

FROM AFRICA TO EUROPE: MIGRATION AS A CLAIM FOR REPARATIONS

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Like every Tuesday evening, Hussein and I were having coffee at a Tunisian pastry shop in the north of Paris to follow up on his administrative battle with the French government. We had spent months filing paperwork together, building the strongest possible case for his asylum application. Although his first language was Arabic, we were managing to understand each other in English.

Hussein [fled Sudan](#) in 2002 with a fake passport and settled in Athens after a long journey through Syria, Lebanon, and Turkey. In 2015, forced to leave Greece, he traveled through the Balkans and Germany with the aim of reaching the U.K. After arriving in Paris, exhausted and sick, he joined a few other Sudanese refugees in a makeshift camp established under elevated train tracks. This is where I met him in April 2016. A few days later the camp was evacuated, and Hussein had to give his fingerprints and file an asylum application in order to escape deportation.

On that day in October, the unbearable wait and the autumnal rain had somewhat dampened his hope of receiving a positive answer from the French Office for the Protection of Refugees and Stateless People, or OFPRA. Warming up his hands on his coffee cup, he looked at me with a very serious face and said, “I know that I shouldn’t be here. I should be in UK. But they destroyed Calais, we cannot cross anymore. And I’m so tired of doing this.” Feeling in Hussein’s comment some sort of apology for seeking asylum in France, I pushed him for an explanation. He explained that since his country of origin, Sudan, had been colonized and exploited by the British Empire, he felt that if any country owed him asylum, it was the U.K, not France. It “owed” him.

At a time when the “migration crisis” is on everyone’s lips, migrants’ motivations for border-crossing and their choice of destination country are too often misconstrued and fantasized, if not simply

disregarded. Yet these motivations matter because they might help us to recognize the African migrant as a fully political agent, responsible for and master of their own fate — and not just one more nameless, disposable body washed ashore by the sea. As suggested by Hussein’s apology, could the individual practice of migration from Africa to Europe be thought of as a claim for reparations — a claim for justice and a fair share of the spoils of colonialism? What would be the implications of such a perception for the migrant’s political status in contemporary public discourse?

Calls for reparations for slavery and colonialism have been brought to light in the last thirty years, and have truly found echo and momentum in the past decade of the 21st century. “The Case for Reparations” published by Ta-Nehisi Coates in *The Atlantic* in 2014 followed by the eponymous article by anthropologist Jason Hickel (2018) have particularly emphasized the long lasting damages of centuries of Western domination and meticulously deconstructed the recurrent objections made to reparations. Still, no official apologies nor financial package have to this day been offered by culprit-nations to former enslaved and colonized people.

For this paper, I chose to take postcolonial France as a case study. The issue of reparations owed to France’s former colonies has been silenced for decades, virtually absent from public discourse. In 2017, newly elected President Macron bluntly dismissed the mere possibility of a reparatory gesture, judging “totally ridiculous” for France to “recognize, or compensate” for colonialism. However, if collective calls for reparations have been ignored, the undertaking might have taken a less official path, embedded in individual practices.

Building on the works of contemporary scholars from fields as diverse as law, geography, black studies, and anthropology, I support the thesis that migration from South to North should be regarded as “a right born of debt — an imperial debt. The right to migration, in other words, is a form of reparations” (Nevins 2019: 130).

“The nationalist struggles that led to the independence of the Third World states did not conclude with decolonization” (2005: 205), law scholar Antony Anghie points out. The continuity of colonial schemes has undermined the mere possibility of self-determination, and with it the beginning of a healing process. A new world order, still unequal although more duplicitous, rose out of the ruins of empires. A new world order that Jean-Paul Sartre, and later Kwame Nkrumah would name *neocolonialism*. Kwame Nkrumah wrote, “The essence of neocolonialism is that the State which is subject to it is, in theory, independent and has all the outward trappings of international sovereignty. In reality its economic system and thus its political policy is directed from outside.” (Nkrumah, 1987: IX) The Western world could count on international law and the brand new financial apparatus of the United Nations - namely the International Monetary Fund and the World Bank - to reaffirm and solidify its supremacy over what would become the Third World. To ensure continued presence and access to natural resources in their former colonies, European powers could rely on international law, almighty instrument designed by the Western world itself during the colonial era. In fact, as Anghie puts it, “the newly independent countries were legally bound to honor the concessionary rights to their natural resources with trading companies had acquired prior to independence.” (Anghie, 2005: 213) In other words, Western companies that had prospered and contributed to the wealth of the metropolises through centuries of human and land exploitation were legally allowed to carry on their activities. Newly created states were not done with colonial presence and dispossession. Actually, the colonial biases of international law didn't lack irony. The 1962 resolution on Permanent Sovereignty over Natural Resources (PSNR) stipulated that, in the event of a nationalization, “the owner shall be paid appropriate compensation.” (Art. 4) Not only Western powers had benefited for centuries from human and material dispossession, but they were legally entitled to demand and receive financial compensation for losing capital through independence-building - capital that had never been theirs in the first place. This way, the transfer of wealth from the South to the North could go on and flourish despite the official dissolution of colonial regimes. This is how, for example, the French company Total, one

of the world's major petroleum company, was able to keep drilling in Gabon, Senegal, and Algeria, among other countries.

