

*Assessing the feasibility of Black reparations in the United States: Lessons from other domestic and international reparation patterns*

“I love America more than any other country in the world and, exactly for this reason, I insist on the right to criticize her perpetually.” – James Baldwin

## *Table of Contents*

Abstract	5
Chapter 1: Timeline of Black oppression in the United States	8
ii. The establishment of slavery within the British Colonies, the Virginia case study	9
a. Conditions of slavery	13
iii. Slavery's shift from the American Revolution to the American Civil War	14
a. American Revolution, classification of slaves (1765 – 1791)	15
b. Antebellum	16
c. Slavery as an institution, the economic benefits of free labor	16
iv. Emancipation	17
v. Jim Crow and the policing of Black people	17
vi. Civil Rights Movement	20
a. Brown v Board of Education	20
b. Emmett Till	21
c. Rosa Parks and the Montgomery Bus Boycotts	23
d. Freedom Summer & the Civil Rights Act	24
e. Selma's Bloody Sunday	24
vii. Black liberation movement and the War on Drugs and Police Brutality	25
viii. Modern day racism	26
a. economic disparities	27
b. educational disparities	30
c. health disparities	31
d. police brutality	32
ix. Unanswered calls for reparations in the past	32
x. Local initiatives	33
xi. Conclusion	34

Chapter 2: International Debate	35
Introduction	35
Exploring the Relevance of South Africa and Australia as Comparative Case Studies for Reparations in the United States	36
i. Case study 1: Australia's stolen generation	38
a. Historical overview of Australian Indigenous oppression & this one	38
b. Nineteenth century	40
c. Disparities seen today, effects of historic oppression.	44
1. Disproportionate representation in the criminal justice system	44
2. Health disparities	45
3. Educational disparities	46
d. Analysis on the successes and failures of Australia's reparation initiatives	48
1. The recognition and protection of Indigenous land rights, 1976 - 1993	49
2. Aboriginal Land Rights (Northern Territory) Act:	51
3. Native Title Act of 1993:	54
4. The Reconciliation Action Plans, 2006	57
5. Close the Gap Campaign, 2006	58
6. The National Apology, 2008	60
7. State by state reparation efforts	60
Conclusion: What is missing?	64
Case study 2: South Africa	65
a. Timeline of Black Oppression in South Africa	65
b. Disparities seen today.	71
1. Truth and Reconciliation Commission	73
2. President's Fund	74
3. The Land restitution program	76

4. The Black Economic Empowerment (BEE) program	77
Chapter 3: Recommendation & closing argument.	80
i. Clearly defining and taxonomizing reparations	81
a. economic packages	81
b. emotional reparations	82
c. community development	82
d. land	83
iii. Actors needed for success	83
a. community leaders	84
b. civil society	84
c. government agencies	84
d. international engagement	85
viii. Predicted barriers to success	85
a. eligibility	86
b. legal challenges	87
c. funding	87
d. political resistance & public opinion	88
vii. Recommendations for reparation policy in the US based on findings from analysis.	89
x. Conclusion	92

## Abstract

The aim of this paper is to assess the feasibility of Black reparations in the United States through analyzing past successful international reparation programs. For the argument in favor of Black reparation to be made, one must first understand the breadth of Black oppression in the United States, starting from slavery and colonialism all the way to modern day institutionalized racism.

The first chapter is intended to deepen the reader's knowledge of the domino effect that racism has had on the United States, to ultimately unveil the hole that has been left - seen through economic, educational and health disparities within the Black American community. The discussion of Black reparations in the United States is often boxed into a response to the human rights violations enacted during slavery, however, the goal for this chapter is for the reader to understand that slavery was just the beginning of oppression enforced on Black Americans. While the idea of reparations for just slavery is a valid argument itself, understanding that the oppression did not end there allows for an even stronger argument for financial and social reparations to the Black community of the United States. This chapter will begin with understanding the start of Slavery in the United States and the economic benefits that free labor had on white culture. It will then move to the American Revolution, Civil War and following emancipation of slaves, Reconstruction, Jim Crow laws, the Civil Rights movement, the War on Drugs, Police Brutality in the 1990s to present day, and finally how these have all shaped modern day institutional racism with the nation - analyzing the educational, health and economic disparities within the Black community.

The second chapter will then use an international lens and analyze the successes and failures of past reparation policies in two separate case studies to then predict the feasibility of a reparations policy in the United States. The case studies that will be analyzed will be Australia and their "Stolen Generations" reparations policies and post-Apartheid reparations in South Africa. This chapter will delve into the successes and failures of the two case studies, while also assessing key actors that came into play when rolling out each reparations policy.

Lastly, the final chapter will conclude the paper with recommendations for reparation policies in the United States based on the findings from the case studies, assessing the predicted reaction from the government and the American people. It will

also include research of local reparation policies already set in place within the United States and will predict and recommend ways that a federal policy could build from local initiatives.

## Chapter 1: Timeline of Black oppression in the United States

The historical background of Black oppression in the United States begins even before the British colonists acknowledged African people as slaves and second-class citizens. The slow burn of intentional and targeted policies to remove the personhood of Africans gives a glimpse as to how deep-rooted racism is entrenched in American ideals. Prior to the American colonies declaring independence from Great Britain, British rule had yet to establish the way in which slavery was viewed and defined. This means that while other major states in Europe had clearly defined the way in which slavery operated within the law, the English had yet to do so when they founded the British colonies in the 'New Land'. This allowed for British colonists to experiment with their definition of the personhood of African individuals living amongst the colonists, which in return allows for historians to really analyze the ways in which colonists used policy to place African indentured servants under their white counterparts. Paul Finkleman (2012) breaks down this phenomenon in the article titled "Slavery in the United States: Persons or property?" This article explains the historical debate during pre-civil war Virginia surrounding the personhood of the African indentured servant. The chapter delves into the legal system developed by colonial Virginia's legislatures that eventually facilitated slavery to be a normal part of colonial American society. Several points in the chapter show the phasing of indentured servitude to full on enslavement of Africans, and therefore provides an insight into the groundwork for racism within the United States. Further on in this chapter I will relay back to this groundwork to prove that the linkage to the decisions made to enslave Africans as a means of dehumanization, torture and exploitation directly relate to the disparities seen in modern day Black society within the United States today.

1619 marks the start of slavery in what is now the present-day United States, however each group of European settlers operated differently based on their origin country's codes of conduct when it pertained to slavery. The Portuguese, French and Spanish all had what Paul Finkleman describes as "slave cultures" in the text (Finkelman, 2012). The Spanish and Portuguese, the first to settle in the New World, had well developed slave cultures at the time of the first voyage of Columbus in 1492. Finkleman also explains that "Spanish and Portuguese legal culture, based on Roman law, allowed for the quick creation of not

only slaveholding, but of a system of slavery. Roman law defined slavery as ‘an institution of the law of nations by which ... a person is subjected to the dominion of another’ (Finkleman, 2012). The French had a different perspective when it came to slave holding, more centered on emancipation once slaves stepped foot in the metropolis, however a code of conduct when dealing with slaves in the colonies was drafted soon after France established itself within the New World. Their slave code “Le Code Noir”, established in 1685, explained standards in which French colonists were expected to meet when owning slaves. It also governed their marriages, their burials, their punishments, and the conditions they had to meet in order to gain their freedom (Buchanan, 2011). Other continental powers such as the Dutch, Danes and Swedes also had similar sets of ‘codes’ derived from the Roman-inspired rules to govern slaves in the New World, while not allowing for slavery in their respective metropolis (Finkleman, 2012). The English were the only New World settlers to establish colonies without any preceding structure, culture or stipulations with relations to slaveholding. Finkleman also explains in his analysis that the original settlers who arrived in the colony of Jamestown in 1607, saw themselves as “potential liberators of the Indians and slaves, who were under the dominion of the Spanish” (Finkleman, 2012). Notably, the English not only introduced slavery as a legal institution in the colonies, but they also placed clear limitations on the personhood of enslaved individuals.

## ii. The establishment of slavery within the British Colonies, the Virginia case study

Within the article previously discussed, Finkleman analyzes colonial Virginia, the British first, largest colony and most important of the thirteen that would eventually come to form the United States (Finkleman, 2012). From the seventeenth century until the United States Civil War, Virginia continued to maintain the largest slave population on the North American Continent. Within the Virginia case study, historians get a rather confusing timeline of how British colonists dealt with and eventually established slavery as a legal institution within the colonies. This also set the foundation for how the United States defined slavery post - American Revolution.

1619 marks the first recorded sale of an African slave to Virginia authorities - a Dutch sale of 20 Africans to the British colonists (Finkleman, 2012). However, during this time



- there were no set of laws stipulating the legalities of slavery, so these Africans were labeled as indentured slaves. Indentured servants were held for a specific term and then were eligible for freedom. Both poor white Europeans and Africans were indentured servants. Anthony Johnson, a famous example of an African indentured servant, arrived in Virginia in 1621, served his time and was later freed. Once freed he acquired land, held white indentured servants and eventually even owned Black slaves (Finkleman, 2012, 107).

However, even in Virginia's earliest and most confusing records, there is still a clear difference between how white and African indentured servants were treated and viewed. In 1640, John Punch was infamously sentenced to a lifetime of indentured servitude for running away. No European indentured servant (or otherwise) was ever sentenced to a lifetime of service for anything. Finkelman comments that this distinction shows that the sentiment of 'enslavement' was limited to Africans, which sheds light on the ambiguity of the personhood of the group during this time period (Finkelman, 2012, p 110). The Militia Act of 1639 also allows for analysis of this ambiguity. This act was issued by the Massachusetts Bay Colony to prepare themselves against possible Native American attacks (Wright, 1986). While the act acknowledges the growing population of Africans within the colonies, it does not treat them as slaves - it simply excluded them from the group of individuals who would be provided with arms through the act. All white males - including indentured ones - were to be armed, the act makes no mention of why Africans are not included in this requirement. However, many historians, including Finkleman, claim that this highlights the growing fear of arming Africans who were providing a lifetime of servitude in a country they are in against their will.

In parallel with this growing tension and ambiguity, Virginia policy makers were conveniently creating policies aimed at protecting their rights to free labor. An example of this was the intentional divide placed among white and Black<sup>1</sup> indentured servants. In 1661, the House Burgesses (the representative assembly in colonial Virginia) passed the

---

<sup>1</sup>I have chosen to capitalize the word 'Black' throughout the text as a recognition of the unique experiences, struggles and cultural identities of Black people. Conversely, I have chosen not to capitalize the word 'white' as it does not denote the shared cultural experience in the same way as 'Black'. Rather, 'white' is often used as a default descriptor that reinforces the dominant power structures in society. By not capitalizing 'white' I aim to challenge this default and encourage critical reflection on the ways in which language can perpetuate systemic inequalities.

first police regulation of slaves which was issued to settle any interracial teamwork. The law stated that any European indentured servant to run away with a slave would serve extra time for each slave that ran away with them. This policy also provided compensation for masters whose slaves ran away and simultaneously, it successfully drove a wedge between white servants and Black slaves (Finkleman, 2012). Around the same time the issue of classification of the offspring of white men and African women came into light. At the time, English law dictated that infants born automatically assume the status of the father, it also stated that adulterous and illicit forms of sex acts could lead to prosecution. These two policies, as they stood, could lead to the most powerful men in the colony either raising a generation of mixed-raced free children or being prosecuted for having adulterous nonconsensual sex with their slaves, and in most cases fall guilty of both. The fear of either of these consequences to the white colonists raping their African slaves led to them quickly ratifying the current law. The response was to turn to the Roman law phenomenon of *partus sequitur ventrem*, which stated that offspring of livestock belong to the master (Finkleman, 2012). In 1662, the House of Burgess issued a statute stating that:

*'WHEREAS some doubts have arrisen whether children got by Englishmen upon a negro women should be slave orffree [sic], Be it therefore enacted . . . that all children borne in this country shall beheld bond or free only according to the condition of the mother . . .'*<sup>2</sup>.

This statute started to clear up ambiguity of the personhood of enslaved Africans. And in turn left enslaved African women vulnerable to their masters, because the consequence of being responsible for a mixed-race child had been eliminated. As Finkleman also examines, this also reduced the children of white men and enslaved African women to be used as property - to be either exploited, sold or gifted.

In addition to the manipulation of governing laws to allow for the institution of slavery to flourish, Virginia policy makers also shifted how religion made room for slavery. When the colonists originally started bringing Africans into the New World, it was under the justification of enslavement of non-Christians. Some records even show that some of the earlier slaves were freed upon conversion. However, in 1667 the House of Burgess developed another statute to solve the question of whether conversion to Christianity was

<sup>2</sup> ~~Negro women's children to serve according to the condition of the mother~~, Act XII, December 1662, 2 Hening 170. Emphasis in the original

enough to grant the freedom of enslaved Africans. The statute read:

*“WHEREAS some doubts have arisin whether children that are slaves by birth, and by the charity and piety of their owners made pertakers of the blessed sacrament of baptisme, should by virtue of their baptisme be made free; It is enacted . . . that the conferring of baptisme doth not alter the condition of the person as to his bondage or freedom; that diverse masters, freed from this doubt, may more carefully endeavor the propagation of christianity by permitting . . . slaves . . . to be admitted to that sacrament.”*<sup>3</sup>

This concretely established that the Bible sanctioned the idea of slavery and any conversion to Christianity would “help fasten the chains of bondage onto slaves, as generations of ministers taught slaves that obedience to their masters was the equivalent of obedience to God, and that the key to heaven began with proper deference to their earthly status” (Finkleman, 2012).

The use of slavery being Biblically sanctioned opened the door for several other statutes in the late 1600s that protected the classification of slaves within colonial Virginia. In 1669 a statute was passed that made it so that masters could not be prosecuted for a slave death resulting from punishment. In 1680 the ‘Negros Insurrection Act’ made it acceptable to kill runaway slaves or any other African who was caught ‘lurking in obscure places<sup>4</sup>.’ This fear mongering allowed for the dehumanization of Africans to fester.

As we analyze the complexities of the classification of slaves within the British colony of Virginia through the statutes enacted from 1619 to 1680s, one can see the increased desire to place African slaves as a sub sector of society. While Africans brought to the colony were originally treated the same as other indentured servants, legislators - who directly benefited from the free labor and sexual deviancy of owning Africans - who enacted these statutes showed that the protection of the masters’ rights completely overrode the desire to protect any semblance of human rights of the African slaves. Legislators used religion, social norms, and fear to keep Africans from gaining any sort of upward mobility. While the original justification for owning slaves revolved around the need to save non-believers, the use of religion shifted to then keeping slaves in their ‘rightful’ place - providing free labor to white settlers.

Colonists in the south understood that the climate and availability of land allowed

---

<sup>3</sup> ‘An act declaring that baptisme of slaves doth not exempt them from bondage’, Act II September 1667, 2 Hening 260.

<sup>4</sup> Act X, June 1680, 2 Hening 481

them to tap into the cash crop markets like cotton, tobacco, rice, and sugar cane. With an increased need for labor, these plantation owners sought slaves from West Africa. This opened the open markets where the items being sold were human beings, who were to be inspected and auctioned off like animals.

a. Conditions of slavery

The emotional and psychological torture that was inflicted on the slaves at the time was astronomical - from their living conditions to the way that they were punished. Slaves were overworked, often working every day of the week from sunup to sundown. Lowcountry Digital Library (LCDL) at the College of Charleston provides a digital exhibit on the living conditions of enslaved peoples throughout the Antebellum period of the United States.

Professor West explains that while working on the plantations, someone with the job of ‘overseer’ was tasked with ensuring that slaves were doing the most work possible and were instructed to use whatever means necessary. These overseers often resorted to cruel punishments to encourage obedience and efficiency. Examples of these punishments include whippings, torture, mutilations and in some cases being sold to a completely different plantation. Conditions of slavery also allowed for slave women and girls to be sexually exploited and raped. As mentioned previously, colonists were able to legally get around sexual deviancy with their own slaves - which meant that enslaved women were fully unprotected from sexual violence (West, 2010). Often, slave masters forced women into sexual relationships with the promise of material items, or through threats of violence. In an excerpt from Harriet Jacobs book “Incidents in the Life of a Slave Girl”, she explains the daily sexual abuse she experienced. She was fifteen at the time.

*“But he was my master. I was compelled to live under the same roof with him – where I saw a man forty years my senior daily violating the most sacred commandments of nature. He told me I was his property; that I must be subject to his will in all things. My soul revolted against the mean tyranny. But where could I turn for protection? No matter whether the slave girl is as Black as ebony or as fair as her mistress. In either case, there is no shadow of law to protect her from insult, from violence, or even from death; all these are inflicted by fiends who bear the shape of men. The mistress, who ought to protect the helpless victim, has no other feelings towards her but those of jealousy and rage...”<sup>5</sup>*

---

<sup>5</sup> Harriet Jacobs, Incidents in the Life of a Slave Girl (New York: Dover, 2001 [1861]), 44-45.

Jacobs lived events were unfortunately lived by many of the enslaved women at the time period, specifically those who worked in the households as they were closer in proximity to their owners. From the time they were sold, enslaved women were seen as objects and overly sexualized, and plantation owners would strip enslaved women's rights to their body. As Jacobs describes in this excerpt, slave girls and women who were victims of sexual violence did not get sympathy or aid from the white women living in the homes. Black enslaved women were portrayed in society as Jezebels and overly sexualized, which perpetuated this dehumanization and divide (West, 2010).

In addition to the sexual violence and forced labor discussed, there were several other human rights violations that occurred during slave times. Slaves were not granted the right to education; several testimonials of former slaves explain how slaves were not allowed to learn how to read and write. This was done in fear, because most white slave owners fretted that education would lead slaves to rebel against their oppressor. In subsequent chapters we will delve into how illiteracy in Black Americans was exploited by white Americans during the Reconstruction era to maintain subservience. In addition to any rights to education, enslaved people were not allowed to legally be married and had little to no rights when it came to their kin. Separation of enslaved families was extremely common and a way to maintain control. Slave accounts also show that some enslaved mothers would conduct abortions to themselves to ensure that they would not have to subject another human being to the horrors of slavery (West, 2010).

In the next section, we will analyze the benefit that the exploitation of slaves had on white colonists, how these sentiments continued throughout the American Revolution, and how they broke the nation in half leading up to the American Civil War.

### iii. Slavery's shift from the American Revolution to the American Civil War

The American Revolution offers a historical perspective on how exactly the phenomenon of slavery had been shaped during the colonial era. As aforementioned in the previous section, slavery as a legal concept was new to English settlers so the statutes enacted were reactionary to fit the colonists' needs. The American Revolution once again changed the debate for slavery. Immediately following the war, several states abolished

slavery while a few enacted laws that would gradually extinguish it. While most of the northern states argued against the morality of slavery, the southern states firmly held it as a right that should not be removed. In 1776, after the Continental Congress declared independence from Great Britain, politicians gathered to argue over the allocation of taxes within the new United States. The personhood of slaves again came into question, with several northern politicians arguing that slaves should be taxed the same as freed people while southerners adamantly arguing for them to be classified as property.

a. American Revolution, classification of slaves (1765 – 1791)

The American Revolutionary War is often characterized as a valiant fight for liberty and freedom; however, it is crucial to recognize the deep contradictions in this sentiment. Additionally, in regard to Black oppression, it is crucial to understand the role that enslaved Africans had in the war, along with the unanswered promises made to them at this time. In an article titled "Fighting... Maybe for Freedom, but probably not" by Lloyd Dobyns, the author challenges this narrative and argues that the American Revolution was motivated by economic self-interest and that the myth that it was catalyzed by a need for freedom against the tyranny of Great Britain was driven by wealthy elites hoping to protect their economic and political interests.

Dobyns also explains the concept of 'the forgotten fifth' which refers to how 1/5 of soldiers who fought in the American Revolutionary war were enslaved Africans who, at the beginning of the war, were promised freedom for serving. However, when the United States declared independence against the British, there is almost no record of slaves being freed for serving. Historian Jack Kelly notes that the French politician Marquis de Lafayette, famous for his contributions to the American Revolution, "was troubled by the failure of the founding generation to confront the great paradox of a people dedicated to freedom holding others in bondage." This paradox was still centuries from being cured, Black oppression was a reality that persisted long after the war. While it is important to recognize the victories within the American Revolution, it is crucial to recognize the hypocrisy of claiming that the war was centered around liberty and independence for all.

## b. Antebellum

The period following the American Revolution and before the American civil war was called the Antebellum era. The Antebellum era was an incredibly important time in American history, as a lot of the United States was growing and changing, economically, socially and politically. The industrial revolution shifted American movement from farming to city living due to the job opportunities that factories provided. The Antebellum period also saw a second wave of religious revivals, led by large Quaker populations in the North. This began a larger abolitionists movement, which divided the nation in two, as the South was still heavily economically reliant on the free labor that slavery provided.

## c. Slavery as an institution, the economic benefits of free labor

In order to gain a deeper understanding as to why southerners were so adamant about protecting the institution of slavery, it is integral to examine the economic factors that made slavery such a lucrative enterprise. Understanding the impact that slavery had on the American economy both provides insight into the strong southern sentiments towards forced labor and bolsters the idea that the institution provided an avenue for accumulation of generational wealth and power to white slave owners that can still be felt today. In later sections we will analyze the current economic disparities that have resulted from racist policies in the United States, which began with the institution of slavery.

Two renowned economists, James L. Huston and Japanese economist Yasukichi Yasuba famously wrote about the profitability and viability of plantation slavery in the United States. In the article “Property Rights in Slavery and the Coming of the Civil War” Huston uses the example of the cotton industry. Cotton in the United States was considered a “cash crop” which means that it was produced for its significant commercial value. Cotton production was an incredibly labor-intensive crop, because tending, planting and harvesting required a large workforce. Plantation owners who used slaves as an exploitative and free work force were able to sell cotton at a significantly low price, allowing them to be extremely competitive within the global market (Huston,1999). Cotton was not the only cash crop that was produced in the south using slave labor. Tobacco, sugar and coffee were other crops that southern plantation owners harvested and sold at incredibly competitive rates.

In Yasuba's article "The profitability and viability of plantation slavery in the United States", the author provides a nuanced and detailed explanation on the profitability that slavery had during the antebellum period of American History as an economic system. The author uses economic data at the time such as, current price of labor, cost of land and equipment and the productivity of cash crops at the time (Yasuba, 1950). While the article proves the significant profitability of slavery, the author sheds light on how ethically unjust it is for a nation to boost economic profit on the exploitation of an entire group of people.

