

INTRODUCTORY NOTE TO G.A. RES. 75/314 ESTABLISHING A PERMANENT FORUM
OF PEOPLE OF AFRICAN DESCENT (U.N.)
BY CHANTAL THOMAS*
[August 2, 2021]

Introduction

On August 2, 2021, the UN General Assembly unanimously adopted Resolution 75/314,¹ establishing a Permanent Forum of People of African Descent to serve as “a consultative mechanism”² to advise the UN Human Rights Council on barriers to, and means of achieving, the “full and effective realization and enjoyment” by Afro-descended persons “of all their human rights and fundamental freedoms.”³ The Permanent Forum constitutes one outcome of the International Decade for People of African Descent declared by the UN General Assembly to commence on January 1, 2015 and conclude on December 31, 2024.⁴ It joins a host of institutional initiatives undertaken in the UN human rights system to elaborate a comprehensive framework for combating “the scourges of racism” and realizing the “full political, economic and social inclusion of people of African descent in the societies in which they live.”⁵

Background

The UN framework for combating racism rests on the core treaty foundation established by the 1964 International Convention on the Elimination of All Forms of Racial Discrimination (ICERD),⁶ but more directly stems from the 2001 World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and the instruments it produced, the Durban Declaration and Programme of Action.⁷ These instruments set forth normative and programmatic commitments at the national and international levels to address existing racism, xenophobia, and related intolerance, and to establish educational and preventative measures.

The Durban Declaration and Programme of Action broadly address forms of racism, xenophobia, and related intolerance, and establish additional provisions relating to people of African descent, Indigenous peoples, migrants and refugees. For Afro-descended persons, the Durban Declaration observes that the particularities of colonialism as it manifested in the enslavement of African persons have led to the entrenchment of racism and racial discrimination,⁸ and have generated effects of structural inequality, including the underdevelopment of African countries.⁹

The programmatic recommendations articulated by the Durban Declaration and Programme of Action included the establishment of a “working group or other mechanism of the United Nations to study the problems of racial discrimination faced by people of African descent.”¹⁰ The Working Group of Experts on People of African Descent was indeed established in 2002 by the UN Human Rights Commission.¹¹ Composed of five independent experts appointed on the basis of equitable geographic representation, the Working Group’s mandate is to make country visits, study the issues, and generate regular reports.¹²

In contrast with the Working Group expert body, the mandate of the Permanent Forum of People of African Descent is expansive. The Permanent Forum is to act as “a consultative mechanism” that will provide a platform for inclusion of and participation by “people of African descent and other relevant stakeholders.”¹³ The resolution explicitly calls for the Forum to be open to the international human rights community writ large but also to “grass-roots and community-based organizations.”¹⁴ Composed of ten members—five appointed by governments and an additional five appointed by the Human Rights Council—the Forum’s mandate includes the identification of best practices, potentially to inform an eventual binding treaty on the promotion and full respect of the rights of people of African descent.¹⁵

The more expansive scope of the Permanent Forum in turn represents the development and elaboration of the UN framework for combating racism as articulated in the General Assembly’s resolution adopting a program of activities for the implementation of the International Decade for People of African Descent.¹⁶ The Permanent Forum’s establishment in 2021 marks a mid-point for the International Decade for People of African Descent, as well as the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action. The

*Chantal Thomas is Radice Family Professor of Law at Cornell University School of Law, United States.

moment also looks back on the second full year of the COVID-19 pandemic, which brought racialized inequalities and precarities into stark relief on a global scale.¹⁷

A Global (and Globalizing) Movement

The current moment is one that has seen an invigorated dialogue on global racial justice, with unprecedented worldwide protests against the 2020 murder of George Floyd at the hands of police, and against racial inequality more broadly.¹⁸ This renewed focus has highlighted concern related to the continued frequency of racially motivated public and private harm. A few months before the Permanent Forum was established, the Office of the UN High Commissioner for Human Rights issued a report on systemic racism in policing against people of African descent,¹⁹ observing that:

The murder of George Floyd on 25 May 2020 and the ensuing mass protests worldwide have marked a watershed in the fight against racism. In some countries, there is now broader acknowledgment of the systemic nature of the racism that affects the lives of Africans and people of African descent and of the need to address the past in order to secure future conditions of life that uphold the dignity and rights of all. It is our collective duty to address these issues—immediately and everywhere.²⁰

The UN's efforts to establish the Permanent Forum, along with a number of other instruments and measures in combating racism, signify a confluence between global anti-racism social movements, and the UN's formal institutional machinery. The consultative nature of the Permanent Forum thus represents a tremendous opportunity to strengthen the UN's antiracist efforts in a foundation of civil society mobilization and social justice activism. The Permanent Forum should embrace this opportunity to contribute to meaningful and long-lasting change.

