curtailed social spending on education, health, and infrastructure, and reinforced a cycle of borrowing to repay existing obligations. In 1984, Africa's external debt was \$150B. Four years later, it ballooned \$230B; the economies were contracting.⁹⁸ This continued into the 1990s. The collapse of the Soviet Union created new independent states that shifted from centrally planned economies to market economies.⁹⁹ The influx of their resources onto global markets caused a glut, driving down prices for African raw materials. As a result, Africa's export earnings declined, contributing to Africa's debt burdens. 33 African countries received the biggest debt write-offs from the IMF's Highly Indebted Poor Countries (HIPC) Initiative, started in 1996 which was an initiative to alleviate debt for very poor countries with unsustainable ¹⁰⁰ 3 Later, in 1999, the program was expanded as the Enhanced HIPC Initiative, which gave those same countries even more generous debt relief, yet debt continue to grow.

4.4 Post Independence Epoch Four (2000s-2020)

As new forms of debt entered the mainstream external financing landscape for African countries, multilateral and bilateral debt remained the primary source of development funding, continuing a pattern of structural dependency. By the mid-2000s, the mounting debt burdens prompted the Multilateral Debt Relief Initiative (MDRI), providing partial debt cancellation.¹⁰¹ However, this relief efforts were limited in scope and failed to address the historical structural vulnerabilities inherited from colonial extraction, coupled with the inequitable international financial architecture. The absence of an impartial adjudication system for sovereign debt has allowed Global North actors to dominate debt governance.¹⁰² This gives these actors the opportunity to act simultaneously as rule-makers, executioners, and judge, dynamic, more aptly as "international financial and debt dictators." In the late 2000s, African countries begun exploring international markets for other debt financing sources. Declining commodity prices and reduced foreign investment forced many African states to increase borrowing to finance infrastructure and development projects, leading to a surge in sovereign bond issuances. For example, In 2007, Ghana was the first nation and former HIPC recipient to issue sovereign bonds in international markets.¹⁰³ By 2008 after the global financial crisis, more African countries followed suit. Zambia also issued a \$750 million bond

Zambia's Eurobond

**US\$750
Million** 2012

▶ Zambia issued its first international sovereign bond worth US\$750 million.

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- 97 Christopher Ogola, 'Structural Adjustment Programs (SAPs) and Social, Economic and Political Stability of the Least Developed Countries Since 1980s' (2025) 6 International Journal of Research Publication and Reviews
- 98 Yaw Boadu, 'The 1980s & 1990s African Sovereign Debt Crisis: A Primer', Dec 23, 2023 <https://yawboadu.substack.com/p/the-1980s-and-1990s-african-debt>
- 99 <https://economics.ecu.edu/wp-content/pv-uploads/sites/165/2019/07/ecu1214.pdf>
- 100 BJ Ndulu and Stephen A. O'Connell. (2021). "Africa's Development Debts". Journal Of African Economies. Volume 20, Issue Supplement 1. i33-i34.
- 101 AFRODAD, 'The Debt Of Poor Countries', 10 October 2022 <https://afrodad.org/node/330>
- 102 Odette Lienau, 'The Challenge of Legitimacy in Sovereign Debt Restructuring' (2016) 57(1) Harvard International Law Journal 151.
- 103 Michael Olabisi and Howard Stein, 'Sovereign Bond Issues: Do African Countries Pay More to Borrow?' (2015) Journal of African Trade 2(1-2) 87-109

in 2012, followed by Kenya and Ethiopia in 2014 raising over \$2 billion with mid-term bonds.¹⁰⁴ They however accessed international capital markets, often under high-interest rates, short maturities, and foreign currency exposure, intensifying debt servicing pressures.

Concurrently, China became a major financier, extending over \$182 billion in loans to over 30 African countries between 2000 and 2023 mostly through the Chinese Development Financial Institutions (DFI), largely under the Belt and Road Initiative.¹⁰⁵ Chinese commercial lenders represent 16 percent of the total value of loan commitments to Africa, while 83 percent were from DFIs. These loans target infrastructure projects, but like many loan agreement frequently include restrictive clauses, such as escrow accounts and limitations on debt restructuring, which constrained policy autonomy and deepened financial vulnerability. This indicates a “same script, different cast” type of continuation of Western colonialism and the control of Africa’s resources. This approach operates as a form of soft diplomacy through debt: Beijing provides large-scale infrastructure financing in exchange for long-term resource supply contracts and exploration rights, while deepening African debt dependence. A clear example of this soft diplomatic “debt-for-resources” model can be seen in Angola, where the majority of Chinese credit lines channeled through China Exim Bank (USD 2 billion in 2004, USD 2.5 billion in 2007, and USD 3 billion in 2011) were collateralised with oil exports.¹⁰⁶ While officially earmarked to fund government infrastructure packages, the loan terms dictated otherwise. The loan agreement required that 70% of construction, equipment, and labour inputs be obtained from China. In practice, this condition severely constrained the benefits for Angola’s domestic economy, as weak local industry protections, the absence of labour unions, and poorly organized business associations meant little resistance to these external stipulations. Also, the potential multiplier effects within Angola were curtailed, reinforcing a cycle of dependence on Chinese credit while limiting Angolan supportive value creation.

Modern debt instruments Eurobonds, foreign-denominated loans, and credit rating-based mechanisms come with high interest costs, speculative volatility, and the potential for vulture fund litigation and investor-state arbitration.¹⁰⁷ These instruments reveal that debt is not a neutral economic device, but a mechanism of structural control, enabling creditors to extract value while constraining fiscal sovereignty.



104 Id.

105 Diego Morro, ‘FAQs: The Chinese Loans to Africa Database’ (Boston University Global Development Policy Center, 18 November 2024) <https://www.bu.edu/gdp/2024/11/18/faqs-the-chinese-loans-to-africa-database/>

106 Ana Alves & Cristina Ana, ‘Chinese Economic Statecraft: A Comparative Study of China’s Oil-backed Loans in Angola and Brazil’ (2013) 42 *Journal of Current Chinese Affairs* 99; 108.

107 Aren, *supra* note 89.

4.5 Post Independence Epoch Five (2020-Date)

Contemporary debt instruments reveal that Africa's fiscal vulnerability is not a coincidence, but a continuation of a global financial order designed to sustain Northern dominance. Mechanisms such as the Debt Service Suspension Initiative (DSSI), the G20 Common Framework for Debt Treatment (CF), and emerging debt-for-climate or debt-for-nature swaps (DNS/DCS) exemplify how the international financial architecture survives through its own injustices, adapting old extractive logics to new global crises.¹⁰⁸ Far from addressing structural inequities, these mechanisms offer temporary relief while preserving creditor control and deepening dependency under the guise of benevolence. Launched in May 2020 by the G20, the DSSI was presented as a lifeline for low-income countries struggling with the pandemic. Yet its relief was partial and temporary. Participation was voluntary, major creditors such as China often acted outside its terms, and suspended payments accumulated as future liabilities.¹⁰⁹ Similarly, the 2021 SDR allocation reproduced entrenched inequalities through the IMF's quota system, which ties voting power and resource allocation to economic size.

IMF Special Drawing Rights (SDRs)

US\$33 Billion

▶ Allocated to Africa in the 2021 SDR allocation.

Advanced Economies

US\$500+ Billion

▶ Advanced economies received more than US\$500 billion in SDR allocations..

Africa received a mere US\$33 billion- around 5% of the global total, while advanced economies amassed over US\$500 billion.¹¹⁰ These disparities illustrate how even emergency reforms function within an architecture calibrated to privilege the Global North.¹¹¹ The CF, though heralded as an inclusive platform, still centralises creditor discretion, replicating the asymmetries of the Bretton Woods system.¹¹² Altogether, these initiatives reveal the self-preserving nature of global north countries and how financial - crises generate cosmetic reforms that leave the underlying structures of domination intact.

108 Nona Tamale, Debt Restructuring under the G20 Common Framework: Austerity Again? The Case of Zambia and Chad (2023) 156. Launched in 2020 in response to the COVID-19 pandemic, and the Common Framework for Debt Treatment for Africa, established to coordinate debt restructuring among heavily indebted countries.

109 Id.

110 AFRODAD, An Assessment of the IMF's 2021 Special Drawing Rights (SDRs) Allocation, Usage, and Implications on Public Debt Management: Kenya and Africa's Experiences (AFRODAD, 2021) 6-7

111 Marie-Louise F Aren, Special Drawing Rights: Allocation, Usage, and Implications for Africa (AFRODAD Paper, 2022) 8-20. See also, Theo Yungong, Understanding International Monetary Fund Special Drawing Rights (SDRs) (AFRODAD PPT 2022) 24-27. https://afrodad.org/sites/default/files/presentation/SDR_theo_5Cases.pdf

112 African Union, 'Draft Session Note: Panel 4: The G20 Common Framework and Africa's Debt Challenges: Rethinking the Case for a New Debt Relief Mechanism' (African Union Conference on Debt, "Advancing Africa's Public Debt Management Agenda for Restoring and Safeguarding Sustainability" (2025) 1-4 <https://afrodad.org/sites/default/files/documents/Panel%20Session%204%20-%20Draft%20-%20G20%20Common%20Framework%20and%20the%20Curnt%20Debt%20Conundrum%20in%20Africa.pdf>

CASE STUDY ONE: KENYA QUESTIONABLE DEBT FOR CLIMATE ARRANGEMENTS

In 2023, Kenya entered a €60 million debt-for-climate swap with Germany, funding the 300MW Bogoria-Silale geothermal project. In the same year, the Kenyan government evicted the Ogiek from their ancestral Mau Forest to sell carbon credits to foreign investors to use as Carbon Sinks, despite a 2017 African Court ruling protecting their land. This demonstrates how DNS and carbon markets can dispossess Indigenous communities, commodify ecosystems, and prioritize investor profits, turning Africa's natural assets into tradable instruments with little benefit to local populations.

Source: African Climate Wire & Gathii¹¹³

US\$60 Million

▶ debt-for-climate swap with Germany, funding the 300MW Bogoria-Silale geothermal project.



This pattern extends into the realm of climate finance. As ecological collapse intensifies, debt-for-climate and debt-for-nature swaps have emerged as the latest iteration of external financial control.¹¹⁴ These instruments ostensibly promote conservation and green development, yet they commodify ecosystems and constrain fiscal autonomy.¹¹⁵ As Majekolagbe and Sokpoh warn, these mechanisms reproduce eco-imperialism, reducing nature to a tradable commodity and reasserting colonial-style control over land and resources.¹¹⁶ For the Global North, DNS and related mechanisms serve as a convenient escape hatch— they allow historic polluters and beneficiaries of colonial extraction to evade genuine accountability for climate damage. While Africa contributes minimally to global emissions, it shoulders the greatest burden of environmental financing, even as restrictive debt obligations prevent it from leveraging its own natural resources for autonomous development.¹¹⁷ The Paris Agreement itself institutionalises this inequity.¹¹⁸ Article 9 requires developed countries to mobilize climate finance but imposes no binding obligations or penalties; Article 13 relies on self-reporting with weak verification; and Article 8 on “loss and damage” explicitly excludes liability or compensation. These legal lacunae transform climate finance into yet another tool of subordination, one that enriches Northern investors through “greenwashed” projects while marginalizing African priorities.

The result is a mutually reinforcing cycle of debt and climate crisis. Each climate disaster pushes African countries into new borrowing; each new loan erodes fiscal capacity to prepare for the next.

113 ACW <https://africanclimatewire.org/update/kenya-enters-into-debt-for-climate-swap-worth-e60-million/> and James Thuo Gathii, *The Limits of Carbon Markets as a Solution to the Climate Crisis* (Afronomicslaw, Sovereign Debt Quarterly Brief No 1, 2025) 1–10.

114 Id, Gathii.

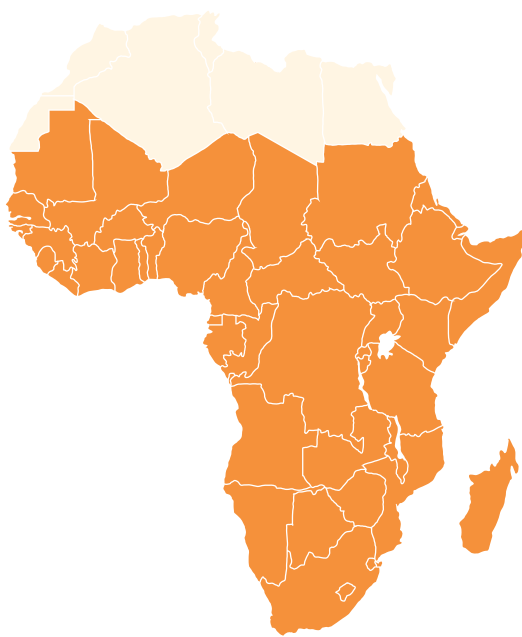
115 Adebayo Majekolagbe and Aurore Sokpoh, “Debt-for-Nature-Swaps: Fit for Africa?”, *Afronomicslaw Sovereign Debt Quarterly Brief* No. 4., May 2025. 32–6.

116 Id.

117 Marie-Louise Aren, “Climate Justice and Sovereign Debt: Exploring Regulatory Complexities in the Global Finance Architecture Inhibiting Finance Flows for Africa’s Climate Action”, in (eds) James Thuo Gathii, Adebayo Majekolagbe and Nona Tamale, *Transforming Climate Finance in an Era of Sovereign Debt Distress* (2023) 34–46.

118 Paris Agreement to the United Nations Framework Convention on Climate Change (adopted 12 December 2015, entered into force 4 November 2016) TIAS No 16-1104, 3156 UNTS 1.

As Nazir observes, debt and climate vulnerabilities are not parallel challenges but interlocking traps that sustain the logic of extraction.¹¹⁹ This is a contemporary form of what Naomi Klein terms “disaster capitalism”, which enables the strategic use of crises to impose and perpetuate structural control by the Global North.¹²⁰ In Africa, this translates into a permanent state of fiscal precarity that legitimizes intervention, conditionality, and the multiplication of new debt instruments for extraction, exploitation and the self-preservation of the global north. As of 2025, roughly 70% of sub-Saharan African countries face high or very high debt distress.¹²¹ This enduring vulnerability is the product of a century-long continuum- from colonial resource extraction to post-independence financial subordination and now climate-linked debt dependence. The global financial system, under the veneer of progress, continues to reinvent itself as a machinery of control. Against this historical and structural backdrop, the case for reparations becomes undeniable. Reparations enables policy autonomy and redress the cumulative harms inflicted through debt, extraction, and ecological exploitation.