#### iv. Emancipation

On September 22nd, 1862, President Abraham Lincoln issued the Emancipation Proclamation which declared that as of January 1st, 1863, the enslaved people in the states who were, at the time, engaged in the rebellion contra the Union "shall be then, thenceforward, and forever free<sup>6</sup>." While this proclamation shook the nation, it did not free all of the approximately 4 million men, women and children enslaved at the time. Because this was an effort by Lincoln to preserve the Union, the proclamation specifically freed the slaves who were in the Confederacy and not those in the border states who remained loyal to the Union. The book "The fiery trial: Abraham Lincoln and American slavery" explains that while this was completely a strategic war-time measure, Lincoln did set the stage for how Reconstruction era America would look like, and bolted down his view on slavery (Foner, 2011). It also strategically shifted the focus of the Civil War from one of preserving the Union to a struggle to end slavery.

#### v. Jim Crow and the policing of Black people

Following Emancipation came Reconstruction of the United States. Politicians who once rode for the cause of "protecting Black Americans" abandoned that mindset in the name of healing wounds between the North and the South. As slaves slowly began to be freed, a new order was required to maintain white supremacy. Jim Crow laws were developed with the goal of controlling the Black movement and upward mobility within societal standards. These laws, while primarily issued through state and local governments, separated Black Americans from whites in schools, housing, jobs, and

---

<sup>6</sup> The Emancipation Proclamation, National Archives.



public gathering places etc. This reflects the overwhelming sentiment of the time; that Black Americans were still an inferior class to white Americans.

A clear example of the prioritization of white supremacy over Black protection was the denial of Black men's vote. Directly following emancipation, in the 1890s, southern states issued literacy tests, poll taxes and whites-only Democratic Party to complicate the voting process for Black voters. The Smithsonian Museum of National History explains that "The laws proved very effective. In Mississippi, fewer than 9,000 of the 147,000 voting-age African Americans were registered after 1890. In Louisiana, where more than 130,000 Black voters had been registered in 1896, the number had plummeted to 1,342 by 1904." (2019).

In addition to the blatant intention to keep Black Americans as a subsector of society and uninvolved in local politics, the Klu Klux Klan was also established during the Reconstruction Era, to continue oppression and the intimidation of Black Americans. Other lesser-known groups, with similar interests of white supremacy were also founded. Such as Knights of the White Camelia and the White Brotherhood. The KKK was founded in 1865 by retired Confederate veterans who were still disappointed by the outcomes of the Civil War. To these members, the most jarring part of Reconstruction was Black emergence into public life. The KKK was dedicated to restoring white supremacy and undoing all efforts of reconstruction in the South (Fryer & Levitt, 2012) Their methods were primarily done through violence. South Carolina was a hot spot for KKK terrorism, with an infamous event being the 1871 attack of the Union County Jail where eight Black men were lynched.

Jim Crow laws, whose namesake was based on a fictional character that portrayed Black people as unintelligent or stupid, were laws instilled after slaves were freed. The Salem Press Biographical Encyclopedia defined the Jim Crow laws as "a series of state laws and codes of social conduct designed to racially segregate African Americans in all areas of life, including housing, education, and public places" (Brown, 2019). A common punishment for these codes being broken was the act of lynching. According to the Geoffrey Abbott, contributor to the Encyclopedia Britannica lynching is "a form of

violence in which a mob, under the pretext of administering justice without trial, executes a presumed offender, often after inflicting torture and corporal mutilation” (Abbot, 2019).

A Black person could be accused of a crime as, seemingly, trivial as bumping into a white woman and could be then lynched. According to the NAACP (National Association for the advancement of Colored People), 4,743 lynchings were recorded during Jim Crow (n.d). During the Jim Crow era lynchings were community events where white people would bring their kids to watch a Black body hang, lifeless as they socialized. Another aspect of the Jim Crow South that needs to be highlighted is the astronomical amount of control that white people demanded over Black people. As previously mentioned, the freeing of Black slaves instilled fear in white Americans. In the journal article *The White Man's Fear of the Educated Negro: How the Negro Was Fitted for His Natural and Logical Calling*, Litwack explains that white people believed that “for Blacks to remain ignorant and illiterate (...), invited toleration, even as whites used that ignorance and illiteracy to exploit Blacks and justify superiority” (Litwack, 1998). Black people being freed was the catalyst that drove white people into a need for control. This need for ultimate control led to the creation of the “Black Code.” According to Gary Stewart writes about Black codes in an article published through the *Yale Law Journal* and explained that they “epitomized the country's dogged efforts to retain control of its Black labor population, despite that group's nominal change in status from slaves to freedmen.” (1998). These codes made it legal to put Black citizens into indentured servitude, took away their voting rights and control whether they lived, where they sat in movie theatres and restaurants, which water fountain they drank from, how they traveled, and the ability to seize their children for labor purposes, along with a plethora of more. Though Black people were free, Black codes stripped them from so much of their freedom that the progress that the Emancipation Proclamation had was almost completely nullified.

There were several forms of dehumanization seen within Jim Crow. Specifically, with the “brute caricature”. The Jim Crow Museum of Racist memorabilia explains that the brute caricature “portrays Black men as innately savage, animalistic, destructive, and criminal -- deserving punishment, maybe death. This brute is a fiend, a sociopath, an anti-

social menace. Black brutes are depicted as hideous, terrifying predators who target helpless victims, especially white women.” We will see in future sections how the fear and dehumanization instilled during the Jim Crow era greatly subjected Black Americans to violence throughout the rest of the twentieth century.

vi. Civil Rights Movement

Jim Crow America shows that the United States was not done oppressing Black Americans immediately post their emancipation. Following the Reconstruction Era, and World War 2, Black Americans, tired of the oppressive nature of the Jim Crow era, began to join together to catalyze legal change in the American structure.

a. Brown v Board of Education

The real pushback against Jim Crow America was catalyzed by the 1951 Brown v Board of Education lawsuit. This case was issued on behalf of a Black girl not being allowed to attend an all-white school in Kansas. Oliver Brown - the girl's father - issued the case against the Kansas Board of Education. Thurgood Marshall, a major player in the fight for desegregation within American schools helped the Browns win their case in 1954 - thus commencing the desegregation of schools within the United States (Rothstein, 2014).

Following the landmark win of the Brown v. Board of Education, several school districts resisted desegregation so much that the court had to issue a second decision in 1955 demanding that school districts integrate “with all deliberate speed.” A particular case of desegregation that garnered national attention was in Little Rock, Arkansas, whose school district had been pressured on both sides of the decision. The local chapter of National Association for the Advancement of Colored People (NAACP) was adamantly for the desegregation of the district while groups such as The Capital Citizens Council and the Mother’s League of Central High School firmly stood for segregation. Per the court orders, the district allotted for a gradual desegregation of schools, starting with high schools in 1957. The first high school to have Black students registered was Little Rock Senior High School, where nine students were chosen by the head of the Little Rock NAACP chapter. The chapter held intensive counseling sessions for the Black students

over the summer, in preparation for the pushback that was to be expected by the white community members opposed to the desegregation plan.

The integration was to begin on the first day of school, September 4. However, September 2nd, 1957, the governor of Arkansas, Orval Faubus, announced that he feared that admittance of Black students into the school district would create too much violence and turbulence, and issued the decision to call on the Arkansas National Guard to stand guard on the first day of school as to not allow the Black students to enter. The following day the Mother's League of Central High School conducted a sunrise service in protest the desegregation, however later that day, the federal judge Ronald Davies issued a ruling stating that the desegregation would go as planned the following day. On September 4th, 1957, the nine students arrived at the school and were met by a mob and the National Guard, sent by the governor and were not allowed into the school. Photos of the day garnered national attention, and after two weeks of President Eisenhower attempting to persuade the governor to remove the National Guard, they were issued to stand down.

On September 23rd, the Little Rock Police department were sent to escort the students into the school and were met with a violent mob of 1,000 white community members angrily opposing the decision. The students were once again sent home. The following day the President sent 1,200 members of the U.S. Army's 101st Airborne Division from Fort Campbell, Kentucky, and placed them in charge of the 10,000 National Guardsmen on duty. On September 25, 1957, the Little Rock 9 were finally able to attend their first full day of classes. Throughout their first year, the students suffered harassment. One of the students reported being beaten, kicked and had acid thrown on her face. Another incident reported was when white students burned an African American effigy in the school parking lot. The 101st airborne stayed throughout the duration of the school year to escort the students to and from school. While the violence suffered that year was great, the Little Rock 9 played a significant role in the desegregation process of the Civil Rights movement.

b. Emmett Till

Another major event during the civil rights movement was the lynching of Black boy, Emmett Till. While lynching had been made a state crime in 1928, there was still

many racist-based lynchings within the United States well into the Civil Rights Movement. Emmett Till was an unfortunate victim of this crime. In August of 1955, a 14-year-old Emmett Till arrived in Mississippi to visit his great uncle for the summer. On August 24th, he and a couple other teenagers visited a local general store to purchase some food goods following working in the local cotton fields. Carolyn Bryant - the white woman working at the store (and wife to the owner) - rang up young Till for bubble gum. Carolyn later told her husband that Till had either touched or tried to flirt with her. Four days later on August 28th at approximately 2 in the morning Roy Bryant, Carolyn's husband, and his half-brother J.W. Milam, kidnapped Till from his home, brutally beat him up, shot him in the head and dragged his body, tied him with barbed wire to a large metal fan and dragged his body into the Tallahatchie River. When Till's body was brought back to Chicago, his mother famously opted for an open-casket funeral at the Roberts Temple Church of God. For five days, thousands of people gathered at the church to see the horrific remains of this young boy. The trial for both Roy Bryant and J.W. Milam commenced on September 19th and by then anger and indignation had filled the Black community of the United States.

At this time Black individuals and women were not allowed to serve on a jury, so Roy Bryant and Milam were tried in Mississippi before a jury of 12 white men. During the trial, Till's great uncle took the stand, which was unheard of at the time because Black individuals taking the stand and accusing white people of crimes placed them in grave danger, and positively identified Bryant and Milam as the perpetrators. After a four-day trial and 67 minutes of deliberation, the all-male, all white jury found Milam and Bryant not guilty of the kidnapping and killing of Emmett Till. To add salt to injury, a few months later in January of 1956, Bryant and Milam admitted to the crime, with the protection of double jeopardy laws, in an article in *Look Magazine* for \$4,000. This nationally recognized case was unfortunately one of many unjust trials and served as a catalyst for the rest of the civil rights movement.

In 2007, Carolyn Bryant recanted parts of her account of the brief interaction she had with Till that led to his horrific murder. In 2017, after her admission was made public in the book *The Blood of Emmett Till*, the Justice Department reopened the case and found

an old warrant for her arrest dated 1955 in the basement of the Mississippi courthouse. Till's family pleaded for the warrant to be carried out but in 2022 a grand jury decided not to indict her. This tragic case is a prime example of the control that white citizens had on Black people in the United States, and how the legal system was not set up to protect them.

c. Rosa Parks and the Montgomery Bus Boycotts

Directly following the disturbing case of Till were the Montgomery Bus Boycotts, led by Martin Luther King Jr. and catalyzed by Rosa Parks. Rosa Parks was a 42-year-old seamstress who, in her free time, worked directly with the NAACP chapter in Montgomery. At the time, Alabama was still working under Jim Crow segregation laws, which intentionally separated Black Americans from their white counterparts. Jim Crow laws in Alabama restricted Black people to inferior schools, drinking fountains, libraries and did not allow them to sit in the front of buses. Black Alabamians were forced to the back of the bus where there was a 'colored' section.

On December 1st, 1955, as she was commuting home from work, Rosa Parks was asked to give her seat to a white rider. She refused, which led to her arrest. While she was able to make bail that evening, her arrest was a catalyst for MLK and E.D Nixon to garner support for what will later be called the "Montgomery Bus Boycotts" with the demands of the desegregation of buses and public transportation within the United States. With Black Montgomerians representing 75% of the city's bus riders, the public transport system took a massive financial hit. However, it was not until June 5, 1956, that a federal court ruled that the segregation of buses violated the 14th amendment. Buses were not integrated until December 21, 1956, when the U.S. The Supreme Court upheld the lower court's decision. The boycott lasted 381 days. Throughout the entirety of the boycott, Black protesters were met with a great amount of violence, churches and homes of the boycott's leaders were bombed, with the perpetrators being members of the KKK, angered by the calls for desegregation of Montgomery public transportation.

d. Freedom Summer & the Civil Rights Act

The summer of 1964 in Mississippi became another monumental move in the fight for equal rights for Black Americans. At the time, Mississippi, like much of the South, was still very segregated. With poll taxes and literacy tests still enacted to minimize Black voter registration, less than seven percent of Black Americans were registered to vote. To combat this disproportion, a voter registration drive was conducted in the summer of 1964 with the aim of increasing Black voter registration in Mississippi. This voter registration drive consisted of 700 mostly white volunteers situated throughout the drive, with the goal of fighting off voter intimidation. According to reports of the campaign, through the 10 weeks that Freedom Summer lasted:

1,062 people were arrested (out-of-state volunteers and locals)

80 Freedom Summer workers were beaten.

37 churches were bombed or burned.

30 Black homes or businesses were bombed or burned.

4 civil rights workers were killed (one in a head-on collision)

4 people were critically wounded.

At least 3 Black Mississippians were murdered because of their support for the Civil Rights Movement<sup>7</sup>

The violence that resulted from the summer garnered so much attention, and helped convince the current president, Lyndon B. Johnson to pass the Civil Rights Act, which banned employment discrimination and made segregation illegal. The impact of the summer also led to the Voting Act, which aimed at eliminating all sorts of discrimination and intimidation at the polls.

e. Selma's Bloody Sunday

Another great motivator for the Voting Act of 1965 was Selma's Bloody Sunday. On March 7th, 1965, the Georgia's NAACP chapter, led by Martin Luther King Jr. organized a march from Selma to the states capitol to demand equal voting rights for Black Americans. The group was met by state troopers who violently beat the unarmed protesters. Again, the violence was caught on film and sent outrage throughout the country. In response to Bloody Sunday, supporters engaged in all sorts of protests

---

<sup>7</sup> McAdam, Doug (1988). Freedom Summer. Oxford University Press. ISBN 978-0-19-504367-9.

throughout the country. Weeks later a court issued an order permitting the protest, and King's group grew to 25,000 supporters who spent four days marching from Selma to Montgomery to demand voting rights. The impact of the protests has been deemed one of the most significant moments of the civil rights movement, and a large influence on the Voting Act of 1965.

#### vii. Black liberation movement and the War on Drugs and Police Brutality

Following the brutality and struggle that was the Civil Rights movement, was what was called the "Black Liberation Movement." Black liberation centered around Black Americans' desire for self-determination and an intrinsic motivation to ensure that the momentum that was established during the Civil Rights movement continued. In an article summarizing the history of the modern Black Liberation movement, Paul Saba explains the shift of focus from civil right protection to economic growth, social empowerment and Black pride. A big actor in this movement was the Black Panther political party, centered around the protection and uplifting of Black pride and culture. The Black Workers Congress (BWC) was also born out of the Black Liberation era and focused on the advocating of Black workers rights and challenging systemic racism within the American workplace.

In parallel to the Black liberation were unsettling white sentiments. The article "How White Backlash Controls American Progress" by Lawrence Glickman discusses the growing fear white communities had during the Black liberation movement. In the article, Glickman uses 'white backlash' to explain the opposition that white Americans had towards the "increased pace of African American civil-rights activism" (Glickman, 2020). This backlash was rooted in resentment and fear at the prospect of Black upward mobility. In 1968, Nixon rode on this fear and used it to fuel his platform to appeal to what he called the 'silent majority.' Nixon used racial implications to gain popularity and when he won, shifted gears to what was deemed the 'southern strategy'. The main way that the Nixon administration sought to maintain white support was through the 'War on Drugs.' In 1971, Nixon declared that drugs were to be 'public enemy #1.'



After this declaration, Nixon signed into law the Controlled Substance Act, which classified drugs into five separate ‘schedules’ and increased the prison sentence for schedule 1 drugs. There have been several critics on Nixon’s War on Drugs and in 1994, President Nixon’s domestic policy chief, John Ehrlichman verified the claims that the ‘War on Drugs’ was racially motivated.

*“We knew we couldn’t make it illegal to be either against the war or Black, but by getting the public to associate the hippies with marijuana and Blacks with heroin, and then criminalizing both heavily, we could disrupt those communities. We could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night on the evening news. Did we know we were lying about the drugs? Of course, we did.”<sup>8</sup>*

The War on Drugs continued through the 1980s when Reagan gained presidency and reshifted focus on the criminalization of drugs after the Carter administration in the 1970s. Reagan signed into law the Anti-Drug Abuse Act which required minimum sentences for certain drug offenses. This campaign was also criticized for its racist implications. For example, five grams of crack cocaine (which was more commonly found in Black communities) triggered a minimum of a five-year sentence while 500 grams of powdered cocaine (the same chemical formula as crack cocaine, however it was more likely to be found in white communities) was needed to trigger a five-year sentence. Data also shows that arrests for the suspicion of drug use were conducted significantly more in Black communities than white communities. These anti-drug policies resulted in a rapid increase in mass incarceration, with a disproportionate amount of Black people being incarcerated. While there has been a gradual scaling back and decriminalization of drug use in the United States, Black and white people continue to report to on average a similar rate of drug use, yet Black Americans are incarcerated in state prisons at nearly 5 times the rate of white Americans (Nellis, 2013).

#### viii. Modern day racism

The persistent and pervasive nature of racism in the United States is a direct result of the cumulative effects of the nation’s oppressive past. These attitudes have

---

<sup>8</sup> History.com editors. (2017, May 31). War on Drugs. Retrieved May 1, 2023, from History website: <https://www.history.com/topics/crime/the-war-on-drugs>.

compounded over time, as we have seen in this chapter, and have led to a systemic problem that can be analyzed by looking at the economic, educational and health disparities among Black Americans today. It is important to understand that racism in the United States has shifted in the way that it has been felt and understood. When the United States was born, racism was an ingrained and legally accepted social construct. Today racism is felt not only among certain social interactions, but also in the enduring inequalities faced by the Black community which can be traced to the 300 plus years of systemic oppression.

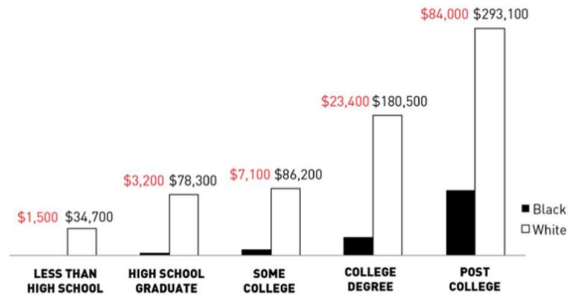
This section will delve into quantitative and qualitative literature that proves that these disparities are a direct result of the nation's racist past. In addition, I hope to shine light on the intersection of these disparities. While economic, educational and health disparities are their own separate struggles, they compound each other. For example, educational disparities, both present and past, influence the barriers to generational wealth within the Black community - which affect economic disparities. Economic disparities related to historic racist housing policies influence current access to healthy and affordable groceries which have a direct link to health disparities. It is imperative to view these disparities through an intersectional lens to ensure that effective solutions are found.

a. economic disparities

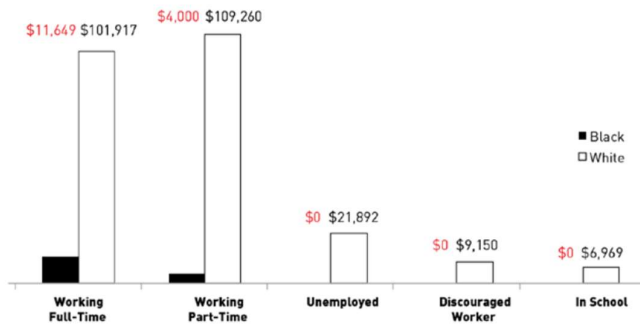
i. wealth inequalities

The Duke Center for Social Equity published (2015) an article regarding the gross disparities between white and Black families in the United States. The article touches on the idea of 'wealth starter kits' which refers to the idea that throughout American history, white families were disproportionately awarded wealth in times when Black families did not. The article discusses the fact that these inequalities date back to colonial times, when Black people were literal property to their white masters. After emancipation, when slaves were made freed, Black people were still restricted from gaining wealth through restrictive policies (as discussed in earlier sections), housing and lending discrimination. Throughout every era of American history, one can point out ways in which there have been barriers to gaining wealth. As a result, it has been extremely difficult for Black Americans to build and pass down generational wealth. The article explains that a study in 2011 found that at the time the wealth gap exceeded \$100,000 as the median Black

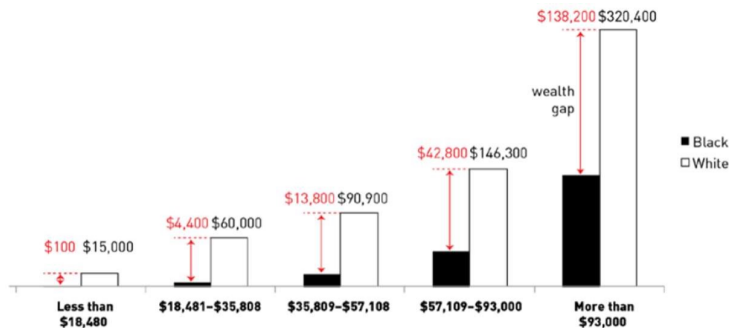
family had \$7,113 in wealth, while the median white family had \$111,740 in wealth (Hamilton et al., 2015). The article went on to tackle common claims as to how Black individuals could equalize this wealth disparity. As seen in the following figures, the data disproves that neither education, employment nor family income can fully equalize this wealth inequality.



### Education is not the Great Equalizer



### Employment is Not the Great Equalizer



### Family Income is Not the Great Equalizer

Figure 1

- ii. Redlining and other housing inequalities

Another example of economic inequality in the United States is credit redlining. Redlining is the illegal practice of denying or putting out of reach services (mostly financial, such as credits, loans, health insurances) or adding unfair terms to contracts in certain areas of a city or to a specific group of people for discriminatory reasons based on race, religion, color, sex, origin, disability, familiar status and other differences. The term comes from the red lines real estate lenders drew on maps marking predominantly Black or mixed-race neighborhoods.

