

22ND SESSION OF THE WORKING GROUP OF EXPERTS ON PEOPLE OF AFRICAN DESCENT
“Framework for A Declaration on the Promotion and Full Respect of Human Rights of People of African Descent”
March 19-23, 2018

Statement of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination,
Xenophobia and Related Intolerance on Land Rights for People of African descent

Distinguished colleagues, it is my honour and privilege to address you for the first time in my capacity as Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance. I want to thank you for your invitation to participate in the 22nd Session of the Working Group of Experts on People of African Descent, which is devoted, among other things, to the important work of developing a framework for a Declaration on the promotion and full respect of human rights of people of African descent. The need for global recommitment to the human rights of people of African descent could not be more urgent.

Globally, racial equality is under attack. Vile discourses of explicit hate and ideologies of racial supremacy have moved from the fringe to the mainstream. Today, racial, ethnic and religious bigotry fuels human rights violations, including extreme violence against people of African descent in all regions of the world. The recent gruesome assassination of Marielle Franco, the courageous Afro-Brazilian anti-racism activist, is just one example of the fatal terror that is the daily reality of Afro-descendent communities world-wide, who face the threat of targeted and structural extermination.

The problem of racism today, of course remains larger and deeper than the shocking manifestations that we are witnessing daily in the media and even in mainstream national political discourses. Now, more than ever, the fight against racial discrimination must be understood and waged at a structural level, even in the current alarming climate, which risks training global attention solely on the most explicit and individual occasions of discrimination and intolerance.

Among the most persistent, and structurally rooted forms of racial oppression confronting Afro-descendants—and even many Africans in Africa—is the denial of their rights to land.

In the diaspora, Afro-descendant communities that have fought long and hard for their cultural preservation and for their very right to exist since the enslavement of their ancestors, remain at continuing risk of forced, violent, and often deadly displacement from their land. Even where this displacement is purportedly intended to benefit these communities, they are consistently excluded from the decision-making processes that determine who must move and why. Governments, multinational corporations and even multilateral financial institutions often use the discourse of development to legitimate the dispossession of these communities of their land.

Even in urban settings, Afro-descendants confront documented, egregious racial discrimination related to security of tenure, including in their access to housing. In the United States, for example, researchers and advocates have made the strong case that even the 2008 subprime mortgage crisis disproportionately impacted African Americans as a result of racially targeted predatory lending. In the Latin American and Caribbean region, Afro-descendants make up 30% of the total population but they are disproportionately concentrated in the poorest areas with the highest housing deficit, and face insurmountable barriers in accessing housing, home ownership and loans.

On the African continent, too, ethnic discrimination fuels forced displacement and land dispossession, especially of rural, and politically marginal communities. Furthermore, the persisting legacy of colonial era institutionalized racial inequality in land ownership and access, remains contentious. An ahistorical, de-contextualized approach to resolving post-colonial land reform issues will never succeed. Any solution must include acknowledgement of former colonial powers of their shared moral responsibility for finding workable, human rights-respecting solutions to the failure of decolonization processes to provide pathways to substantive racial equality in land ownership.

As in many other contexts, women are especially vulnerable to intersectional discrimination and subordination because of the ways that race and gender interact to heighten their exclusion from land rights. Patriarchal cultural practices often combine with legal frameworks that themselves implicitly embody patriarchal norms about land ownership, to marginalize women from land rights acquisition. This is the case notwithstanding the pivotal role women play in sustaining productive land use and supporting entire families and communities often doing so in the absence of compensation for and recognition of their fundamental roles. African and Afro-descendant *women* must be a priority focus in the battle to guarantee land rights. Protective policies and strategies must be tailored to the needs of women, and women must play a central role even in the production of the knowledge informing these policies and strategies.

In 2001, the Durban Declaration broke new and important ground in the recognition of land rights for Africans and people of African descent. It is my sincere hope that the Declaration on the promotion and full respect of human rights of people of African descent will build on that important foundation and even surpass it in terms of its contribution to the advancement of land rights for Afro-descendants.

As Special Rapporteur, I look forward to working closely with the Working Group of Experts on People of African Descent on this new declaration, including specifically on the question of land rights.

Thank you again for your attention, and in closing I wish you all the best in advance of March 21, the International Day for the Elimination of Racial Discrimination.