ENDNOTES

- 1 G.A. Res. 75/314, U.N. Doc. A/RES/75/314 (Aug. 2, 2021), <https://undocs.org/en/A/RES/75/314> [hereinafter Resolution 75/314].
- 2 *Id.* ¶ 1.
- 3 *Id.* ¶ 1(b).
- 4 G.A. Res. 68/237, U.N. Doc. A/RES/68/237 (Dec. 23, 2013), <https://undocs.org/en/A/RES/68/237>.
- 5 Resolution 75/314, ¶¶ 1(a)–(b).
- 6 International Convention on the Elimination of All Forms of Racial Discrimination, Dec. 21, 1965, 660 U.N.T.S. 195.
- 7 Durban Declaration and Programme of Action, Adopted at the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Violence, U.N. Doc. A/CONF.189/12 (Sept. 8, 2001).
- 8 *See, e.g.*, Durban Declaration, *id.*, ¶¶ 4, 14, 34.
- 9 *Id.* ¶ 19.
- 10 Durban Programme of Action, *supra* note 7, ¶ 7.
- 11 UN Comm'n H.R. Res. 2002/68 Racism, racial discrimination, xenophobia and related intolerance (Apr. 25, 2002).
- 12 OHCHR, *Mandate of the Working Group on People of African Descent*, <https://www.ohchr.org/EN/Issues/Racism/WGAfricanDescent/Pages/Mandate.aspx>.
- 13 Resolution 75/314, ¶ 1.
- 14 *Id.* ¶ 3.
- 15 *General Assembly creates new Permanent Forum of People of African Descent*, UN NEWS (Aug. 2, 2021), <https://news.un.org/en/story/2021/08/1096932>.
- 16 G.A. Res. 69/16, U.N. Doc. A/RES/69/16 (Nov. 18, 2014), ¶ 29(i).
- 17 Catherine Powell, *A Year On, the "Color of Covid" Still Matters*, CNN (Mar. 26, 2021), <https://www.cnn.com/2021/03/26/opinions/color-of-covid-biden-administration-powell/index.html>.
- 18 Damien Cave, Livia Albeck-Ripka & Iliana Magra, *Huge Crowds Around the Globe March in Solidarity Against Police Brutality*, NEW YORK TIMES (June 9, 2020).
- 19 Report of the United Nations High Commissioner for Human Rights: Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers, U.N. Doc. A/HRC/47/53 (June 1, 2021), <https://undocs.org/fr/A/HRC/47/53>.
- 20 *Id.* at p.1.

G.A. RES. 75/314 ESTABLISHING A PERMANENT FORUM OF PEOPLE
OF AFRICAN DESCENT (U.N.)*
[August 2, 2021]

United Nations

A/RES/75/314



General Assembly

Distr.: General
6 August 2021

Seventy-fifth session

Agenda item 70 (b)

**Elimination of racism, racial discrimination, xenophobia
and related intolerance: comprehensive implementation of
and follow-up to the Durban Declaration and Programme
of Action**

**Resolution adopted by the General Assembly
on 2 August 2021**

[without reference to a Main Committee (A/75/L.119/Rev.1)]

**75/314. Establishment of the Permanent Forum of People of
African Descent**

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, and good faith in the fulfilment of the obligations assumed by States in accordance with the Charter,

Recalling its resolution 52/111 of 12 December 1997, by which it decided to convene the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and its resolutions 56/266 of 27 March 2002, 57/195 of 18 December 2002, 58/160 of 22 December 2003, 59/177 of 20 December 2004 and 60/144 of 16 December 2005, which guided the comprehensive follow-up to the World Conference and the effective implementation of the Durban Declaration and Programme of Action,¹

Recalling also its resolution 68/237 of 23 December 2013, by which it proclaimed the International Decade for People of African Descent, commencing on 1 January 2015 and ending on 31 December 2024, with the theme “People of African descent:

*This text was reproduced and reformatted from the text available at the UN Treaty Bodies website (visited January 7, 2022), <https://undocs.org/fr/A/HRC/47/53>.

recognition, justice and development”, to be officially launched immediately following the general debate of the sixty-ninth session of the General Assembly, and to this end emphasizing the opportunity for achieving important synergy in the combating of all the scourges of racism through the effective observance of the Decade, and in this regard contributing to the implementation of the Durban Declaration and Programme of Action,