70%

Sub-Saharan African countries were at high or very high risk of debt distress (2025).

▶ Africa contributes only a small share of global greenhouse gas emissions but experiences disproportionate climate impacts and financing burdens (you could strengthen this with a precise figure, such as Africa’s share of historical or annual emissions, if your sources support it).

119 Afshin Nazir, “A tale of tax, debt and climate” in (eds), James Thuo Gathii, Adebayo Majekolagbe and Nona Tamale, Transforming Climate Finance in an Era of Sovereign Debt Distress (2023) 228-229.

120 Naomi Klein, The Shock Doctrine: The Rise of Disaster Capitalism (Metropolitan Books 2007). 1-69

121 Karoline Eickhoff, Shifting the Narrative on African Debt: Debt Default versus Development Default (Stiftung Wissenschaft und Politik, Megatrends Afrika Spotlight No 55, 13 June 2025)



REPARATION AND ITS JUSTIFICATIONS

Reparations refer to measures designed to address the harm suffered by victims and to restore, as much as possible, their dignity, rights, and livelihoods.¹²² They can be individual or collective. Reparations can take material forms such as restitution, compensation or non-material forms such as rehabilitation and symbolic forms.¹²³ Our focus is on collective reparations. Collective reparations refer to initiatives designed to redress harm suffered by a group or community as a whole.¹²⁴ Collective reparation are benefits provided to a collective group for the purpose of reversing the collective harm that has been caused to the group as a result of violations of their rights.¹²⁵ From the casualties of colonialism and slavery perspective reparation become *“official actions taken by former colonial powers to acknowledge and recompense states affected by colonialism and slavery.”*¹²⁶ These measures provide shared, non-divisible benefits such as the provision of monetary compensation, educational programs, opportunities for economic success such as effectively-implemented affirmative action among others that serve the collective rather than individual victims. Collective and transnational restoration can restore collective rights, strengthen social cohesion, preserve historical memory, and promote reconciliation between communities. For Africa, whose people have endured centuries of dispossession and exploitation; reparations rooted in the justifications below are long overdue.

5.1 Legal and Normative Justification for Reparation

Reparations for gross human rights violations, historical injustices such as slavery and colonialism, environmental harm, and armed conflict are anchored in a combination of binding and non-binding international legal instruments¹²⁷. The obligation of states and other actors to provide reparations is framed through principles of state responsibility, individual criminal accountability, and human rights obligations, supplemented by transitional justice framework and norms. Transitional justice

122 Amna Khan, ‘The Reality of Reparations: An Exploration of Neo-Colonialism, Morality and Control in the Caribbean’ (2021) 6(1) Caribbean Quilt; 55-58;

123 Naomi Roht-Arriaza and Katharine Orlovsky, A Complementary Relationship: Reparations and Development (ICTJ Research Brief, July 2009) 2-4 <https://www.ictj.org/sites/default/files/ICTJ-Development-Reparations-ResearchBrief-2009-English.pdf>

124 Id.

125 Friedrich Rosenfeld, ‘Collective Reparation for Victims of Armed Conflict’ (2010) 92 International Review of the Red Cross 732

126 Khan, *supra* note 122 at 55.

127 Eliana Cusato, “Against Temporal Abstractions: The Battle for Colonial and Climate Reparations in International Law.” *International Journal of Law in Context* 21, no. 2 (2025): 281-99.

refers to the set of processes and mechanisms societies use to address past atrocities and promote accountability, justice, and reconciliation.¹²⁸ It typically rests on four interrelated pillars which are truth-seeking, justice, accountability and guarantees of non-recurrence, which together aim to acknowledge victims' suffering and hold perpetrators accountable while rebuilding trust in institutions.¹²⁹ Motlhoki brings in a fifth angle which is institutional reform.¹³⁰ Within this framework, reparations play a crucial role in restoring dignity to victims and contributing to societal healing and transformation. Beyond transnational justice, reparations are grounded in several interconnected international legal principles that collectively justify holding responsible parties accountable. State responsibility establishes that states must provide full reparation for internationally wrongful acts, including historical injustices, through restitution, compensation, or satisfaction. Individual criminal accountability, under instruments like the Rome Statute of the ICC.¹³¹ Human rights obligations, codified in treaties like the International Covenant on Civil and Political Rights (ICCPR) require states to guarantee effective remedies for human rights violations.¹³² International law provides a robust framework for reparations, combining binding treaties, customary law, and authoritative non-binding instruments as seen in Table 1.

Table 1 : International Legal Framework Justifying Reparations

LEGAL INSTRUMENT / SOURCE	RELEVANT ARTICLES / PROVISIONS	BINDING NATURE	NOTES / RELEVANCE
International Covenant on Civil and Political Rights (ICCPR)	Art. 2(3) – right to an effective remedy	Binding treaty for state parties	Establishes enforceable state obligation to provide remedies for human rights violations
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)	Art. 6 – obligation to provide effective remedies	Binding treaty for state parties	Obligates states to dismantle structural legacies of racial discrimination, including colonialism
Convention Against Torture (CAT)	Art. 14 – right to redress, compensation, and rehabilitation	Binding treaty for state parties	Guarantees reparations for victims of torture or inhuman treatment, applicable to slavery and colonial abuses

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128 ICTJ, What Is Transitional Justice? (ICTJ) <https://www.ictj.org/what-transitional-justice>

129 UNGA, Working Group on the issue of human rights and transnational corporations and other business enterprises, Implementing the Third Pillar: Lessons from Transitional Justice Guidance by the Working Group (Report of the Working Group, A/HRC/50/40/Add.4) <https://docs.un.org/en/A/HRC/50/40/Add.4#:~:text=3..guarantees%20of%20non%2Drecurrence%20where>

130 Stephina Modiegi Motlhoki, The Effectiveness of the South African Truth and Reconciliation Commission in the Context of the Five Pillars of Transitional Justice (University of South Africa 2017) 93-101.

131 Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002) 2187 UNTS 90, arts 75-79.

132 International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR); Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (adopted 10 December 1984, entered into force 26 June 1987) 1465 UNTS 85 (CAT); International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3 (ICESCR).

LEGAL INSTRUMENT / SOURCE	RELEVANT ARTICLES / PROVISIONS	BINDING NATURE	NOTES / RELEVANCE
Geneva Conventions & Additional Protocols	Common Article 3, Art. 49-51 (grave breaches)	Binding treaty for state parties	Codifies reparations obligations for serious violations, including slavery and colonial-era atrocities as these were done in armed conflict. Although the Geneva Conventions, especially the Fourth Convention, apply primarily in armed conflict, their provisions reflect jus cogens norms requiring remedy for grave breaches. These principles extend beyond war, offering a normative basis for reparations in systemic human rights violations, including slavery, colonialism, and debt related injustices including contemporary debt injustices arising in fragile and violent contexts.
Rome Statute of the ICC	Art. 75 – reparations; Art. 79 – Trust Fund for Victims	Binding treaty for state parties	Establishes judicial mechanism for awarding reparations to victims of crimes under ICC jurisdiction
ILC Articles on Responsibility of States for Internationally Wrongful Acts (2001)	Art. 31 – general obligation of reparation Art. 34-39 – restitution, compensation, satisfaction	Customary international law	Provides foundational principles for state responsibility, applicable to historical injustices
UN Basic Principles on the Right to a Remedy and Reparation (Van Boven/Bassiouni, 2005)	Restitution, compensation, rehabilitation, satisfaction, guarantees of non-repetition	Non-binding, authoritative guidance	Consolidates norms from binding treaties and customary law for implementing reparations
UN General Assembly Resolutions	Various resolutions affirming right to reparation	Non-binding, politically influential	Supports design and implementation of reparations programs; reinforces international commitment
Jurisprudence Recognising Colonialism & Slavery	Nuremberg Trials, ICTY, ICTR analogies	Precedential, customary law recognition	Establishes colonialism and slavery as internationally wrongful acts with ongoing duties of cessation and reparation

LEGAL INSTRUMENT / SOURCE	RELEVANT ARTICLES / PROVISIONS	BINDING NATURE	NOTES / RELEVANCE
Court Rulings with CIL The United States, Appellants, v. The Libellants and Claimants of the Schooner Amistad, Her Tackle, Apparel, and Furniture, Together With Her Cargo, and the Africans Mentioned and Described in the Several Libels and Claims, Appellees (The Amistad Case) 40 U.S. 518 (1841).	US Supreme Court	Binding	In 1839, the Spanish schooner La Amistad, transporting 53 kidnapped Africans, mostly Mende people from Sierra Leone to Cuba, was seized off Long Island, USA. The African captives during the voyage from Africa revolted onboard the vessel killing the captain and taking control of the vessel. The African captive had been illegally sold into slavery, in violation of international treaties such as the Anglo-Portuguese Treaty of 1810, British and U.S. laws of 1807, and the Treaty of Paris (1814) banning the transatlantic slave trade. The ensuing case before the U.S. Supreme Court examined whether they were lawfully enslaved or free persons.¹³³ In this landmark decision, the U.S. Supreme Court ruled that the Africans aboard the Amistad had been unlawfully enslaved and retained the right to resist their captors. This decision established several important principles under customary international law Illegality of slave trade under international law: Spain and other nations had treaties banning the slave trade. Principle of freedom from unlawful enslavement: Individuals cannot be held as slaves if kidnapped illegally. State responsibility to prevent illegal capture and transport of persons.

133 Justia, US Supreme Court <https://supreme.justia.com/cases/federal/us/40/518/>; United States Office of the Historian, The Amistad Case, 1839, <https://history.state.gov/milestones/1830-1860/amistad>; The Amistad Case (National Archives)

LEGAL INSTRUMENT / SOURCE	RELEVANT ARTICLES / PROVISIONS	BINDING NATURE	NOTES / RELEVANCE
Gregson v. Gilbert (1783) 3 Doug. 23 (The Zong Case) ¹³⁴	British Court of Chancery (1783)	Binding in UK courts at the time	Originally an Insurance case by enslavers, turned around to support CIL against slavery. In 1781, the British slave ship Zong threw overboard more than 130 enslaved Africans during its voyage to Jamaica, claiming the act was necessary due to a shortage of water. The ship owners sought to claim insurance compensation for the “loss of cargo.” The case was heard in the British Court of Chancery in 1783. The Court of Chancery rules in favour of the shippers. The insurers appealed to the British Court of Appeal before Lord Mansfield. Lord Mansfield did not deliver a final ruling on the moral status of the killings but instead ordered a retrial, noting that the case involved questions of fact rather than law. No retrial ultimately took place, and the owners did not receive compensation. The Zong case fuelled Abolitionist of slavery debate in Britain and contributed to the development of CIL against the slave trade. The growing recognition of the humanity of enslaved people. Years later after the Zong case, British legislations legislated against the slave trade, Slave Trade Act (1788), followed by the Slave Trade Act (1807) which prohibited the Atlantic slave trade, and culminating in the Slavery Abolition Act (1833) ending slavery in most British colonies. The United States banned the Atlantic slave trade in 1808, and the 1926 League of Nations Slavery Convention sought to prohibit slavery and the slave trade globally. An established precedent in Maritime Insurance Law that the killing of enslaved people could not automatically be treated as a legitimate commercial loss. Human beings could not be treated purely as cargo.

134 <https://slaverylinks.org/wp-content/uploads/2020/05/The-slave-ship-Zong.pdf>. See also, Martha Speed, ‘The Zong Massacre – A Maritime Tragedy That Initiated the End of the UK Slave Trade’ (Brodies, 20 October 2021) <https://brodies.com/insights/community/the-zong-massacre-a-maritime-tragedy-that-initiated-the-end-of-the-uk-slave-trade/>

Despite the utility of international law in fostering reparations, the principle of non-retroactivity and the intertemporal principle pose a significant challenge for reparations, particularly for historical injustices such as slavery and colonialism.¹³⁵ The principle of non-retroactivity (*nullum crimen, nulla poena sine lege*) is a foundational doctrine in international law, ensuring that individuals or states cannot be held legally accountable for acts that were not prohibited by law at the time they were committed.¹³⁶ This principle is reflected in the ICCPR and the UDHR.¹³⁷ In the context of reparations for historical injustices, such as slavery, colonialism, and other forms of systemic exploitation this principles is often invoked to argue that no legal obligation to compensate exists because these acts occurred before the relevant human rights or humanitarian norms were codified.¹³⁸ However, this formalist interpretation has been increasingly challenged.¹³⁹ From a transitional justice perspective, the purpose of reparations is not solely legal redress but also moral recognition, social reconstruction, and reconciliation.

These hindering principles further “*legal paganism*,” which reflects a conservative approach in international law that resists changes perceived as destabilising to the existing order, often sidelining the demands of developing countries.¹⁴⁰ Moreover, the evolution of international law, particularly the recognition of *jus cogens* norms such as the prohibitions of slavery and crimes against humanity, has blurred the strict temporal limits of non-retroactivity. These norms are considered universally binding and non-derogable, reflecting obligations that transcend codification as parts of natural law. Consequently, while the principle of non-retroactivity safeguards against arbitrary retroactive punishment, it should not serve as a barrier to reparative justice for enduring harms whose moral and legal wrongfulness were evident even before formal international recognition. At the regional level, various regional human rights systems provide complementary frameworks for the recognition and enforcement of reparations, offering both legal obligations and jurisprudential guidance as found in Table 2.

Table 2: Regional Legal Frameworks Justifying Reparations

Framework / System	Key Instruments / Articles	Reparations Scope / Mechanism	Notes / Examples
African System	African Charter on Human & Peoples’ Rights (ACHPR), Articles 21, 22, 27-29	Rights to freely dispose of wealth/ resources, development; duties to respect others’ rights; basis for restitution, compensation, rehabilitation	<i>African Commission v. Kenya</i> (Ogiek case) – reparations for land and cultural rights violations
African Union Commitments	1991 OAU Resolution; 2023 AU Accra Declaration; 2022 Dakar Declaration	Frames reparations as moral, legal, and economic imperative; links to sovereignty	Ogiek case provides momentum for binding continental reparations position

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- 135 Ramona Biholar, ‘Reparations for Chattel Slavery: A Call From the “Periphery” to Decolonise International (Human Rights) Law’ (2022) 40(1) *Nordic Journal of Human Rights* 64–95; Rémi Fuhrmann and Melissa Schweizer, ‘Ending the Past: International Law, Intertemporality, and Reparations for Past Wrongs’ (2025) 26 *German Law Journal* 1–6
- 136 Yarik Kryvoi and Shaun Matos, ‘Non-Retroactivity as a General Principle of Law’ (2021) 17(1) *Utrecht Law Review* 46–58.
- 137 Universal Declaration of Human Rights, (12 December 1948) G.A. Res. 217A, Art. 11(2), U.N. GAOR, 3d Sess., 1st plen. mtg., U.N. Doc. A/810; International Covenant on Civil and Political Rights, (16 December 1966) Art. 15(1), S. Exec. Rep. 102–23 999 U.N.T.S. 171
- 138 United Nations General Assembly, Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Racial Intolerance (Report of the Secretary-General, UN Doc A/74/321) 18–23
- 139 *Id.*
- 140 James Thuo Gathii, ‘International Law and Eurocentricity’ (1998) 9 *European Journal of International Law* 207.

