

An Introduction to Some Basic Facts About People of African Descent in the African Diaspora

A Briefing on the Activities of the
Working Group of Experts on
People of African Descent

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The term Diaspora refers to the movement of any population sharing common ethnic identity who were either forced to leave or voluntarily left their settled territory, and became residents in areas often far removed from their original home.¹

The interest in the status of people of African descent in the African Diaspora is but one of the results of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance that was held in Durban in 2001.² The Conference adopted the Durban Declaration and Programme of Action. In Paragraph 7, the Declaration specifically requested the Commission on Human Rights to consider establishing a Working Group or other mechanism of the United Nations to study the problems of racial discrimination faced by people of African descent living in the African Diaspora.³ The Working Group of Experts on People of African Descent was established by the Commission on Human Rights Resolution 2002/68 on the 25th of April 2002.⁴ Its mandate, spelled out in detail in that resolution and further expanded in CHR resolution 2003/30, is to:

“ study the problems of racial discrimination faced by people of African descent living in the Diaspora and to this end gather all relevant information from Governments, non-governmental organisations and other relevant sources, including through holding public meetings with them study the problems of racial discrimination.”⁵

The mandate included provisions for the Working Group to propose measures, submit recommendations, elaborate short, medium and long-term proposals for the elimination of racial discrimination and urge governments to collaborate with international development institutions and the specialised agencies of the United Nations to promote the human rights of people of African descent through other measures.

¹ Excerpts from a definition provided at www.wikipedia.com

² <http://www.un.org/WCAR/>

³ On 15 March 2006, the UN General Assembly voted overwhelmingly to replace the CHR with the UN Human Rights Council. See A/RES/60/251. www.ohchr.org.

⁴ Ibid.

⁵ Ibid.

Definitions, Identities and Locations

One of the first papers produced by the Working Group was entitled “Identification and Definition of People of African Descent, and How Racial Discrimination Against them is Manifested in Various Regions.”⁶ The paper defined people of African descent as:

“ People of African Descent maybe [sic] defined as descendants of the African victims of the Trans-Atlantic and Mediterranean Sea slave trade. The group includes those of the sub-Sahara slave trade. Descendants of the victims of the trans-Atlantic trade live primarily in the Diaspora of North, Central and South America and the Caribbean.However for the definition to be completed, it must also include Africans and their descendants who, after their countries’ independence emigrated to or went to work in Europe, Canada and the Middle East where they also experienced racial discrimination suffered by those who live in Western European countries.”⁷

A considerable number of other suggestions on the definition and identity of members of the African Diaspora were also available in the Working Group paper.

Another source on the identity and location of members of the Diaspora was the African Union, which offered the following:

"[the African Diaspora consists] of people of African origin living outside the continent, irrespective of their citizenship and nationality and who are willing to contribute to the development of the continent and the building of the African Union." Its constitutive act declares that it shall "invite and encourage the full participation of the African Diaspora as an important part of our continent, in the building of the African Union."⁸

From the reading of thousands of pages of writings by scholars and others on the subject, one can safely conclude that any list on the identity and locations of persons of African descent in the Diaspora should include:

- Persons whose ancestors were dispersed throughout the Americas, Europe and the Middle East during the era of the international trade in enslaved Sub-Saharan African people.
- Their descendants, which may include persons of mixed ethnicity.
- Post-colonial era African migrant workers and their descendants, including those of mixed ethnicity, who are now settled in non-African countries.

⁶ E/CN.4/2003/WG.20/WP.3: P.L. Kasanda , Chairperson, Working Group of Experts of People of African Descent, 28 January 2003, Geneva, www.ohchr.org.

⁷ Ibid., para.6.

⁸ See this quote at www.wikipedia.com/African Diaspora.

- Persons who feel that the history, culture and ethnic similarities with other people of African descent entitles them to identify themselves as a member of the African Diaspora.⁹

The reasons for this inclusive definition of who a person of African descent may be are available in the history of the facts, scholarly writings, developments in human rights law and lobbying by active NGOs concerned. Some States where such populations live maintain statistics, while others show little interest in maintaining any at all. Their hesitation to do so is that it allegedly conflicts with existing human rights standards and norms.

