

Concept Note for the UN Permanent Forum for People of African Descent (UK perspective)

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Introduction

The UN Permanent Forum for People of African Descent (The Forum) is the result of a UN Resolution adopted by the General Assembly in 2018:

Decides to establish a permanent forum on people of African descent, which will serve as a consultation mechanism for people of African descent and other interested stakeholders as a platform for improving the quality of life and livelihoods of people of African descent and to contribute to elaborating a United Nations declaration, which is the first step towards a legally binding instrument, on the promotion and full respect of human rights of people of African descent, and that the modalities, format and substantive and procedural aspects of the permanent forum will be concluded by Member States and observer States, with further consultations with people of African descent (A/RES/73/262)

Civil Society and grassroots groups have been invited to submit their recommendations for The Forum's mandate in 2019

(https://www.ohchr.org/Documents/Issues/Racism/IntDecade/Forum/IDPAD_International_Coalition.pdf) and in 2021

(<https://critracemmu.files.wordpress.com/2020/05/2021-civil-society-proposal-on-the-modalities-of-the-un-permanent-forum-on-people-of-african-descent-ii-1.pdf>)

However, the final decisions for The Forum's mandate and modalities (operations) will be made by member states.

Why do we need The Forum?

In our 2021 recommendations, we wrote:

When possible and appropriate to its mandate, function, and resources, provide support to civil society (including but not limited to grassroots and community based organizations) of the Forum to document, protect and promote human rights of people of African descent, *inter alia*, support for human rights defenders and strategic litigation ([Section 2d: p. 2](#))

We will use The Forum to document, protect and promote our human rights in three ways.

Promotion of Human Rights

As people of African Descent in the UK, in the context of the impending removal of the 1998 Human Rights in favour of a British Bill and the watering down if not removal of the 2010 Equality Act, we will need an international instrument that we can appeal to in order to highlight and document our cases. The Forum will be a space that will not only allow us to give our **testimonies** but to also allow us to organize **reconciliation** sessions under the gaze of the international community.

Strategic Litigation

For the same reasons as previously stated, we will need an international space where we can press for change (restitution etc). However, The Forum itself will **not** have a legal mandate to conduct any litigation but could be a space where a case via the documentation process of above could be made to

- advise/remind member states of their domestic policy and legal obligations towards the human rights of their Peoples of African Descent (PAD) ([Section 2e: p. 2](#)), or
- make recommendations to and coordinate with other UN instruments that will be able to take up the case on our (PAD) behalf such as [CERD](#) (Committee on the Elimination of the Racial Discrimination) ([Section 2a, 2b: p. 2](#)) where they could call for a [formal inquiry](#), itself serving to remind member states of their domestic obligations. The inquiry process would then gather much of the evidence needed to mount a strategic litigation case led by international human rights lawyers. (See [here](#) for more ideas around this)

Diplomatic Pressure linked with trade

Provide Member States, upon their request, with assistance and advice for the implementation of recommendations relevant to people of African descent made at the universal periodic review, by treaty bodies, special procedures, the High-Level Political Forum at ECOSOC or other relevant bodies or mechanisms. ([Section 2f: p. 2](#))

As part of The Forum's high-level coordination activities, it will need to participate in universal periodic reviews where member states review their participation in treaty agreements but also the political forum at [ECOSOC](#) and the [UNCEB](#) where it liaises with the [WTO](#) on the [2030 Sustainable Development Goals](#). Through these instruments, The Forum should be able to exert subtle **diplomatic** pressures on member states (in our case the UK) in relation to cases brought to it.

What is the United Kingdom Government's position?

According to the answer to [Caroline Lucas' MP written 2019 question](#) about the Government's policy towards the UN resolution to create The Forum, the FCO was then was not in favour because it feared that The Forum's modalities would divert funding away from [CERD](#) (The Committee on Elimination of Racial Discrimination, the body the UK thinks should remain in charge of dealing with racial injustice)

However, at the [2021 Permanent Forum on People of African Descent - Virtual informal consultation with Member States and Civil Society](#) (1:09:00), The United Kingdom said that the Forum should be a space where best practice should be shared in terms of the implementation of the [Durban Declaration and Programme of Action](#) that made a commitment to the eradication of racism by encouraging member states to ratify [ICERD](#) (The International Convention on the Elimination of All Forms of Racial Discrimination, monitored and implemented by CERD). Broadly speaking they agree with our recommendations in [Sections 2a, b, f: p. 2](#)

What strategic action do we need to take?

We need to promote the awareness of The Forum at a grassroots level and link that to political representation in two ways (in the following order and concurrently)

Open public-facing campaigning

- Publish a grassroots-signed open letter (or a petition) endorsing The Forum at the same time publish articles in publications such as The Guardian (Kehinde Andrews/Afua Hirsh??)
- Organise some sort of event in Parliament (e.g with the Race APPG; Chair, Clive Lewis, MP) where The Forum is discussed (or, if a petition raised over 100K signatures, it would trigger a discussion in Parliament), as a piece of advocacy to the FCO showing demand.

Closed behind the scenes lobbying (concurrent with public-facing campaigning)

- Lobby the Foreign & Commonwealth Office to ratify [Article 14 of ICERD](#) (this article in the Convention allows individuals to file complaints to CERD against the UK government. The UK currently does not recognise the competence of this article in the Convention). This is crucial for the possibility of **direct** grassroots complaints in the future brought to CERD via The Forum (or not) without the need for an *inquiry* process to hear the evidence.