Inter-American System	American Convention on Human Rights (ACHR), Article 63(1)	Material compensation, guarantees of non-repetition, restoration of dignity	Plan de Sánchez Massacre v. Guatemala – expansive reparations jurisprudence
European System	European Convention on Human Rights (ECHR), Article 41	“Just satisfaction” such as monetary compensation, acknowledgment of wrongdoing	Demonstrates recognition of individual and collective reparatory justice
Normative / Soft Law (UN)	UNDRIP, Articles 8, 11, 20, 28, 32; Durban Declaration & Programme of Action (2001); UNGA Res. 60/147 (2005)	Restitution, compensation, rehabilitation, satisfaction, guarantees of non-repetition; moral and political basis for claims	Highlights reparations for Indigenous peoples, slavery, colonialism, and gross human rights violations
Development & Reparative Justice Norms	Addis Ababa Action Agenda (2015); AU Constitutive Act; AU Assembly decisions; CARICOM Reparations Commission Ten-Point Plan	Address historical responsibilities; combine moral, political, economic measures; guide continental and diasporic advocacy	Provides practical blueprint for reparations in development context

At the domestic level, several legal instruments provide the basis for state liability and historical redress, creating avenues through which reparations can be pursued. Constitutions often embed principles that recognize the state’s responsibility to protect human rights and address past injustices.

Table 3: Domestic Legal Frameworks Justifying Reparations

Level / Type	Country / Instrument	Key Provisions / Mechanism	Reparations Scope / Notes
Constitutional	South Africa – Constitution, Sections 9 & 34	Guarantees equality before the law, prohibits discrimination, ensures access to justice. Constitutions in Africa contain similar provisions.	Establishes constitutional basis for reparatory measures addressing past injustices
Constitutional	Ghana – 1992 Constitution	Preamble and human rights provisions affirm protection of fundamental rights Constitutions in Africa contain similar provisions.	Provides normative foundation for addressing historical grievances
Statutory / Transitional Justice	South Africa – Promotion of National Unity & Reconciliation Act	Established Truth and Reconciliation Commission (TRC)	Operationalized reparatory mechanisms: restitution, compensation, rehabilitation for apartheid-era violations
Statutory / Transitional Justice	Tunisia– Organic Law No. 2013-53	Truth and Dignity Commission (TDC) and specialized courts	Achieved some things, such as public hearings, documenting abuses, trying certain perpetrators.

In addition, various corporate accountability frameworks, such as the UN Guiding Principles on Business and Human Rights and OECD Guidelines, set expectations for multinational corporations as drivers

of neo-colonialism to offer remedies when involved in human rights abuses.¹⁴¹ Gender-responsive reparations, highlighted in CEDAW General Recommendations 33 and 37, stress that reparatory measures must consider the distinct effects of violations on women and other marginalized groups.¹⁴² The reparations movement for European and other colonialism now sits at the intersection of legal enforceability: through treaties, customary law, and court rulings and normative legitimacy through declarations, political commitments, and the moral weight of historical injustice. An array of these multi-level frameworks provides the opportunity for an expanded conceptual and operational scope of reparative justice, providing Africa and its diaspora with a multi-dimensional framework for advancing, but do they and have they in fact achieved their purpose?

Figure Two: Legal Rationale for Reparations

Several challenges to legal justification to reparations lie in the limitations of state responsibility, which traditionally requires a wrongful act against another recognised state. This international law exclusion despite the on-paper inclusive posturing of International law leaves many African communities without redress. Jurisdictional and procedural barriers in international courts, combined with the temporal framing of restitution, compensation, and causation in state responsibility law, further constrain claims, as Cusato has rightly noted.¹⁴³ Even where frameworks exist, weak institutions, political resistance, and power asymmetries with states or multinational actors make enforcement difficult, often delaying or diluting reparatory outcomes.¹⁴⁴

5.2 Historical, Political and Institutional Justification for Reparation

This section focuses on non-legal justification for reparations

5.2.1 Historical Justification for Reparation

The historical rationale for reparations is rooted in the enduring legacies of systemic injustices, exploitation, and oppression that have inflicted intergenerational harm on communities. Colonization, the transatlantic slave trade, forced labour, land dispossession, and discriminatory governance structures created profound economic, social, and cultural inequalities that persist today. Reparations seek to address these structural harms by acknowledging the historical responsibility of states, institutions, or actors who directly or indirectly benefited from such injustices. They serve as a corrective measure to redress the material and symbolic losses endured by affected populations, including wealth extraction, loss of cultural heritage, and marginalization from political and social participation. Empirical estimates highlight the magnitude of this historical extraction. The transatlantic slave trade alone removed over 12.5 million Africans, with recent economic reconstructions estimating Africa's and its diaspora cumulative loss in labour and productivity equivalent to over US\$131 trillion as at 2023 and

141 United Nations, Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework (UN Human Rights Council, 2011); OECD Guidelines for Multinational Enterprises (OECD, 2011).

142 Convention on the Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13 (CEDAW).

143 Cusato, *supra* note 127 at 281-282.

144 See the case of Feronia-PHC in the DR Congo on the colonial to the neo-colonial grab of the DRC's oil palm plantations without justice till date. WRM, Community struggles against oil palm company Feronia-PHC in the DR Congo <https://www.wrm.org.uy/special-section/community-struggles-against-oil-palm-company-feronia-phc-in-the-dr-congo>

more of that in today's value.¹⁴⁵ Modern studies by Ndikumana and Boyce show that illicit financial flows since 1970–2018 have cost Africa over US\$ 2 trillion, amount exceeding all foreign aid received in the same period.¹⁴⁶ Today's estimate of this figure will be more than US\$ 2 trillion. These figures concretely illustrate how historical and contemporary systems of extraction remain economically measurable, not just moral abstractions. Historically, reparations also function as a form of moral accountability, preventing the perpetuation of systemic inequities. By linking present-day inequalities to historical acts of exploitation, reparations provide a framework for justice that goes beyond compensation, fostering both societal healing and the creation of more equitable institutions.

Along the same line, historical rationale for reparations is inseparable from the structural inequities embedded in global financial governance. IFIs such as the IMF and World Bank, together with major states and multilateral organizations, often function as instruments of neocolonial influence, perpetuating disguised economic and social dependency. This control is reinforced through proxy divide-and-rule tactics, wherein external powers manipulate intra-regional rivalries, competing interests among African states, or preferential lending terms to fragment collective bargaining. These practices have systematically inhibited Africa's unified strategies for economic self-determination. Reparations, in this context, provide a mechanism to confront and dismantle these systemic inequities, while reclaiming fiscal sovereignty and collective agency for historically marginalized populations. The African reparations movement, rooted in anti-colonial resistance, has gained formal political and institutional traction over decades. Key milestones such as the 1991 OAU Resolution, the 1992 OAU panel of experts, the 1993 Abuja Pan-African Conference, the 2022 Dakar Declaration, and the 2023 AU Accra Reparations Conference, affirm reparations as a moral and legal imperative.¹⁴⁷ Globally, UN frameworks, including the 2001 Durban Declaration and the International Decade for People of African Descent reinforce reparations within broader agendas of recognition, justice, and development.¹⁴⁸

5.2.2 Political and Institutional Justification for Reparation

African reparations are a political imperative, not merely a moral or historical claim. Colonialism systematically stripped Africa of its sovereignty, self-determination, and legitimate governance structures.¹⁴⁹ Governance structures that could have supported autonomous development were replaced with unstable, exploitative systems designed to control and extract. For example, when King Leopold II in 1885 and later the Belgian state took control of Congo, its legitimate government and institutions were dismantled and replaced with a highly centralized, coercive administrative system that enslaved the Congolese people.¹⁵⁰ Through the Scramble for Africa, European powers arbitrarily carved up territories, dismantled kingdoms, subordinated traditional rulers, and replaced indigenous

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145 Coleman Bazelon and Alberto Vargas (with Rohan Janakiraman and Mary M Olson), Quantification of Reparations for Transatlantic Chattel Slavery (The Brattle Group 2023) 2–4. <https://www.brattle.com/wp-content/uploads/2023/07/Quantification-of-Reparations-for-Transatlantic-Chattel-Slavery.pdf>; Jason Hickel, Dylan Sullivan and Huzaifa Zoomkawala, 'Rich countries drained \$152 tn from the global South since 1960' (Al Jazeera, 6 May 2021) <https://www.aljazeera.com/opinions/2021/5/6/rich-countries-drained-152tn-from-the-global-south-since-1960>.

146 Léonce Ndikumana and James K Boyce, Capital Flight from Africa 1970–2018: New Estimates with Updated Trade Misinvoicing Methodology (Political Economy Research Institute, University of Massachusetts Amherst, May 2021) 1–12.

147 Organisation of African Unity (OAU), Resolution on Reparations for Africa (adopted 1991); OAU, Report of the Panel of Experts on Reparations for Africa (1992); African Union, Abuja Pan-African Conference on Reparations for Africa (1993); African Union, Dakar Declaration on Reparations (2022); African Union, Accra Reparations Conference (2023).

148 Durban Declaration and Programme of Action (adopted at World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Durban, South Africa, 31 August–8 September 2001) and United Nations General Assembly, International Decade for People of African Descent 2015–2024 (Resolution A/RES/68/237, 23 December 2013).

149 Georges Nzongola-Ntalaja, The Congo from Leopold to Kabila: A People's History (Bloomsbury Publishing 2013) 1–13

150 Id, 16–45.

political systems with a false statehood designed to control and extract.¹⁵¹ African voices were excluded from decision-making, law-making, and resource management, leaving societies politically dependent and fragmented. Before colonial conquest, African rulers such as Jaja of Opobo exercised full authority over laws, land, trade, and governance. When the British invaded in 1897, they looted the city, exiled these rulers and imposed colonial administrators.¹⁵² The traditional political system was subordinated and replaced with a local elite co-opted to enforce British control.¹⁵³ Even after independence, this legacy endures as traditional rulers only retain ceremonial roles, with real authority constrained by national governments. Colonialism and subsequent neocolonial interventions deprived African societies of the opportunity to develop political systems rooted in their own traditions and philosophies, creating a persistent “divorce” from indigenous governance.¹⁵⁴ These political violations are recognized under international law, including the UN Declaration on the Granting of Independence to Colonial Countries and Peoples, the UN Basic Principles on the Right to a Remedy and Reparation, and the principles of indigenous self-determination affirmed in UNDRIP.¹⁵⁵

Colonialism’s theft extended beyond political authority to the systematic restructuring of African political and legal systems, and institutions, leaving newly independent states vulnerable to neocolonial manipulation.¹⁵⁶ Puppet regimes, foreign-backed autocrats, and externally dictated economic programs perpetuate the political subordination established under colonial rule. Life presidencies, fragile states, and proxy/military conflicts are direct consequences of this historical legacy. Political instability, ongoing interference, and weak governance prevent African states from exercising true sovereignty, controlling resources, or safeguarding citizens’ rights.¹⁵⁷ So far, Africa is the continent in the world with the highest amount of political disruptions through coups, many of which are largely influenced by neo-colonialists.¹⁵⁸ A good example is the failed 2004 “Wonga Coup”, an attempted overthrow of the government of oil-rich Equatorial Guinea, whereby Mark Thatcher the son of former British Prime Minister Margaret Thatcher was implicated and convicted in South Africa for his involvement.¹⁵⁹ Out of 486 attempted or successful military coups recorded globally between 1950 and 2022, Africa accounts

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- 151 Makau wa Mutua, ‘Why Redraw the Map of Africa: A Moral and Legal Inquiry’ (1994) 16 Michigan Journal of International Law 1113-7.
- 152 Cyril Cynado and Cynado Ezeogidi. “British Conquest, Colonization and Administration in Nigeria.” (2019) 5-6, https://www.researchgate.net/profile/Cynado-Ezeogidi-2/publication/334377114_BRITISH_CONQUEST_COLONIZATION_AND_ADMINISTRATION_IN_NIGERIA/links/5d266239458515c11c24d97a/BRITISH-CONQUEST-COLONIZATION-AND-ADMINISTRATION-IN-NIGERIA.pdf
- 153 Id at 8-10.
- 154 Stephen Onyango Ouma, ‘African Liberation: Toward a Philosophy of Identity’ in Indigenous Systems, Colonialism, Colonial Legacies, and Africa’s Economic Challenges: Why is Africa Failing? (Springer Nature Switzerland 2025) 199-230.
- 155 UN General Assembly, Declaration on the Granting of Independence to Colonial Countries and Peoples (GA Res 1514 (XV), 14 December 1960); UN General Assembly, 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 (GA Res 60/147, 16 December 2005); United Nations, United Nations Declaration on the Rights of Indigenous Peoples (GA Res 61/295, 13 September 2007)
- 156 Essien Ukpe, Relics of Colonialism: An Introduction to African Politics (Robertminder International Limited 2024)
- 157 Thelma Chanda Chansa et al, ‘Analyzing Sources of Instability in Africa: A Comprehensive Review’ (2024) 6 International Research Journal of Modernization in Engineering Technology and Science 23
- 158 Jonathan M Powell and Clayton L Thyne, ‘Global Instances of Coups from 1950 to 2010: A New Dataset’ (2011) 48 Journal of Peace Research 249; 255-256. Joel Ntile, Military Coups in Africa: A Failure of Post-Colonial States or Politics By Other Means? (The Chanzo, 2 August 2023) <https://thechanzo.com/2023/08/02/military-coups-in-africa-a-failure-of-post-colonial-states-or-politics-by-other-means/>; Ndongo Samba Sylla, ‘The Crisis of French Imperialism: Debating Military Coups in Africa’ (2024) 51(181) Review of African Political Economy 469-495.
- 159 South African History Online, Mark Thatcher arrested. (South African History Online, August 23 2013). <https://sahistory.org.za/dated-event/mark-thatcher-arrested>; Matthew Weaver, Simon Mann, mercenary behind failed “wonga coup”, dies aged 72’ (The Guardian, 9 May 2025) <https://www.theguardian.com/uk-news/2025/may/09/simon-mann-mercenary-behind-failed-wonga-coup-dies-aged-72>

for 214, the highest of any region with at least 106 successful coups.¹⁶⁰ Nearly 45 of the Africa's 54 countries have experienced at least one coup attempt during this period.¹⁶¹ Equally, studies show that political instability negatively affects economic growth. Using coups as a source of exogenous variation in instability, research finds that periods of political turmoil reduce GDP growth by 2–3 percentage points per annum.¹⁶² This implies that if a country was expected to grow at 5% per year, a drop of 2–3 points represents a 40–60% reduction in expected growth, leaving a substantial impact on income, investment, political rights realisation, and development outcomes.

