



The Question of Reparations to Post-Colonial States

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Introduction

The discussion of reparations for post-colonial states is on the rise. Member States that experienced colonial rule are asking for some form of compensation for the violence and suffering of colonial conquest and rule, which they describe as the biggest injustice of the world.¹

Reparations has emerged as a major issue in the United Nations, where more than two-thirds of the 193 Member States are former colonial territories.² Some former colonial Member States demand reparations to rectify the consequences of past conquest and prejudice against individuals, groups or entire countries today. Colonialism, which dominated the modern era, resulted in brutal injustices against colonized peoples. Today these actions are described by many victims as Crimes against Humanity.³ Although colonialism ended in most of the world almost 50 years ago, its impact is still felt today in racist attitudes against descendants of colonized peoples and the poverty and underdevelopment endemic in many postcolonial states.

Due the pervasive legacies of colonialism, many post-colonial states and their advocates call on former colonial powers to issue reparations in order to atone for these past injustices and to help them solve the subsequent problems that have emerged as a result of colonialism. In response, many former colonial powers have questioned the legality of such reparations, arguing that they cannot be held accountable for the actions taken by people in power before their lifetime or that reparations would do little to solve the problems faced by postcolonial states today.

The United Nations can play an important role in the debate on whether former colonial powers should issue reparations to postcolonial states. Although the UN is not a world government and thus cannot force any binding decision regarding reparations on its member states without their consent, the UN is in a strategic position to bring the question of colonial reparations to the world stage.

Through its committees and assemblies, the UN can encourage dialogue between its member states as well as other interested parties on the question of colonial reparations. The UN can also sponsor independent studies and state visits which bring to light the realities of colonial life, the long-term effects of colonialism on colonized peoples and their descendants, and the best means for rectifying any injustices. Finally, the UN's International Court of Justice can also act as an arbitrator on individual cases or give legal advice on the question of reparations as a whole based on established international laws and norms.

¹ Ho, Sally. 'Reparations draw UN scrutiny, but those who'd pay say little', *Associated Press*. 28 September 2021. <https://abcnews.go.com/US/wireStory/reparations-draw-scrutiny-whod-pay-80273817>

² United Nations. 'Decolonization', n.d., <https://www.un.org/en/global-issues/decolonization>.

³ 'Reparations for Native Genocide and Slavery', *CARICOM*, 13 October 2015, <http://www.caricom.org/reparations-for-native-genocide-and-slavery>