



TERMS OF REFERENCE

DEVELOPMENT OF A WHITE PAPER ON REPARATIONS FOR PEOPLE OF AFRICAN DESCENT AND THE ROLE OF THE AFRICAN UNION

Background and Context

The Economic, Social and Cultural Council (ECOSOCC) is an advisory organ of the African Union (AU) whose purpose is to actively engage civil society in the processes and work of the AU, particularly with regard to Africa's integration and development. ECOSOCC functions as a bridge through which the African Union can partner and engage with civil society organisations (CSOs) on the continent and in the Diaspora. In accordance with the definition approved under the ECOSOCC Statutes by the Executive Council in Assembly/AU/ Dec.48 (III), the term "CSOs" includes social and professional organisations in the African Diaspora.

Africa Judges and Jurists Forum is a Pan-African network of eminent judges and jurists who are committed to the promotion of the rule of law, access to justice and development in all its facets. Amongst other initiatives, AJJF provides technical support to RECs, including organs of the African Union to advance the rule of law, access to justice and development.

The African Diaspora is an integral constituency of the African Union and their participation in the Union is a fundamental institutional imperative. This is underlined in various Executive Council Decisions, AU Declarations, and other instruments. An increasingly important aspect of the continental discourse on diaspora engagement relates to the emerging debate around reparations and reparative justice. The basis for such reflection can be traced back to the Durban Declaration and Plan of Action, which acknowledged that people of African descent were victims of slavery, the slave trade and colonialism, and continue to be victims of their consequences. The Durban Plan of Action represents the first global forum to codify the imperative for reparative justice, by concluding that victims of mass human rights violations as a result of racism and related wrongs should have "the right to seek just and adequate reparation or satisfaction." This recognition and affirmation strengthened the resolve of many campaigners in the global movement for reparations, of which the African Union as an institution is increasingly called to become a champion and advocate.

Further impetus for global action around reparative justice was provided via the United Nations General Assembly's designation of the International Decade for People of African Descent

effective January 1, 2014 to December 31, 2024. The Decade provides a framework for all relevant actors, including the United Nations and the African Union, to work in direct concertation with people of African descent and take effective measures for the implementation of the Decade's Program of Action which is anchored on recognition, justice and development.

Rationale

Recalling ACHPR/Res.543 (LXXIII) 2022 on "*Africa's Reparations Agenda and the Human Rights of Africans In the Diaspora and People of African Descent Worldwide*,"¹ which "encourages civil society and academia in Africa, to embrace and pursue the task of conceptualising Africa's reparations agenda with urgency and determination," ECOSOCC and AJJF seek a highly qualified expert to develop a civil society white paper on reparations within the African context, including the role of the African Union. The paper must make recommendations to support the African Union to develop a comprehensive position on reparations and reparatory justice that engenders the views and needs of the peoples of Africa.

Objective of the assignment

The principal objective of the project is to produce an authoritative policy document on reparations for people of African descent, incorporating in-depth analysis of the topic from both the continental and the global context, as well as a proposed set of policy options for consideration by the African Union. The white paper should be sufficiently detailed and sound enough in its analytical framework to provide a credible platform for an eventual African Union Common Position on Reparations. It should further elaborate a set of realistic policy measures as a basis for an institutional program of action on reparations.

Qualifications and Experience required.

ECOSOCC and AJJF are seeking an expert with an extensive professional background in the global discourse on reparations and reparative justice, as well as a demonstrated skill set in the drafting of high-level policy documents for national or intergovernmental decision-making actors.

Duration and Deliverables

The consultant is expected to complete this assignment within 4 weeks of signing the contract. The consultant is expected to carry out the following activities in order to deliver the expected results of the assignment:

¹ <https://achpr.au.int/index.php/en/adopted-resolutions/543-resolution-africas-reparations-agenda-and-human-rights-africans>

- An **inception report** following the signing of the contract. This report is intended to demonstrate their understanding of the assignment. It should include a detailed description of the methodology to be used, as well as a work plan for the consultancy period, data collection tools, and a proposed outline of the white paper.
- Following the initial data collection and analysis for the study, a **draft report** must be shared with ECOSOCC and AJJF for review and comments.
- The **final white paper** is then expected to be submitted incorporating the feedback from the review process. It should include a set of specific policy recommendations that identify the measures to be taken by the African Union, including its organs and member states.

Application process

Interested and competent applicants should submit their expression of interest together with their curriculum vitae to applications@africajurists.org by 7 October 2023 at 1700hrs CAT.