After the Great Depression in the 1930s, President Franklin D. Roosevelt wanted to bring economic relief to Americans. Roosevelt's strategy was to appeal to his white audience and therefore to reactivate the economy, the federal government initiated a series of programs called the New Deal. However, the entire premise of The New Deal was to purposely segregated white Americans from Black Americans. One key part of the New Deal was that it provided incentives for white people to move from inner-city neighborhoods to the suburbs, a phenomenon now coined known as "white flight". An example of the incentives provided to white families for moving was by providing mortgage programs with specific eligibility (Adam Hayes, 2021)

As a part of The New Deal, The National Housing Act of 1934 was also established to make housing more accessible and affordable for white Americans. The primary goal of this was to further perpetuate homeowner loan segregation. The Homeowners' Loan Corporation (HOLC) introduced a neighborhood mapping system in cities across the United States called "Red Line" (as seen in Figure 2), of neighborhoods graded and color-coded into four categories based on racial grades: A, B, C, D, the latter marked red, classified as a low-income area. This system dictated how wealth would be distributed in cities, areas marked A getting the most while D getting the least. This led to Black areas, which were coded D, to be systemically underfunded.

While, in 1977, the Community Reinvestment Act was passed to prevent redlining, nothing was done to undo the damage of a decade of segregation and in fact, discrimination continued to occur. To the point that in 1996, homes in a previously redlined neighborhood were still worth less than half of what homes in neighborhoods classified by the government as "better" for mortgage lending were worth. Today, homes in Black neighborhoods are worth 25% less than those in white neighborhoods. (Adam

Hayes, 2021). This shows that while redlining was outlawed 45 years ago, the disparaging inequalities left behind because of intentional segregations can still be felt today.

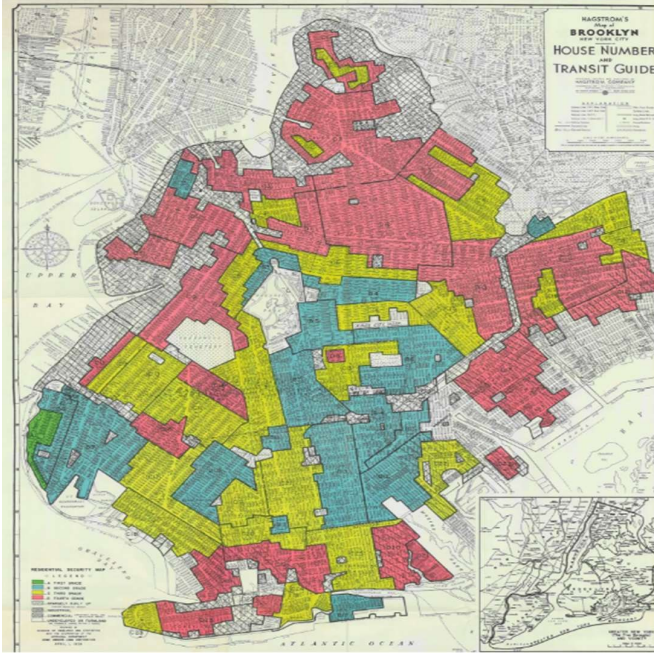


Figure 2

There have been several negative effects caused by redlining on the Black community. Because of the housing grading system, schools in Black neighborhoods are chronically underfunded in comparison to white neighborhoods and are more likely to have food deserts. Food deserts are when “access to healthy and affordable food is limited or where there are no grocery stores” (Sevilla, 2021). This lack of access to healthy and affordable food also negatively affects health disparities in Black communities. Redlining, while outlawed, continues to leave a negative imprint on Black communities as it creates the conditions for

gentrification. Bolton defines gentrification as “the phenomenon when an influx of higher income, more educated and mostly white residents move into a traditionally low-income minority neighborhood” (2022). Bolton explains that while gentrification often aides in providing physical improvements to a neighborhood such as “better access to grocery stores over mini marts, and public parks replacing empty lot” (2022), the increase in the cost of living often drives out the people who were originally living in those areas which in most cases are Black and Latino families. When considering reparations it is integral to take into account the displacement of Black people caused by historic redlining and subsequent gentrification.

b. educational disparities

Another form of disparity that can be linked to systemic racism in the United States is educational. Racism is linked to several of the main factors contributing to educational disparities, including family wealth, school funding and resources, and the

implicit bias towards the ethnicity of students. Directly tied to the redlining are the resources that have been allocated to Black schools throughout the years.

The COVID-19 pandemic was an interesting indicator on the depth of educational disparities in the United States. An article published in the Harvard Gazette explains this disparity. The article analyzed a UCLA center for neighborhood knowledge of US Census data, which makes clear the degree to which racial and economic inequality affects students' success, specifically during COVID-19. During the surge of the pandemic, access to digital resources was integral to the success of students. The study found that Black and Hispanic school aged children were 1.3-1.4 times as likely as white students to face limited access to computers and the internet (Simon, 2019). Additionally, the study found that more than two in five low-income households had only limited access. Access to proper internet has slowly become a need to guarantee success of students, and disparities in access can further the gap of educational disparities within the United States. Additionally, past educational disparities have proven to affect family wealth. Past Black generations experienced a harsher disproportion with respect to access to educational benefits, which has led to disparities in wealth in Black families.

### c. health disparities

A third form of disparities found in Black communities in the United States are those regarding health. According to a study conducted through the National Library for Medicine (Baciu et. Al, 2018) on the state of health inequities in the United States found that Black and brown communities have disproportionately higher rates of chronic diseases such as heart disease, diabetes, a higher rate of infant mortality and a lower life expectancy (2018). Additionally, the national Center for Disease Control and Prevention has reported that Black women in the United States are “two to three times more likely to die from pregnancy-related causes than white women – and this disparity increases with age.” The center claims that these disparities are due to implicit biases among the healthcare industry that affect “patient-provider interactions, health communication, and health outcomes.” Lastly, according to a report by the American Psychiatric Association, Black Americans experience a higher rate of mental health problems compared to the general population, ranging from depression, anxiety and post-traumatic stress disorder, and yet are less likely to get treatment due to stigma associated with mental illness,

distrust of the healthcare system, lack of providers from diverse racial/ethnic backgrounds, lack of culturally competent providers, lack of insurance, underinsurance (APA, 2017).

d. police brutality

A study conducted through The Chicago School of Professional Psychology, explores the connection between Black mental health disparities and the history of police brutality in the United States. According to the study, exposure to police brutality violence affects the mental health of Black Americans, specifically Black men. As seen in past sections, the over policing of Black bodies has been a prevalent narrative throughout American history. When the horrors of the brutality that policing has had on Black Americans was finally caught on film and televised, the effect that it had on both the Black communities and its supporters has been traumatic. This can be seen throughout the Civil Rights movement, and how it mobilized and motivated individuals to fight for voting and civil rights. It can also be seen throughout the 1990s, when the War on Drugs allowed for the police force to target and brutalize Black communities. Most recently, the 2020 murder of George Floyd shook the nation and continued to instill a distrust and fear towards the police within Black communities.

ix. Unanswered calls for reparations in the past

Throughout American history, there have been several unsuccessful pushes for reparations throughout US history. In 1884 a bill introduced to the Senate would have granted up to \$500 (current purchasing power of \$16,374) to all ex-slaves, plus monthly pensions up to \$15. In the 1960s there was a resurgence of the idea of reparations when James Forman wrote the Black Manifesto. This manifesto demanded \$500 million from American churches for their roles in furthering slavery (NAACP, 2022) to be given to different Black activist and community organizations. In the 1980s new calls for reparations arose after the government agreed to pay Sioux Indian Tribes \$122 million to atone for the illegal seizure of tribal lands and in 1988 for the \$1.25 billion paid to Japanese Americans for internment camps during WWII (NAACP, 2022). While these forms of reparations have been successfully rolled out, there has not been any form of national reparations for descendants of slaves in the United States.

The NAACP calls for the United States government to atone for the actions placed on Black Americans throughout the entire existence of the United States. Black Americans were enslaved from 1649 - 1865; subjected to targeted assaults, racially motivated murders, intentional economic depression throughout the Jim Crow period following the 'freedom' of slaves; and segregated and systematically oppressed throughout the early to mid-20th century and well into the Civil Rights movement.

While several policies and laws have been put into place to criminalize racism and systemic oppression, studies show that the economic depression instituted during and post slavery on Black Americans continues the cycle of poverty within several Black communities.

Several generations of white Americans have benefited greatly by the oppression and exploitation of Black people. Therefore, it is not enough for policies to be in place to ensure that cycles of poverty end, financial reparations need to be rolled out to atone - at least partially for the grave human rights violation committed on national levels to Black folks.

#### x. Local initiatives

While calls for federal reparations have been left unanswered, there are still several examples of local level reparations programs that are important to be analyzed when proposing what a nationwide reparations program should look like.

A local level example of reparations that could be used as a model for the future is one from a Chicago suburb. In 2021 the suburb of Evanston became the first US city to offer reparations to families who suffered segregation and discriminatory practices. This step will allow for a \$400,000 distribution to eligible Black residents through \$25,000 grants for home repairs or mortgage payments as a "nod towards addressing historically racist housing policies" (O'Brien, 2021). While this is a small step, it is essential in the push towards reparations as a means towards atoning for past atrocities on Black generations.



Another example is the city of Asheville, North Carolina. In 2020, the city council unanimously voted for a resolution apologizing for its past and guaranteed that next steps should be taken in regard to financial reparations for the local governments past role in slavery and oppression towards the Black community of Asheville. An NPR article on the decision read that “the reparations will not necessarily include monetary payouts but will require financial investment in a variety of programs” (Romo, 2020).

In January 2023, the city of Providence, Rhode Island, also established a local reparation initiative with a \$10 million budget aimed at rectifying the economic gap that historic Black oppression has had on Black Providence residence. The initiative is on an application basis and because it is a ‘race-based’ policy, the city is open to possibly being sued for the initiative (Abdul-Hakim, 2023).

Lastly, another example is the state of California. This initiative is still under construction; however, it would be the first state-wide reparation initiation in the nation. Currently, what has been reported is that the state has established a task force focused on studying a way to issue reparations for Black Americans. The current possibilities under this initiative include, direct payouts, investments in education and housing initiatives (Karlmanangla, 2023)

## xi. Conclusion

While this chapter provides a grim look into the historic oppression of Black Americans, it is crucial to understand the cumulative nature that racism has had on the perpetuation of their economic, social and political exclusion in the United States. While understanding how systematic and ingrained racism is in the folds of American History, the argument for why reparations are a necessary next step in national healing. Federal level reparations are a way for the nation to atone and move forward from the atrocities committed in the past and allow for a step towards restoring the economic and systemic inequities placed upon the Black community. In the next chapter we will analyze three separate case studies of other countries that have established national level reparation initiatives in order to atone for racial injustices committed in the past, to then take lessons learned and apply them back to the United States.

## Chapter 2: International Debate

### Introduction

This chapter will now shift the focus from the United States to the international debate surrounding reparation. The aim of this chapter is to explore two separate case studies of historic injustices that have occurred in different countries and then assess the reparation policies that have come from the injustices. The chapter will first follow the South African Truth and Reconciliation Committee, which was established in 1995 to examine and investigate the human rights violations which occurred during South Africa's apartheid era. The chapter will delve into the events leading up to South Africa's shift to democracy, and the successes and failures of the reparations committee. Secondly, the chapter will assess the case study of Australia's Stolen Generations reparations programs, which have been created with the aim of addressing the human rights violations in Australia from the early 1800s to the 1970s. The chapter will go into detail on the history of The Stolen Generation, which were groups of First Peoples in Australia who were forcibly removed from their homes due to racist policies enforced by the government. The chapter will address the disparities amongst the First People communities which are directly linked to the oppression that took place during the Stolen Generation era. Throughout the past two decades, Australia has attempted several forms of redress, some more successful than others. This chapter will outline a timeline of these reparation initiatives and measure the successes, failures and impact it has had on the First Peoples community of Australia. The chapter will also review the successes and failures of this reparations program, along with national and international critiques. The aim of these assessments is to compile the successes and failures of these diverse international reparations policies to provide a generalized "lessons learned" section, which will aid in the recommendation section that chapter three will later cover. Additionally, the chapter will analyze actors that were necessary in the success of each reparations policy. Both local and international actors, such as civil societies, grassroots actors, government officials, and international actors such as the United Nations Working Group of Experts on People of African Descent.

While no reparations initiatives have ever been perfect, the goal of dissecting the successes and failures of each will allow for the betterment of future reparation policies along with the construction of recommendations for current initiatives.

## Exploring the Relevance of South Africa and Australia as Comparative Case Studies for Reparations in the United States:

Prior to examining both the South African and Australia case study, it is important to analyze their relevance to the debate on the feasibility of US reparations. This section will explore this relevance by defending the similarities that South African and Australian reparations have to the US case study along with analyzing structural differences amongst the three cases in order to provide a nuanced perspective.

### Comparison 1: history of colonialism and exploitation of Black and indigenous peoples

A major comparison in the case studies of South Africa and Australia is their history of colonialism that resulted in exploitation of Black and indigenous peoples. In Australia, British colonists exploited the Indigenous population, displaced them from their tribal lands and perpetuated a system of oppression and racism that has still left disparities to present day Australia. Similarly, South Africa has a history of oppression rooted in their past with colonialism. As this chapter will cover, South Africa's racist past against nonwhite individuals led to exploitation and land removal and eventually progressed to racist policies being legalized under apartheid.

### Comparison 2: history of systemic discrimination and oppression of Black and indigenous peoples

In addition to the similarities in the two countries' history of exploitation and colonialism, another reason why South Africa and Australia are good academic comparisons to the United States in the debate for reparations is the effect that this exploitation has had on present day descendants of Black South Africans and indigenous Australians. As discussed in the first chapter, Black Americans suffer from several disparities, ranging from social, economic and educational. In this chapter, we will delve into how both Black South Africans and indigenous Australians have suffered from similar disparities due to their individual history of colonialism and oppression.

### Comparison 3: implementation of reparation programs with the goal to address oppression and injustices.

A third reason why South Africa and Australia are relevant and comparable to the US case study in the context of racial reparations is due to their past implementation of reparation programs dedicated to addressing and redressing their history of racial injustices. This fact will aid in furthering the debate for reparations as it will provide a clear perspective on the nuances of rolling out reparations targeted to repair damages incurred due to historical injustices.

Comparison 4: history of challenges in implementing effective reparations programs. Additionally, both Australia and South Africa have had their history of challenges and successes in implementing reparations programs, which make them relevant case studies to examine when assessing the feasibility and effectiveness of potential reparation programs in the US as the challenges faced by South Africa and Australia could potentially mirror the ones the US may face with any future reparations policies.

Structural difference 1: historical injustices are different.

While the overarching definition of ‘exploitation’ and ‘oppression’ work for both the South African and Australian case study along with the hypothetical US case, it is important to take a nuanced look at the differences in the historical injustices suffered by Indigenous Australians, Black South Africans and Black Americans. Chapter 1 covered the progression of Black oppression which is unique to the United States, the creation of the Virginia and subsequent colonies show inherent steps taken to continue the subservience of Black enslaved peoples. Enslaved Africans were brought to the United States specifically for exploitation, starkly different from the British settlers' exploitation of indigenous Australians who were already living on the land that the settlers colonized. This translates differently when reparations are being debated, as land rights come a lot more into play in Australia’s case rather than in the United States. South Africa provides a solid balance between the two cases as the settlers of the Cape Colony both displaced indigenous South Africans along with brought enslaved peoples from other parts of the continent for purposes of exploitation. The final chapter will cover the recommendations for a potential US case study, taking into consideration the historic differences between Australian, South African and American racial injustices. Lastly, the way these historical

injustices are also viewed differently in all three case studies. For example, the Australian case implied a genocidal output, as seen in Tasmania while in the United States this was rarely expressed except for extremists' views. Black oppression in the United States was rooted in exploitation while in Australia and in Some of South Africa it was rooted in eradication.

#### Structural difference 2: legal and political differences

A third difference that will be taken more into depth in the final chapter is the legal and political differences between the three nations. Reparation policies evaluated in this paper have happened on all levels of government which means that the legal structure of the three countries must be considered when providing recommendations to the United States case.

#### Structural difference 3: demographic makeup of country

A third important difference amongst South Africa, Australia and the United States is their demographic makeup. This makeup differs in several ways including race and ethnicity and these differences have an impact on the way reparations policies are rolled out in each. South Africa has a majority Black population with a minority of white, Indian and mixed raced individuals. On the other hand, Australia has most of the population that is of European descent with a smaller percentage being of Aboriginal descent.

#### i. Case study 1: Australia's stolen generation

##### a. Historical overview of Australian Indigenous oppression

While rock engravings in South Australia suggest evidence that the aboriginal community has been in Australia for approximately 45,000 years, British occupation started in Australia in 1788 when a British fleet, now known as the 'First Fleet' arrived in the country. It is estimated that at the time of this fleets' arrival, 750,000 Aboriginal people inhabited the island continent (Aboriginal Heritage Office). The First Fleet was commanded by Captain Arthur Phillip, who was determined to establish a penal colony for Great Britain and take control of the land of Australia for settlements. This excerpt from a diary of Watkin Tench, an officer of the first fleet conveys the negative view that Europeans had on Aboriginal societies:

*“It does not appear that these poor creatures have any fixed Habitation; sometimes sleeping in a Cavern of Rock, which they make as warm as a Oven by lighting a Fire in the middle of it, they will take up their abode here, for one Night perhaps, then in another the next Night. At other times (and we believe mostly in Summer) they take up their lodgings for a Day or two in a Miserable Wigwam, which they made from Bark of a Tree. There are dispersed about the woods near the water, 2, 3, 4 together; some Oyster, Cockle and Muscle (sic) Shells lie about the Entrance of them, but not in any Quantity to indicate they make these huts their constant Habitation. We met with some that seemed entirely deserted indeed it seems pretty evident that their Habitation, whether Caverns or Wigwams, are common to all, and alternatively inhabited by different Tribes.”<sup>9</sup>*

The European negative view of aboriginal life was ignorant and far from the reality. Aboriginal people had developed skills and wisdom throughout their thousands of years on the continent. Aborigines had a ‘kinship’ to the natural resources of the continent, meaning that their lifestyle was adapted to the resources provided by their environment. Their culture is and was focused on their duty to protect the land and animals, and therefore had fruitful and peaceful relationships with nature (Aboriginal Heritage Office, ND). When British settlers arrived on the continent, they brought conflict and a lack of understanding, which led to food shortages and disruption to the ecosystem. The settlers depleted the fish population by netting oversized catches, unsustainably hunted kangaroos, destroyed the land, and polluted the water, leaving the Aboriginal close to starvation.

In addition to the ignorance that European settlers brought to the country, they also arrived with a disease which greatly affected the Aboriginal population who had, until this point, been completely isolated from the rest of the world. Their bodies had not built resistance to viruses such as smallpox, syphilis and influenza. Within one year of the European settlement, over half of the Aboriginal community had died from smallpox (Aboriginal Heritage Office).

Similarly, to the way that British settlers in the Americas viewed indigenous and African slaves, British settlers in Australia viewed Aborigines as a subhuman species - akin to kangaroos, emus and dingos. An excerpt from Bishop Polding, a settler, describes

---

<sup>9</sup> Aboriginal Heritage Office. (2022). A Brief Aboriginal History. Retrieved from Aboriginal Heritage Office website: <https://www.aboriginalheritage.org/history/history/>.

the disturbing view held by several Europeans living in Australia in the mid - 19th century regarding the treatment of Indigenous Australians.

*I have myself heard a man, educated, and a large proprietor of sheep and cattle, maintain that there was no more harm in shooting a native, than in shooting a wild dog. I have heard it maintained by others that it is the course of Providence, that Blacks should disappear before the white, and the sooner the process was carried out the better, for all parties. I fear such opinions prevail to a great extent. Very recently in the presence of two clergymen, a man of education narrated, as a good thing, that he had been one of a party who had pursued the Blacks, in consequence of cattle being rushed by them, and that he was sure that they shot upwards of a hundred. When expostulated with, he maintained that there was nothing wrong in it, that it was preposterous to suppose they had souls. In this opinion he was joined by another educated person present.<sup>10</sup>*

In the excerpt, Bishop shows the religious-based sentiments of the times, which placed indigenous Australians below Europeans. He justifies their genocide as a natural process from God, and uses the fact that clergymen shared that same belief as justification for his own killing of Indigenous people (Aboriginal Heritage Office). These sentiments of the Indigenous communities living in Australia at the time laid a dangerous groundwork for the relationship that white settlers would continue to grow upon in the coming years. European settlements devastated thousands of years of culture in less than a decade and left Aboriginal people at the mercy of white settlers. This was just the beginning of a long future of oppression between the white and Indigenous peoples of Australia.

b. Nineteenth century

As explained in the previous section, Indigenous families have suffered violence from British settlers since the very first days of European occupation of Australia. The violence over the conquering of land, food and water resources set the stage for race relations in the nineteenth century. Throughout the nineteenth centuries, settlers also turned to kidnapping indigenous children as a means for cheap, oftentimes free, labor. As a result, any European on or near the frontier were able to acquire a personal servant regardless of their social status in Europe (Reynolds 1990 page 169, quoted by the Australian Human Rights Commission). The government also used religion to justify the

---

<sup>10</sup> Bishop Polding, 1845

removal of Indigenous children from their families. Their motives were to inculcate European values and work habits in children, who would then be employed in service to the colonial settlers' (Mason 1993, page 31, quoted by the Australian Human Rights Commission). Like colonial Virginians' perspective of saving lost souls, settlers in Australia took similar approaches when removing Indigenous children from their families. In 1814, the then governor, Macquarie founded the first school for Aboriginal children. While at first it seemed as though an appealing option for the Indigenous communities, it quickly was unveiled to be focused on distancing children from their culture and communities as a way to gain control over future Aboriginal generations.