In addition to commenting on the issue of the identities and locations of people of African descent, the Working Group paper provided some insights into how racial discrimination is manifested in North and South American and the European regions of the world. It reported on the historical and economic disenfranchisement of black people and on their disenfranchisement from the political and economic empowerment in their new homes. It gave situation reports on a country-by-country and region-by-region basis, and pointed out the role that their disenfranchisement played in their overall invisibility from power structures. It was clearly one of the most important early papers to emerge from that Working Group.

Since the publication of that and other Working Group papers, the interests in the rights of people of African descent in the African Diaspora has received considerable attention by the Office of the High Commissioner for Human Rights (OHCHR), the African Union (AU) and numerous NGOs.

Unfortunately, governments that should be willing to participate in the proceedings have not matched their enthusiasm at the political level.¹⁰

The Situation of People of African Descent in the African Diaspora

Although the history is known to many, it might be of interest to persons who are completely new to the subject. Between the 15th and 19th centuries, the international trade in enslaved Africans became the reason for the largest disbursement of persons in human history. The trade in, and use of, those enslaved persons, who were mainly Sub-Saharan Africans, enriched Europe and its colonies in the Americas beyond measure. It also left hundreds of millions of their descendants in diasporas throughout the Western hemisphere, the Middle East, Europe and parts of Asia.¹¹ Although the trade ended towards the end of the 19th Century, modern transportation methods now facilitate the movement of persons from Sub-Saharan Africa and other regions of the world to the same

⁹ Supra, note 6: paras 48 –63.

¹⁰ E/CN.4/2005/WG.20/WP.2, Working Paper prepared by Joe Frans, a Member of the Working Group of Experts on People of African Descent in attendance at the Fifth Session, Geneva, 29 August – 2 September 2005.

¹¹ Supra, note 8.

countries that imported their ancestors as enslaved persons. This time, however, they are hired as low-paid migrant workers, some of whom are undocumented.¹²

The Situation in North and South America

Accurate statistics on people of African descent living outside the continent vary widely because countries with such populations use highly divergent methods for rating the "race", ethnicity, national or genetic origin of such populations. This has its history in maintaining strict segregation laws based on a "white to black" scale designed to ensure the social exclusion of people of African descent from all levels of society. Under those principles, the lighter one's skin colour, the higher one's social inclusion because one was closer to being at the core of society, or "white".

In the United States, many Southern states applied the "one drop" principle, which relegated all persons with one drop of the blood of an African descendant as "black" no matter how many non-black ancestors the person had.¹³ Those States had no tolerance for interracial marriages and the mixture of people of African descent with indigenous or other ethnic groups was strictly prohibited in law, even though it did occur. All descendants of such unions were usually considered to be "Black" or "African", no matter the other parent's ethnic identity.

It took a decision by the United States Supreme court in the case of a white male's marriage to a female who claimed to be of "Indian (known as indigenous Americans today) and Black" ancestry to change those laws.¹⁴

In South American countries, which have the largest population of people of African descent due to the slave trade era, strict anti-miscegenation and immigration laws prohibited intermarriages and the migration of Africans to countries that welcomed European migrants. Terms such as *mestizo*, *mulatto*, *zambo* and *el negrito* were applied depending upon how much or how little persons were mixed with Europeans or indigenous groups.¹⁵

During the final decades of the 20th Century, a number of countries have dropped such descriptions and have developed census-taking routines asking persons to choose from a set of pre-defined choices for an ethnic identity, one of which is "Black."¹⁶ But such proposals are now embroiled in State and NGO-sponsored disputes over constitutional rights to privacy and the need to develop

¹² See *Irregular Migration from West Africa to the Maghreb and the European Union: An Overview of Recent Trends*. International Organisation for Migration, Research Series No. 32, 2008. www.iom.int.

¹³ Pauli Murray, ed. *States' Laws on Race and Color* (Athens, 1997), 428, 173, 443, 37, 237, 330, 463, 22, 39, 358, 77, 150, 164, 207, 254, 263, 459. See also Wikipedia: "One Drop Rule".