From the above, it becomes clear that the systematic and ongoing destabilisation of African governance and political systems by foreign powers makes reparations demand a strategic socio-political necessity. Colonialism and neocolonial remains a major obstacle to Africa's self-determined development and is responsible for Africa's cycles of debt dependency. From a political and institutional standpoint, reparations offer a pathway for Africa and its diaspora's to reject their subservient placement in global governance. They would empower African states to reclaim control over their institutions, borders, and policy choices while addressing the structural roots of entrapment, corruption, and fragility. By recognising invoking international laws on self-determination, especially the ILO 169 and demanding redress from former colonial powers, the African Union can lay the groundwork for Africa's and its diaspora's genuine political and institutional independence.

5.3 Economic Justification for Reparation

The economic rationale for reparations must be understood but as a strategic intervention to dismantle structural economic dependency. Neoclassical and utilitarian economic frameworks, with their narrow focus on efficiency, market equilibrium, and individual utility, have systematically ignored the legacies of slavery, colonization, and extractive global trade regimes.¹⁶³ Rodney's analysis of African underdevelopment instead, shows that land, labour, capital, and entrepreneurship were systematically expropriated under colonial and continuing neo-colonial capitalism facilitated by multinational companies.¹⁶⁴ Fertile land owned by Africans was taken for plantations and mines, with original owners either displaced or coerced into producing cash crops for export to Europe using their own labour and indigenous knowledge without fair compensation. At the same time, local entrepreneurship was suppressed through monopolies, restrictive regulations, and heavy taxation. These practices deprived African communities of food sovereignty, economic independence, and the ability to accumulate capital. A notable example is the forcible colonial takeover of Kenyan tea farms. Between 1895 and 1963, over 500,000 Kenyans were forcibly removed from their ancestral lands in the fertile western highlands to

160 AJ Labs, 'Mapping Africa's coups d'état across the years' (Al Jazeera, 30 August 2023) <https://www.aljazeera.com/news/2023/8/30/mapping-africas-coups-detat-across-the-years>; Powell and Thyne, supra note 158 at 255–256.

161 Id.

162 Johannes Blum and Klaus Gründler, Political Stability and Economic Prosperity: Are Coups Bad for Growth? (CESifo Working Paper No 8317, Centre for Economic Studies & IFO Institute, May 2020) 2–11.

163 Benjamin Ofori-Amoah, "Perspectives on International Trade and Development." The African Continental Free Trade Area: Prospects, Problems and Challenges (2024): 21–53.

164 Gabriel O. Apata, 'Review: Walter Rodney, How Europe Underdeveloped Africa' (Theory, Culture & Society, 29 September 2022) <https://www.theoryculturesociety.org/blog/review-walter-rodney-how-europe-underdeveloped-africa>

make way for European commercial tea plantations.¹⁶⁵ The Kipsigis and Talai peoples lost an estimated 200,000 acres to British colonial authorities and eventually multinational corporations such as Unilever, James Finlay, and Williamson Tea. Lands once central to local agriculture and culture were converted into capital-generating estates for tea cash crops, and the farmers labour and Indigenous agricultural and business knowledge labour were exploited to maximize European profits, as they knew their farms better.¹⁶⁶ Today, many descendants live as squatters, with only fragments of pottery as evidence of their heritage beneath the sprawling tea fields. Despite a 2019 ruling by Kenya's National Land Commission recognizing the unlawful seizures, multinational corporations and the UK government have yet to provide redress.¹⁶⁷ The UN has criticized the UK for failing to offer effective remedies or reparations to these communities.

Colonial economic theft were not only limited to land and forcible labour- but also extended to African intellectual and cultural assets that were appropriated without compensation. Solomon Linda, a Zulu migrant worker, composed the song Mbube in 1939 but died in poverty in 1962.¹⁶⁸ Decades later, Western companies, including Disney, profited extensively from adaptations of his work, notably The Lion Sleeps Tonight, without compensating his family.¹⁶⁹ Only after prolonged litigation did Linda's descendants secure back royalties and formal acknowledgment, underscoring a broader pattern of exploitation of African intellectual property that have remained unaddressed contributing to historical injustices against African people and assets. The enduring imbalance between Africa's contributions to global wealth and its current debt liabilities underscores the structural nature of economic injustice. Studies further indicate that the "hidden transfer of value" from suppressed wages, debt conditionalities, structural adjustment programs, and intellectual property monopolies from the Global South to the North is striking.¹⁷⁰ For every \$1 of aid received, \$14 flows out, totalling \$2.2 trillion per year or roughly \$152 trillion since 1960-2018.¹⁷¹ This quantum of outflow has undermined and still regresses Africa and diasporic economic growth and transformation. As further illustrated in Table 4, the cumulative historical debt owed to Africa from centuries of slavery, colonisation, and extraction far exceeds the continent's present financial obligations.

165 Business & Human Rights Resource Centre, 'Kenya: Local community seek UN inquiry for alleged historical land injustices where tea farms operate; includes Unilever's comment' (14 May 2021). <https://www.business-humanrights.org/en/latest-news/kenya-local-community-seek-un-inquiry-for-alleged-historical-land-injustices-where-tea-farms-operate-includes-unilevers-comment/>; Kelvin Serem, 'A Colonial Commodity? British Representations of Kenyan Tea Production and Its Impacts- A Colonial Commodity? British Representations of Kenyan Tea Production and Its Impacts/ (Global Stimulants-Lafayette College, 2017) <https://exhibits.lafayette.edu/s/mate/page/british-representation-of-kenya>

166 Id.

167 Id.

168 Id.

169 Id.

170 Jason Hickel, Dylan Sullivan and Huzaifa Zoomkawala, 'Rich countries drained \$152 trillion from the global South since 1960' (Just International, 14 May 2021) <https://just-international.org/articles/rich-countries-drained-152-trillion-from-the-global-south-since-1960/>

171 Id.

Table 4: Illustrative Comparison of Historical Debt Owed to Africa vs. Present Debt Owed by Africa

CATEGORY	HISTORICAL DEBT OWED TO AFRICA (CREDIT SIDE)	PRESENT DEBT OWED BY AFRICA (DEBIT SIDE)	ILLUSTRATIVE IMPLICATIONS
Labour Extraction	Enslaved Africans generated centuries of wealth in the Americas and Europe through forced labour could be estimated to be above US\$ 250 trillion globally in today's value. This include forced breeding of enslaved Africans to produce millions of people especially in the Latin Americas to create a perpetual enslaved class that continues the legacy of slavery.	African states spend billions annually servicing foreign debt, often to former colonial powers and multilateral lenders.	Historical labour extracted without compensation created Western prosperity while present debt repayment drains African revenues.
Resource Plunder	Colonial extraction of gold, oil, diamonds, and agricultural commodities financed European industrialization and empire building.	Current export dependence and unequal trade terms perpetuate capital flight and low value retention.	Africa remains trapped in a raw-material economy imposed during colonialism.
Financial Flows	Illicit financial flows and under-pricing of African exports continue the colonial extraction model.	External debt stock exceeds US\$1.1 trillion (AfDB 2024), with debt servicing absorbing critical development budgets.	Africa's wealth continues to flow outward faster than it is borrowed inward.
Human Displacement	Millions of Africans forcibly dispersed to the Americas and Caribbean, depriving the continent of human capital and continuity.	Brain drain and migration still cost African economies skilled labour and productivity.	Continuity of human capital extraction across centuries.
Ecological Degradation	Colonial exploitation of land and resources disrupted ecosystems and indigenous sustainability.	Climate finance and carbon markets now reprice Africa's environment through external mechanisms.	Ecological reparations must accompany financial compensation.

Source¹⁷²

Liberation economics in contrast to neoclassic and utilitarian economics, offers a critical framework grounded in Pan-African traditions of dignity, self-determination, and communal welfare.¹⁷³ It sets the ground for reclaiming control over the classical factors of production which are land, labour, capital, entrepreneurship, and ecological resources, not as mere market inputs but as instruments of political and economic sovereignty. Reparations founded on liberal economics can redress the historical theft of African labour and resources, the forced displacement of African populations across the Americas and Caribbean, and the enduring global economic asymmetries that flow from these injustices. Recognising and quantifying these economic asymmetries is essential to reposition reparations as a legitimate

172 United Nations Economic Commission for Africa (UNECA), Report on Illicit Financial Flows from Africa 2-3 (UNECA 2020); African Development Bank (AfDB), African Economic Outlook 2024 (AfDB 2024); Erika Denise Edwards, 'An African Tree Produces White Flowers: The Disappearance of the Black Community in Buenos Aires, Argentina, 1850-1890' (2002) 6(1) McNair Scholars Journal 45; Ned Sublette, Ned, and Constance Sublette. The American slave coast: A history of the slave-breeding industry. Chicago Review Press, 2015; Julia Ott, "Slaves: The capital that made capitalism." (2014) 9 Public Seminar 1-68; <https://www.buffalo.edu/content/dam/www/diversity->

173 Aminu Abbas Abubakar, Right to Economic Self-determination and the Role of International Law in the Contemporary Sovereign Debt Bondage: A Case Study of Nigeria. Diss. Coventry University, 2021. 50-82.

instrument of global economic restitution. While arriving at a precise historical valuation is inherently complex, there is convergence across economic studies from global wealth transfer estimates to modern debt data to justify reparations in empirically verifiable economic figures. Beyond restitution, reparations serve as a catalytic instrument for fostering economic sovereignty and self-reliance. By financing initiatives such as local industrialization, technological autonomy, and just transitions, reparations can be a useful tool to break established cycles of dependency entrenched by centuries of external control over African economies.¹⁷⁴ They challenge the moral and intellectual hegemony of conventional economic orthodoxy, which often frames African underdevelopment as a consequence of internal inefficiencies rather than historical expropriation. Furthermore, reparations offer a concrete pathway for African states to reclaim agency over value chains, natural resources, and policy levers, thereby enabling structural transformation aligned with indigenous development priorities. In this sense, reparations are not charitable and guilt-assuaging gestures; they are a policy imperative that advances justice, equity, and sustainable development, positioning African economies to actively shape their trajectories rather than remain passive subjects of global economic forces.



Reparations are not charity or guilt-assuaging gestures; they are a pathway to economic sovereignty, enabling Africa to reclaim its labour, resources, value chains and power to shape its own development.

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¹⁷⁴ Id.

6.0

CASE STUDIES FOR REPARATION

This section provides a brief study of some the most important cases across the globe on reparations, highlighting their successes and challenges where applicable.

6.1 Holocaust Reparations (Germany to Israel and Survivors)

The Holocaust was the systematic, state-sponsored persecution and mass murder of six million Jews by Nazi Germany under Adolf Hitler and its collaborators between 1941 and 1945.¹⁷⁵ Rooted in Nazi racial ideology, which framed Jews as the central threat to the so-called super-race called the “Aryan race.” Beyond this, the Nazi Government via the Nuremberg Laws of 1935, enacted at the Nazi Party’s annual rally in Nuremberg, institutionalized antisemitism in German law.¹⁷⁶ Inspired by American racial segregation and anti-miscegenation statutes targeting African Americans- descendants of enslaved Africans, these laws introduced two core measures. The first, the *Reichsbürgergesetz* (Law of the Reich Citizen), stripped German Jews of citizenship and reduced them to mere subjects of the state. The second prohibited marriage or sexual relations between Jews and individuals deemed to be of German or kindred blood. The Holocaust extended beyond Antisemitism to target other groups considered undesirable or racially inferior. These people include the Romani people, persons with disabilities, Poles and other Slavic populations, Soviet prisoners of war, political opponents, Jehovah’s Witnesses, and homosexuals.¹⁷⁷ The Nazi regime implemented these atrocities through a combination of forced displacement into ghettos, widespread deportations, and the establishment of concentration, forced-labour, and extermination camps such as Auschwitz-Birkenau, Treblinka, and Sobibor, many of which were explicitly designed for mass killings using gas chambers.¹⁷⁸ By the end of the war, approximately two-thirds of Europe’s Jewish population had been annihilated, alongside millions of other victims of Nazi persecution.¹⁷⁹ The Holocaust thus stands as one of history’s most profound reminders of the consequences of unchecked racism, underscoring the imperative for accountability for the atrocities committed. In response to this accountability, especially after the Nuremberg trials, an additional

175 Jack Fischel, *The Holocaust*. Bloomsbury Publishing USA, 1998. 1-33

176 Holocaust Encyclopedae, *The Nuremberg Race Laws* <https://encyclopedia.ushmm.org/content/en/article/the-nuremberg-race-laws>

177 Id.

178 Id.

179 Id at 12.

reparation programme was initiated.¹⁸⁰ The trials were a series of military tribunals held after the Second World War from 1945–1946, to prosecute leading figures of Nazi Germany for crimes committed during the war. The Holocaust reparations program, initiated under the Luxembourg Agreement of 1952, remains one of the most structured and legally robust examples of reparatory justice in modern history. Germany committed to financially compensate the newly established State of Israel for the resettlement of Holocaust survivors. To date, The reparations framework was carefully calibrated to address both collective state-level losses and individual suffering, reflecting recognition of the multi-layered impact of genocide.

Table 6: The Luxembourg Agreement of 1952

This agreement was structured in three parts, two of which were protocols.