In 1837, word on the conflict between the British and indigenous communities got back to mainland Great Britain, and a committee was placed to examine the treatment of indigenous peoples in the country. The committee selected was named the "British Select Committee." This committee proposed the establishment of a 'protectorate system' explaining that 'the education of the young will of course be amongst the foremost of the cares of the missionaries; and the Protectors should render every assistance in their power in advancing this all-important part of any general scheme of improvement' (Victorian Government final submission, page 25 quoted by the Australian Human Rights Commission). This protectorate was based on the implied idea that the Indigenous people of Australia would willfully establish self-sufficient communities on separate areas modeled after English villages and that they would agree to not interfere with the land claims of the colonists.

When this way of 'protecting' the Aboriginal people did not work, the government shifted to a new way of dealing with the communities. This was to reserve land for the exclusive use of Indigenous peoples and assign responsibility of their health and welfare to a Chief Protector. By 1911, The Northern Territory of Australia and every state excluding Tasmania had similar legislation which gave the Chief Protector exclusive power to control the movement of Indigenous people. Several states had legislation that went so far as to give the Chief Protector legal guardianship of all Aboriginal children, directly displacing the rights of Indigenous parents. At the local levels, missionaries and appointed officials were delegated to manage reserves with the help of government



subsidies. Enforcement of these legislation was the responsibility of ‘protectors’ who were usually police officers.

The control of Indigenous people, veiled under the name of protection, was extremely aggressive, including the monitoring of their entry and exits from reservations. The ‘protectors’ also kept children housed in dormitories, separated from their families in order to maintain a maximum amount of control over the community. To further distance the Indigenous people from their culture, the reservations were run with a focus to distance them from their Aboriginal beliefs and harshly encourage conversion to Christianity (AHRC, 1997). An exception to this protectionist trend was Tasmania because by the turn of the century most Indigenous families had been removed from the state, meaning that Tasmania was fairly segregated from Indigenous communities. The state government claimed that it did not have an Aboriginal population until the late 1960s.

By the late nineteenth century, it was clear that a new racial group was beginning to emerge, mixed individuals of both European and Aboriginal blood. This prospect catalyzed the governments to force them to join the workforce as opposed to them relying on government rations. This intention was geared towards satisfying the needs of developing Australia’s economy with cheap labor. A challenge for white Australians, was that it was extremely difficult to distance mixed descent children from their Indigenous families and culture (AHRC, 1997). Family bonds in Aboriginal communities were hard to break, and Indigenous people did not identify as European regardless of how much European ‘blood’ they had.

Chief Protector of WA was quoted in Brisbane’s Telegraph newspaper discussing the goal of assimilation. The quote highlights the true mission of ‘protectionism.’

*“Mr. Neville [the Chief Protector of WA] holds the view that within one hundred years the pure Black will be extinct. But the half-caste problem was increasing every year. Therefore, their idea was to keep the pure Blacks segregated and absorb the half-castes into the white population. Sixty years ago, he said, there were over 60,000 full-blooded natives in Western Australia. Today there are only 20,000. In time there would be none. Perhaps it would take one hundred years, perhaps longer, but the race was dying. The pure-blooded Aboriginal was not a quick breeder. On the other hand, the half-caste was. In Western Australia there were half-caste families of twenty and upwards. That showed the magnitude of the problem”<sup>11</sup>*

---

<sup>11</sup> Brisbane's Telegraph newspaper reported in May 1937

Mr. Neville's view catalyzed government discussions on the optimal age for the forced removal of children. At a Royal Commission meeting in 1913 in South Australia, officials within the protectorate branch debated whether the child should be removed at birth or at two years of age. Each Chief Protector operated differently in officiating the removal of Indigenous children, however all 'protectionist' legislation was used 'in preference to general child welfare legislation to remove Indigenous children.' (AHRC, 1997) This made it simple for government officials to remove Indigenous children as they did not have to establish to a court's satisfaction that the child was neglected. In Queensland and Western Australia, the Chief Protector enacted their protectionist to forcibly remove all Indigenous people into large government settlements, removed all children from their mothers at age four and forcibly placed them in dormitories and then at age 14 sent them off to work. Indigenous girls who happened to become pregnant would be sent back to dormitories to have their child and then the removal process would occur again.

In addition to these horrors, Indigenous girls were targeted most for removal and sent to work as domestic servants in white households. This both satisfied the demand for cheap domestic labor, several government officials justified this exploitation by claiming that forcing Indigenous to work such long hours would curb them from their 'sexually promiscuous nature' a trait attributed to them through racist and religious based propaganda (AHRC, 1997).

Another similarity between early American ways of controlling enslaved Africans and the White Australian control over Aboriginals was the way in which they adjusted policies to maintain their dominance, often using violence and intimidation. These systems thrived off the dehumanization and exploitation of the oppressed group. An example of this was seen in a separate method that Australian officials had of forcing people of mixed descent away from their culture and into non-indigenous societies. The tactic was to adjust the definition of 'Aboriginality' within protection legislation. These changes varied throughout the state's different protection legislation, and an analysis on the definition of Aboriginality has found more than 67 definitions among 700 pieces of historic legislation (McCorquodale 1987 page 9, quoted by the Australian Human Rights Commission). These changes limited reservation spaces and the government sanctioned rations to people who had lower than a stipulated proportion of European blood. Those with over the

proportion were forced out of the Aboriginal camps and forced to assimilate into European culture in Australia. This legislation that forced the assimilation of mixed-raced Aboriginals took no account of the discrimination that the Aboriginals would face in white communities. When taken off government sanctioned welfare programs and forced to sustain themselves in white dominated spaces, mixed Aboriginals were unable to find work due to discrimination (AHRC, 1997). They were forced to live in underdeveloped towns on the outskirts of reservation settlements, later in this section we will delve into the health, economic and social disparities that Indigenous Australians have faced present day as a result of these forced resettlements and familial separations.

As seen in this previous section, motives behind white officials pushing for assimilation were not intended to protect Aboriginal communities, though they claimed to be. The goal was to ensure the phase out of the race, and this was due to pure racism and ignorance. The comparison between the Black oppression in the United States and Aboriginal oppression in Australia is a helpful way to view the ways in which systems of control use policies to enforce institutions of exploitation, especially in regard to the economic benefit that such exploitation brings to a new nation. Such similarities allow us to take a look into the ways in which Australia has found ways to address and redress the oppression, analyze important actors in these reparation policies and evaluate the successes, failures and critiques to then give recommendations in ways that future international reparation policies can provide intersectional policies that close gaps within disparities caused by past oppression and discrimination.

c. Disparities seen today, effects of historic oppression.

Due to the years of colonialism and oppression, present day analysis on the state of Indigenous Australians show clear disparities - including economic, social and health. This section will delve into the disparities that the Indigenous communities of Australia face, to then get a better understanding on why there is and was a need for reparations.

1. Disproportionate representation in the criminal justice system

According to the [Australian Institute of Criminology](#) on Indigenous peoples and the criminal justice system, Aboriginal people represent 3% of the population, yet more than 29% of Australia's prison population are Aboriginal. The over policing of Aboriginal

people stems from several factors including socioeconomic disadvantages, historical and ongoing discrimination (ALRC, 2018). The institute also provides data on the theory of ‘over representation’ or more specifically ‘disproportionate representation’ within the criminal justice system. Meaning that the data show that Aboriginal people within Australia are more likely to be charged more frequently and with harsher sentences when compared to non-Aboriginal people for the same offenses. Studies have also shown that due to this higher policing Aboriginal people are up to 20 times more likely to be arrested than non-Aboriginal people. An even more troubling statistic shows that nationally, Indigenous youth are 17 times more likely to go to prison than non-Indigenous youth, and even further research into charges show that Indigenous youths are charged more severely than non-Indigenous youth charged with the same offense (MC, 2022). A report in 2017 showed that 100% of youth detention in the Northern Territory was Indigenous, despite the Indigenous population making up 30 percent of the entire population. Indigenous youth and adults are also more likely to face violence and harassment by the criminal justice system which has led to severe distrust and friction with local police (MC, 2022). This disparity stems from discrimination as a result of the historic oppression that Aboriginal people face within Australia.

## 2. Health disparities

Aboriginal people in Australia also suffer from health disparities due to systematic oppression. According to the Australian Human Rights Commission on the social determinants of the health of Indigenous peoples in Australia, the health status of Australia’s Indigenous population is poor in comparison to the rest of the Australian population (AHRC). This includes a 17-year gap in life expectancy, and an age specific death rate that is twice as high as non-Indigenous peoples. Additionally, the AHRC also notes that Indigenous peoples have less opportunities to be healthy when compared to non-Indigenous Australians. This is linked to the socioeconomic disadvantages experienced by Indigenous Australians which place them at greater risks of exposure to behavioral and environmental health risk factors. The inequalities in the health status of Indigenous Australians is directly linked to systemic discrimination, The Royal Australasian College of Physicians explained that health inequalities amongst Indigenous Australians are ‘both avoidable and systematic’(2005). While several initiatives have

been made to address the barriers to health access in Indigenous communities, they have yet to be eradicated making it difficult for Indigenous Australians to have full enjoyment of their right to health.

### 3. Educational disparities

In addition to over policing and health disparities, Indigenous communities in Australia also encounter several barriers to proper education. This section will go over data found through the National Indigenous Australians Agency (NIAA) on educational disparities among Indigenous communities in Australia. The figure below shows the difference in school retention rates among Indigenous and non-Indigenous students.

The NIAA explains that rates of school retention and attainment are important markers of education outcomes amongst the Australian population. According to the data in 2021, Indigenous retention rates from Year 7 or 8 (depending on jurisdiction) to year 12 was 59% compared to 89% for non-Indigenous students. Between 2012 and 2021 “national apparent retention rates of full-time Indigenous students increased in each of the measured school year groups. The Year 7/8 to Year 12 rate for Indigenous students increased by 7.9 percentage points to 59%. In the same period, the Year 7/8 to Year 12 rate for Other Australian students increased by 3.2 percentage points to 84.5% “(NIAA). While the gap is narrowing, it is important to analyze the factors that cause this gap in retention. Research has shown that some of the main drivers in leaving school prior to graduation are “work aspirations, low interest in schoolwork, and welfare and personal needs.” However, the relationship between schools and their students also plays a major role. A majority of the Indigenous students who leave school early are from low-income families because parents from socioeconomically disadvantaged backgrounds tend to have limited education or bandwidth to participate in tasks that children bring back from school when compared to other families. As disadvantaged students' academic performance weakens in comparison to their peers, patterns show a shift in being more interested in work related activities and skills rather than academic skills. Studies have also shown that another factor in Indigenous students having a lower retention rate is due to reports of discrimination both by school administration and by their peers. Another study has found that even when background characteristics are controlled (such as socioeconomic status

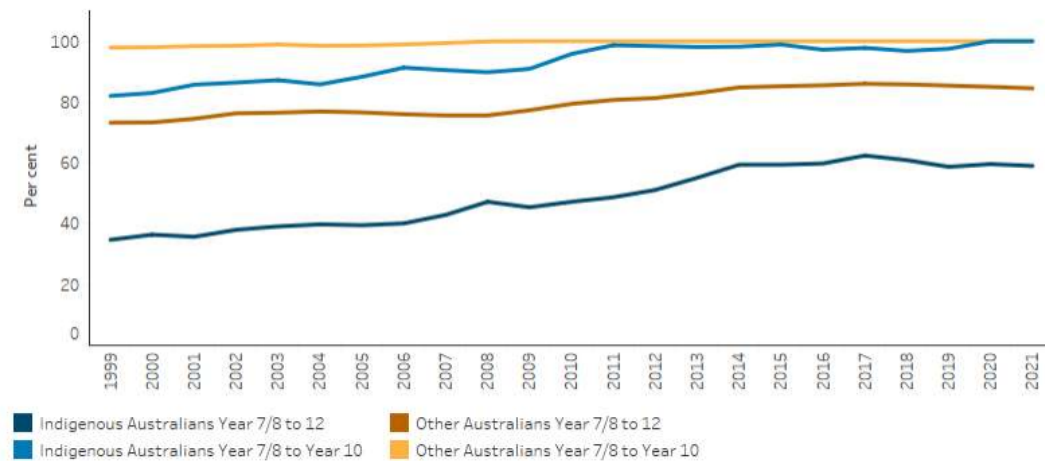


Figure 3

and remoteness) disparities in educational retention remained amongst indigenous and non-indigenous Australians.

#### Housing disparities & climate change

The medical journal of Australia published a report on the climate and housing effects on Indigenous health. This call to action analyzed the growing disparities caused by historic displacement of Indigenous Australians and climate change. The convergence of excessive heat, poor housing, energy insecurity and chronic disease has reached a level that is extremely critical to the health and prosperity of Indigenous Australians.

The summer of 2019 - 2020 was 4°C about the long-term average in the Northern Territories. The town of Katherine previously averaged 6 days per year above 40°C, however in 2019 it experienced 56 days above 40°C (Quilty, Jupurrurla, Bailie, & Gruen, 2022). This excessive amount of heat affects those in low-income areas and with chronic diseases the most, especially for those who depend on heat sensitive medication such as insulin. Documentation on the association between health and housing qualities within remote indigenous communities show that ‘health hardware’ such as refrigerators are necessary for healthy living (Quilty, Jupurrurla, Bailie, & Gruen, 2022). However, the last major survey of Indigenous housing quality was performed over two decades ago, which showed that more than half of remote households did not own a refrigerator. Additionally, building codes provide almost no protection for residents against environmental dangers. The Northern Territory has a two-tier building code legislation with more requirements for urban areas rather than rural areas. However remote homes

outside of the two tier have little to no requirements. As a result, many Indigenous homes lack basics such as, “appropriate passive cooling design, structural integrity, insulation in ceiling cavities — and poor-quality housing fiercely exacerbates energy poverty” (Quilty, Jupurrurla, Bailie, & Gruen, 2022). The lack of building codes and housing standards along with climate change has exacerbated housing disparities amongst Indigenous communities in Australia. Indigenous communities are pleading for the local and state governments to enact policies which protect all Australians from the disparities caused by oppressive displacement and climate change.

Economic growth within the Indigenous communities within Australia is heavily impacted by the disparities mentioned in this section, as they create significant barriers to achieving economic prosperity. The next section will analyze the reparation initiatives enacted throughout Australia’s history to gain better understanding on where Australia is with respect to closing the gap between Indigenous and non-Indigenous communities.

#### d. Analysis on the successes and failures of Australia’s reparation initiatives

As explained in the previous sections, the long history of the oppression of Aboriginal peoples in Australia has perpetuated several health, educational, social and economic disparities amongst the Indigenous communities today. To close the gaps, several local, international and governmental organizations have implemented and supported a range of policies and initiatives aimed at repairing these disparities - albeit with a range of critiques and levels of success for each one. These reparation policies have included measures to promote reconciliation, both emotional and financial, improve the access for Indigenous healthcare, aid in educational and employment opportunities. Initiatives are also geared towards the preservation of Aboriginal culture along with community development. This section will analyze the various nation and state-wide initiatives, their successes and critiques. I will also examine the impact each initiative has had on the Aboriginal communities and the disparities they have.

Lastly, the section will delve into the organizations involved in the creation, endorsement, implementation, adoption and promotion of these policies. It will provide a list of the civil society, non-governmental and local organizations that provided on the

ground support in order to better analyze the proper effort needed to roll out a successful reparation's effort. This is to ultimately garner research to later develop replicable steps to implement in cases such as the United States that have yet to implement nationwide reparations in response to the violence Black people suffered throughout the entirety of American history.

#### 1. The recognition and protection of Indigenous land rights, 1976 - 1993

The first of federal initiatives to repair was a push towards the recognition and protection of Aboriginal land. The first legislation in Australia that enabled First Nation peoples to claim land rights where traditional ownership could be proven was in December of 1906 with the signing of the Aboriginal Land Rights act in the Northern Territory of Australia. Specifically, this act granted Aboriginal in the Northern territories the right to claim and own land based on proven traditional connections to the land. Through the act, the role of Aboriginal Land Commissioner was established, whose role was to investigate land claims made by indigenous communities. Thirdly, the act established the Aboriginal Land Trust, which was enacted to manage and hold the land that was granted to the Indigenous communities. It also provided financial support and compensation for all loss of traditional land along with assistance when developing land newly guaranteed Following the Aboriginal Land Rights Act of the Northern Territory of 1976, a following push towards land protection was the Native Title Act of 1993 (AIATSIS, 2020). This Act was established in order to set a process for the recognition of native title rights, along with the right to negotiate over traditional land development. The act stated four main objectives:

1. To provide for the recognition and protection of native titles.
2. To establish ways in which future dealings affecting native title may proceed and to set standards for those dealings.
3. To establish a mechanism for determining claims to native title.
4. To provide for, or permit, the validation of past acts, and intermediate period acts, invalidated because of the existence of native title (AIATSIS, 2020).

The establishment of this act came with the additional establishment of the National Native Title Tribunal. This tribunal was created to conduct enquiries, mediate and assist groups with native title applications and Indigenous land use agreements. The



act also has jurisdiction to the Federal Court to manage native title recognition applications along with assisting in accessing land claimed as native lands. The Native Title act also states that when a native title determination is made, the holders must establish a corporation called Prescribed Bodies Corporate (PBC) for the managing and protection of native title rights and interests. The name 'prescribed bodies' is because they have prescribed obligations under the Native Title Act, including a requirement to incorporate under the Corporations (Aboriginal and Torres Strait Islander Act) 2006 (CATSI ACT). Additionally, all PBCs must register with a National Native Title Tribunal, to ensure clarity that it is a corporation that manages a native title. The PBC have several jobs in relation to the title on behalf of the title holders, including:

- future acts (proposals for work that will affect native title)
- Indigenous land usage agreements (ILUAs - negotiations between governments, companies and the PBC about future developments on the land)
- exercising, negotiating, implementing and monitoring native title agreements consulting with native title holders
- consulting with and considering the views of relevant native title representative bodies (NTRB) and native title service providers (NTSP) for an area regarding native title decisions.
- compensation
- bringing future native title application cases in the Federal Court (PBC, 2021)

Additionally, PBCs are also encouraged to be involved in community activities such as economic development, cultural projects and training and employment.

According to section 52(1) of the Native Title Act, native title holders are entitled to compensation for activities which “diminish or damage their native title rights and interests”<sup>12</sup> The compensation is only payable for acts which occurred on or after the 31st of October 1975, when the Racial Discrimination Act (RDA) of 1975 came into effect. The RDA made it illegal for discrimination on the basis of race, color, descent or national or ethnic origin, which makes laws discriminatory against native title holders illegal. Only a few compensation claims have been made to court. Griffiths v Northern Territory of

---

<sup>12</sup> Native Title Act 1993 (Cth) s 51(1) (NTA)

Australia, signed in 2016, was the first compensation case and was the most important native title decision since the *Mabo and Others v Queensland* case of 1992 (AIATSIS, 2020). The reason for its importance was because it produced detailed guidance on how compensation is calculated, it also “suggests that total liability for past acts of extinguishment and impairment of native title rights may be very large” (AIATSIS, 2020). The case resulted in the Ngaliwurru and Nungali peoples being awarded \$2,530,350 for losses suffered by the damage and extinguishment of their native title in the town of Timber Creek in the Northern Territory. The court awarded compensation both based on the economic loss (which was calculated by reference to the freehold value of the land) and cultural loss (specifically on the spiritual or religious hurt caused by past acts). The act also awarded interest on established economic loss. There have been several direct impacts of these acts and policies, the section will now shift to analyze these positive and negative impacts along with the organizations responsible for the establishment of the initiatives.

## 2. Aboriginal Land Rights (Northern Territory) Act:

As previously mentioned, this act was the first legislation in Australia that enabled First Nations peoples to claim land rights for Country where traditional ownership could be proven.

### *Achievements*

There were several successes from this significant piece of legislation. Firstly, it was successful in returning land. Since the act came into play in 1976, over 50,000 square kilometers of land within the Northern Territory have been rightfully returned to Indigenous ownership (NLC, 2021). Secondly, the act has provided economic development. According to the Northern Land Council, the act has enabled Indigenous peoples to use their land for development such as tourism, mining and agriculture. This has created jobs within the Indigenous communities and has stimulated their economic growth. Thirdly, the act has helped preserve Indigenous culture within the Northern Territory. The Australian Human Rights Commission noted that the act helped in this preservation by giving Indigenous people control over traditional lands which in turn has allowed them to protect sacred sites. This preservation will aid in the culture community

building of future Indigenous generations. A third success of this Act was the catalyst it had on other states to enact similar policies. After the Northern Territory act, all states but Tasmania enacted some form of land protection policy. Queensland's government passed the Aboriginal Land Act in 1991, this act enabled Indigenous people to claim unallocated Crown land and allows for the transfer of freehold titles to traditional owners (Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships, 2023). West Australia passed the Aboriginal Heritage Act in the 1970s, which sought to provide legal protection for Indigenous heritage sites and artifacts. The Victorian government passed the Traditional Owner Settlement Act in 2010 which established a framework for dealing with land claims filed by Aboriginal communities within the state.

Lastly, the Australian Human Rights Commission also credits this act in furthering Indigenous rights to self-determination. The Commission recognizes that through their ratification of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR), that Australia is bound by Article 1 of both Covenants in relation of the right of self-determination of all Australian peoples. The Aboriginal Land Rights Act was an acknowledgment by the Australian government that in order to ensure the right to self-determination to *all* Australian peoples, Aboriginal land rights must be respected. The Australian Government's Department of the Prime Minister and Cabinet has stated that the act has given Indigenous people control and economic power over their own land and resources, thus respecting their right to self-determination.

#### *Critiques:*

While there are several specific successes that came from the Aboriginal Land Rights Act, it is important to also acknowledge the critiques that the Act has garnered.

Firstly, there have been several claims criticizing the limited scope that this Act has. The Act applies solely to the Northern Territory, which means that it left Indigenous communities in other parts of Australia without the same legal protection of their lands. This oversight left Indigenous communities without the legal framework to claim their land back and did not provide them the legal protection to invest back into these communities. As previously mentioned, the Northern Territory Act of 1976 catalyzed several other similar land protections acts in each state with the exception of Tasmania.

However, without a national standard, the Aboriginal communities within Australia are not fully protected. While individual state legislation is important, as the Aboriginal need in each state varies, however a national standard would require a baseline level of land right to be respected. The states' land rights acts mentioned in the previous section all provide varying levels of support and thus result in a range of effectiveness. If there was a national framework that guaranteed the comprehension and effectiveness as the Aboriginal Land Rights Act of the Northern Territory, or the theoretical framework that the Victorian Traditional Owner Settlement Act or the protection of heritage and sacred land as the Western Australia's Aboriginal Heritage Act (and so on) the nation could more effectively protect and empower the Aboriginal communities to claim back their own land and, under the protection of the policy, would be able to effectively stimulate their economy.