In a column published in *The Guardian* in 2017, Black Studies scholar Kehinde Andrews states, “colonialism left Africa, Asia and the Caribbean underdeveloped, as the regions were used to develop the west while holding back progress in what we now call the global south.” The “development discourse” identified by Arturo Escobar (1995: 5) that emerged in the post-war era and took over the political economy of the twentieth century was surely one of the most powerful ways of perpetuating colonial dynamics. Freshly sovereign, African states organized around one main objective: to achieve economic *development*. In 1965, pan-africanist intellectual and political organizer Amilcar Cabral wrote, “We must be able to construct everything that is needed to create a new life in our land” (1979: 239). This aspiration to an Africa that could compete with the Western world in terms of economic power and population's well-being would be achieved through extensive industrialization. In this sense, Escobar wrote, “Western standards [became] the benchmark against which to measure the situation of Third World” (1995: 8). The global supremacy of the white Western world that was once secured through coercion was then ensured by the “construction of a notion of underdevelopment” (Escobar, 1995: 11). As Anghie shrewdly summarized it, “the gap between the colonizers and the formerly colonized was no longer located in juridical distinctions between the civilized and the uncivilized, but in economic distinctions between the developed and the developing” (2005: 204). And to be able to engage in the colossal enterprise that would transform the continent's landscape and future, the new African states got in debt. Infrastructures like highways, bridges, ports, airports, and power plants rose out of the ground subsidized by loans in foreign currency granted by Western governments and international institutions like the IMF and the World Bank. According to the IMF Policy Paper released in August 2019, 33 out of the 39 listed Heavily Indebted Poor Countries were located in sub-Saharan Africa. This label means that their debts added to the interests ensued from them became simply unsolvable. The IMF and the World Bank, respectively only presided by European and American appointed experts, count 189 countries among their members. But if Third World

countries are today allowed to seat at the table, their voting power is most often relegated to two digits after the decimal point (in terms of percentage of the total vote). The post-independence injunction for development placed African peoples once again under the subjugation of their historical oppressor. They got liberation, not freedom.

In all newly created states, Anghie explains, “[colonial] exploitation created a set of economic and political relations which favored the colonial powers and which continued to operate even in the post-colonial era” (2005: 208). This is the case of France with its former colonies. The progressive decolonization of Maghreb, West and Central African territories started during WWII and only ended in the late 1970s. Although France, weakened by the wars, could not reasonably afford keeping control over millions of people overseas while facing political unrest and the challenges of reconstruction in the metropole, it did not surrender its empire. As soon as Charles de Gaulle took over the presidency of the country in 1958, an African Cell (or *Cellule Africaine* in French) was implemented in order to closely monitor the transition to independence in Africa while guaranteeing profitable conditions for the brand new Fifth Republic. In fact, local elites, businessmen and politicians stayed in rather good terms with their French counterparts, nurturing a dense web of informal and powerful relations. This sphere of influence would soon be known under the name *Françafrique*. Jacques Foccart, Élysée’s chief advisor on African policy and founder of the African Cell, has played a crucial role in maintaining France’s influence in sub-Saharan Africa, fathering numbers of cooperation accords managed by the Ministry of Cooperation of which some are still very much alive today. The sending of military troops, along with the posting of French teachers in former colonies participated in fostering a new kind of colonial bond. French intervention in Africa against rebellions and military coups or in support of political leaders willing to serve France’s geopolitical interests also became a common practice. The intimate and protracted relationship between Omar Bongo, president of Gabon from 1967 till his death in 2009, and the Fifth Republic’s successive presidents is one of many examples. Finally, the Franc CFA zone that encompasses fourteen countries in Central and West Africa is a remarkable evidence of the persistence and pervasiveness of the French

colonial empire. The CFA franc is a currency guaranteed at a fixed exchange rate with the Euro. To this day, the French Treasury still sits on 50% of CFA franc reserves.