Recalling further its resolution 69/16 of 18 November 2014, in which it adopted the programme of activities for the implementation of the International Decade for People of African Descent, and decided to establish a forum as a consultation mechanism for people of African descent and other relevant stakeholders and that consideration should be given to the elaboration of a draft United Nations declaration on the promotion and full respect of the human rights of people of African descent,

Noting the contributions submitted by relevant stakeholders, individuals, groups and organizations to the Office of the United Nations High Commissioner for Human Rights in March 2015 on their vision for the new forum for people of African descent, noting also the constructive discussions held in Geneva on the modalities of the Permanent Forum on People of African Descent on 10 May 2019, and taking note of the report of the Chair resulting from the one-day consultation on the Permanent Forum on People of African Descent,²

Taking note with appreciation of the statement of the United Nations High Commissioner for Human Rights that the Permanent Forum will join other similar mechanisms under the Human Rights Council that have all proven to be vibrant mechanisms that build on the expertise of the United Nations human rights system under the Human Rights Council and supported by the Office of the High Commissioner,

Recognizing with concern that, despite efforts to combat racism, racial discrimination, xenophobia and related intolerance, instances of and various forms of racism, racial discrimination, xenophobia and related intolerance remain widespread, acknowledging that acts of racism, racial discrimination, xenophobia and related intolerance should be condemned wherever and whenever they occur, and recognizing that people of African descent have for centuries been victims of racism, racial discrimination and enslavement and the denial of many of their rights, and asserting that they should be treated with fairness and respect for their dignity and should not suffer discrimination of any kind,

Reiterating that all human beings are born free and equal in dignity and rights and have the potential to contribute constructively to the development and well-being of their societies, and that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous and must be rejected, together with theories that attempt to determine the existence of separate human races,

Noting that 2021 marks the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action, and recalling that the midterm review of the International Decade for People of African Descent and its programme of activities was supposed to take place in 2020,

Committing to finalizing the modalities, format and substantive and procedural aspects of the Permanent Forum before the midterm review of the International Decade for People of African Descent as one means of furthering the objectives of the International Decade in partnership between Governments, people of African descent and relevant stakeholders,

Bearing in mind that the global fight against racism, racial discrimination, xenophobia and related intolerance and all their abhorrent and contemporary forms and manifestations is a matter of priority for the international community,

Committed to upholding human dignity and equality for the victims of slavery, the slave trade and colonialism, in particular people of African descent in the African diaspora,

1. *Decides* to establish the Permanent Forum of People of African Descent as a consultative mechanism for people of African descent and other relevant stakeholders as a platform for improving the safety and quality of life and livelihoods of people of African descent, as well as an advisory body to the Human Rights Council, in line with paragraph 29 (i) of the programme of activities for the implementation of the International Decade for People of African Descent³ and in close coordination with existing mechanisms, with the mandate:

(a) To contribute to the full political, economic and social inclusion of people of African descent in the societies in which they live as equal citizens without discrimination of any kind and contribute to ensuring equal enjoyment of all human rights;

(b) To provide, in coordination with existing mechanisms, expert advice and recommendations to the Human Rights Council, the Main Committees of the General Assembly and organs, programmes, funds and agencies of the United Nations aimed at addressing challenges of all the scourges of racism, racial discrimination, xenophobia and related intolerance and all their contemporary forms and manifestations confronted by people of African descent and that impede the full and effective realization and enjoyment of all their human rights and fundamental freedoms;

(c) To consider the elaboration of a United Nations declaration on the promotion, protection and full respect of the human rights of people of African descent;

(d) To identify and analyse best practices, challenges, opportunities and initiatives to address, as appropriate, the issues highlighted in the provisions of the Durban Declaration and Programme of Action relevant to people of African descent;

(e) To monitor and review progress on the effective implementation of the programme of activities of the International Decade for People of African Descent, and to this end gather relevant information from Governments, United Nations bodies and organs, intergovernmental organizations, non-governmental organizations and other relevant sources;

(f) To request the preparation and dissemination of information by the United Nations system on issues relating to people of African descent and promote a greater knowledge of and respect for the diverse heritage, culture and contribution of people of African descent to the development of societies;

(g) To raise awareness and promote integration and coordination of activities of agencies, funds and programmes relating to people of African descent within the United Nations system;

