

Caribbean countries demand compensation for slave trade

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British Foreign Secretary William Hague: opposed to paying compensation for slavery. *Photo: Reuters*

London: In a 2008 biography he wrote of an anti-slavery campaigner, Britain's foreign secretary, William Hague, described the trade in human beings as an indefensible barbarity, "brutal, mercenary and inhumane from its beginning to its end."

Fourteen Caribbean countries that once sustained that slave economy now want Mr Hague to put his money where his mouth is.

Spurred by a sense of injustice that has lingered for two centuries, the countries plan to compile an inventory of the lasting damage they believe they suffered and then demand an apology and reparations from the former colonial powers of Britain, France and the Netherlands.

To present their case, they have hired a firm of London lawyers that this year won compensation from Britain for Kenyans who were tortured under British colonial rule in the 1950s.

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Britain outlawed the slave trade in 1807, but its legacy remains. In 2006, Tony Blair, then prime minister, expressed his "deep sorrow" over the slave trade; the Dutch social affairs minister, Lodewijk Asscher, made a similar statement in July.

Britain has paid compensation over the abolition of the slave trade once - but to slave owners, not their victims. Britain transported more than 3 million Africans across the Atlantic, and the effect of the trade was vast. Historians estimate that, in the Victorian era, between one-fifth and one-sixth of all wealthy Britons derived at least some of their fortunes from the slave economy.

Yet the issue of apologies - let alone reparations - for the actions of long-dead leaders and generals remains a touchy one all over the globe.

Turkey refuses to take particular responsibility for the mass deaths of Armenians under the Ottoman Empire, let alone call the event a genocide, as the French Parliament has done. It was not until 1995 that France's president at the time, Jacques Chirac, apologised for the crimes against the Jews of the Vichy government during World War II. The current French president, François Hollande, conceded last year that France's treatment of Algeria, its former colony, was "brutal and unfair." But he did not go so far as to apologise.

His predecessor, Nicolas Sarkozy, offered an aid and debt-cancellation package to Haiti in 2010 while acknowledging the "wounds of colonisation."

In Britain, in 1997, Blair described the potato famine in Ireland in the late 1840s as "something that still causes pain as we reflect on it today," but acknowledging pain is not the same thing as making a formal apology.

For some, such comments do not go far enough, particularly when some European nations, like post-war Germany, have apologised - the former chancellor Willy Brandt went to his knees at the Warsaw Ghetto in 1970 - and paid reparations for Nazi crimes.

Caribbean nations argue that their brutal past continues, to some extent, to enslave them today.

"Our constant search and struggle for development resources is linked directly to the historical inability of our nations to accumulate wealth from the efforts of our peoples during slavery and colonialism," said Baldwin Spencer, prime minister of Antigua and Barbuda, in July this year. Reparations, he said, must be directed toward repairing the damage inflicted by slavery and racism.

Martyn Day, the senior partner at Leigh Day, the London law firm acting for the Caribbean countries, said a case could start next year at the International Court of Justice in The Hague, a tribunal that adjudicates legal disputes among states.

"What happened in the Caribbean and West Africa was so egregious we feel that bringing a case in the ICJ would have a decent chance of success," Mr Day said.

"The fact that you were subjugating a whole class of people in a massively discriminatory way has no parallel," he added.

Some Caribbean nations have begun assessing the lasting damage they suffered, ranging from stunted educational and economic opportunities to dietary and health problems, Mr Day said.

Critics contend that it makes no sense to try to redress wrongs that reach back through the centuries, and that Caribbean countries already receive compensation

through development aid.

The legal terrain is not encouraging. Although several US and British companies have apologised for links to slavery, efforts by descendants of 19th-century African-American slaves to seek reparations from corporations in US courts have so far come to little. And, unlike the successful case made in Britain by Kenyans tortured during the Mau Mau uprising, there are no victims of slavery to present in court.

Even that case was disputed initially by a British government worried that it would expose itself to claims from numerous former colonies. And when he agreed to pay compensation, Mr Hague insisted that it was not a precedent.

Although Parliament abolished the Atlantic slave trade in 1807, the law took years to put into effect. In 1833, Parliament spent 20 million pounds (\$33 million) compensating former slave owners - 40 per cent of government expenditure that year, according to estimates by Nick Draper of University College, London, who estimates the present-day value at about \$21.7 billion.

Dr Draper's work traced recipients of compensation and showed that they included ancestors of the authors Graham Greene and George Orwell, as well as a very distant relative of Prime Minister David Cameron.

But the prospects for a modern-day legal case for reparations by victims are far from clear. Roger O'Keefe, deputy director of the Lauterpacht Centre for International Law at Cambridge University, said that "there is not the slightest chance that this case will get anywhere," describing it as "an international legal fantasy."

He argues that, while the Netherlands and Britain have accepted the court's jurisdiction in advance, Britain excluded disputes relating to events arising before 1974.

"Reparation may be awarded only for what was internationally unlawful when it was done," O'Keefe said, "and slavery and the slave trade were not internationally unlawful at the time the colonial powers engaged in them."

Even lawyers for the Caribbean countries hint that a negotiated settlement, achieved through public and diplomatic pressure, may be their best hope.

"We are saying that, ultimately, historical claims have been resolved politically - although I think we will have a good claim in the ICJ," Mr Day said.

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