A second criticism of the Aboriginal Land Rights Act of the Northern Territory is the inadequate compensation it offers to Indigenous people for the taking of their land. Specifically, when their land has been used for resource development such as mining. As mentioned earlier, the Australian Human Rights Commission claims that the compensation for the loss of traditional land is calculated under the Act based "value of the land at the time of acquisition, and may also include compensation for improvements made to the land by Indigenous people." However, several Indigenous organizations have claimed that the Act's method of calculating value does not take into account the spiritual and cultural value of the land. Additionally, a report by the Australian Broadcasting Corporation (ABC) found that mining companies offer low compensation to Indigenous peoples for the use of their lands. The report cites that the mining companies investigated were charging "20 cents per ton of ore extracted from Indigenous land, compared to market rates of up to \$5 per ton." The report also criticized the amount of time it takes for Indigenous communities to receive compensation payments. The ABC report claims that some Indigenous leaders have waited up to decades to receive their allotted compensation. The debate over the compensation of Indigenous land has been ongoing for several years. It is imperative that a national standard be rolled out in order to regularize this process, put national pressure on local governments and ensure that Aboriginal people are awarded with appropriate and timely compensation for their land.

A third critique of the Northern Territory Aboriginal Land Rights Act was its limited control. While the act does provide legal recognition of traditional land ownership, it does require the communities to abide by governmental standards - limiting the control of Indigenous communities on their own land. The result of this limited control has led Indigenous communities to feel unable to fully take ownership of their lands, leaving them frustrated and unsatisfied.

A fourth critique of the Act is its slowness in implementation. This refers to the fact that the act has faced challenges in its implementation and enforcement stages, specifically in the first decade of it being established. The Australian Human Rights Commission highlights a few challenges that were faced when implementing the act, including delays in recognizing land, inadequate funding for land management, and delays in disputes over land use and access (AHRC). One specific process that has been scrutinized within its implementation, has been the heavy burden of proof required of Indigenous people seeking to claim traditional land. This intense proof required has delayed some communities in being able to successfully claim their land.

While the Act was a significant step in land rights for Indigenous people in Australia, it is important to analyze critiques of the act, to ensure that the needs of the oppressed communities are always prioritized.

### 3. Native Title Act of 1993:

As mentioned previously, this act gave the Indigenous peoples of Australia the right to negotiate over the use and development of traditional lands. The act was a response to the 1992 Mabo decision made by the High Court of Australia. This decision overturned the previously mentioned 'terra nullius' doctrine which justified British colonization of Australia and the forced removal and exploitation of Indigenous peoples and their land. This decision finally recognized the existence of a native title, meaning that recognition of Indigenous land rights was imperative. The decision acknowledged that Indigenous Australians had been living off of the land for thousands of years prior to the arrival of British settlers, and therefore deserve the right to reclaim the land for economic and

cultural development. The trial and landmark win led to the creation of the Native Title act, to allow for a legal framework for Indigenous peoples to resolve disputes over land claims.

### Achievements

The Native Title Act came with several successes in recognizing the protection of land rights of Indigenous Australians. The Australian Human Rights Commission has recognized the title for its specific successes in land restitution, indigenous consultation, economic opportunities and reconciliation. As mentioned above, the Title Act was made to recognize the land of Indigenous Australians. This in turn enabled Indigenous people to regain ownership over the land and waters that were previously ripped away from them. This allows for greater self-determination of the Indigenous Australian communities and the ability to restore cultural practices and protect sacred sites. Regarding consultations, the Native Title Act required that the government must consult with the Indigenous peoples of Australia when making decisions that may affect their land and or waters. This framework allowed for an improvement in understanding, respect and communication between Indigenous and non-Indigenous Australians.

We can also analyze several anecdotal accounts of successes achieved through the Native Title Act. The Wajarri Yamatji people who are in Western Australia negotiated a landmark title agreement in 2013. The agreement was with mining company Karara Mining Ltd. Through the Native Title Act, the Wajarri Yamatji people were able to gain an agreement for compensation for the use of their land, as well as employment opportunities and training for the Indigenous people. According to Wajarri Yamatji leader, Doris Eaton, the agreement has enabled the community to "develop sustainable industries and opportunities for future generations" (source: ABC News). A second example of successes was in South Australia where the Anangu Pitjantjatjara Yankunytjatjara (APY) lands have used the native title to establish businesses which range from cattle stations, an art center and tourism attractions. The APY Lands chairman, Bernard Singer, explains that the community has been able to "create jobs, improve infrastructure, and deliver services" through their economic development initiatives (source: NITV News). A third example has been in the state of Victoria, where the Gunaikurai people have been able to use the Native Title to negotiate a settlement in the

state in 2010. This settlement included transfer of the land and financial compensation. This settlement package was valued at approximately \$31 million. The package included a financial transaction of \$10.5 million and a land transfer of parcels of Crown land to the Gunaikurai people which was valued at approximately \$20.5 million. Through this settlement the Gunaikurai people have since been able to establish businesses that stimulate their local economy, providing long term employment and investment opportunities for the Gunaikurai people. Another example includes the Githabul Native Title settlement of 2007, through the Native Title Act the Githabul people of New South Wales and Queensland were able to advocate and negotiate with the governments of both states. The settlement concluded with a \$15 million economic development package used to support community development within the Githabul territories. The initiatives were completely Githabul-led, which means that the economic package was able to directly fund and support land management ventures, tourism ventures and cultural awareness programs for government agencies.

### *Critiques*

While the Title Act of 1993 proved to be a big win for Indigenous land right recognition, there are several critiques of the act that should be analyzed. One will quickly be able to see similarities between the criticisms of the Northern Territory Aboriginal Land Rights Act of 1976 and the 1993 Title Act.

Firstly, there have been critiques of the limited recognition of Indigenous land rights that the act provides. The title provides legal recognition of Indigenous people's land ownership and rights, however many have scrutinized its limited amount of real land ownership the title gives to Indigenous communities. For example, the native title does not, in any place, give full ownership of land to Indigenous people and rather just recognizes their rights to use and access the land under governmental stipulations.

Secondly, another critique on the act is its length and complex legal processes it provides to Australian Indigenous communities who want to claim land rights and ownership. According to the Australian Human Rights Commission, the process of obtaining land rights often takes many years and involves significant legal costs, creating a massive

barrier to access for some Indigenous communities. The complexity of gaining land ownership often becomes a deterrent for Indigenous people to file for land ownership.

A third criticism has been surrounding the limited amount of control over land use and development. The Native Title provides Indigenous communities with some control over how their traditional land is used and developed, however this is often limited by governmental regulations, mining and resource development along with other factors. This also puts a barrier to success when guaranteeing the upholding of proper land rights for Indigenous people of Australia.

Similarly, to the Northern Territory Act of 1976, there have been several criticisms over the compensation offered for the loss of traditional land under the Native Title of 1993. Like the Northern Territory Act, Indigenous Australians have been unsatisfied with the compensation and value of land granted to them by the government.

- Native Title Act for being complex and difficult to navigate and did not provide adequate protection of land rights.
- Disputes over land development have resulted in the communities feeling as though their rights are not being respected.

#### 4. The Reconciliation Action Plans, 2006

Another reparations effort was the Reconciliation Action Plan (RAP) of 2006 was an initiative launched to promote the reconciliation between Indigenous and non-Indigenous Australians. The framework of the plan provides guidance and specific support to organizations who would like to develop and implement plans for promoting reconciliation. This initiative is completely voluntary and is for private businesses, government agencies, and non-profit organizations. The framework highlights four stages including: Reflect, Innovate, Stretch and Embed. The reflect stage encourages organizations to reflect on their past relationships with Indigenous Australians and to acknowledge the impact that colonialism and past oppressive Australian policies has had on the Aboriginal communities of Australia. The innovative stage aids organizations in developing new strategies to promote reconciliation. Examples of this form of support



include building relationships with local Indigenous-owned business and promoting Indigenous cultural awareness within the organization. The stretch stage of the framework requires the working organizations to set ambitious goals to promote reconciliation. Examples of these goals can include increasing employment opportunities for Indigenous Australians or increasing the use of Indigenous language within the workplace. The embed stage is focused on encouraging the organization to embed reconciliation into their core values and operation so that it can become an embedded part of the workplace culture. The Reconciliation Action Plan is overseen by the non-profit organization Reconciliation Australia.

### Achievements

There are several accounts in which we can analyze the success of the Reconciliation Action Plan. The Westpac Banking corporation was one of the first organizations to incorporate a RAP within its organization. To embed reconciliation into their business culture and practices, Westpac has reported an increase in Indigenous employees. In 2018 the Westpac Reconciliation Action Plan stated that by 2020 they hope to increase the number of Indigenous employees by 3%, by 2019 they had exceeded the target with Indigenous employees making up 3.2% of the workforce.

Another account of the RAP success was through the Lendlease Group, which is a global property and infrastructure company which has been implementing RAP since 2008. Through their implementation of RAP, they were able to establish a Reconciliation Action Team which has helped develop Indigenous employment and procurement strategies and has focused on cultural sensitivity training for all employees in order to create a more inclusive and safe work environment.

### 5. Close the Gap Campaign, 2006

Similarly, to the Reconciliation Action Plan, the Close the Gap Campaign was launched in order to address the health and social disparities faced by Indigenous Australian communities. The initiative was established by a coalition of Indigenous and non-Indigenous organizations and is supported by the Australian government. The initial goal for the campaign was to 'close the gap' in the life expectancy between Indigenous and

non-Indigenous Australians, which is around 8 to 10 years. The campaign is run in a 'partnership model' which means that Indigenous and non-Indigenous organizations come together and work to develop and roll out solutions to health and social disparities faced in Australia's Indigenous communities. There have been several tangible deliverables from this campaign, as will be discussed in the next section. However, the biggest achievement of the campaign was the establishment of Indigenous - led health services. The Close the Gap campaign has worked hard at addressing and raising awareness of the health and social disparities that Indigenous Australians face, and while much work remains to be done, we will continue by analyzing the successes that have been achieved through this campaign.

#### Achievements

Reported progress on the Close the Gap campaign has been relatively slow but there have been some positive outcomes reported that are important to analyze.

A focus of the Close the Gap campaign is the gap in life expectancy between Indigenous and non-Indigenous Australians. To address this gap, the campaign has homes in on promoting healthy lifestyles, improving access to primary health care services and addressing the social determinants that have contributed to the poor health outcomes of the Indigenous peoples. Through this focus the campaign has increased funding for Indigenous health services, produced awareness raising campaigns focused on healthy lifestyles, and funding for research. A second focus of the campaign is to improve access to healthcare services for Indigenous people. Research found that a big gap in Indigenous health accessibility was lack of transportation to get to health clinics. The Close the Gap initiative leaned into this problem by establishing transportation services to take people to and from health clinics. Additionally, the campaign also established mobile clinics within remote Indigenous communities to bring their health care to them. A third initiative through the campaign was to raise funding for Indigenous education initiatives. One of the initiatives supported by the campaign was the Indigenous Advancement Strategy and the Indigenous Education Strategy which were focused on attendance and retention rates at schools.

## 6. The National Apology, 2008

The National Apology was administered on February 13th, 2008, by the then - Prime Minister Kevin Rudd. The apology was on behalf of the Australian to the Indigenous people for the historical mistreatment of and violence to Indigenous Australians. The apology was particularly centered around the policy of forced removal of Aboriginal and Torres Strait Islander children from their families. Indigenous Australians and supporters gave high praises to this significant step towards healing and reconciliation. It was also praised at the international level by the United Nations Committee on the elimination of Racial Discrimination, calling it a ‘landmark moment in the struggle against racism and discrimination’ (CERD, 2008). There were, however, also critiques on the next steps after the apology. In an interview by The Age, Aboriginal leader Pat Dodson explained that “the whole issue of making good on the past including compensation for the Stolen Generation should indeed be pursued (2008). The call for financial compensation as a natural next step after the apology was a shared sentiment amongst advocates for redress for the historical injustices of Aboriginal oppression. The next section will cover the individual reparation policies of each Australian state, following the national apology.

## 7. State by state reparation efforts

Following the national apology in 2008, each state and territory of Australia has developed their own reparation efforts. While calls have been made to establish a redress scheme at the national level, the Australian government has yet to enact one specifically for the violations enacted during the decades of Aboriginal oppression throughout Australian history.

### Tasmania. (2008)

Tasmania was the first state to develop a comprehensive reparations plan following New South Wales. In 2006, the Tasmanian government enacted the Stolen Generations of Aboriginal Act, which provided a formal apology for the forced removal of children from their Indigenous homes. The act also established a five-million-dollar fund to make ex-gratia payments to Tasmanian members of the stolen generations (Olgivie, 2008\_ . The

act also allowed for deceased members of the stolen generations to be eligible for the payments. 106 people were compensated through the act.

Western Australia.(2012)

West Australia's reparations initiative was focused more on their past discriminatory wage laws. Because "until 1972 laws in Western Australia allowed employers to hold up to 75 percent of the wages of Aboriginal people in a 'complex network of trust accounts' administered by government departments" (SWRS, 2012). One workplace alone has documented the wages kept from Aboriginals by the government at \$63 million. To amend the wages stolen, the government of Western Australia enacted a reparations scheme in 2012 offering \$2,000 to individuals who met the following requirements:

- Were born prior to 1958.
- From the age of 14 years or older were resident at a Government Native Welfare Settlement in Western Australia; and
- While resident at one or more of the Government Native Welfare Settlements in Western Australia experienced direct Western Australian Government control over their income and all or part of their income was withheld from them; and
- Were never repaid the outstanding monies owed by the Western Australian Government.

This is one of Australia's most criticized reparation initiatives as the amount awarded did not meet calculated estimates of how much the Western Australian government stole from Indigenous Australians. Additionally, reports have explained that a government whistleblower claimed that "in initial discussions, state treasury agreed that individual payouts would be as high as \$78,000" (Dingle, 2015).

Queensland

As of May of 2023, Queensland is the only state who has not initiated a financial reparation package for Aboriginal Australians.

South Australia.

In 2015 the government of South Australia established a \$11 million Stolen Generations Reparations Scheme. \$6 million was allocated as an individual reparations scheme to

provide ex-gratia payments to Aboriginal South Australians who met the following requirements:

- Applicant must be Aboriginal.
- Applicant must have been removed from family.
- Applicant must have been removed prior to 31 December 1975
- Without court order
- At time of removal usual place of residence was SA; or they were removed by South Australian authorities.

The rest of the money was allocated for a Stolen Generation Community Reparations Fund to “recognize the grief, pain and loss experienced by Aboriginal communities, families and individuals and to also support a range of proposals that can assist in the healing process”. However, as of 2019, \$3 million of the community fund was unspent so the government enacted to reallocate the funds to the individual reparation scheme enabling an additional \$10,000 payment to the eligible recipients. A report of the scheme showed that “343 applicants to the Minister had satisfied the criteria. 28 of these applicants were removed from their families in the Northern Territory and subsequently brought to South Australia. 53 of the eligible applicants were given interim payments [\$5k] by approval of the Minister which were later topped up to \$20k” (2018).

#### New South Wales

In 2017 the NSW government rolled out the Stolen Generations Reparations Scheme, focused on providing ex-gratia payments to Indigenous Australians from New South Wales who were part of the Stolen Generation. The payments commenced on the 1st of July 2017 and applications are scheduled to close on the 30th of June 2023. The package provides a payment of \$75,000 to living Stolen Generations survivors who were removed (before 2 June 1969) from their families and committed to the care of the New South Wales Aborigines Protection or Welfare Boards. Additionally, recipients of the scheme are also eligible to receive a payment of \$7,000 for the assistance of the cost of funerals. Lastly, recipients can also request a personal, face - to - face apology from a representative of the NSW government. Based on a 2020 report on the status of claims in New South

Wales, the government had received 1,874 applications, at the time of the report 375 (20%) were being assessed , 720 (38%) had been successful 441 (24%) had been unsuccessful, 338 (18%) had been deemed out of scope because the applicants were removed from their families after 20 March 1969 and before 2 June 1969 (a change that has now been accounted for) and 14 (.7%) had withdrawn (Aboriginal Affairs NSW). The report shows that 46% of eligible applicants opted to receive a personalized apology. COVID-19 hampered the possibility of all of them being in-person, but an effort is being made to readjust to going back to in person apologies.

Victoria.(2022)

In 2022 the Victorian government of Australia enacted a reparations package for Indigenous Victorians who met the following criteria:

- be an Aboriginal and/or Torres Strait Islander person.
- have been removed by a government or non-government agency before 31 December 1976, while under the age of 18 years
- have been first removed in Victoria.
- have been separated from your family for a period of time that resulted in the experience of loss of family, community, Culture, identity and language.
- have lodged a valid application with all necessary supporting identification documents.

Eligible applicants are entitled to a package that is divided into two categories: financial and restorative. The financial compensation allows for a package of \$20,000 deposited into the applicant's bank account and up to \$10,000 funeral fund. The restorative reparation options are as follows:

- a personal apology from the Victorian Government
- supported access to healing programs such as family reunions, reconnection to Country and language programs.
- an opportunity to record and share your story and experience.
- receive your removal records.

Northern Territory. & Australian Capital Territory. (2022)

The Territories Stolen Generations Redress Scheme was issued in 2022 in order to provide support for Stolen Generations survivors who were removed from their families in:

- Northern Territory, before 1 July 1978 or
- Australian Capital Territory, before 11 May 1989 or
- Jervis Bay Territory.

The scheme is similar to the Victorian government scheme as it ensures to both financially compensate but also address the wellbeing of the Indigenous applicants. The scheme provides payments, assistants with healing through providing free support services and empowers survivors to tell their story anonymously.

Conclusion: What is missing?

As explained in this section, Australia has a long oppressive history when it comes to their treatment of their Indigenous communities. Racism and exploitation led to horrors such as the stolen generation, mass incarceration, unjust violence and gaps in access to health and educational care. As a result, the Aboriginal communities of Australia, along with their allies have demanded recognition of their land rights, along with proper financial compensation for the human rights violations enacted by the government. In 1976 the government first acknowledged that British colonists did in fact steal Indigenous land, and thus began movements to return land back to Aboriginal communities and aid in economically stimulating their economy by compensating them for land use. In 2008 the then Prime Minister officially recognized and apologized on the behalf of the government for the horrors of the Stolen Generations period of Australian history. Since then, states and territories have enacted individual reparation packages to redress the victims of the Stolen Generations. However, there is still work to be done. In May of 2022, Victorian Greens senator Lidia Thorpe developed a proposal for a “national scheme granting reparations for the harm inflicted by successive Australian governments would see survivors of the Stolen Generation receive \$200,000 plus \$7,000 for funeral expenses” (Coade, 2022). This would aid in standardizing and evening out reparations that have

been rolled out on the local level, to ensure that all victims of the Stolen Generation and their descendants get fair and appropriate compensation.

#### Case study 2: South Africa

This section will go over the oppression faced by Black South Africans after the Dutch colonization of the country. The section will go over major historical events during the apartheid era in South Africa, starting from the Dutch settlement and the subsequent expansion of the Dutch and British colonization, the several conflicts between the European settlers and the native Africans including the Xhosa Wars, the rise of the mining industry which led to the exploitation of Black workers, land dispossession throughout the 19th and early 20th century, the rise of segregation laws, apartheid policies and subsequent violence including killings of prominent anti-apartheid activists, and the police brutality that was inflicted during the time. We will then shift to the economic, health and social disparities that were encroached upon Black South Africans as a direct result of the oppression. Finally, this section will review the financial and social policies that have been enacted in South Africa as forms of reparations for the violations committed during the country's apartheid era.

##### a. Timeline of Black Oppression in South Africa

1652 marks the arrival of the Dutch to South Africa. Led by Jan van Riebeeck, an official of the Dutch East India Company (VOC). The VOC was established in 1602 to conduct trading with Asia. The initial intention of the Cape Town colony was to supply ships with fresh produce as they rounded the Cape of Good Hope while en route to their Indonesian colony. The Dutch had enslaved entire populations in Indonesia and were exploiting them for free labor to produce crops. Upon settlement, Van Riebeeck attempted to get Indigenous South Africans to agree to negotiations for cattle and labor; however, after failed attempts to negotiate he quickly resorted to forced slavery.

The Khoikhoi people were the indigenous peoples with whom the Dutch first came into contact. Evidence shows that this community had been settled in the region of Cape Town for at least a thousand of years prior to the Dutch. However, the Khoikhoi people were an unwilling labor force. They were a pastoral people and their land, sheep and cattle were



their main priority, so the Dutch had no way to press them into service, which is why initial negotiations failed. However, when the Dutch settlers arrived they soon started to practice agriculture that came in direct conflict with the pastoral economy of the Khoikhoi. This meant that as the Dutch settlement expanded, the more pressure the Khoikhoi communities were placed under. After fifty years of Dutch settlement, most of the Khoikhoi community had either been dispossessed of their land, captured to be enslaved or exterminated. The dispossession of Khoikhoi land completely ruined their economy which as a result made them reliant on Dutch standards. The few remaining became incorporated into colonial society as low status servants. Some communities were able to survive in groups settled beyond the Table Valley Mountains, but their day to day lives were unjustly changed forever .

Unsatisfied by the labor that the Khoikhoi provided, the Dutch were forced to look elsewhere. In March of 1658 the first slaves were imported to South Africa. They were imported specifically for agriculture work, captured by the Dutch from a Portuguese slaver en route to Brazil. 250 slaves were captured - originally from modern day Angola, and only 170 survived the journey to the Cape. In May of the same year, 228 slaves from Ghana were brought to the Cape. From around 1710 onwards, the adult slave population outnumbered the adult colonial population by as much as three to one (SA history, 2017). The VOC also aided in providing slaves to the Cape. Since the VOC were not able to take their slaves with them when they returned home, due to slavery being illegal in the Netherlands, many of them sold their slaves at the Cape. Foreign ships on their way to the Americas from Madagascar also sold slaves at the Cape.