(h) To support the coordination of programmes aimed at the socioeconomic development of communities and people of African descent, and to examine the urgent global need to establish adequate channels to obtain data disaggregated by income, sex, age, race, ethnicity, migratory status, disability, geographical location and other characteristics relevant in national contexts, to enable the systematic design and collection of and access to high-quality, reliable and timely disaggregated data and gender statistics, conducive to the better execution of public policies in relation to people of African descent;

(i) To offer advice and recommendations on matters concerning the protection, promotion and respect of all human rights of people of African descent, and to undertake any specific task as requested by the Human Rights Council or the General Assembly;

2. *Also decides* that the Permanent Forum shall consist of 10 members: 5 members to be nominated by Governments, based on equitable geographical distribution, and elected by the General Assembly and 5 members to be appointed by the President of the Human Rights Council following consultation with the Bureau and the regional groups through their coordinators, on the basis of broad consultations with organizations of people of African descent; membership shall take into account the diversity and geographical distribution of people of African descent in the world, ensuring gender parity as well as the principles of transparency, representativity and equal opportunity for all people of African descent, and all members shall serve in their personal capacity as independent experts on issues of people of African descent for a period of three years with the possibility of re-election or reappointment for one further period;

3. *Further decides* that the Permanent Forum shall be open to the participation of States, United Nations mechanisms, bodies and specialized agencies, funds and programmes, intergovernmental organizations, regional organizations and mechanisms in the field of human rights, national human rights institutions and other relevant national bodies, academics and experts on issues related to people of African descent and non-governmental organizations in consultative status with the Economic and Social Council; the Permanent Forum shall also be open to the participation of other non-governmental organizations, including grass-roots and community-based organizations, whose aims and purposes are in conformity with the spirit, purposes and principles of the Charter of the United Nations;

4. *Decides* that the Permanent Forum shall submit an annual report to the Human Rights Council and the General Assembly on its activities, including advice and recommendations for future thematic subjects for their consideration, and engage in the interactive dialogue; the report shall be distributed to all Member States and the relevant United Nations organs, funds, programmes and agencies as a means, *inter alia*, of furthering the dialogue within the United Nations system on issues affecting people of African descent;

5. *Also decides* that the Permanent Forum of People of African Descent shall appoint for each session, on the basis of regional rotation, and in consultation with regional groups and organizations of people of African descent, a Chair and a Vice-Chair of the Permanent Forum of People of African Descent selected from among the members of the Permanent Forum; the Permanent Forum shall appoint the Rapporteur from among the members of the Permanent Forum, who may retain this role for successive sessions without rotation; the Chair, Vice-Chair and Rapporteur, serving in their personal capacity, shall be responsible for the preparation of a summary of the discussions of the Forum, to be made available to all participants in the Forum;

6. *Further decides* that the Permanent Forum shall meet annually, rotating between the United Nations Office at Geneva and United Nations Headquarters or at such other place as the Permanent Forum may decide in accordance with existing financial rules and regulations of the United Nations, for four working days, allocated to thematic discussions, and decides that the Permanent Forum shall be organized, to the extent possible, back-to-back with a session of the Working Group of Experts on People of African Descent or the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action;

7. *Decides* that the Permanent Forum will contribute to and promote the efforts of the United Nations High Commissioner for Human Rights to improve the cooperation among United Nations mechanisms, the universal periodic review, the Economic and Social Council high-level political forum on sustainable development, treaty bodies, special procedures and specialized agencies, funds and programmes on activities related to the promotion and protection and full respect of all human rights of people of African descent, including at the national and regional levels, ensuring that there is complementarity and non-duplication;

8. *Requests* that the work of the Permanent Forum be carried out in coordination with existing United Nations mechanisms relevant to the mandate of the Permanent Forum;

9. *Requests* the Secretary-General and the High Commissioner to provide the Permanent Forum, through the regular budget as well as voluntary contributions, with all necessary resources, including services and facilities, to fulfil its mandate, through the convening of the Permanent Forum, the organization of its sessions and the participation of relevant stakeholders from every region in its meetings, ensuring broadest, equitable geographical and diverse participation, including, in particular, the full and equal participation of women;

10. *Decides* that the Permanent Forum shall convene its first session the following year after the present resolution is adopted and that, after four annual sessions of the Permanent Forum, an evaluation of its modalities shall be carried out by the General Assembly on the basis of an evaluation made by the Human Rights Council in the light of the experience gained.

97th plenary meeting

2 August 2021

ENDNOTES

1 See [A/CONF.189/12](#) and [A/CONF.189/12/Corr.1](#), chap. I.

2 [A/PFPAD/2019/1](#).

3 Resolution [69/16](#), annex.