- ▶ The first part obligated the Federal Republic of Germany (FRG) to provide the State of Israel with DM3 billion (approximately USD 820 million at the time, given the exchange rate of 4.2 DM to 1 USD) in order to assist in the resettlement of Jewish refugees.
- ▶ The second component, Protocol 1, required the FRG to enact legislation granting individual compensation to former German citizens, refugees, and stateless persons who had suffered persecution under the Third Reich.
- ▶ The third element, Protocol 2, stipulated that the FRG would pay DM450 million to the Conference on Jewish Material Claims Against Germany (the Claims Conference) to support the relief, social and cultural rehabilitation, and resettlement of Jewish victims of Nazi persecution living outside Israel. In total, the FRG undertook to pay DM3.45 billion under the agreement.

Source: SOC DOJ¹⁸¹

Survivors received compensation for lost income, confiscated property, and persecution, while restitution sought to return looted assets or provide financial equivalents. State-to-state payments, particularly to Israel, supported survivor resettlement, social services, and economic reconstruction, demonstrating how reparations can serve both micro- and macro-level justice. The program was reinforced by institutional oversight, including legal frameworks and specialized agencies to process claims and ensure compliance. Despite challenges such as property valuation disputes, bureaucratic delays, and documentation gaps, Germany implemented clear guidelines, independent tribunals, and supplementary payments, illustrating the importance of procedural fairness and adaptability in reparations programs. From the above, the Holocaust reparations succeeded because it combined legal accountability via the use of existing criminal and civil legal mechanisms, multi-forum litigation, and international recognition of harm, persistent political commitment and social advocacy, enforceable agreements, strong institutional administration, and adequate economic resources. Further, its

180 Wright, Quincy. "The law of the Nuremberg trial." American Journal of International Law 41.1(1947): 38-72.

181 Final Draft Report Material For Task Force Consideration May 6, 2023, 2-4 <https://oag.ca.gov/system/files/media/task-force-agenda6-draft-ch15-reparations-schemes.pdf>

relative success and swift reparations could be attributable to leveraging political power, shared socio-cultural, possible racial commonality between victims and the oppressors, consistent use of the legal systems, geographic proximity, and post-WWII U.S. support. The framework's strength include procedural fairness backed by international legitimacy.

The Holocaust reparations model provides useful principles for Africa, but adaptations are necessary given the Africa's specific context. African historical and ongoing injustices are multi-dimensional; slavery, colonization, land and resource expropriation, and cultural dispossession and span over five centuries and continue to have effects today, often dispersed across multiple countries and continents. Reparations for Africa must therefore combine system commitment across board and governance levels, sustained political, educational and social advocacy, collective redress with targeted support for communities and the diaspora, including bringing criminal and civil suits for damages where there is resistance and denial of injustice, naming and shaming among others. Given the limitations of international law in enforcing claims across borders, state-to-state negotiations, multilateral mechanisms, and independent oversight bodies will be crucial to ensure accountability. Moreover, reparations should be materially transformative, addressing structural economic dependency, land restitution, and restitution of intellectual and cultural property, rather than merely symbolic. By linking compensation to long-term social, economic, and political recovery, African reparations can foster justice, dignity, and resilience, acknowledging the scale, persistence, and dispersed nature of historical and ongoing harms.

6.2 The Canadian Residential School System (1880s–1996)

The Sixties Scoop from 1960s–1980s represent systemic injustices inflicted on Indigenous peoples, designed to forcibly assimilate children and erase cultural identity. In residential schools, children were removed from their families, prohibited from speaking their languages or practicing traditions, and subjected to widespread physical, psychological, and sexual abuse.¹⁸² The Sixties Scoop compounded this harm by placing thousands of Indigenous children in non-Indigenous foster or adoptive homes, severing familial and community ties, and perpetuating intergenerational trauma. These practices undermined Indigenous social structures, cultural continuity, and economic stability. One way of remedy for the affected matter was through litigation. Legal cases such as *Brown v. Canada* highlighted the state's failure to protect the rights of Indigenous children and to acknowledge the systemic nature of these harms.¹⁸³ Reparations mechanisms combined monetary compensation, truth and reconciliation initiatives, and cultural restoration programs. Individual claimants received financial redress for personal suffering, while the Truth and Reconciliation Commission documented experiences, raised public awareness, and recommended structural reforms. Funding for language revitalization and community programs aimed to restore aspects of identity and heritage lost through state policies.

For Africa and its diaspora, the Canadian experience underscores the need for reparations frameworks that address both individual and collective harms, recognize systemic and intergenerational impacts, and integrate cultural restitution with economic empowerment. Cases like *Brown v. Canada* illustrate how litigation can compel states to formally acknowledge systemic abuses and establish legal responsibility, enabling redress. Similarly, African and diasporic claims can leverage legal mechanisms

182 UBC Indian Residential School History and Dialogue Centre, "The Sixties Scoop," online: IRSHDC <https://irshdc.ubc.ca/learn/the-child-welfare-system-and-the-sixties-scoop/>

183 2017 ONSC 251

grounded in customary international law, human rights law, and contract law, particularly the absence of African consent to centuries of exploitation– as the basis for financial compensation and demands for global institutional reforms. Such measures would be tailored to the realities of enduring, scattered, and multifaceted historical injustices, combining monetary reparations with structural and policy interventions to restore agency, resources, and dignity.

6.3 African American Reparations: 40 Acres and a Mule

From slavery to the present, African Americans have endured an unbroken chain of structural injustice, economic exploitation, and state-sanctioned violence and unfair coerced incarcerated labour that continues to shape their collective condition.¹⁸⁴ The transatlantic slave trade and centuries of chattel slavery deprived millions of Africans of their humanity, labour, and generational wealth, laying the foundation of the U.S. wealth, advancement, economy through forced labour and racialised capitalism.¹⁸⁵ While some justify transatlantic slavery by citing African enslavement, African slavery was debt- or conquest-based with social mobility, unlike the racialized, profit-driven dehumanization of transatlantic slavery.¹⁸⁶ After emancipation, this injustice was perpetuated through Black Codes, sharecropping, and Jim Crow segregation, all designed to maintain economic dependency and social subjugation.¹⁸⁷ Entire communities that achieved self-sufficiency and prosperity, such as Tulsa's Greenwood District known as "Black Wall Street" were systematically destroyed through racial terror and state complicity, erasing hard-earned wealth and progress.¹⁸⁸

The 20th century saw further dehumanisation through state medical violence, exemplified by the Tuskegee Syphilis Experiment, in which African American men were deliberately denied treatment for decades, violating their dignity and right to life.¹⁸⁹ Redlining, exclusion from the GI Bill, mass incarceration, and police violence have continued to entrench racial inequality, effectively extending the logic of enslavement into modern forms of structural oppression. Yet, despite overwhelming historical evidence of harm and ongoing disparity, the United States has failed to deliver comprehensive reparations. The promise of "40 acres and a mule," made during Reconstruction under General Sherman's Field Order No. 15, stands as one of the earliest unfulfilled reparatory commitments.¹⁹⁰ Its revocation denied freed African Americans the economic base to achieve self-sufficiency, entrenching intergenerational poverty and inequality. Modern reparations efforts such as the U.S. congressional bill H.R. 40, which seeks to establish a commission to study and propose reparatory measures, the California Reparations Task Force, and municipal initiatives like the Evanston, Illinois housing program represent partial steps

184 Avneet Sidhu, "State-Sanctioned Slavery: The Political Economy of Prison Labor" (2024). University Honors Theses. Paper 1603.

185 Joyce Hope Scott. "Reparations, restitution, and transitional justice: American Chattel Slavery & its aftermath, a moral debate whose time has come." (2022) 39 Wis. Int'l LJ 269

186 Linda Hill, *Slave Trade*. (Publifie AS, 2025) 1-50.

187 Fortune, T. Thomas. *Black and white: Land, Labor, and Politics in the South*. (Simon and Schuster, 2022) 14-35; Michelle Veena Chandra, *The black/white wealth gap: The transgenerational effects of post-reconstruction sharecropping and racial systems on African Americans today* (Diss. University of British Columbia 2011) 1-41.

188 Andre D Cummings and Calvin Graham. "Racial Capitalism and Race Massacres: Tulsa's Black Wall Street and Elaine's Sharecroppers." (2021) 57 Tulsa L. Rev. 39.

189 Harriet A Washington, *Medical apartheid: The dark history of medical experimentation on Black Americans from colonial times to the present*. (Doubleday Books, 2006) 26; 157.

190 Henry Louis Gates Jr, "The Truth Behind '40 Acres and a Mule'" *The Root* (Originally published 7 January 2013, republished by PBS *The African Americans: Many Rivers to Cross*, <https://www.pbs.org/wnet/african-americans-many-rivers-to-cross/history/the-truth-behind-40-acres-and-a-mule/>

toward justice.¹⁹¹ However, these efforts remain largely symbolic at the federal level, reflecting the persistent absence of political will and structural commitment to repair the foundational crimes of slavery, racial violence, and systemic exclusion. While others have received some level of acknowledgement and ongoing reparation for the evils of injustice done against them from the United States, including the some of the enslavers themselves.¹⁹² The District of Columbia Emancipation Act of 1862 paid enslavers up to \$300 per enslaved person for their freedom, a total of about \$1 million from the U.S. Treasury, the African Americans are yet to receive their long-overdue reparation, and are still rightly and relentlessly on the front lines for reparation owed to African Americans.¹⁹³

Total Compensation to Enslavers

US\$1 Million

▶ paid from the U.S. Treasury to enslavers (1862)

African American movement presents an interesting case study of black persistence in the face of deliberate systemic denial and resistance by enslaving countries to demand for reparations. African Americans have been denied comprehensive reparations largely due to entrenched political and economic power structures that resist accountability and wealth redistribution to ensure a perpetual black underclass and dependency. As a US senator once remarked, *"If Black people were given land, one Pennsylvania senator asked, 'Who would black boots and curry the horses, who would do the menial offices of the world?'"*¹⁹⁴ While the U.S. has compensated other groups, its persistent denial and refusal to do so for African Americans reveal unspoken racial fears.¹⁹⁵ Reparations challenge long-standing racial myths that uphold racial hierarchies by demanding recognition of historical truth and confronting myths of white superiority used to justify Black subjugation.¹⁹⁶ At the same time, it challenges the lies of Black or African inferiority by affirming African Americans' collective resilience and transformative contributions across all spheres of U.S. life.¹⁹⁷ It further reflects a deeper anxiety of Black excellence, justice, and empowerment, forcing a reckoning with evils executed and supported by the governance system.¹⁹⁸ Consequently, to avoid this reckoning, dominant narratives portray reparations as divisive or undeserved, fostering denial and collective amnesia about the moral and economic debts owed.¹⁹⁹ The U.S. legal system built and economic self-interest also perpetuates resistance, as confronting the wealth built on centuries of racial exploitation challenges both material privilege and the moral legitimacy of the American project.

191 H.R.40 - Commission to Study and Develop Reparation Proposals for African Americans Act 119th Congress (2025-2026)

192 Tera W. Hunter, 'When Slaveowners Got Reparations' (Princeton University Department of African American Studies, 17 April 2019) <https://aas.princeton.edu/news/when-slaveowners-got-reparations#:~:text=On%20April%2016%2C%201862%2C%20President.about%20an%20interloping%20tyrannical%20president>

193 Cornell William Brooks and Linda Bilmes, 'The United States Pays Reparations Every Day—Just Not to Black America' (Harvard Kennedy School PolicyCast, 3 February 2022) <https://aas.princeton.edu/news/when-slaveowners-got-reparations>

194 Brown University, Slavery and Justice Report- Confronting Slavery's Legacy: The Reparations Question 2006. <https://slaveryandjusticereport.brown.edu/sections/confronting-slaverys-legacy-the-reparations-question/>

195 Id.

196 Adjoa A. Aiyetoro, 'Social Construction of Race Undergirds Racism by Providing Undue Advantages to White People, Disadvantaging Black People and Other People of Color, and Violating the Human Rights of All People of Color' (2023) 94 U Colo L Rev 415

197 Cheryl Grills et al, Breathe, Baby, Breathe: Clearing the Way for the Emotional Emancipation of Black People (2016) 16 (3) Cultural StudiesCritical Methodologies 333-343.

198 Aiyetoro, supra note 195 at 428-442.

199 Id.

Rather than retreat in the face of denial, African American have expanded the moral, legal, and political foundations of reparations, transforming collective memory into sustained action. African Americans continue to advance the struggle for reparations through evolving strategies of legal advocacy, grassroots mobilization, political lobbying, scholarship, and cultural reclamation.²⁰⁰ African American communities are also advancing models of economic self-determination, using collective power to hold institutions accountable, for instance, recent economic boycotts have demonstrated the community's capacity to influence corporate behaviour, such as the drop in Target's stock following its withdrawal from diversity, equity and inclusion (DEI) commitments.²⁰¹ African American scholars continue to produce research output on the racial wealth gap, unpaid labour, and the economic value of enslavement, strengthening the basis for reparations. Simultaneously, African Americans are reshaping public consciousness through curriculum reform, museum projects like the National Museum of African American History and Culture, documentaries, and digital storytelling. These strategies expose the continuity of systemic injustice and reframes reparations as an essential instrument of national and global reckoning.

Therefore, Africa and its diaspora much like its African American counterpart should expect resistance, denial, and strategic deflection, especially through divide and conquer tactics within the reparation movements from the same global powers and institutions that benefited from its exploitation. Colonial and neocolonial powers will also likely invoke moral fatigue, legal technicalities, and economic impracticalities to evade responsibility. Yet, as history shows, these are not failures of justice but expressions of power protecting itself. To confront this, Africa must pursue a coordinated and multi-pronged strategy that mirrors and expands upon the African American struggle. As the African American experience shows, reparations are not granted by goodwill but can be won through historical consciousness, collective power, and unrelenting demand. Africa must pursue reparations through unified legal, economic, and cultural strategies leveraging decolonised international law, Pan-African solidarity, and diasporic alliances. Africa must gradually start reclaiming and benefiting its resources, restoring knowledge systems, and mobilizing moral, diplomatic, and generational advocacy.

6.4 Africa: South Africa's Apartheid; Namibian Genocide; and Tunisia Debt Entrapment

African countries have pursued various claims for reparations; However, this section concentrates on three key reparation movements on the continent, those of Namibia, South Africa, and Tunisia.