¹⁴ *Loving v. Virginia*, 388 U.S. 1 (1967)[1], was a landmark civil rights case in which the United States Supreme Court declared Virginia's anti-miscegenation statute, the "Racial Integrity Act of 1924", unconstitutional, thereby overturning *Pace v. Alabama* (1883) and ending all race-based legal restrictions on marriage in the United States. See the details at www.wikipedia.com

¹⁵ Barima Adu-Asamoah, *Where are the African-Latinos?*, *New African*, No. 479 (December, 2008), pp. 78-82.

¹⁶ See the arguments for and against at http://en.wikipedia.org/wiki/Black_African#In_the_Americas.

special measures and social policies for populations considered by many to be the most marginalized group of diasporans in the world.¹⁷

The Situation in Europe

In Council of Europe countries, African Diasporans and their descendants are neither specifically identified nor described in national statistics by the colour of their skin. At best, both first and subsequent generations are described in national statistics as “foreign born citizens”. Of 42 countries surveyed by a European Commission against Racism and Intolerance study in 2007, it was found that 29 collected official statistics on country of birth, 37 on citizenship, 24 on religion, 26 on language, 6 on country of birth of parents, and 22 on nationality or ethnicity.¹⁸ The major result of this routine is that even though people of African descent may outnumber other ethnic minorities in some European countries, there is no statistical evidence to support the notion that they may qualify for special measures as minorities where they live. They are, in a word: invisible.¹⁹

Case Study: The Situation of African Diasporans and Their Descendants in Sweden

The Swedish model for maintaining population statistics provides a good example of the trend throughout Europe. Although Africans (and other ethnic groups) have been residing in Sweden in marginal numbers for centuries, registration of individuals based on ethnicity or religion is not allowed, even though those for national origins are.²⁰ In the Official Statistics of Sweden for 2008, Table 1.3.3 on foreign born persons in the entire country indicate that 82,504 persons were born in Africa; but in the subsequent table, 1.3.4 on population by citizenship, only 37,910 persons were citizens in an African country.²¹ In spite of those numbers, the population does not fulfil the criteria to be considered a “national minority” as defined by a government Bill on National Minorities.²² Neither the specific countries of birth nor the mention of their descendants are described in that census report, and the routine has no provisions for the self-selection of an ethnic identification.²³

¹⁷ See the calls for action in the WCAR Declaration, paras. 31-35; Programme of Action, paras 8-11. Both available at www.un.org/WCAR.

¹⁸ Simon, Patrick, Ethnic statistics and data protection in the Council of Europe Countries. ECRI, Strasbourg, 2007, Appendix IV. www.coe.ecri.

¹⁹ For a list of legal protections for minorities, see Minority Rights Group International at www.minorityrights.org.

²⁰ The prohibition is for historic reasons as well as on grounds of personal integrity. The principle also applies to official statistics. See the 16th periodic reports of States parties due in 2003, CERD/C/452/Add.4, paras 1 – 7.

²¹ See Swedish Official Statistics (*Tabeller över Sveriges befolkning 2007*), www.scb.se Tables 1.3.3 and 1.3.4.

²² See Regerings Propositionen 1999/98:143(National Minorities in Sweden). The officially recognised cultural minority groups in Sweden are the indigenous Sami peoples, the Swedish Finns, the Tornedalers, the Roma and the Jews.

²³ There are only a handful of reports and books about Africans in Sweden, nearly all written in Swedish. See for example: “Afrikaner i Sverige”, Statens Invandrarverket, ISBN 91 7016 3979 (1983).

Recommendations for the EU Census of 2010

States establish their own routines and methods for gathering statistical information on persons within their boundaries. Those gathered on "race", ethnicity or genetic origin are often based on observing for colour, physical characteristics or by asking persons to choose from a set of pre-defined choices. Some routines contain an "Other" category and others an open-ended option enabling persons being surveyed an opportunity to self-identify or opt-out of any type of racial identification. The United States Census of 2000 allowed persons to choose a "multiracial" option for the first time.²⁴ There is also the phenomena of people who physically appear to be of Sub-Saharan African descent not wanting to be called "black" or identified with Africa, choosing instead to identify with another ethnic minority or to remain in a neutral category.²⁵

A few examples of populations on continents away from Africa who are seen as "Black", or who self-define themselves as "Black" because they descend from Black Africans are: African Americans, Afro-Latin Americans. In South and Central America there are those who identify as *negros*, while some identify as Afro-Latin Americans when they have high levels of mixture with other ethnicities. There are also Afro-Arabs, who are various people of the Middle East whose ancestors were taken there during the Arab slave trade period. And finally, there are the Siddis, inhabitants of the Indian subcontinent (Pakistan and India) of Black African descent.²⁶

Regardless of the arguments over who is, or is not a member of the African Diaspora, some generally accepted and widely published statistics indicate the following countries as having considerable populations of people of African descent.