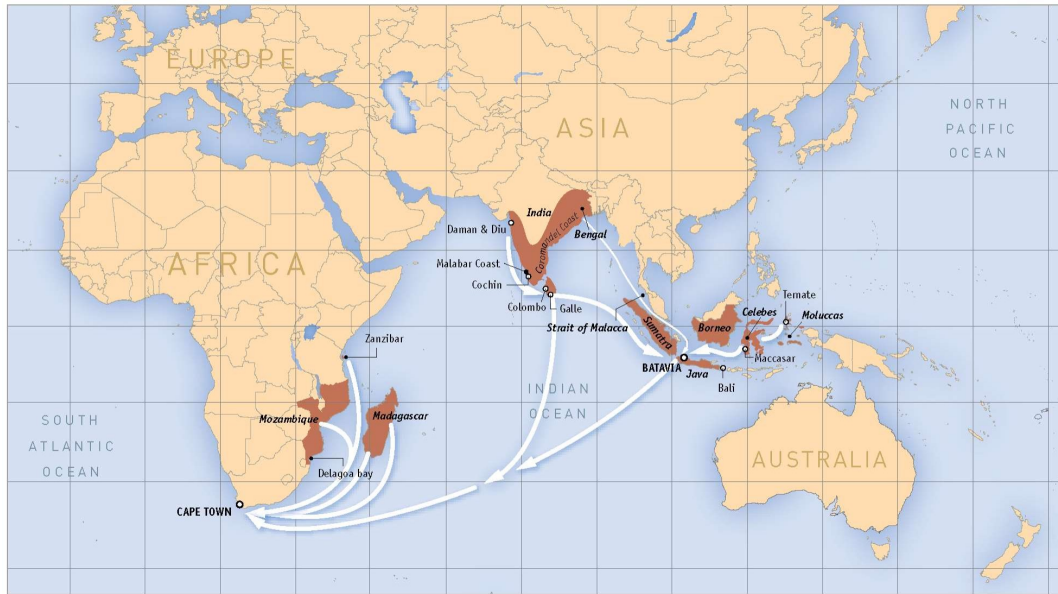


Figure 4

Another main source of slaves during the beginning of the 18th century was the Indian subcontinent. A slaving station was in Delagoa Bay (present day Maputo) in 1721, as seen in figure 4. For a short stint between 1795 and 1801 the Cape Colony became a British colony and during this period of rule they gathered most of their slaves from Southeast Africa. When the British handed the colony back to the Dutch, they continued with this trend and bought slaves from traders operating in present day Mozambique. Reports show that slave numbers jumped from 2,500 to 14,500 between 1720 and 1790 and by the end of slavery in 1838 the slave population stood at around 38,000. However, due to the harsh living conditions at the time, the slave population was not growing naturally - they were sustained through continued importation. Between the start of Dutch colonization of South Africa and the end of the slave trade, 60 000 slaves were imported into the colony. This meant that the bulk of the Cape colony were slaves - meaning that all parts of the society was affected by the institution of slavery - social, economic and legal. All parts of the colonial economy would not have survived if not for slave labor, almost all European settlers in the colony owned slaves.

The Dutch legal system that the VOC brought to the Cape fully supported the institution of slavery. Roman-Dutch law was clear on the definition of slaves and clearly defined

that they were first property. This chattel slavery meant that slaves were able to be used as items to trade, legal collateral, and security for loans. Accordingly, slave subordination was a top priority for the VOC, which is why they developed a system in order to maintain their control. Much like slavery in the United States, slave owners were legally allowed to use any means of violence to keep their slaves in submission, such as whipping, withholding of food, and overworking.

#### Abolition of the Slave Trade Act

As mentioned previously, the Slave Trade Act or more officially titled the Act for the Abolition of the Slave Trade was a law passed by the British Parliament in 1807 which made the slave trade illegal to the British Empire. The law did not make it illegal to practice slavery, it solely made slave trading illegal, and encouraged other European nations to abolish their participation in the trade as well. There was a significant impact following this act in the Cape Colony, as British ships could no longer participate in trading. However, slavery continued to exist in the colony, and the British merchants living in Cape continued to trade slaves with other countries. During this period the 1814 Anglo- Dutch Agreement took place which passed the colony indefinitely to the United Kingdom. This meant that the Slavery Abolition Act of 1833 which abolished slavery in the British Empire, that slavery was abolished in the Cape Colony. The act allowed for gradual abolition in the Cape Colony that meant that enslaved people had to work as 'apprentices' for a period of four to six years before they could be freed. In addition to the cushion that the gradual abolition provided, slave owners were also provided compensation for the loss of their 'property.' According to Worden (2012), the exact compensation paid to Cape Colony slave owners was £1.2 million. This compensation was paid by the British government to slave owners who were able to register their enslaved people prior to a set date specified in the act. The compensation was calculated based on the value of the enslaved people and the expected loss of income resulting in their emancipation. The book estimates that the average compensation paid to owners per enslaved person was around £27. The UK National Archives Currency Converter explains that £1 in 1834 has the equivalent purchasing power of approximately £100 present day. This means that the £1.2 million paid to slave owners as compensation for the loss of their slaves would amount to £120 million today, with each individual slave being valued at

£270 in present day purchasing power.

As mentioned previously, the Act abolishing slavery in the United Kingdom and consequently South Africa allowed for a transitional abolition. This transition in South Africa was in the form of a strict apprenticeship in which enslaved people were required to be apprentices for upwards of six years before they were allowed to be freed. During this period, they were technically supposed to be paid wages but in several cases, they received little to no compensation for their apprenticeship. From 1834 - 1838 slaves were emancipated however they were forced to work with no pay and were still able to be bought and sold. However, on 1 December 1838 the apprenticeship period ended, former slaves were able to leave their former masters if they so desired and sell their labor elsewhere (Ekama, Fourie, Heese, & Martin, 2021). Some left to mission groups, but most continued the work they were doing while enslaved as they had little to no opportunity to do anything else or purchase land.

#### Start of segregation

In 1843 the British, under direction of Commander Captain Smith, attacked Natal and eventually made it a part of the British Cape Colony. As a result, Natal was given local administration; however it remained as an annex to the Cape Colony until 1856 when it became its own colony with its own legislative council (Natal | Historical Province, South Africa, 2023). The chief diplomat for the newfound Natal was Theophilus Shepstone who introduced a policy aimed at providing a framework for how white settlers should interact with the native peoples of the land, who greatly outnumbered the white people within the colony. Shepstone's 'Native Policy' has been regarded as the 'blueprint for union segregation' by Le Cordeur, senior historian at Cape Town University. In his research, Cordeur examines the connection between Shepstone's policy and South Africa's later system of apartheid. Shepstone set out to create the 'Native Policy' on the idea that white settlers be protected from the 'native problem' and focused the policy on the controlling and restriction of Indigenous movement and rights (1981). The policy forced the removal of indigenous people from their land and required that they live within designated reserves, carry passes and obtain permits to leave, restricted education and healthcare, and restricted their political rights. (Ivey, 2004). Indigenous Africans were obviously then

presented with several barriers to economic growth due to these stipulations.

Discovery of gold and diamonds in the 1850s led to an influx of European settlers to the colonies. Among them, Dutch settlers known as the Boers who were semi-nomadic farmers who lived in social isolation among the colonies. The Boers and the British settlers lived vastly different lifestyles however both were in the colonies to exploit the land and saw themselves as superior to the local Black South African populations. These racist attitudes, along with the segregation instilled by the Native Policy set the groundwork for the nation's future in oppression and discrimination of the majority group within the population.

In 1910, after decades of wars between the British and the Boers, the Union of South Africa was formed and with it was a British dominion which institutionalized racial segregation and discrimination through several laws such as the Natives' Land Act. In June of 1913 the white minority government passed this act which laid the foundation for other legislation which furthered the dispossession of African people. The act defined 'native' as 'any person, male or female, who is a member of an aboriginal race or tribe of Africa; and shall further include any company or other body of persons, corporate or unincorporate, if the persons who have a controlling interest therein are natives.' The Act's most destructive sanction was the prohibition from buying or hiring land in 93% of South Africa, meaning that Africans who made a majority of the population were confined to 7% of the land (increased to 13.5% in the Native and Land Trust act of 1936) ("The Natives Land Act of 1913 | South African History Online," 2013). This had a grave impact on the African population of South Africa most notably in the denial of access to land in which they had previously owned or had leased from white farmers. The act also "minimized competition by denying Blacks the right to purchase land and the opportunity to become shareholders on white owned land" which took away any independence African farmers had on white owned land. As A. J. Christopher notes, "the Native Land Act was officially conceived as a first stage in drawing a permanent line between Africans and non-Africans." (1995).

In 1948 the National Party, also known as the Afrikaans Nasionale Party, came to power

and implemented the policy of apartheid. Apartheid was the legalization and framework for racial segregation under the all-white government of South Africa. Apartheid policies included the prohibition of interracial marriages, banning of non-white access to certain meetings or union, restriction of movement and the prohibition of non-white access to certain public spaces (“Apartheid” (2020)). The roll out of apartheid led to complete segregation between white and non-white South Africans. In 1950 the Population Registration act classified all South Africans as either Bantu (all Black africans), colour (mixed race) or white (Asian was added later) (Encyclopedia, 2018). Through these classifications, the government was then able to enact a Group Areas Act, which established residential and business sanctions based on race- which led to the removal of thousands of non white South Africans from areas that were classified as white. This act completed the process that began in 1913 when the Land Act was rolled out. Additionally, in 1959 the Promotion of Bantu Self Government was enacted which made every Black South Africa a citizen of Bantustans which essentially stripped Black Africans from their citizenship and excluded them from politics. In 1953 the Bantu Education Act created state run schools where the focus of Black education shifted to training children for manual labor, and in 1959 the Extension of University Education Act prohibited universities from accepting students who were not white. A handful of other acts were passed during this time, with similar goals to control and restrict the upward movement of Black and other non-whites within South Africa. It was not until 1990 when President F.W de Klerk repealed most of the social legislation that provided the framework for apartheid. Segregation was still deeply entrenched within South African society. A new constitution that enfranchised Black and other non-white South Africans was adopted in 1993 and in 1994 an all-race national election took place where Black majority activist Nelson Mandela won and became the nation's first Black president.

b. Disparities seen today.

While there have been several steps to undo the damage caused by the apartheid period within South African history, there are several disparities between Black and non-Black South Africans due to decades of historic oppression and maltreatment.

Health disparities

Research on post- apartheid health disparities show that race and socioeconomic status are important determinants of healthcare. While South Africa is 27 years into democracy,

there are still high barriers to accessible healthcare for non-white South Africans. A 2016 General Household Survey indicated that only 17% of South Africans have access to health insurance, and that only 9% of Black Africans households have access to health insurance, while white households reported having medical insurance at a 72% rate (Mhlanga and Garidzirai, 2020). A study through the International Journal of Environmental Research and Public Health analyzed the influence of racial differences in access to healthcare in South Africa, considering variables such as gender, age, house ownership and household size. The results indicated that while a majority of South Africans use the public healthcare system, race was a statistically significant variable in influencing whether or not one would use public versus private healthcare, implying that the majority of the Black population could not afford private healthcare in comparison to the rest of the South African population. The study recommends that the government invest more into public healthcare in order to improve the effectiveness and quality of services provided, as well as promoting and providing to the Black community in order to stimulate their economy so that the economic barriers to healthcare are minimized.

#### Wealth gap

Despite the apartheid ending over 25 years ago, there is still a massive wealth gap between the white and non-white citizens. An article published through Journal of Development Southern Africa analyzes the wealth disparities that were created during apartheid and have persisted to this day. The article discusses the disproportions amount of the country's wealth held by white South Africans while Black South Africans continue to encounter barriers to economic equality. Recent reports cited by the article that 75% of the estates accounts were White, Asians making up 21% with only 2.6% from the mixed category and 1.5% from the Black African category (Chatterjee, 2021). Additionally, the Covid-19 pandemic had only exacerbated these disparities as Black South Africans were disproportionately affected most by job losses and other economic hardships. The article calls for the government to address barriers to education amongst Black South Africans, job training programs and the implementation of progressive tax policies in order to strengthen economic participation of Black South Africans. In the article by Chatterjee, they explain the importance of multi-disciplinary policies that address the wealth gap in South Africa in order to redress this disparity.

## Education inequalities

As mentioned previously, a key factor in the economic disparities amongst Black South Africans is the barriers to proper education, which are remnants of the apartheid era. South Africa's Commission for Human Rights notes that, while education standards have improved since the end of the apartheid era, there are still significant disparities amongst Black and white students. According to their report, Black students are more likely to attend under-resourced schools and have lower levels of academic achievement (OHCR, 2021). Additionally, according to the World Economic Forum, South Africa ranks 126th out of 137 countries in terms of quality of its primary education system. While the South African government has pledged to increase funding to aid in equalizing education throughout the country, little progress has been made. Additionally, the pandemic has put an even greater strain on the education system and its disparities as students (primarily Black) who are within the lower income bracket do not have access to remote learning resources.

## Analysis on the successes and failures of South African reparation initiatives

This next section will delve into the efforts that the South African government has taken in order to address the inequalities that Black South Africans face, which originated from colonialism and the apartheid era.

### 1. Truth and Reconciliation Commission

The Truth and Reconciliation Commission (TRC) was a commission founded by the South African government in 1997 in order to investigate the human rights violations that occurred during the apartheid era. Over the seven years of its existence, the TRC conducted several investigations, documented human rights abuses and compiled comprehensive reports on its findings which were published in 1998. Additionally, the TRC made recommendations for reparations as well as other methods in which to address the legacy and disparities left after the apartheid era. The TRC report is composed of seven volumes, the first acting as an introductory section, containing the basis for the commission and the methodology it used to fulfil the mandate. Volume two addresses the commission of gross human rights violations on all sides of the apartheid conflict,



specifically highlighting the role of the state in the perpetration of these violations. Volume three addresses the human rights violations discussed in volume two but from the perspective of the victims and is organized geographically in order to get an analysis of the variation amongst different parts of the country. The fourth volume reports on a series of institutional hearings to analyze the nature of the society in which the violations took place. Volume five contains conclusions from the commission along with findings and recommendations. Volume six is dedicated to reports of the Amnesty Committee, the Reparation and Rehabilitation Committee, the Human Rights Violation committee and the Intersection between work and Human Rights Violation committee and analyses proposed reparations programs. Volume seven acts as a tribute to the victims of the apartheid, containing personal stories of the suffering endured during and as a result of the violation.

While there are several critiques of the commission, one aspect that has been commended has been the ‘transparent facilitation of the healing process through storytelling’ (Tuazon, 2019). The goal of the TRC was to use restorative justice to effective conflict resolution, however one of its biggest failures was its lack of providing clear implementation for social and economic justice. The Commission was also given the power to grant amnesty (which they did for 849 out of 7,112 of applicants who gave full disclosure of atrocities they committed), however did not have the power to implement reparations, as a result the commission recommended reparations policies that went unimplemented.

## 2. President’s Fund

The TRC designated a ‘President’s Fund’ in order to help victims of the apartheid recover from the violations committed. According to a 2022 report, the fund has received R532 million in investment revenue but has only disbursed R97.7 million in reparations. According to TRC recommendations the fund is aimed at making reparations for the following categories:

- a once-off individual grant to victims of apartheid: In March of 2003, the then president announced a list of people qualified as victims of the human rights abuses under apartheid and as reparations would receive a R30,000 grant. However, the list originally had 21,000 people on it and was later mysteriously cut to 17,000 people eligible for the funds, according to reports all those who

applied and found eligible received the fund. Critiques on the lack of transparency of the eligibility for this fund have been raised, particularly from Khulumani Support Groups who have memberships of over 100,000 apartheid victims. Judy-Anne Seidman, a board member of Khulumani, argues the limitations of the TRC victims list and explains that people also fell off the list due to issues migrating from analogue to digital records. She also critiques the fact that of the 21,000 victims identified by the TRC report, only 14 were identified as rape victims. A number far too low from her experience running workshops and sessions with apartheid victims (Steyn, 2022).

- educational support for victims and their families: According to the South African department of Justice, only 3,000 people received funding for basic education and 630 for tertiary education. These numbers are low, given that the TRC's list included 17,000 victims and the DOJ estimated that four people per victim are eligible for education assistance. Critiques on the application forms have been raised, as they are 20 pages long and are arduous to fill out (Steyn, 2022).
- housing provision for victims: The fund was mandated to provide housing for apartheid victims according to their reports, progress has been extremely slow:
  - 2017/2018: A list of TRC-identified victims in need of housing assistance was compiled.
  - 2018/2019: A housing needs analysis was conducted by the DoJ and a draft guideline for housing reparations was being prepared.
  - 2019/2020: No progress is reported in the Annual Report.
  - 2020/2021: Still no progress was made.
  - 2021/2022: The draft guidelines were finally completed and ready to be published for public comment.
- financial assistance with exhumations and reburials of deceased apartheid victims: According to reports, this is the most successful aspect of the fund. The fund was mandated to cover expenses for searching for disappeared people, reburials of deceased victims, allowances for family members to attend cleaning and hand over ceremonies, a R1200 allowance for coffins, and a payment of R1,500 to

purchase animals for ceremonial slaughtering. As of March 2022, a total of R3.6 million has been spent on reburials and exhumations.

- access to healthcare: The fund was mandated to provide apartheid victims with assistance in accessing healthcare, however since 2013 the fund has claimed that because there is a proposed amendment to the National Health Act, the Department of Health would take care of this portion of the Mandate. However, the National Health Insurance has yet to be introduced and while the fund claims that there is a dedicated person at the National Department of Health to assist apartheid victims, advocates have yet to be able to access this person. Leaving apartheid victims without assistance.
- rehabilitation of communities severely affected by apartheid: The Department of Justice planned to launch projects in two communities per province with a budget of R30 million per community, later the DOJ decided to only fund five communities with little explanation as to how they were chosen.

### 3. The Land restitution program

The South African Land Restitution Program was created in 1994 by the South African government to address the issue of land dispossession that occurred during apartheid after the Natives Land Act. The program is focused on allowing people or communities to make claims in order to get back land that was taken from them or their ancestors. An article published in the African Journal of Agricultural and Resource Economics assesses the successes and failures of the land restitution program within South Africa. The author explains that poor performance of the program has been attributed to the following factors:

1. The declining interest of the rural population, especially the youth, in farming.

2. The willing buyer–willing seller model of land acquisition at negotiated or market prices and the lack of an agricultural expropriation law.

3. Capacity problems in the Department of Rural Development and Land Reform (DRDLR), the Restitution Commission (RC), the Provincial Agricultural

Departments (PAD) and the Department of Agriculture, Forestry and Fisheries (DAFF).

4. Poor post-settlement support for beneficiaries.
5. Unclear policies and procedures of the programs and a lack of operational manuals.
6. The focus of all programs on creating successful commercial farms.
7. The associated failure to subdivide the acquired farms into small family-operated farms the associated imposition of group or cooperative farming on the beneficiaries.
8. Poor beneficiary participation in project identification, design and implementation.
9. Poor selection of beneficiaries with inadequate farming skills.
10. Poor selection and supervision of strategic partners (Binswanger-Mkhize 2014)

The authors then analyze the salience of each of these attributes in order to design recommendations for remedial action and provide successful land reform in South Africa. Such remedies include providing adequate funding for land acquisition, infrastructure development and better support for farmers and communities. Another critique and remedy the author mentioned was political will. Presently, the program lacks proper support from all levels of the government and is needed for this program to work. Thirdly, the program requires recognition of diversity. The author argues that the program at its present state does not consider the specific needs of different land tenure systems of South Africa. Lastly, the author suggests better support for small scale farmers rather than large-scale commercial agriculture.

#### 4. The Black Economic Empowerment (BEE) program

The Black Economic Empowerment program (now changed to Broad-Based Black Economic Empowerment, or BEE) is a policy framework created by the South African Government with the focus of redressing economic imbalances created during the apartheid era by promoting economic participation by Black South Africans. BEE policies include affirmative action, preferential procurement and Black ownership and

control of business (SASCO 2017). The program was launched in 2003 under the Department of Trade and Industry, with the following objectives:

1. promoting economic transformation in order to enable meaningful participation of Black people in the economy.
2. achieving a substantial change in the racial composition of ownership and management structures and in the skilled occupations of existing and new enterprises.
3. increasing the extent to which communities, workers, cooperatives and other collective enterprises own and manage existing and new enterprises and increasing their access to economic activities, infrastructure and skills training.
4. increasing the extent to which Black women own and manage existing and new enterprises, and increasing their access to economic activities, infrastructure and skills training.
5. promoting investment programs that lead to broad-based and meaningful participation in the economy by Black people in order to achieve sustainable development and general prosperity.
6. empowering rural and local communities by enabling access to economic activities, land, infrastructure, ownership and skills; and promoting access to finance for Black economic empowerment.

A key part of the B-BEE policy framework is the scorecard. The scorecard is a tool to measure business compliance with B-BEE regulations. Indicators that businesses are evaluated against cover a range of areas including, but not limited to Black ownership, employment equity, skills development, socio-economic development and preferential procurement. The program also allows for both pressure and motivation for businesses to comply. Low scores may subject businesses to negative consequences such as legal penalties, reduced government contracts and restricted access to certain markets. Compliance increases access to markets, improves brand reputation and secures client loyalty (B-BBEE Codes, 2021).

While the objectives of the program are commendable, there are several critiques to its implementation. Several groups of white conservatives veil their disapproval of the broader idea of affirmative action, and direct it at a disapproval of the program. There is

also criticism of the corruption of the B-BEE program as the benefits are only enjoyed by a small group of wealthy Black South Africans. There are also concerns that ‘window - dressing’ is going on, meaning that companies are misrepresenting their compliance with B-BEE policies. However, despite these criticisms scholars have argued that B-BEE remains an important tool in promoting economic development and greater equality in South Africa.

c. Conclusion: What is missing?

After analyzing the reparation initiatives in South Africa, there are several commendable first steps taken to repair the disparities caused during the apartheid era. However, the missing piece has been consistency and governmental transparency. A constant critique in these programs has been calls for the government to follow through on initiatives laid out in the 1990s. However, it has been shown that the framework for successful implementation has been laid, it is a matter of accountability and political will to ensure that these initiatives are adequately sustained. Without doing so, the effectiveness of these reparation initiatives in addressing the long-lasting disparities of apartheid will remain limited. The next chapter aims to compile a list of ‘lessons learned’ from these two case studies to address a hypothetical reparations policy within the United States. It will also analyze the importance of civil society and international working groups such as the Working Group of Experts on People of African Descent and Working Group on Minorities.

