

Introduction

Attorney
KINDRED Afro-Americas Alliance
Thank You

I wish to thank my colleagues, my Brothers and Sisters from for their interventions and Madame Independent Expert for the opportunity to present mine.

Intervention: Land and Security of Land Rights and Property Rights

Thesis

- Afrodescendants or Blacks in the Diaspora are rapidly becoming a landless people, removing even the *possibility* of economic empowerment and advancement or *effective participation in economic life* because land is the single greatest wealth and asset builder.
- Black people in the Diaspora or Afrodescendants are experiencing massive loss of land and property owned individually and collectively.

Methods of Dispossession

- Observed as a Diasporic phenomenon, we see a wide spread process of systemic Black disenfranchisement:
- Where through multi-pronged attacks and State-executed and supported practices: Afrodescendants are Pushed off of/forcibly displaced from our traditional lands and out of our historic communities including through:
 - Forcible, coercive means [threats, physical violence or through divide and conquer methods including exploitive-financial inducement]
 - Fraud [manipulation]
 - Economic expulsion [being priced out of our own communities through property tax regimes]
 - Commercial and residential Development projects/extractive industries
 - Unsustainable Tourism
 - Predatory lending schemes: State negligence or neglect regarding its duty to (regulate) protect vulnerable populations from being preyed upon, such as during the housing-banking meltdown or crisis in the United States
 - A frequent characteristics of some of these communities is Over- and abusive policing practice; and construction of new, large capacity prisons and jails (literally being removed from communities and warehoused through the criminal justice and judiciary mechanism)
 - Meanwhile, upon their release from such facilities, ex-felons do not qualify for housing and dozens of employment classifications = effecting socio-economic exclusion or participation in economic life.
 - Another frequent characteristics of some of these communities in the process of being Removed is an alarming rise in State intervention in family households where Black children are being removed to State custody at 2 and 3 times the rate of other races and ethnic groups. It is not mere coincidence that these numbers are highest in communities that experience the greatest Black dispossession of land and property. These children

are placed in institutions and homes outside these territories. It is simple, when you dismantle families, you dismantle communities.

- Even where collective land title has been legally recognized or granted, there is a critical issue of implementation, where land and property rights are willfully ignored and violated and a Series of Formal and Informal Barriers to access to land obstruct full exercise of rights
 - Refusal or willful ignorance of administrative departments to process claims in a reasonable time frame; to wholesale denial of legitimate claims; and
 - State-complicity and cooperation with developers, corporate interests and = States are giving away Black land through land concessions and incentives for developers, often ignoring rightful title.
- We HAVE to recognize that Black land loss has reached epidemic proportions and that it is continuing to spiral out of control. Meanwhile, infrastructure, State services decreases/reduced in decentralization policies... pushing Afrodescendant into extreme levels of poverty and vulnerability.

The Significance of the Land Nexus

- Massive Black land loss translates into a serious economic crisis for Afrodescendants.
 - While we focus thematically on the *effective participation in economic life*, we recognize the interdependent, indivisible, holistic nature of rights.
 - We recognize that LAND and Property lies at the Center of our ability to fully and effectively exercise our fundamental human rights; and that the massive displacement and dispossession of Afrodescendants from historic and traditional lands and from property ownership, signals a serious human rights and economic crisis for Afrodescendants. Dispossession impacts Black autonomy and integrity:
 - Disrupts distinct spiritual/religious values and practices [central to our survival and coping abilities]
 - Places of worship being taken over by non-minorities
 - Bars access to Credit/collateral
 - Disrupts Community and familial integrity and wholeness
 - Extended family and community networks that have provided protection against our acute vulnerability due to persistent and structural racism;
 - Facilitates cultural perpetuation and forms the basis of identity and self- and community-esteem.
 - Denied Access to productive and fertile lands for production of goods for internal consumption and commercial production to generate revenue
 - Food security and sovereignty
 - Cost of healthy food is becoming prohibitive – need to grow own food is becoming common knowledge – but on what land?!
 - To care for your families, children, elders
 - To employ ourselves
 - Disrupts Social Networks
 - Gathering grounds
 - Cultural perpetuation

- Group identity
- Disrupts our Community Resistance and Resilience
 - We literally are losing political and economic ground as we lose our gathering grounds – the places where we gather or converge to build resistance, to organize and mobilize.
- Barriers to Accessing Services and Justice
 - In Atlanta, the City has destroyed public housing – leaving poor Black families destitute
 - Access to Services: Public transportation.
 - How are you going to exercise your rights if you have been pushed out of your community and scattered out to territories with limited to no services? How are you going to get to the courthouse to file a claim against your landlord; voting polls; employment [if employment options exist!]; childcare; social life?

Recommendations/Call to Action

- In the anatomy of power, Land and property is the beating Heart. And without the Heart, the body will perish. There is no substitute or alternative for the gain or loss of Land and Property. A *true* commitment of States, institutions and other stakeholders to Black empowerment supports the defense and protection of Black landholdings and places this issue at the Center...
- To Afrodescendants representing Civil Society: I call on a Diasporic convergence of Afrodescendants to defend and protect traditional and historically Black communities and landholdings in order to fully and effectively exercise our fundamental human rights, and reduce the exacerbation of our acutely vulnerable status as women, men, children and communities of Afrodescent.
- From a Diasporic perspective, as Afrodescendants, KINDRED we are facing a Collective harm and it is our moment to forge collective strategies
- Reformation of property tax regimes in historically Black communities
- Recuperation of land due to fraudulent acquisition
- Black Family Land Mediation Centers
- Funding of Black Land Defense Funds for aggressive legal and educational campaigns