6.4.1 Namibia's Herero and Nama Genocides

The Herero and Nama peoples of what is now Namibia were subjected to one of the first genocides of the twentieth century between 1904 and 1908, under German colonial invasion and rule.²⁰² Following uprisings against land dispossession, forced labour, and racial oppression, German forces under General Lothar von Trotha issued an explicit extermination order (*Vernichtungsbefehl*). The Herero and Nama

200 Jodi Heckel, 'Why is the reparations movement gaining momentum in the U.S.?' (University of Illinois News Bureau, 18 April 2024) <https://news.illinois.edu/why-is-the-reparations-movement-gaining-momentum-in-the-u-s/>

201 Erin Aubry Kaplan, 'Target feels the heat as black-led boycott hits sales and leadership' (St Louis American, 27 September 2025) <https://www.stlamerican.com/business/target-feels-the-heat-as-black-led-boycott-hits-sales-and-leadership-2/>

202 Sarah Imani & Elise Pape. "The (Non) Recognition of the Herero and Nama Genocide: Transnational Struggles for Restorative Justice and Reparations." (2025) Journal of Contemporary History.

populations were systematically hunted down, driven into the desert, and confined in concentration camps, where thousands perished from starvation, forced labour, and medical experimentation.²⁰³ Historians estimate that up to 80% of the Herero and 50% of the Nama populations were annihilated. Politically, this genocide represents the clearest precedent for reparations within the African context. It demonstrates that colonial violence as both economic exploitation and state-sanctioned political annihilation of indigenous sovereignty, governance, and social order. The Herero and Nama were also dispossessed of their land, cattle, and political systems, and the German colonial administration replaced them with settlers and military rule. These acts violated customary international laws, now enshrined in international laws.²⁰⁴

Despite Germany's 2021 acknowledgement of its genocidal atrocities, the compensation package offered- a paltry €1.1 billion development "aid" package has been criticised by the Herero and Nama traditional authorities as insufficient and politically symbolic rather than restorative.²⁰⁵ They argue that the offer bypasses direct negotiations with the affected communities, violating the principle of free, prior, and informed consent and failing to satisfy international standards for reparations.²⁰⁶ Germany's lackadaisical response to the Herero and Nama genocide exposes the racialised realities and hierarchical priorities that continue to govern global approaches to historical justice. Furthermore, Germany's symbolic reparation action is a furtherance of "*chronopolitics of deflection*" that frames the genocide as something belonging to a distant, legally irrelevant past, so that it can deflect attention away from true reparations.²⁰⁷ While Germany has made Holocaust reparations a cornerstone of its national reckoning and international diplomacy, its treatment of African victims has been limited to lacklustre symbolic gestures. This disparity reflects not only a persistent Eurocentric bias in state accountability but also the enduring legacies of its eugenic ideologies and colonial racism that devalue African suffering. Such selective acknowledgment undermines the universality of international justice and reinforces the political necessity of a continental reparations agenda led by Africa itself.

The Namibian case presents a compelling legal and political opportunity for the AU and Namibian Government to advance the Herero and Nama genocide claims before regional and international tribunals, holding Germany accountable under international law. The Holocaust reparations framework provides a valuable precedent for structuring such efforts. Importantly, the AU should reject characterisation of reparations as "development aid" and instead frame reparations as a core objective of Agenda 2063. Such aid-based framing undermines the fundamental pillars of transnational reparative justice, which are truth-telling, acknowledgment, and historical memory. Incorporating the lesson into an AU-wide reparations framework would strengthen Africa's collective claims under both customary international law, international human rights law and by extension debt justice.

203 Euan Higgins, "White solidarity? Britain and Germany during the Herero and Nama Genocide, 1904–08." (2025) *The International History Review* 1–18.

204 The prohibition of genocide (UN Convention on the Prevention and Punishment of the Crime of Genocide, 1948), the right to self-determination (UN Charter, Art 1(2)), and the duty to provide reparation for internationally wrongful acts (Articles on State Responsibility, 2001, Art 31–34).

205 ROAPE 'Germany's Namibia Genocide Apology: The Limits of Decolonizing the Past' Review of African Political Economy (ROAPE, 30 January 2024) <https://roape.net/2024/01/30/germanys-namibia-genocide-apology-the-limits-of-decolonizing-the-past-2/>

206 United Nations General Assembly, United Nations Declaration on the Rights of Indigenous Peoples (adopted 13 September 2007) UNGA Res 61/295, art 19. United Nations General Assembly, 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 (adopted 16 December 2005) UNGA Res 60/147.

207 Sinja Graf, 'Law, Time, and (In)justice after Empire: Germany's Objection to Colonial Reparations and the Chronopolitics of Deflection' (2025) *International Theory* 1–28.

6.4.2 South African Apartheid

Apartheid (apartness or separateness) was a legally institutionalized system of racial segregation and white minority rule in South Africa, formally in place from 1948 to 1994.²⁰⁸ Apartheid structured every aspect of social, economic, and political life around rigid racial categories, White, Black, Coloured, and Indian/Asian. The foundations of Apartheid lay in earlier practices of dispossession and exclusion. The Land Acts of 1913 and 1936 restricted Black South Africans from owning land outside designated reserves, allocating only about 7–13 percent of land to the majority population. When the National Party (NP), dominated by Afrikaners, came to power in 1948, it formally codified and expanded these discriminatory policies into a comprehensive legal system. Several key laws entrenched racial segregation.²⁰⁹ The Population Registration Act 1950 classified every South African by race, forming the basis for differential treatment. The Group Areas Act 1950 enforced residential segregation, forcibly removing non-White communities from urban centres to townships. Pass Laws required Black South Africans to carry identification documents to enter “White” areas, while the Bantu Education Act 1953 created a deliberately inferior education system designed to confine Black South Africans to menial labour. The Homelands Policy relegated millions of people to underdeveloped Bantustans, stripping them of South African citizenship under the guise of “self-governing” territories.

Enforcement of Apartheid relied on systemic violence, repression, and censorship. Police brutality, military crackdowns, and security laws upheld the system, while organizations opposing Apartheid such as the African National Congress (ANC) and the Pan Africanist Congress (PAC), were banned.²¹⁰ By the 1970s and 1980s, Apartheid had become a global pariah system. The United Nations condemned it, imposed arms embargoes, and called for sanctions, while countries around the world adopted economic and trade restrictions. Civil society movements, particularly the international anti-Apartheid campaigns to isolate South Africa. The dismantling of Apartheid came through the combination of internal resistance including strikes, protests, and armed struggle and mounting international pressure. In 1990, Nelson Mandela was released from prison, and negotiations began between the government and liberation movements. In 1994, South Africa held its first democratic elections, ushering Nelson Mandela and the ANC into power and formally ending decades of racial rule.²¹¹ The legacy of Apartheid, however, remains profound. The Truth and Reconciliation Commission (TRC), established between 1995 and 2002, sought to address human rights abuses, prioritizing restorative justice over retributive justice.²¹² Yet, despite formal reconciliation, socioeconomic inequality persists. White South Africans continue to control a disproportionate share of land and wealth, while Black South Africans experience higher levels of poverty, unemployment, and housing insecurity. The persistence of inequality highlights the lasting impacts of denial, deflection, and resistance by entrenched colonial system to accountability for the ongoing evils of Apartheid and the unfinished project of true social and economic transformation in South Africa.

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208 Anthony Löwstedt, Apartheid: Ancient, Past, and Present – Gross Racist Human Rights Violations in Graeco-Roman Egypt, South Africa, Israel/Palestine and Beyond (Wien: Gesellschaft für Phänomenologie und kritische Anthropologie, 6 September 2014) 25–46.

209 Id.

210 Thabani Hoane, Struggling to Represent the Left: The Pan Africanist Congress, the Azanian People’s Organization, and the Independent Democrats (2005) 118–193.

211 Timothy Gibbs “Mandela, Human Rights and the Making of South Africa’s Transformative Constitution.” Reassessing Mandela. Routledge, 2020. 157–175.

212 Laura McLeod, Beyond Intractability, “Reconciliation through Restorative Justice: Analysing South Africa’s Truth and Reconciliation Process,” Spring 2015 online: <https://www.beyondintractability.org/library/reconciliation-through-restorative-justice-analyzing-south-africas-truth-and-reconciliation>

6.4.3 Tunisia Debt Entrapment

Tunisia's colonial experience under French rule (1881–1956) epitomizes how economic dependency and debt were weaponized to subjugate African states under the guise of “protection.”²¹³ The roots of Tunisia's economic domination can be traced to the 1860s, when the Bey of Tunis contracted a series of ruinous external loans, most notably the Erlanger loans of 1863 and 1865 under exploitative conditions that benefited European financiers while burdening the Tunisian treasury.²¹⁴ The mismanagement and corruption of the beylical regime, particularly under Prime Minister Mustapha Khaznadar, set the stage for Tunisia's financial and political subjugation. During the reign of Bey Muhammad as-Sadiq, internal and external borrowing through opaque and usurious loans by European bankers enriched local elites and foreign financiers while imposing unbearable fiscal burdens on the population.²¹⁵ The 1863 loan forced a drastic doubling of the per capita *mejba*, sparking the widespread 1864 *Mejba* Revolt, in which tribes across the country refused to pay, accusing the Bey and his Prime Minister of colluding with European creditors.²¹⁶ France intervened militarily under the pretext of protecting its interests, supporting the Bey in brutally repressing the uprising through imprisonment, torture, property confiscation, and heavy fines, while taxes and agricultural production were redirected to service debt, causing famine, epidemics, and widespread suffering. Subsequent loans, including that of 1865, deepened Tunisia's indebtedness, and the establishment of the International Finance Commission in 1869 placed revenues under foreign supervision, further undermining sovereignty.²¹⁷ Fiscal mismanagement persisted, economic production stagnated, and the population continued to bear the brunt of hardship as France, with European approval, prepared for full control, culminating in the 1881 military intervention and the Bardo Treaty, which formalised Tunisia as a French protectorate.²¹⁸ The colonial system dismantled indigenous economic and political structures, subordinated local governance to bureaucratic and fiscal mechanisms serving French interests, and restructured the economy toward forced cash-crop production, discriminatory taxation, and labour exploitation. Even after independence in 1956, the structural legacy of debt persisted, with many colonial-era concessions and corporate privileges remaining in French hands and Tunisia compelled to assume new debts to reclaim expropriated assets.²¹⁹

Tunisia's push for reparations was rooted in the historical injustices and systematic exploitation it endured under French colonial rule through formal and political forms. The Truth and Dignity Commission (*Instance Vérité et Dignité*, IVD) explicitly recognised colonial exploitation as a source of ongoing injustice and called for France to issue a formal apology, return colonial-era archives, and provide compensation for the expropriation and repression inflicted under the protectorate.²²⁰ It also advocated for the cancellation of Tunisia's *illegitimate debt*, arguing that financial obligations originating from colonial domination are incompatible with international legal principles of sovereignty and self-determination. In 2020, the Al-Karama party presented a motion in the Tunisian parliament demanding that France apologise for colonial crimes, including killings, torture, forced displacement,

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213 Gianni Del Panta, “The imperialist roots of Tunisia's food crisis.” (2025) *Third World Quarterly* 1–17.

214 Eric Toussaint, ‘Tunisia: Debt as an Instrument of Colonial Domination – How France Appropriated Tunisia’ (CADTM, 13 June 2016).
https://www.cadtm.org/spip.php?page=imprimer&id_article=13592he

215 Id.

216 Id.

217 Id

218 Zainab Saied, *Colonial Legacies in North Africa: Administrative and Educational Continuities in Postcolonial Tunisia and Algeria* (Bachelor's thesis, Charles University, Faculty of Social Sciences, Institute of Political Studies & Institute of Economics Studies, 2025). 11–16.

219 Id

220 Johannes Socher, ‘African Truth Commissions Addressing Colonial Legacies: The Experiences of Mauritius, Tunisia and Burundi and Some Lessons for Future Initiatives with Similar Mandates’ in eds P. Masake, *International Criminal Law and the Legacy of Colonialism* (2024) 108–112; Human Rights Watch, ‘Tunisia: Truth Commission Outlines Decades of Abuse’ (5 April 2019)

and the plunder of natural resources. While the motion was ultimately rejected, its introduction reflects a growing continental demand that reparations be reframed as a political right.

Tunisia was not colonized because of military weakness, but because it was financially trapped by fraudulent European loans. France and corrupt Tunisian officials collaborated to turn debt into a weapon of empire, stripping Tunisia of its sovereignty and paving the way for colonization in 1881. These debts were “*odious*,” and should never have been repaid. Tunisia’s partial and unsuccessful reparations efforts reveal the obstacles of denial and resistance African states face in pursuing historical justice within an international system that privileges colonial continuity over accountability. Yet, by reparations for odious debt as outright debt cancellation and resource restitution, Tunisia offers a valuable precedent for the Africa and its diaspora in making bold claims and taking unprecedented steps in attaining debt justice. The Tunisian case demonstrates that the demand for debt justice and reparations should enforce the outright cancellation of odious debts and demand global structural reconfiguration economic relations.

6.5 Current Movements: CARICOM, The Americas, and Lessons for Africa

Slavery in the Caribbean and Latin America was a brutal system largely established by European colonial powers from the 16th to the 19th centuries.²²¹ Enslaved Africans were forcibly transported across the Atlantic in the transatlantic slave trade to work primarily on sugar, coffee, and tobacco plantations.²²² The Caribbean became a key site for this plantation economy, with extremely harsh conditions, high mortality rates, and little recourse for the enslaved. Haiti, then the French colony of Saint-Domingue was the wealthiest colony in the Caribbean in the 18th century due to its sugar and coffee production, relying heavily on enslaved labour.²²³ The extreme exploitation and repression contributed to the Haitian Revolution (1791–1804), the only successful large-scale slave revolt that led to the establishment of Haiti as the first Black republic and the first post-slavery independent nation in the Americas.²²⁴ After gaining independence in 1804, Haiti’s hard-won freedom was undermined by forced indemnity debt payments to France, demanded as “reparations” for the loss of enslaved people and colonial property.²²⁵ This debt, combined with U.S.-backed political dictatorship and economic interference in the 20th century, contributed to long-term economic dependency, political instability, and underdevelopment, effectively perpetuating a form of neo-colonial control.²²⁶ Across the Caribbean, the legacies of slavery economic inequality, racial stratification, and social marginalization, environmental degradation persist, shaping contemporary calls for reparations by Caribbean nations and the diaspora. Haiti is long overdue for reparations from France and the United States and others that have undermined their development, and other Caribbean and Afro-Latin American countries are owed reparations from their colonialists and neo-colonialists.

221 Herbert S Klein and Ben Vinson III, *African slavery in Latin America and the Caribbean*. (Oxford University Press, 2007) 1–150.