### Chapter 3: Recommendation & closing argument.

This chapter is one of hypotheticals. The first chapter gave context of the historical oppression that Black Americans face, along with the disparities left from past institutionalized oppression. It showed the domino effect that racism has had on the country and the economic disadvantage that it has put Black Americans in. The chapter was meant to open the conversation of reparations to one of redressing historical oppression in the United States in contrast to a means to just atone for slavery. The chapter also assessed past unanswered calls for reparations in the United States, to showcase the collective struggle for recognition and justice by the Black community along with the resistance and lack of political action from those who benefit from the current unequal system. I also analyzed local reparations efforts within the United States. Some local governments in the United States are beginning to acknowledge the need for reparations policies, albeit in a limited fashion. They are developing housing, education, health, and economic policies aimed at equity for Black communities. The second chapter then shifted to a more international perspective, giving case studies of two separate countries with reparations policies focused on addressing inequalities rooted in colonialism and racism - South Africa and Australia. The aim of the chapter was to give context to the inequalities faced by both Black South Africans and Indigenous Australians, and subsequently analyze the reparations policies in both countries. Both countries have diverse efforts when it comes to reparation policies and within the chapter I assessed the effectiveness of the policies along with their shortcomings in an effort to develop insights into what makes a reparations policy successful. The crux of this final chapter is to take the historical context from the first chapter and the lessons learned in the second chapter to then apply it to a hypothetical United States case study. The questions I am aiming to answer are *What would a successful reparations policy look like in the United States? What are predicted barriers to success for this hypothetical policy? & Who are the needed actors to ensure its success?* To answer these questions, it is necessary to narrow down what precisely qualifies as a reparations policy. As discussed in chapter 2, there are various examples of reparations efforts. Therefore, in this chapter, I will outline a taxonomy of different reparations efforts that we can use to better understand and evaluate them. I also intend to highlight the need for these reparations efforts to provide intersectional approaches in order to provide the most effective remedy

to the inequalities caused by oppression. Racism is a social violence that has created inequalities that intersect and harm the Black community within the United States, therefore it is imperative that reparations policies focus on addressing the interconnected forms of discrimination. This means that reparations policies must consider the intersecting identities of Black individuals who have been oppressed based on multiple factors in addition to just their race, such as gender, sexuality, class, and ability. Only by adopting an intersectional approach will a reparations policy be completely successful in closing the inequalities gap left by historic racism and oppression in the United States.

i. Clearly defining and taxonomizing reparations

This section will delve into the above-mentioned taxonomy of reparations based on the series of international reparation efforts analyzed in chapter 2. This is so that we can have a better understanding of the reparations policies that will be recommended in the hypothetical US case study. According to the UNGA Res. 60/147 (2005) on Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, explains that a victim right to reparations is the following: Remedies for gross violations of international human rights law and serious violations of international humanitarian law include the victim's right to the following as provided for under international law:

- (a) Equal and effective access to justice.
- (b) Adequate, effective and prompt reparation for harm suffered.
- (c) Access to relevant information concerning violations and reparation mechanisms.

The resolution also states that “Adequate, effective and prompt reparation is intended to promote justice by redressing gross violations of international human rights law or serious violations of international humanitarian law. Reparation should be proportional to the gravity of the violations and the harm suffered.” (United Nations, 2005)

This considered, below I have listed the different kinds of reparations programs analyzed in the past chapter.

a. economic packages

The most common form of reparation is the economic package, most notably to



individuals. Economic packages were seen in both the Australia and South African case studies both to individuals who survived the Stolen Generation in Australia and to survivors of the apartheid in South Africa. In some cases, descendants of individuals are also eligible for the package. The process of receiving these economic packages vary but often start with some sort of online application where individuals must provide documents showing that they fall under the group of individuals who are meant to receive the reparations, this application is then followed by a reviewal process often done by a committee hired by the state or national government. Once the review of the application is completed the individual is either deemed suited for the receival of the package or denied. If they are approved, they are then instructed on how to set up the payment retrieval via their bank or checks.

#### b. emotional reparations

Emotional reparations are defined as actions taken to repair the emotional harm caused by a person or groups of people. Emotional reparations looked differently based on the circumstance but may involve acknowledgment of mistreatment, apologies for the harm caused and a commitment to aid in recovery. An example of emotional reparations can be seen in both case studies shown in chapter 2. The biggest form of emotional reparations in the Australian case study would be the 2008 Apology where the then prime minister acknowledged the harm and violence done to indigenus Australians and apologized on behalf of the Australian government. Many indigenus Australians recognized this as an important first step in their avenue to heal. Additionally, several state level reparation programs offer a written or face to face apology from a state representative in addition to the economic packages. The packages also allowed for indigenus Australians to submit their own accounts of the violence that they endured as another form of emotional reparations. Similarly, in South Africa the Truth and Reconciliation Committee also offered emotional reparations by committing to a truth finding committee which published accounts of victims of the apartheid in order to give them voices. Emotional reparations are effective first steps when redressing past oppression and violence and must be considered in the American case study.

#### c. community development

A third form of reparations are efforts based on community development, examples of

this are seen in chapter 2. The Black Economic Empowerment (BEE) program in South Africa is a prime example of a reparation effort with the goal to boost economic development for a whole of a community. Australia also showed us examples of community development focused reparations efforts. Including community funds and campaigns such as the ‘Close the Gap’ initiative. These reparation initiatives are focused on healing oppressed communities by addressing the economic and social gaps caused by historic mistreatment, racism and violence.

d. land

A fourth avenue for reparation is the recognition of land rights as seen in both South Africa and Australia. While this does not translate as well for the Black American case study as Black slaves were taken from their land rather than forced to work on land that was theirs, the idea of recognizing land rights can still play a role in reparations for Black Americans. A way to do so is to ensure the acknowledgement that the ongoing effects of systemic racism in the United States has contributed to the loss of land and property in the Black communities, particularly in the context of gentrification. As explained in chapter 1, gentrification has led to the displacement of several Black communities which results in erasure and the loss of community and cultural heritages. This means that comprehensive reparations policies must address the harm that gentrification has had on the Black community. This can be done by enacting rent control policies, community land trusts and zoning policies - as seen in both the South African and Australian case studies.

iii. Actors needed for success

After classifying these forms of reparations, we can now proceed to analyze important actors needed for reparation policies to succeed. This section will also take from the case studies of Australia and South Africa along with highlighting the importance of international working groups. The goal of this section is to explore the various roles and responsibilities needed in the implementation of reparation policies including government agencies, civil society organizations and community leaders. By defining these roles, we can gain insight into the importance of collaboration, transparency, accountability and participation in a successful reparation policy-making process. This section will go from local actors to more international ones.

a. community leaders

It is integral that reparation policies stem with the aid of community leaders, as the aim of reparation is to rebuild oppressed communities. In both the South African and Australian case studies we analyzed the importance of community organizations in the development of effective policies. Additionally, several critiques of Australian and South African reparation policies stemmed from a lack of consultation with the victims themselves. This means that any future reparations policies in the United States must uplift and center Black community leaders to gain the most precise insight on the needs and aid that the Black community needs.

b. civil society

Civil society collaborations are also extremely important. Civil society includes non-profit organizations, labor unions, faith-based groups, political parties, social and political movements. Civil society organizations play important roles in advocating for and shaping reparation policies, as seen in the Chapter 2 case studies. Firstly, civil society groups are integral because they can advocate for the development and implementation of reparation policies. These groups give platforms and a centered voice to community leaders and work as liaisons to governmental policy makers. Additionally, civil societies can act as researchers to help in conducting analysis to inform government agencies on the development and effectiveness of policies along with gathering data on disparities and proposing potential compensation mechanisms. Civil societies also play an important role in keeping policy makers accountable for the development and implementation of reparations policy and can monitor the policy's impact to ensure that it is effective and equitable.

c. government agencies

As seen in Chapter 2, government agencies play an incredibly important role in the implementation of effective reparation policies. Government agencies are organizations established by the government to carry out specific responsibilities. Examples of government agencies in the United States who would be particularly involved in a hypothetical reparations policy include the Internal Revenue Service, the Department of Health and Human services and the Housing and Urban Development agency. Government agencies have a multifaceted role in reparation policy making including

policy development, resource allocation, monitoring and evaluation and coordination. To ensure the most effective roll out of a reparations policy, it is imperative that government agencies allow room for collaboration with community leaders and civil societies. Several critiques of the South African and Australian reparation policy center around disconnect between government agencies and civil societies, leading to policies that miss the mark when it comes to addressing disparities within the oppressed communities. This also raises the question as to what level this issue should be handled. As seen in many of the examples in the previous chapter, local level initiatives are best at locating and addressing problems for each specific region. When considering reparations in the United States it is integral that solutions stem from local level initiatives

d. international engagement

Lastly, another important factor at play when it comes to reparation policy making are international organizations such as the United Nations and its working groups. Both case studies in Chapter 2 provided valuable insight on the role that international organizations have when it comes to national efforts to address and remedy oppression. Some examples of the specifics that international organizations can do to contribute to effective reparation policies include advocacy, research, accountability, technical assistance, monitoring and evaluation. International organizations such as the UN Working Group for Experts on People of African Descent can advocate for reparations in a hypothetical US case study by obliging the US government to atone for the human rights violations caused by the historic oppression of the Black community. The UN Office of the High Commissioner for Human Rights can provide expert advice on the implementation of a policy along with ensuring that a policy is effective and consistent with international human rights standards. Organizations such as the UN Development Program can provide support for local on the ground organizations in developing proposals for reparation policies.

viii. Predicted barriers to success

After assessing the key actors and measures required to implement a successful reparations policy, it is also important to consider the potential challenges and obstacles that could hinder the policy's effectiveness in an American context. In this next section I will break down the predicted barriers to success of an American reparation policy based

on academic research and analysis and explore potential strategies for overcoming these barriers.

a. eligibility

The first, and most cited obstacle in the debate for Black reparations in the United States is how eligibility for the reparations would be determined. As mentioned in the taxonomy of reparation efforts section, reparations in the form of economic packages would require individuals to apply and show proof of eligibility. Eligibility in the case studies in chapter 2 were often determined by providing proof of being a member of the Stolen Generation or a victim of Apartheid. This is more complex in an American case study, especially if the conversation of reparation is fixed on solely atoning for slavery as slavery was abolished over 150 years ago, leaving no surviving ex-slaves. In a related context, the next logical step would be to make descendants of slaves eligible for the economic package, this proves complicated as well because proving descentance of a slave and therefore eligibility for reparations could be difficult and controversial. Many argue that the use of genealogical records could be used to trace back lineage to their enslaved ancestors could be an effective method while others argue that this approach could be exclusionary given the limited availability of records along with the diversity of families among Black Americans. Relying on genealogy also opens up the debate as to whether all descendants of slaves should be eligible or if there should be a limit of percentage of 'Blackness' to demonstrate a direct and significant impact of slavery in an individual's life. However, as I have developed within this paper, if the conversation around reparation shifts from one of just atoning for slavery to one that also encapsulates the oppression and violence suffered post emancipation including Jim Crow, segregation, and institutionalized racism the criteria for eligibility could be expanded to encompass a broader range of factors. For example, eligibility could be based on geographic location, exposure to systemic racism, as well as ancestry and evidence of harm. This broader approach to eligibility could ensure that a potential reparations policy is responsive and impactful in addressing the disparities caused by racism and oppression as a whole in the United States.

#### b. legal challenges

A second predicted obstacle when it comes to reparation surrounds the legality of a future reparations policy in the United States. The most poignant legal issue stemming from any policy interfering with the Constitution as the 14th Amendment has an Equal Protection Clause that proscribes racial classification meaning that a policy that made eligibility race based could be found in violation of the clause. To find a solution that eliminates the problem rather than shift it back to an eligibility issue, it is integral that the policy is designed with effectiveness in mind. In the next section we will delve into the recommendations based on the actors needed to succeed along with the predicted barriers of success. While individual economic reparations are the goal when fighting for Black reparations in the United States, legal and political gridlock may interfere with the unravelling of this goal. This is why the recommendation of focusing on community building and emotional reparations may be a strategic move in order to ensure that some form of reparations happens for the Black community.

It is also important to address why current anti-discrimination laws have proven to not be enough. While positive discrimination schemes such as affirmative action and diversity initiatives have been important tools in promoting equality in the United States, recent studies evaluated in this thesis show that disparities amongst Black communities have yet to be adequately addressed. This suggests that current laws, while important, may not be enough to uproot the deep-seated inequalities perpetuated against the Black community. Furthermore, the recent Supreme Court decision to overturn race based affirmative action in higher education is a clear example of how even the current policies stand on unstable legal grounds and political opposition further highlighting the need for more comprehensive and targeted approaches to addressing the historical disparities faced by the Black community. In order to effectively combat these disparities, reparations must be considered. More specifically, as I will explain in a later section, community development reparation schemes may be a strategic avenue to address system racism.

#### c. funding

A third obstacle that is predicted when discussing reparations in the United States is funding. The complexity of where the money for financial reparations would come from

require research into how the United States has rolled out past reparations (for Japanese internment camps and to Sioux tribes). Possible sources of funding include the following.

1. government funding: Past reparations in the United States, including reparations for Japanese internment camps and to Sioux tribes came from the federal government. This means that a possible Black reparations policy could come from a governmental allocation of funds from the federal budget or a raise revenue through taxes. However, it is extremely important to note that any avenue that requires a raise in individual taxes would undoubtedly cause mass hysteria from the American public. Another form of government funding could exist from the redistribution of funds to allocate for a reparations fund. An example of this would be reallocating the funds from the military budget or criminal justice system to benefit a potential reparations fund.
2. private sector contributions: A second source of funding for reparations could include donations from philanthropic organizations, corporate social initiatives or contributions. This avenue is less reliable than government funding as it is completely reliant on donations which could result in inconsistent cash flow.
3. Restitution from corporations that benefited from slavery: Several Black activists who have led the calls for reparations have suggested that funding for the policy should come from corporations who benefited from slavery in the past. A few examples of corporations who would fall under this eligibility would be JPMorgan Chase, as in 2005 the company admitted that two of its predecessor banks accepted approximately 13,000 enslaved individuals as collateral for loans that were used to purchase and operate plantations (Teather, 2005). Aetna, an insurance company that in 2002 acknowledged to have life insurance policies on enslaved individuals with slave owners as the beneficiaries (Slevin, 2000). Similarly, New York Life also acknowledged that it sold life insurance policies on enslaved individuals in the organization's past.
- d. political resistance & public opinion

A final predicted obstacle in the implementation of a potential reparations policy in the United States is linked to public opinion and political resistance. There are a range of reasons as to why politicians have spoken out against any idea of reparations. A first example includes the innate divisiveness to it, with the proponents often being associated

with the progressive wing of the Democratic party and opponents often associated with conservatives. This ideological divide has resulted in both sides furthering away from an agreement due to the prioritization of public support rather than solutions-based thinking, leading to political gridlock and a lack of progression. A second concern has been linked to cost, reparations are often viewed as a costly initiative which would put a strain on the government and lead to higher taxes, which leads opponents to argue that the costs of the policy would outweigh any potential benefits. Another political point of view results from the concept of historical revisionism. Many opponents of reparations have claimed that reparations are not necessary because slavery was abolished over 150 years ago, implying that the harms of racism and slavery are often exaggerated. Former Republican presidential candidate Herman Cain argued that reparations would ‘reward victimhood’ and suggested that Black Americans focus on rebuilding their economy rather than relying on government handouts. In 2019 Senate Majority Mitch McConnell stated that he was against the idea of reparations because ‘none of us currently living are responsible for slavery’. These political sentiments reflect a microcosm of the opposition faced when discussing reparation and must be considered when developing any sort of reparations plan.

vii. Recommendations for reparation policy in the US based on findings from analysis.

This section builds on the analysis of historical oppression of Black Americans in the first chapter and the lessons learned from the case studies in the second chapter and is aimed at providing recommendations for a successful reparations policy in the United States taking into consideration the involvement of necessary actors on all levels and the predicted barriers to success discussed in the previous section.

*Recommendation 1: Use local policies to build state level policies.*

As mentioned in Chapter 1, there have been several local initiatives within the United States to address the inequalities left behind from historic oppression of Black Americans. When we explored the case studies of Australian reparations, we saw initiatives rolled out on a state level. This recommendation builds off this idea, as oppression in the United



States stems uniquely to several factors heavily including geographic location. To lean more on local and state level initiatives also allows for policy makers to have a better position to design and implement policies that are tailored to the social context and historical past of each individual state. Additionally, states can use the local policies already established as a first step in assessing the need and the feasibility of a national reparations program. By starting with state level initiatives, policy makers will be able to gather data, identify best practices and eventually scale to a national level if needed.

*Recommendation 2: Focus on community development*

When we looked at the taxonomy of reparations, we saw that community stimulus efforts are effective means of reparations. These efforts include affordable housing programs, community investment funds and educational programs such as charter schools. As analyzed in the predicted obstacles to success section, a big obstacle is political resistance which means that when it comes to an effective reparations policy strategic prioritization must come to play. By having a policy that focuses on community stimulus efforts that have a clear impact and are tailored to the specific needs of the diverse Black communities of the United States, policymakers have a higher chance of gaining broader based support for reparations. Community development reparations are also able to be tailored to specific areas, which would take into account local need. This is where local level actors and societies come into play and would aide in developing plans specific to the needs of the community.

While economic packages can be a valid form of reparations, it is important to consider the current political climate surrounding the issue. Community development reparations are also a strategic move considering the political state of the United States. As explained in previous section, the current Supreme Court ruling overturning race-based affirmative action shows that the political majority in the court may not be inclined to support policies that directly address racial inequalities at the individual level. Community development reparations may offer a more politically viable avenue for achieving these goals.

*Recommendation 3: Acknowledgement emotional damage*

When we analyzed the case studies of reparations in South Africa and Australia, we saw

the importance of economic reparations along with emotional reparations. As previously defined, emotional reparations are actions taken to repair the emotional harm caused by a person or groups of people. Australia showed us an example of this with their 2008 apology for the harm caused to the Stolen Generation along with having an option for personalized apologies to individuals eligible for reparations. The healing that comes from acknowledgment of harm and violence is an important step to victims of oppression and provides them with verbal commitments to the undoing of the harm caused. At the federal level, there has been no acknowledgment or apology for the historical injustices of slavery, Jim Crow laws, or the systemic oppression faced by Black Americans. This is a crucial first step that is necessary to finally close this horrific chapter of American history and allow for the healing of Black families. The HR40 bill that was introduced in the House of Representatives by Rep. Sheila Jackson Lee (D-Texas) in 2019 calls for the creation of a commission to study and develop reparation proposals. While support was expressed, it was given a 4% chance of being enacted and ultimately never was. However, when Nkechi Taifa, a lawyer and reparations advocate for the National African American Reparations Commission (NAARC) was questioned about bill, she explained "beyond anything else it absolutely and completely, any and every reparation settlement must include an official apology" and added that while she is fighting for monetary reparations, she understands the importance of efforts that go beyond payments such as pardons for Black people who were ere disproportionately targeted during the problem-plagued "War on Drugs," educational scholarships, investments in Black community development and more (Lynn & Thorbecke, 2020). It is imperative that the United States government acknowledges the pain caused by the generations of violence and discrimination faced by the Black community in order to close this chapter on American history.

#### Recommendation 4: *Codify intersectionality.*

As mentioned in previous sections of this text, intersectionality plays a key role in ensuring a nuanced and effective reparations policy/ There are several ways that the US government can do this. The Black community in the United States is extremely diverse, meaning that their experiences and intersecting identities affect the way that racism is felt throughout the community. An example of operationalizing intersectionality when rolling out reparations policies would mean considering the needs of Black women, Black

immigrants, LGBTQ+ individuals, and other marginalized groups within the Black community. Additionally, understanding the intersection of race and class when it comes to inequities felt within the Black communities. The best way to do this is by consulting with on the ground Black organizers and leaders to ensure a localized approach that encapsulates all the existing and intersecting identities of the Black community.

#### x. General Conclusion

Black reparations in the United States is a complex and important debate, the aim of this paper was to provide the reader with the necessary historical evidence to understand that reparations must be seen to redress historic Black oppression as a whole and not just an atonement for slavery. This distinction allows for a more nuanced perspective on the importance of reparations, along with how eligibility could potentially be categorized and awarded. By giving the breadth of the domino effect of Black oppression, this text provided the reader with the context needed to understand the data regarding social and economic disparities seen in Black communities today. Following this historical analysis in the first chapter, I then shifted to an international lens in the second chapter. This provided the reader with two separated cases, Australia and South Africa, where historic oppression has occurred, due to white colonialism, slavery and exploitation. I then provided examples as to why these two cases were relevant and comparable to the US case study along with clearing up their structural differences in order to provide a nuanced discussion and analysis on their reparation initiatives. After historical analysis on how racism, oppression and institutionalized violence effected the oppressed groups in both countries I then analyzed on-going and past reparation efforts, including their needed actors for success, achievements and failures. In doing so I was able to analyze patterns for success in reparations policies. For the final chapter, I took the lessons learned from the second chapters and applied it to a hypothetical American reparations case study based on the historical analysis done in the first chapter. This was done to gain insight into the actors needed to ensure success along with potential obstacles to expect.

Ultimately, I concluded that the form of reparations with the highest chance of success given the current political climate of the United States would be community development funds, focused on stimulating Black communities through health, educational, and

economic efforts. Additionally, I explained the importance of relying on local efforts to ensure poignant and effect remedies. I also highlighted the need for the government to publicly recognize the emotional harm caused by slavery, Jim Crow and systemic oppression, as has been done in both the Australian and South African case study in order to allow the Black community to commence the full enjoyment of collective healing.