Country	Population	Rank
Brazil	85,783,143	1
United States	38,499,304	2
Colombia	9,452,872	3
Haiti	8,701,439	4
Dominican Republic	7,985,991	5
France	5,000,000	6
Jamaica	2,731,419	7
Venezuela	2,641,481 - 6,999,926	8
United Kingdom	2,015,400	9
Cuba	1,126,894	10
Trinidad and Tobago	1,047,366	11
Canada	783,795	12

²⁴ <http://www.census.gov/main/www/cen2000.html>

²⁵ See more topics on this issue at [www. http://en.wikipedia.org/wiki/Black_people](http://en.wikipedia.org/wiki/Black_people) .

²⁶ Ibid.

The population in the European Union is estimated to be anywhere between 10 and 15 million, but European statistics in general on the subject are wanting in their accuracy.²⁷

The inaccuracies in Europe's census-taking routines is the reason why the United Nations Economic Council for Europe (UNECE) has submitted some recommendations for the 2010 census. One of them is for census of that year to include "ethno-cultural characteristics" due to the changing characteristics of populations in Europe. The new routines call for methods to allow individuals to freely declare, or not declare, their ethnicity. This is not to derive from the laws on data protection, but is also connected with Article 3 of the Framework Convention for the Protection of National Minorities. The article stipulates that "every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such". This means that any declaration of one's affiliation to a national identity can only be voluntary.²⁸

Some Suggestions for NGOs and their Governments

In order for the documents produced by the Working Group of Experts on People of African Descent to have meaning, NGOs and governments concerned must become more engaged in adopting legislation and defining principles that could bring about real change. Both groups should become acquainted with the documents and routines of the Working Group and its members, and establish routines for communicating with them on the recommendations of the first Working Group paper, described above. Only then will the people of African descent within the African Diaspora begin to realise the goals of the Universal Declaration of Human Rights:

All human beings are born free and equal in dignity and rights.

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²⁷ Found at [www. http://en.wikipedia.org/wiki/African Diaspora](http://en.wikipedia.org/wiki/African_Diaspora).

²⁸ Supra,

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This list of papers that were produced by the Working Group of Experts on people of African descent are available at www.ohchr.org.

<i>Symbol</i>	<i>Title and author</i>
E/CN.4/2002/WG.20/1	Provisional agenda of the first session.
E/CN.4/2003/WG.20/1	Provisional agenda of the second session.
E/CN.4/2003/WG.20/WP.1	“Some personal thoughts on reparations and people of African descent”, by Mr. Georges Nicolas Jabbour, Member of the Working Group of Experts on People of African descent.
E/CN.4/2003/WG.20/WP.2	Promotion et signification des lieux de mémoire de l’esclavage, by Mr. Doudou Diène, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance of the Commission on Human Rights.
E/CN.4/2003/WG.20/WP.3	“Identification and definition of ‘people of African descent’ and how racial discrimination against them is manifested in various regions”, by Mr. Peter Lesa Kasanda, Member of the Working Group of Experts on People of African descent.
E/CN.4/2003/WG.20/WP.4	“How to use the United Nations human rights mechanisms for an effective protection of the rights of people of African descent”, by Ms. Irina Zlătescu, Member of the Working Group of Experts on People of African descent.
E/CN.4/2005/WG.20/WP.2	The Ability of Mainstream Western European Political Parties and Politicians to Integrate People of African Descent in Political Life and Decision-Making Processes: The Impact of Racist and Extreme Right-Wing Parties, by Mr. Joe Frans, Member of the Working Group of Experts on People of African Descent.

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- Council of Europe, www.coe.ecri
- Minority Rights Group International, www.minorityrights.org
- The Wikipedia Foundation: www.wikipedia.org/wiki/African_diaspora
- Afrikansksvensk diaspora projekt: www.afrikansksvensk.se (with English and Swedish Texts)

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