222 Id.

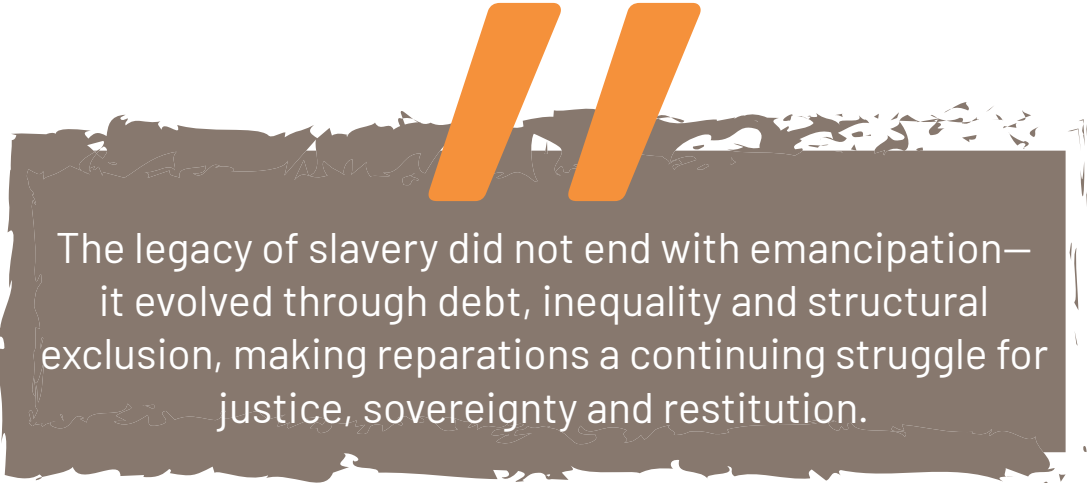
223 David P Geggus “Saint-Domingue on the eve of the Haitian Revolution.”(*Haitian history*. Routledge, 2012) 72–88.

224 Id.

225 Greg Rosalsky, “The Greatest Heist In History”: How Haiti Was Forced To Pay Reparations For Freedom’ NPR (5 October 2021) <https://www.npr.org/sections/money/2021/10/05/1042518732/-the-greatest-heist-in-history-how-haiti-was-forced-to-pay-reparations-for-freed>

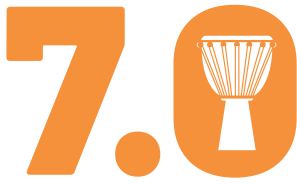
226 Yanis Iqbal, ‘Haiti: From Neo-Colonialism to Neoliberal Brutality’ (Socialist Project, 12 July 2021) <https://socialistproject.ca/2021/07/haiti-neo-colonialism-to-neoliberal-brutality/>

The CARICOM Reparations Commission (CRC) asserts thus that European governments were directly responsible for the ownership and trade of enslaved Africans and for orchestrating genocidal actions against Indigenous communities.²²⁷ These governments established the legal, financial, and fiscal frameworks that enabled and enforced African enslavement and Indigenous genocide, treating such acts as matters of national interest. Following emancipation, they denied compensation to the formerly enslaved while providing financial remuneration to slave owners for the loss of human “*property*.” Moreover, they imposed a century of racial apartheid and systemic discrimination on emancipated Africans and the descendants of genocide survivors, implementing policies that perpetuated suffering and socioeconomic marginalization. To date, these governments have largely refused to formally acknowledge these crimes or provide reparations to the victims and their descendants, leaving the legacy of injustice unaddressed. For Africa, these ongoing movements underline several critical lessons—the necessity of sustained political will in the face of denial and resistance to reparation demands, the importance of community engagement, and the need for multi-layered reparations mechanisms that combine financial, structural, and symbolic redress. They also illustrate that reparations are rarely linear or immediately enforceable; sustained advocacy, regional solidarity, and strategic engagement with international actors are essential to translating historical justice into tangible restitutive outcomes.



The legacy of slavery did not end with emancipation—
it evolved through debt, inequality and structural
exclusion, making reparations a continuing struggle for
justice, sovereignty and restitution.

227 CARICOM, CARICOM Ten Point Plan for Reparatory Justice <https://caricom.org/caricom-ten-point-plan-for-reparatory-justice/>



EFFECTIVE AFRICAN DEBT AND ECONOMIC REPARATIONS FRAMEWORK

From the previous sections, it is evident that Africa and its diaspora across the globe are long overdue for reparations, including the accumulated interests that continue to grow each year while reparations remain unpaid. While various forms of reparations exist, Africa and its diaspora are particularly suited to prioritise debt and economic reparations. An African debt and economic reparations framework, therefore, constitutes a structured system aimed at addressing the historical and ongoing economic injustices caused by debt, colonialism, slavery, and exploitative economic practices, while simultaneously promoting sustainable development, human rights, and debt and financial sovereignty across Africa and its diasporic communities.

First and foremost, an effective African debt and economic reparations framework as a matter of critical importance must be rooted in the principles and values of Pan-Africanism and distributive justice.²²⁸ Pan-Africanism, as a political, social, and cultural philosophy, emphasizes the unity, solidarity, and shared destiny of African nations and peoples, including those of the African diaspora.²²⁹ Anchoring reparations in Pan-Africanist values ensures that the framework prioritises collective African and diasporic interests, fosters cooperation among states, and places the well-being of African people and their diaspora at the centre of decision-making. Practically, this means that reparations mechanisms whether debt cancellation, financial compensation, or development programs should be designed and implemented collaboratively across continental and global structures, guided by shared values of justice, restoration, and self-determination. By embedding Pan-Africanism, the framework not only addresses historical injustices but also strengthens continental cohesion, resilience, and long-term sustainable development. Drawing from decolonized and TWAIL perspectives of international legal instruments the framework should integrate normative guidance with practical mechanisms capable of addressing both historical injustices and contemporary structural inequities.²³⁰ This approach must prioritize customary international law and African justice frameworks, setting aside restrictive barriers such as non-retroactivity in favour of principles that support reparations and restorative justice.

228 David V. Dinebari V, 'Climate Reparations as Ecological Debt: A Challenge to Distributive Justice Frameworks' (2025) 8 GNOSI: An Interdisciplinary Journal of Human Theory and Praxis 1115.

229 Husein Inusah, "Reforming Pan-Africanism: Exploring Identity Politics through Intellectual Decoloniality." (2025) African Diaspora 1.aop 1-23; Zorodzai Dube, "Black Theology and Pan-Africanism: An interconnected journey towards liberation." (2025) 81 HTS Theologiese Studies/Theological Studies 1-8.

230 Tendayi E. Achiume, "Race, Reparations, and International Law." (2025) 119 (3) American Journal of International Law 397-422.

Beyond normative principles, the framework should leverage existing institutional structures to operationalise reparations. The legal and institutional architecture of reparations should function at both continental and national levels to ensure coherence, accountability, and effectiveness.²³¹ At the continental level, the AU provides a natural platform for coordinating reparations across member states, with the ECOSOCC playing a central role in overseeing the AU's reparations agenda, now extended for the next ten years. ECOSOCC can highlight debt as a critical element of reparations by systematically tracking historical and contemporary debts, documenting odious or illegitimate obligations incurred during colonial or postcolonial periods, and developing continental policy frameworks that define reparable economic harm, prioritize debt cancellation or restructuring, and guide the implementation of financial compensation. Additionally, ECOSOCC can mobilize AU member states to integrate debt reparations into national development agendas, linking these measures to human rights obligations and the SDGs, while promoting public awareness and advocacy through education and campaigns on the economic legacies of colonialism. By framing debt as a reparations issue, ECOSOCC can transform a primarily symbolic agenda into one that produces tangible economic outcomes, leveraging AU mechanisms for coordination, monitoring, and reporting. Reparations should be multi-dimensional, combining financial, social, cultural, and environmental measures to comprehensively address historical and ongoing injustices. Financial compensation can take the form of direct transfers, dedicated development funds, or trust mechanisms benefiting affected communities. These measures should be complemented by infrastructure and social programs, including investments in education, healthcare, housing, and industrial development, to foster long-term societal resilience. Knowledge and cultural reparations, such as heritage preservation, historical education, and research funding, should reinforce these material measures and strengthen collective memory. Where feasible, land restitution and access to natural resources should also be pursued to restore economic agency.

At the regional level, bodies such as the Pan-African Parliament (PAP) and the African Commission on Human and Peoples' Rights (ACHPR) can act as enforcement, advocacy, and legislative bridges between continental policies and

THE FOUR-TIER INSTITUTIONAL

CONTINENTAL LEVEL:

AU & ECOSOCC (tracking historical debt, policy coordination).

REGIONAL LEVEL:

AP & ACHPR (legislation, human rights enforcement, special rapporteur).

NATIONAL LEVEL:

Management Offices, Land Commissions, TRCs.

GLOBAL LEVEL:

networks and international tribunals.

²³¹ Adeoye O Akinola and Khabele Matlosa, 'African Union and the Agenda 2063 Project' in African Union and Agenda 2063: The Past, Present and Future (2025) 3.

national implementation. The PAP can propose and debate resolutions on reparations, debt audits, and economic redress, lending political legitimacy to AU-level strategies, while also serving as a liaison with national legislatures to ensure that reparations policies are translated into actionable national laws. Furthermore, it can monitor the implementation of reparations-related programs, providing oversight and accountability. Similarly, the ACHPR can frame reparations as a human rights imperative, prioritise socio-economic rights, offering a legal basis for debt cancellation and economic restitution claims, while documenting violations and systemic injustices that justify reparatory measures. The Commission can establish the office of a special rapporteur for debt that would advance debt cancellation as a tool for reparation.²³² The Commission can also issue recommendations to member states, ensuring that reparations policies align with African human rights standards and international obligations. By leveraging these regional mechanisms, the reparations discourse can evolve from moral advocacy to enforceable frameworks underpinned by legal and political authority.

At the national level, governments can make reparations a matter of national interest by linking justice for historical wrongs to sustainable economic development and social cohesion. Existing institutions can be leveraged to achieve these goals. At the national level, could establish a National Reparations within their Debt Management Office responsible for executing programs and aligning them with broader continental objectives. Comprehensive audits of historical and contemporary debt should identify obligations incurred under coercion, corruption, or unjust colonial and post-colonial arrangements. Debts deemed odious or illegitimate should be cancelled, while legitimate debts could be renegotiated on favourable terms, with relief measures explicitly linked to sustainable development and long-term economic empowerment. Land commissions can facilitate the restoration of stolen or expropriated lands, providing restitution to affected communities, while also coordinating the rehabilitation of lands degraded by colonial environmental exploitation, thereby aligning reparations with national agricultural, industrial, and ecological objectives. Truth and Reconciliation Commissions can document historical injustices and link them to their debt and economic consequences, providing a factual basis for reparations claims and serving as advisory bodies for government programs to ensure that debt and economic restitution are grounded in verified historical harm. National debt and finance offices can implement programs to cancel illegitimate debts, renegotiate existing debts, and allocate resources to reparations projects, integrating reparations into broader national economic planning. By combining these mechanisms, governments can frame reparations not merely as moral or legal obligations but as strategic investments in national and regional development, social stability, and long-term economic sovereignty.

An effective approach to African debt and economic reparations requires the integration of continental, regional, and national mechanisms into a coherent and mutually reinforcing system. Furthermore, robust accountability mechanisms must be established to address the responsibilities of former colonial powers and multinational corporations, ensuring publicized claims, legal redress, and transparency in the implementation of reparatory initiatives. To guarantee effectiveness, the framework must incorporate robust transparency and accountability mechanisms. Annual public reporting at both national and continental levels, oversight by independent audit panels, and active community feedback processes will ensure that reparations are implemented equitably and efficiently. An Afro-centric approach, rooted in Pan-African values of shared humanity, restoration, and collective responsibility, should guide the framework, while remaining adaptable to the diverse experiences, perspectives, and needs of African and diasporic communities. This multi-level integration ensures that reparations are actionable, enforceable, and sustainable.

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232 Id.

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POLICY RECOMMENDATIONS AND CONCLUSION

While the justifications, case studies illustrate the historical and ongoing injustices justifying reparations, resistance and denial remain major obstacles. Building on these cases and justification, reparations require a combination of legal claims, economic restitution, and political advocacy, leveraging a TWAIL international law, quantifying historical losses, and mobilizing coordinated continental and diaspora pressure- to translate normative imperatives into actionable policies. This means reframing debt cancellation and reparations as a continuation of the liberation struggle, exposing how odious debts were accumulated through colonial extraction, neo-colonial development schemes, and structural adjustment conditionalities falsely presented as fiscal consolidation imposed by the IMF and World Bank. The main challenge is countering the dominant perception that debt obligations are sacrosanct contracts. On the basis of this foundation, the following recommendations are made.

8.1 Debt and African Education rooted in Pan-Africanism as a Structural Pillar of Reparations

For reparations to be impactful and resonate with ordinary Africans, they must be rooted in education. Reparations will not achieve their transformative potential if demands are confined and arise from governments and civil society policy spaces. Many younger Africans are not exposed to Pan-Africanism or the historical foundations of the reparatory movement, except through informal or activism channels. Education is one of the most powerful and enduring means of embedding a reparations consciousness, yet it remains underemphasized in both economic and educational frameworks. To address this, a Decolonial Education Charter and Curriculum Reform Compact could be developed under the African Union and encouraged for gradual national adoption. This initiative would guide member states in revising education policies to integrate African and Diasporic history, reparative justice, and decolonial content across all levels of learning, while aligning with national development goals and available resources. A sustained Pan-African and decolonised consciousness across Africa is critical to the demands for reparation as there is real political power in numbers. Formal education is one of the best ways to achieve this, besides advocacy.

At the foundational level, the compact would promote the inclusion of balanced global narratives that centre African and Diasporic histories, governance, and civics as core subjects taught through participatory and community-based methods rather than rote memorization. In primary schools, children would explore Africa's pre-colonial civilizations, philosophies, trade networks, and scientific innovations, alongside the ongoing realities of neocolonialism, in order to counter narratives of

dependency and inferiority. As students' progress to secondary education, the focus would shift to critical analysis, linking historical injustices to contemporary challenges such as debt, inequality, and trade imbalances. Civics education would evolve into reparative citizenship studies, fostering understanding of Pan-Africanism, AU institutions, and the rights and duties of citizens in postcolonial societies. Its implementation could build on existing educational institutions and partnerships, including curriculum review bodies, teacher training colleges, and AU centres of excellence. National institutes for decolonial pedagogy could be established or embedded within universities to train educators in African-centred history, ethics, and governance. Textbooks and materials would be co-authored by African scholars, historians, and artists to ensure authenticity and inclusivity. In this way, the Charter would not replace existing systems overnight but progressively transform them into instruments of healing, consciousness, and empowerment laying the foundation for a generation that views reparations not as benevolence, but as a moral, historical, and political imperative rooted in justice, dignity, and African self-determination.