## References

- Aboriginal Affairs NSW | Stolen Generations Reparations Scheme Interim Report Stolen Generations Reparations Scheme Interim Report.* (2017). Retrieved from [https://www.aboriginalaffairs.nsw.gov.au/healing-and-reparations/stolen-generations/2021-SGRS-Interim-Report-\(Final\)-%5Baccessible%5D.pdf](https://www.aboriginalaffairs.nsw.gov.au/healing-and-reparations/stolen-generations/2021-SGRS-Interim-Report-(Final)-%5Baccessible%5D.pdf)
- Aboriginal Heritage Office. (2022). A Brief Aboriginal History. Retrieved from Aboriginal Heritage Office website: <https://www.aboriginalheritage.org/history/history/>
- African Americans and the War for Independence. (2019, February 26). Retrieved May 1, 2023, from American Battlefield Trust website: <https://www.battlefields.org/learn/articles/african-americans-and-war-independence>
- apartheid. (2020). Retrieved from LII / Legal Information Institute website: <https://www.law.cornell.edu/wex/apartheid#:~:text=Apartheid%20policies%20include%2C%20but%20are>
- Attorney-General's Department. (2022, June 28). Stolen Generations Reparations Scheme. Retrieved May 22, 2023, from Attorney-General's Department website: <https://www.agd.sa.gov.au/aboriginal-affairs-and-reconciliation/reconciliation/stolen-generations-reparations-scheme#:~:text=The%20Government%20of%20South%20Australia>
- Australian Human Rights Commission. (1997, April). Bringing them Home - Chapter 2 | Australian Human Rights Commission. Retrieved from [humanrights.gov.au](https://humanrights.gov.au) website: <https://humanrights.gov.au/our-work/bringing-them-home-chapter-2>
- Australian Human Rights Commission. (2017). Social determinants and the health of Indigenous peoples in Australia – a human rights based approach. Retrieved from Australian Human Rights Commission website: <https://humanrights.gov.au/about/news/speeches/social-determinants-and-health-indigenous-peoples-australia-human-rights-based>
- Australian Institute of Aboriginal and Torres Strait Islander. (2020a, July 12). Timber Creek compensation case. Retrieved from [aiatsis.gov.au](https://aiatsis.gov.au) website: <https://aiatsis.gov.au/explore/timber-creek-compensation-case>
- Australian Institute of Aboriginal and Torres Strait Islander. (2020b, September 9). About native title. Retrieved from [aiatsis.gov.au](https://aiatsis.gov.au) website: <https://aiatsis.gov.au/about-native-title>
- Australian Law Reform Commission. (2018). Summary | ALRC. Retrieved November 26, 2019, from ALRC website: <https://www.alrc.gov.au/publication/pathways-to-justice-inquiry-into-the-incarceration-rate-of-aboriginal-and-torres-strait-islander-peoples-alrc-report-133/4-justice-reinvestment/summary-263/>
- B-BBEE Codes, B-BBEE Acts, Strategies & Policies – The Department of Trade Industry and Competition. (2021). Retrieved from [www.thedtic.gov.za](http://www.thedtic.gov.za) website: <http://www.thedtic.gov.za/financial-and-non-financial-support/b-bbee/b-bbee-codes-b-bbee-acts-strategies-policies/>
- Baciu, A., Negussie, Y., Geller, A., & Weinstein, J. N. (2018). The State of Health Disparities in the United States. Retrieved May 1, 2023, from Nih.gov website: <https://www.ncbi.nlm.nih.gov/books/NBK425844/>
- Binswanger-Mkhize, H. (2014). Give to AgEcon Search From failure to success in South African land reform. *African Journal of Agricultural and Resource Economics*, 9(4), 253–269.

- Bolton, C. (2020). Enacting critical community development through anti-gentrification policy advocacy. *Community Development Journal*.  
<https://doi.org/10.1093/cdj/bsaa049>
- Brendan, O. (2021, March 23). Chicago suburb approves historic plan to pay Black residents reparations. *Reuters*. Retrieved from  
<https://www.reuters.com/article/us-usa-race-reparations-idUSKBN2BF2NW>
- Broad-based Black Economic Empowerment Act 53 of 2003 | South African Government. (2003). Retrieved from [www.gov.za](http://www.gov.za) website:  
<https://www.gov.za/documents/broad-based-black-economic-empowerment-act>
- Brown, D. M. (2019). Jim Crow in the U.S. South.
- Buchanan, K. (2011, January 13). Slavery in the French Colonies: Le Code Noir (the Black Code) of 1685 | In *Custodia Legis: Law Librarians of Congress*. Retrieved April 18, 2023, from [blogs.loc.gov](http://blogs.loc.gov) website:  
<https://blogs.loc.gov/law/2011/01/slavery-in-the-french-colonies/#:~:text=It%20required%20that%20slaves%20be>
- CDC. (2019, September 5). Racial and Ethnic Disparities Continue in Pregnancy-Related Deaths. Retrieved May 1, 2023, from Centers for Disease Control and Prevention website: <https://www.cdc.gov/media/releases/2019/p0905-racial-ethnic-disparities-pregnancy-deaths.html>
- Chatterjee, A. (2019). Measuring wealth inequality in South Africa: An agenda. *Development Southern Africa*, 36(6), 1–21.  
<https://doi.org/10.1080/0376835x.2019.1690977>
- Christopher A. J. (1995). *The atlas of apartheid* (Reprint). Routledge.
- Coade, M. (2022, May 31). Proposal for \$200K reparations to Stolen Generations survivors. Retrieved May 22, 2023, from *The Mandarin* website:  
<https://www.themandarin.com.au/191010-proposal-for-200k-reparations-to-stolen-generations-survivors/>
- Darling-Hammond, L. (1998, March 1). *Unequal Opportunity: Race and Education*. Retrieved April 28, 2023, from *Brookings* website:  
<https://www.brookings.edu/articles/unequal-opportunity-race-and-education/>
- Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships. (2023). Retrieved May 21, 2023, from Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships website: <https://www.datsip.qld.gov.au/programs-initiatives/aboriginal-torres-strait-islander-land>
- Dingle, S. (2015, September 6). WA's stolen wages shame. Retrieved from *ABC Radio National* website:  
<https://www.abc.net.au/radionational/programs/backgroundbriefing/was-stolen-wages-shame/6740068>
- Dobyns, L. (2007, October). Fighting... Maybe for Freedom, but probably not | *The Colonial Williamsburg Official History & Citizenship Site*. Retrieved May 1, 2023, from [research.colonialwilliamsburg.org](http://research.colonialwilliamsburg.org) website:  
<https://research.colonialwilliamsburg.org/Foundation/journal/Autumn07/slaves.cfm#:~:text=The%20First%20Rhode%20Island%20Regiment>
- Editors, History. com. (2018, August 21). Emmett Till. Retrieved April 28, 2023, from *HISTORY* website: <https://www.history.com/topics/black-history/emmett-till-1>
- Editors, History. com. (2020, February 10). Little Rock Nine. Retrieved May 1, 2023, from *History* website: <https://www.history.com/topics/black-history/central->

high-school-integration

- Ekama, K., Fourie, J., Heese, H., & Martin, L.-C. (2021). When Cape slavery ended: Introducing a new slave emancipation dataset. *Explorations in Economic History, 81*, 101390. <https://doi.org/10.1016/j.eeh.2021.101390>
- EROL. (2020). History of the Modern Black Liberation Movement and the Black Workers Congress Summed-Up. Retrieved May 1, 2023, from Marxists.org website: <https://www.marxists.org/history/erol/nem-1/bwc-history.htm>
- Finkelman, P. (2012). *Slavery in the United States Persons or Property?* Retrieved from [https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=5386&context=faculty\\_scholarship](https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=5386&context=faculty_scholarship)
- Foner, E. (2011). The Fiery Trial: Abraham Lincoln And American Slavery. *Civil War Book Review, 13*(4). <https://doi.org/10.31390/cwbr.13.4.05>
- Fryer, R. G., & Levitt, S. D. (2012). Hatred and Profits: Under the Hood of the Ku Klux Klan\*. *The Quarterly Journal of Economics, 127*(4), 1883–1925. <https://doi.org/10.1093/qje/qjs028>
- Glickman, L. (2020, May 21). How White Backlash Controls American Progress. Retrieved May 1, 2023, from The Atlantic website: <https://www.theatlantic.com/ideas/archive/2020/05/white-backlash-nothing-new/611914/>
- Hamilton, D., Darity, W., Anne, E., Price, V., Sridharan, R., & Tippett. (2015). *Umbrellas Don't Make it Rain: Why Studying and Working Hard Isn't Enough for Black Americans*. Retrieved from [http://insightcced.org/wp-content/uploads/2015/08/Umbrellas\\_Dont\\_Make\\_It\\_Rain\\_Final.pdf](http://insightcced.org/wp-content/uploads/2015/08/Umbrellas_Dont_Make_It_Rain_Final.pdf)
- Harriet, J. (1861). *Incidents in the Life of a Slave Girl*. Retrieved from [https://openlibrary-repo.ecampusontario.ca/xmlui/bitstream/handle/123456789/1239/Incidents-in-the-Life-of-a-Slave-Girl-1645640473.\\_print.pdf?sequence=4&isAllowed=y](https://openlibrary-repo.ecampusontario.ca/xmlui/bitstream/handle/123456789/1239/Incidents-in-the-Life-of-a-Slave-Girl-1645640473._print.pdf?sequence=4&isAllowed=y)
- Hayes, A. (2021). What is Redlining? Definition, Legality, and Effects. Retrieved January 16, 2023, from Investopedia website: <https://www.investopedia.com/terms/r/redlining.asp#toc-what-is-redlining>
- History.com Editors. (2009a, October 29). Freedom Summer. Retrieved May 1, 2023, from HISTORY website: <https://www.history.com/topics/black-history/freedom-summer>
- History.com Editors. (2010, February 3). Montgomery Bus Boycott. Retrieved May 1, 2023, from History.com website: <https://www.history.com/topics/black-history/montgomery-bus-boycott>
- History.com editors. (2017, May 31). War on Drugs. Retrieved May 1, 2023, from History website: <https://www.history.com/topics/crime/the-war-on-drugs>
- Huston, J. (1956). Property Rights in Slavery and the Coming of the Civil War. *Southern Medical Journal, 49*(11), 1370–1371. <https://doi.org/10.1097/00007611-195611000-00022>
- Ivey, M. (2004). 2004 Report of the ASHP Treasurer. *American Journal of Health-System Pharmacy, 61*(17), 1833–1837. <https://doi.org/10.1093/ajhp/61.17.1833>
- Karlamangla, S. (2021, December 8). California's Reparations Task Force Meets Again. *The New York Times*. Retrieved from <https://www.nytimes.com/2021/12/08/us/californias-reparations-task-force.html>
- Kasago, D. (2022). Police Brutality of African Americans (AAs): Relationships Among Its Frequency and Types of Exposure, Racial Identity, and Mental Health Indices

- of Trauma Among Adult AA Males . Retrieved May 1, 2023, from [https://media.proquest.com/media/hms/PFT/2/5cAyQ?\\_s=CPGcOfC0GTpIsAXPj8POhwhIE6A%3D](https://media.proquest.com/media/hms/PFT/2/5cAyQ?_s=CPGcOfC0GTpIsAXPj8POhwhIE6A%3D)
- Leaders push for “sorry” compensation. (2008, February 13). Retrieved July 2, 2023, from The Age website: <https://www.theage.com.au/national/leaders-push-for-sorry-compensation-20080214-ge6q2z.html>
- Le Cordeur B. A. (1981). *The politics of eastern cape separatism 1820-1854*. Oxford University Press.)
- Litwack, L. F. (1998). The White Man’s Fear of the Educated Negro: How the Negro Was Fitted for His Natural and Logical Calling. *The Journal of Blacks in Higher Education*, (20), 100. <https://doi.org/10.2307/2999249>
- Lynn, S., & Thorbecke, C. (2020, September 27). What America owes: How Reparations Would Look and Who Would Pay. Retrieved from ABC News website: <https://abcnews.go.com/Business/america-owes-reparations-pay/story?id=72863094>
- MC, A. (2022, June 9). The Indigenous people killed by police in Australia. Retrieved from [www.aljazeera.com](http://www.aljazeera.com) website: <https://www.aljazeera.com/features/2022/6/9/the-aboriginal-australians-killed-by-police>
- Mhlanga, D., & Garidzirai, R. (2020). The Influence of Racial Differences in the Demand for Healthcare in South Africa: A Case of Public Healthcare. *International Journal of Environmental Research and Public Health*, 17(14). <https://doi.org/10.3390/ijerph17145043>
- Natal | historical province, South Africa. (2023, May 2). Retrieved from Encyclopedia Britannica website: <https://www.britannica.com/place/Natal-historical-province-South-Africa>
- National Archives. (2018, January 5). The Emancipation Proclamation. Retrieved from National Archives website: <https://www.archives.gov/exhibits/featured-documents/emancipation-proclamation>
- National Museum of American History, Behring Center. (2019). White Only: Jim Crow in America - Separate Is Not Equal. Retrieved from <https://americanhistory.si.edu/brown/history/1-segregated/white-only-1.html> website: <https://americanhistory.si.edu/brown/history/1-segregated/white-only-1.html>
- Nellis, A. (2021, October 13). The Color of Justice: Racial and Ethnic Disparity in State Prisons. Retrieved May 1, 2023, from The Sentencing Project website: <https://www.sentencingproject.org/reports/the-color-of-justice-racial-and-ethnic-disparity-in-state-prisons-the-sentencing-project/>
- News, A. B. C. (2023, January). Providence establishes reparations program to praise and criticism. Retrieved May 1, 2023, from ABC News website: <https://abcnews.go.com/US/providence-establishes-reparations-program-praise-criticism/story?id=96662287>
- NIAA. (2022). Education | Closing the Gap. Retrieved May 21, 2023, from [www.niaa.gov.au](http://niaa.gov.au) website: <http://niaa.gov.au/sites/default/files/reports/closing-the-gap-2019/education.html>
- Northern Land Council. (2021). Land rights. Retrieved from Northern Land Council website: <https://www.nlc.org.au/our-land-sea/land-and-sea-rights>
- Ogilvie, F. (2008, January 22). Tas stands alone in Stolen Generations compo scheme.



- Retrieved from www.abc.net.au website: <https://www.abc.net.au/news/2008-01-22/tas-stands-alone-in-stolen-generations-compo-scheme/1021310>
- OHCHR. (2021). Human rights education key to overcoming conflict and inequality. Retrieved May 22, 2023, from OHCHR website: <https://www.ohchr.org/en/stories/2017/12/human-rights-education-key-overcoming-conflict-and-inequality>
- PBC. (2021). Future Acts | PBC. Retrieved May 21, 2023, from nativetitle.org.au website: <https://nativetitle.org.au/learn/role-and-function-pbc/future-acts>
- Pilgrim, D. (2012). The Brute Caricature - Jim Crow Museum - Ferris State University. Retrieved from Ferris.edu website: <https://www.ferris.edu/HTMLS/news/jimcrow/brute/homepage.htm>
- Psychiatry.org - Mental Health Disparities: Diverse Populations. (n.d.). Retrieved from psychiatry.org website: <https://www.psychiatry.org/psychiatrists/diversity/education/mental-health-facts>
- Quilty, S., Jupurrurla, N. F., Bailie, R. S., & Gruen, R. L. (2022). Climate, housing, energy and Indigenous health: a call to action. *Medical Journal of Australia*, 217(1). Retrieved from <https://www.mja.com.au/journal/2022/217/1/climate-housing-energy-and-indigenous-health-call-action>
- Reparations | NAACP. (2019, January 1). Retrieved from naacp.org website: <https://naacp.org/resources/reparations>
- Reparations Scheme. (2017). Retrieved from Aboriginal Affairs website: <https://www.aboriginalaffairs.nsw.gov.au/healing-and-reparations/stolen-generations/reparations-scheme/>
- Report of the South Australian Stolen Generations Reparations Scheme Independent Assessor*. (2018). Retrieved from [https://www.agd.sa.gov.au/\\_\\_data/assets/pdf\\_file/0003/807429/Report-of-the-south-australian-stolen-generations-reparations-scheme.pdf](https://www.agd.sa.gov.au/__data/assets/pdf_file/0003/807429/Report-of-the-south-australian-stolen-generations-reparations-scheme.pdf)
- Romo, V. (2020, July 15). Asheville, N.C., Approves Steps Toward Reparations For Black Residents. *NPR*. Retrieved from <https://www.npr.org/sections/live-updates-protests-for-racial-justice/2020/07/15/891700076/asheville-n-c-approves-steps-toward-reparations-for-black-residents>
- Rothstein, R. (2014, April 17). Brown v. Board at 60: Why Have We Been so Disappointed? What Have We Learned? Retrieved from Economic Policy Institute website: <https://www.epi.org/publication/brown-at-60-why-have-we-been-so-disappointed-what-have-we-learned/>
- SASCO. (2017, August 9). A review on Black Economic Empowerment (BEE). Retrieved May 22, 2023, from SASCO website: <https://sasco.co.za/a-review-on-black-economic-empowerment-bee/>
- Sevilla, N. (2021, April 2). Food Apartheid: Racialized Access to Healthy Affordable Food. Retrieved May 1, 2023, from www.nrdc.org website: <https://www.nrdc.org/bio/nina-sevilla/food-apartheid-racialized-access-healthy-affordable-food>
- Sguazzin, A. (2021, August 5). South Africa Wealth Gap Unchanged Since Apartheid, Group Says. Retrieved from Time website: <https://time.com/6087699/south-africa-wealth-gap-unchanged-since-apartheid/>
- Simon, C. (2021, July 9). How COVID taught America about inequity in education. Retrieved April 28, 2023, from Harvard Gazette website: <https://news.harvard.edu/gazette/story/2021/07/how-covid-taught-america->

- about-inequity-in-education/
- Slevin, P. (2000, March 9). In Aetna's Past: Slave Owner Policies. *Washington Post*. Retrieved from <https://www.washingtonpost.com/archive/politics/2000/03/09/in-aetnas-past-slave-owner-policies/faa58ed3-51ba-44e6-b59f-c36ae181e093/>
- South Africa Truth and Reconciliation Commission. (2002). TRC/Report. Retrieved from [www.justice.gov.za](http://www.justice.gov.za) website: <https://www.justice.gov.za/trc/report/index.htm>
- South African History Online. (2017, June 7). History of Slavery and Early Colonisation in South Africa. Retrieved May 22, 2023, from South African History Online website: <https://www.sahistory.org.za/article/history-slavery-and-early-colonisation-south-africa>
- Stewart, G. (1998). Black Codes and Broken Windows: The Legacy of Racial Hegemony in Anti-Gang Civil Injunctions. *The Yale Law Journal*, 107(7), 2249. <https://doi.org/10.2307/797421>
- Steyn, D. (2022, December 12). South Africa: Nearly R2 Billion for Apartheid Reparations Is Unspent. *GroundUp*. Retrieved from <https://allafrica.com/stories/202212120202.html>
- Stolen Generations Reparations Package | Victorian Government. (2022). Retrieved from [Vic.gov.au](http://Vic.gov.au) website: <https://www.vic.gov.au/stolen-generations-reparations-package>
- Stolen Wages Reparation Scheme WA - Summary | Find & Connect. (2012). Retrieved May 22, 2023, from [www.findandconnect.gov.au](http://www.findandconnect.gov.au) website: <https://www.findandconnect.gov.au/guide/wa/WE00788>
- Teather, D. (2005, January 22). Bank admits it owned slaves. *The Guardian*. Retrieved from <https://www.theguardian.com/world/2005/jan/22/usa.davidteather>
- Territories Stolen Generations Redress Scheme. (2022). Retrieved from [Territoriesredress.gov.au](http://Territoriesredress.gov.au) website: <https://territoriesredress.gov.au/>
- The Antebellum Period: What Happened in America Before the Civil War. (n.d.). Retrieved May 1, 2023, from Historynet website: <https://www.historynet.com/the-antebellum-period-what-happened-in-america-before-the-civil-war/>
- The Editors of Encyclopaedia Britannica. (2018). Apartheid | Definition, Facts, Beginning, & End. In *Encyclopædia Britannica*. Retrieved from <https://www.britannica.com/topic/apartheid>
- The Natives Land Act of 1913 | South African History Online. (2013). Retrieved from [Sahistory.org.za](http://Sahistory.org.za) website: <https://www.sahistory.org.za/article/natives-land-act-1913>
- The Royal Australasian College of Physicians. (2005). *Inequity and Health*. Retrieved from <https://www.racp.edu.au/docs/default-source/advocacy-library/inequity-and-health-policy.pdf>
- Truth & Reconciliation. (n.d.). Retrieved May 1, 2023, from [truth.rwu.me](http://truth.rwu.me) website: <https://truth.rwu.me/about.html>
- Tuazon, R. (2019, January 8). Examining South Africa's Truth and Reconciliation Commission. *The Colleges of Law*. Retrieved from <https://www.collegesoflaw.edu/blog/2019/01/08/trc-south-africa-study-abroad/#:~:text=TRC%20has%20achieved%20a%20national>
- United Nations. (2005, December 16). Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human

Rights Law and Serious Violations of International Humanitarian Law.  
Retrieved from OHCHR website: <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-and-guidelines-right-remedy-and-reparation>

West, E. (2020, December). Exploitation through Sexual Violence · Hidden Voices: Enslaved Women in the Lowcountry and U.S. South · Lowcountry Digital History Initiative. Retrieved April 30, 2023, from [ldhi.library.cofc.edu](https://ldhi.library.cofc.edu/exhibits/show/hidden-voices/enslaved-women-and-slaveholder/sexual-violence) website: <https://ldhi.library.cofc.edu/exhibits/show/hidden-voices/enslaved-women-and-slaveholder/sexual-violence>

Wright, R. (1986, July 19). Massachusetts militia roots: A bibliographic study. Retrieved April 20, 2023, from [Army.mil](https://history.army.mil/reference/mamil/MAMIL.HTM) website: <https://history.army.mil/reference/mamil/MAMIL.HTM>

Yasukichi, Y. (1950). The profitability and viability of plantation slavery in the United States. Retrieved April 19, 2023, from [The Economic Studies Quarterly](https://www.jstage.jst.go.jp/article/economics1950/12/1/12_1_60/_pdf) website: [https://www.jstage.jst.go.jp/article/economics1950/12/1/12\\_1\\_60/\\_pdf](https://www.jstage.jst.go.jp/article/economics1950/12/1/12_1_60/_pdf)

Yglesias, M. (2020, June 5). 8 Can't Wait, explained. Retrieved from [Vox](https://www.vox.com/2020/6/5/21280402/8-cant-wait-explained-policing-reforms) website: <https://www.vox.com/2020/6/5/21280402/8-cant-wait-explained-policing-reforms>