8.2 Adopt and operationalize a UN Framework Convention on Sovereign Debt to dismantle colonial debt architecture

The AU should formally champion adoption of a UN Framework Convention on Sovereign Debt (or a complimentary continental instrument) as a cornerstone of reparatory debt justice. Such a convention would create clear, binding rules for sovereign-debt restructuring that remove legal loopholes used to perpetuate colonial-era extraction (odious and illegitimate debts), regulate vulture funds and private creditors, and require human-rights and reparative impact assessments before new lending. Practically, the AU through a Debt & Reparations Commission within the AU could commission continent-wide debt audits to identify debts contracted under coercion, corruption, or unequal treaties, file coordinated claims and negotiate on behalf of blocs of states to cancel or convert odious obligations into reparative investment, push at the UN for automatic stay/standstill provisions during audits and restructurings so that unilateral creditor actions cannot pre-empt negotiations; and embed enforceable clauses that tie future lending to human-rights and SDG compliance.

Effective implementation of the reparations framework requires phased strong capacity-building, coordination, and risk management. States must strengthen legal, fiscal, and negotiation expertise supported by institutions like the African Sovereign Debt and Legal Facility (ASLF) to design treaties, train negotiators, and build coalitions. Engagement with international financial institutions should reorient conditionalities toward development and reparative outcomes. To address risks such as creditor disputes or market backlash, African states should coordinate debt renegotiations, through a Pan-African Reparations Investment Facility, and maintain transparent communication with citizens and markets. This integrated approach ensures that reparations are implemented effectively, reinforcing fiscal sovereignty and long-term continental resilience. Risks such as creditor litigation or adverse bond-market reactions can be mitigated through coordinated regional strategies such as collective debt renegotiations, strategic use of credit enhancement instruments, and contingency financing mobilized through existing African financial institutions like Afreximbank or the African Development Bank. Over time, these mechanisms could evolve into a Pan-African Reparations and Resilience Facility, designed to provide liquidity support and development financing aligned with reparative justice objectives. At the same time, transparent, data-driven communication with markets and citizens will be critical to demonstrate that these measures are not acts of fiscal defiance but carefully managed steps toward restoring economic sovereignty and long-term stability.

8.3 Apply a feminist and gender-transformative lens across all reparations and debt policies

Applying a feminist and gender-transformative lens across all reparations and debt policies is essential for justice and sustainability. Gendered harms were central to colonialism and persist through postcolonial debt and trade systems. Reparations must therefore explicitly address the economic, social, and political inequalities that women especially in Africa and its diaspora continue to face. This requires integrating gender-disaggregated data and analysis into all national and continental debt and harm audits to make visible the structural impacts of dispossession, unpaid care, and gendered labour exclusion. Reparations resources should be ring-fenced for transformative investments. This includes land and inheritance reforms that secure women's rights, care infrastructure and social protection systems, paid care schemes, and women-led enterprise and education initiatives. Institutionally, women's representation should be mandated within all reparations governance structures at AU, regional, and national levels, complemented by gender-sensitive monitoring frameworks to track outcomes in income, ownership, participation, and safety. The AU's existing gender architecture and the African Development Bank's gender policies can anchor and coordinate these efforts in conjunction with partnership with African and Diasporic feminist CSOs and networks. Partnership with feminist civil society and grassroots networks is vital in the design and distribution of reparative resources to ensure legitimacy and reach. Possible pushback from conservative interests or elites profiting from the status quo can be anticipated and could be handled by evidence-based communications that connect gender reparations as necessary drivers to macroeconomic resilience, poverty reduction, and social stability.

8.4 Support and Strengthen Diasporic Coalition-Building for Debt Justice and Global Reparations

To ensure the sustainability and impact of Africa's reparations agenda, it is essential to build, actively support, and amplify the reparative movement and demands of African diaspora which include African America, Caribbean and Afro-Latin America to demand reparations from their respective and our collective oppressors. Partnerships with CARICOM nations through the CARICOM Reparations Commission, Latin American debt-resistance networks, and Indigenous land restitution campaigns can amplify Africa's bargaining power in international forums. By framing debt reparations as a Global South solidarity issue, African states and institutions can expand legal and political leverage in multilateral arenas such as the UN General Assembly, international financial institutions, and climate finance negotiations. Coalition-building would enable coordinated strategies, including joint debt audits, shared legal resources, and collective diplomatic advocacy. This approach respects the unique historical and socio-economic contexts of each partner while uniting them around shared principles of Pan-Africanism, unity in diversity, financial sovereignty, reparative justice, and human rights. Operationally, African and diasporic movements can collaborate on political advocacy campaigns, research, and policy development, creating a transnational network capable of pressuring creditors, shaping international norms, and advancing reparations agendas. Challenges, such as divergent priorities across regions, can be mitigated through an integrated reparations framework that balances local claims with common objectives, ensuring that coalition efforts strengthen rather than dilute Africa's reparative mission. Africa must realise that its diaspora and other oppressed are the only true and consistent ally Africa it has.

8.5 Institutionalise flexibility and geopolitical diversification to sustain the reparations agenda amid shifting global power dynamics

Reparations must survive and advance across changing geopolitical alignments like the rise of China/ BRICS, shifting and crumbling EU politics, multipolar financial flows, among others. To do this the AU and member states should adopt a three-pronged resilience strategy. First, diversify diplomatic and financial partnerships: pursue reparations financing and technical cooperation not only from Western donors but also through negotiated reparative arrangements with new partners debt-for-development or debt-for-nature swaps with China, BRICS development banks, and other global South actors. While ensuring such deals embed reparative principles and do not reproduce new dependencies owing to the modern scramble for Africa due to the rush for Africa's critical resources. Second, institutionalize reparations domestically and continentally so the agenda is resilient and consistent to external political shifts, statutory AU and national institutions such as Debt & Reparations Commission, National Reparations & Debt Offices with protected mandates, budgets, and legal authority to pursue claims and manage funds irrespective of short-term diplomatic swings. Third, embed reparations in global norms and financing architectures, link reparations claims to climate finance, SDG implementation, and international human-rights monitoring, so that multiple international regimes reinforce, rather than erode, reparations. Practically, building strategic global coalitions with the African diaspora, United States Pan- African networks to enable them get reparations from their captor nations for building their nations, and the same for Caribbean nations, Latin American debt-resistance networks, and Indigenous land restitution movements amplifies negotiating leverage, enabling coordinated legal strategies, joint advocacy in multilateral forums, and cross-regional solidarity that frames reparations as a Global South justice and equity issue.

8.6 Utilise Multi-Level Legal and Advocacy Fora to Advance Reparations Claims

African states, supported by civil society and diaspora coalitions, should adopt a coordinated litigation and advocacy strategy using international, regional, and domestic fora to pursue reparations. Internationally, the International Court of Justice (ICJ) provides a platform for states to hold former colonial powers accountable for violations of international law, including odious or illegitimate debts. For example, Post-WWII, Holocaust survivors leveraged international pressure, the ICJ indirectly via state claims, and U.S. courts bringing civil suits to secure reparations for Nazi atrocities.²³³ The ICJ is particularly important as the ICJ has increasingly recognized the right of states to act in defines of universal values like human rights, slavery, prohibition of genocide, especially since the *Belgium v. Senegal* case even when they are not directly harmed.²³⁴ States can seek ICJ advisory opinions or contentious cases where jurisdiction permits, invoking obligations *erga omnes* to challenge colonial and neo-colonial harms. Civil suits and class actions in domestic courts as seen in Holocaust restitution litigation demonstrate how victims can achieve accountability and policy change through persistent advocacy, advancing and decolonising international law for reparations. Complementing this, Africa

233 Leora Bilsky, 'Transnational Holocaust Litigation' (2012) 23(2) *European Journal of International Law* 349–375

234 Marco Longobardo, 'The Standing of Indirectly Injured States in the Litigation of Community Interests before the ICJ: Lessons Learned and Future Implications in Light of *The Gambia v. Myanmar* and Beyond' ((2022) 24 *International Community Law Review*, 1–27.

and its diaspora can employ consistent international lobbying and treaties to establish compensation schemes. A very good example is the Luxembourg Agreements for reparations in 1952. Also, international pressure can be placed on UN bodies, including the Human Rights Council and special rapporteurs, to issue authoritative reports and recommendations that build political and moral pressure.

Regionally, the African Court on Human and Peoples' Rights, sub-regional courts can be used as African mechanisms, grounding reparations claims in regional jurisprudence, setting precedents for enforcement. These legal actions should be reinforced by diplomatic lobbying at the UN, AU, and regional parliaments to build moral and political momentum. A good example is the public interest case against South Sudan by PALU against for resource-backed loans in the East African Court of Justice.²³⁵ The Pan-African Parliament (PAP) can translate court findings into actionable legislation, bridging continental policy with national implementation. At the national level, domestic courts both in Africa, Europe Truth and Reconciliation Commissions, and land restitution bodies can serve as venues for citizens to file civil, criminal and environmental claims against corporations or governments responsible for historical exploitation, while generating critical evidence for broader continental claims. A good example using the courts is the United States Public Health Service Tuskegee Study of Untreated Syphilis in the Negro Males, where syphilis was injected into the bodies of African American men without being informed and was later transferred to their communities.²³⁶ A class action suit was filed by the National Association for the Advancement of Coloured People (NAACP) for the victims and used U.S. courts to claim reparations, resulting in settlements and institutional reforms.²³⁷ Civil society and diaspora organizations can employ strategic litigation in these fora, while complementing legal action with public advocacy to mobilize global opinion and reinforce accountability. By coordinating across these multiple layers, reparations efforts gain both legal legitimacy and political weight, ensuring that claims are heard, enforced where possible, and amplified through international and regional attention.

8.7 Dealing with Resistance and Denial

When demands for reparations are met with resistance or denial, African nations must not retreat but instead advance a comprehensive strategy that reclaims sovereignty, restores justice, and builds the foundation for long-term self-determination. The first and most urgent step is to reclaim economic sovereignty. This entails pushing for the cancellation of illegitimate colonial and postcolonial debts, many of which were incurred under coercive and exploitative conditions. Where necessary, African governments should consider unilaterally suspending debt repayments that perpetuate dependency and extract more resources than development aid provides. At the same time, structural reforms to global and regional trade systems are essential. Africa must demand fair trade terms that end the cycle of raw material dependency by prioritizing domestic value-added production and industrialization. Strengthening the African Continental Free Trade Area (AfCFTA) offers a powerful tool to consolidate collective bargaining power, expand intra-African trade, and reduce reliance on volatile Western markets.

Equally important is the reclamation of Africa's intellectual and cultural sovereignty. Centuries of

235 Pan African Lawyers Union, 'Sovereign Debt Litigation: PALU Files a Public Interest Case on South Sudan's Public Debt' (8 November 2024) <https://www.lawyersofafrica.org/sovereign-debt-litigation-palu-files-a-public-interest-case-on-south-sudans-public-debt/>

236 Ada McVean, '40 Years of Human Experimentation in America: The Tuskegee Study' (McGill Office for Science & Society, 25 January 2019) <https://www.mcgill.ca/oss/article/history/40-years-human-experimentation-america-tuskegee-study#:~:text=The%20Tuskegee%20study%20has%20had%20lasting%20effects.to%20willingly%20participate%20in%20medical%20research%20today.>

237 Id.

appropriation of music, art, genetic resources, and traditional knowledge have deprived Africa not only of material value but also of ownership over its cultural and intellectual capital. Using existing intellectual property frameworks, led by African institutions such as African Regional Intellectual Property Organization (ARIPO), would safeguard indigenous creativity and ensure that the benefits of African innovation remain within Africa. In parallel, African states must apply coordinated cases at international forums such as the ICJ and the ICC to demand acknowledgment, apologies, or compensation for colonial crimes and economic exploitation. Africa's struggle for justice must also turn inward through self-reparations and internal reform. The Africa can no longer rely on external validation or aid-driven development. Instead, domestic and regional resources must be reinvested in education, science, healthcare, and technology, sectors that were deliberately underdeveloped through colonial extraction. Addressing corruption and elite complicity is equally critical, ensuring that internal governance does not replicate the exploitative patterns of external domination. Finally, moral and symbolic reparations including formal acknowledgment, apology, and the restoration of historical memory should not be underestimated. Even when financial restitution is denied, truth-telling and recognition are powerful instruments of restorative justice. They erode denialism, reclaim moral authority, and reframe reparations not as an act of charity but as an obligation grounded in justice and accountability.

In conclusion, sovereign debt represents one of the most urgent decolonial battlegrounds of our time. For Africa, the weight of externally imposed debt obligations echoes the historical chains of slavery and colonial exploitation, locking economies into cycles of extraction, dependency, and structural subordination. The fight against illegitimate and odious debt is therefore not merely fiscal; it is a struggle for financial self-determination and economic justice. Reparative justice must go beyond compensation to the systematic dismantling of entrenched inequalities within the global financial architecture, creating the space for African states to reclaim control over their development trajectories. It must also be ecologically grounded, aligning economic recovery with the protection and restoration of Africa's natural systems, ensuring that growth serves African people and the planet rather than short-term profits for neo-colonial actors. Within this context, historical and contemporary debt justice emerges as a central pillar of reparatory claims, revealing how sovereign indebtedness, often accumulated under coercive, inequitable, or externally imposed conditions, perpetuates Africa's dependence on Western and global powers. The conceptual grounding of reparations in this paper rests on four key rationales. First, acknowledging historical responsibility compels recognition of the enduring impact of slavery, colonial exploitation, and systemic injustice on Africa's development. Second, reparations aim to correct structural inequalities by addressing illegitimate debt and unfair economic arrangements that sustain dependence. Third, they promote justice and accountability, linking economic redress to institutional and systemic reform. Finally, reparations facilitate sustainable development, enabling African states to achieve genuine sovereignty, invest in human rights and essential services, and pursue equitable, long-term transformation. Yet, Africa must temper its calls for reparations with strategic pragmatism, anticipating the resistance and denial that have long characterized responses from the beneficiaries of slavery and colonialism. Africa's policy response must therefore be both defiant and visionary: transforming the struggle for reparations into a broader project of liberation, economic, intellectual, and moral. Through collective action, legal assertion, and internal renewal, Africa can begin to repair itself while continuing to demand what is rightfully owed.



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