“We are not blinded by the moral reparation of national independence; nor are we fed by it. The wealth of the imperial countries is our wealth too.” (Fanon, 1963: 102). In *The Wretched of the Earth*, Frantz Fanon stressed the need for a collective demand for reparations emanating from the African people. Thirty years later, in April 1993, the debate was brought up on the international stage by the first pan-African Conference on Reparations for African Enslavement, Colonization and Neo-Colonization held in Abuja, Nigeria. Sponsored by the Commission for Reparations of the Organization of African Unity (succeeded in 2002 by the African Union), the Abuja Proclamation demanded compensation for the losses incurred by colonialism and slavery. It also made clear that the extensive exploitation and domination of African land and people couldn’t ever be considered past and finite history. The proclamation states, “the damage sustained by the African peoples is not a ‘thing of the past’ but is painfully manifest in the damaged lives of contemporary Africans from Harlem to Harare, in the damaged economies of the Black World from Guinea to Guyana, from Somalia to Surinam.” The moral and economic damages caused to the African continent and its population indeed materialize today in the form of – to name but a few – global racism, systemic poverty, and collective trauma. In 2000, African studies scholar Daniel Tetteh Osabu-Kle wrote, “under colonialism, the human and material resources of the continent were exploited to the benefit of the West, and that exploitation continues unabated during this era of neocolonialism. Compensation for all these must be included in the total reparation” (2000: 344).

The legal concept of reparation is understood as the right for an attested victim of abuse or damage to receive justice. For Osabu-Kle, it is “essentially some kind of restitution aimed at compensating, appeasing, and helping the victim to readjust and forget about retaliating in the future” (2000: 334). In this context, reparations can take several forms. Here I will rely on the expertise of South-African lawyer and

international law scholar Max Du Plessis to help us better understand legal meanderings. According to international law, reparation can be achieved through *restitution*, *compensation*, or *satisfaction*. Restitution would, for instance, be the return of artifacts and other objects extracted during the colonial era and today proudly exhibited as national treasures by The Louvre – I invite you to take a look at the Sarr and Savoy report released in 2018 – and the British Museum – Read The British Museum by Dan Hicks (2020). If restitution cannot do justice, the victim can seek monetary compensation for “financially assessable damage including loss of profits insofar as it is established” (Art. 36.2). Osabu-Kle and many other reparationists have attempted to estimate the cost of colonialism and slavery for the continent. But how can human loss be converted in US dollars? Billions? Trillions? “Even just *thinking* about what is owed reveals the hard truth: that what is owed, is everything,” Jason Hickel writes (2018). That is why compensation has often been demanded in the form of debt cancellation as a way of finally achieving independence. African countries’ sovereign debts were already impairing the continent’s prosperity in the 1990s, and by the early 2000s, the majority of them had become unsolvable. An agreement was reached during the 2005 G8 summit. The list of Heavily Indebted Poor Countries was only extending and figures inflating. The decision was made to erase the IMF and World Bank debts of the most indebted African countries. The Multilateral Debt Reduction Initiative (MDRI) granted debt “forgiveness” to 36 countries within the following years. Still, this gesture was never designed or intended as a form of compensation for wrongdoing. And since it was granted as a *favor*, debt forgiveness came under conditions. Part of these conditions were structural adjustments undermining once again the concerned countries’ national sovereignty and generating, a “snowball effect.” Indeed, according to the calculation of the British organization Jubilee Debt Campaign, new loans granted to poor countries tripled in the years following the MDRI.

The reparation claim seems to also include the ghost of what Africa could have become if colonialism had never happened. Nigerian politician M. K. O. Abiola wrote, “Who knows what path Africa’s social development would have taken if our great centres of civilization had not been razed in search of human cargo? Who knows how our economies

would have developed?” (1992). In this sense, reparationists call for what international law names *satisfaction*. “The state responsible for an internationally wrongful act is... oblig[ed] to give satisfaction for the injury caused by that act insofar as it cannot be made good by restitution or compensation” (Art. 32.1). Yet, the forms satisfaction for moral damage can take remains unclear. The situation gets even more complex when it comes to identify “the state responsible for [the] internationally wrongful act.” In the case of colonialism, France, Great-Britain, but also the Netherlands, Portugal, Spain, Belgium, and Italy appear to be the obvious perpetrators. But what about the rest of European countries which have also benefited from the wealth of former colonial powers? What about the endorsement of colonialism by the international community? And what about the many current beneficiaries of neocolonialism? The Abuja Proclamation, perhaps in an effort of diplomacy, broadly designates “all states in Europe and the Americas which had participated in the enslavement and colonization of the African peoples,” while Osabu-Kle also implicates the Christian and Muslim institutions, Arab countries, as well as the IMF and the World Bank. Additionally, as Du Plessis illustrates it, for the reparation case to be legally valid, “reparationists need to show that current Western states bear responsibility for the actions of their predecessors” (2003: 641). Is today’s France responsible for the actions of yesterday’s France?

Yet reparations appear very unlikely to be obtained through legal pathways. Time is today the biggest obstacle lying on the road for reparations. And it is not only a matter of prescription but a very practical matter of law. Indeed, the doctrine of inter-temporal law built in the text of international law prevents the mere admissibility of the claim. As Du Plessis explains, “reparationists face the hurdle of showing that the conduct complained about was unlawful at the time it was committed” (2003: 632). In other words, for the perpetrator to be found guilty of charge by international law, international law must have been in effect at the time the damage was done. In the case of colonial damage, it was not. The UN Charter only introduced the principle of self-determination in 1945, and the Declaration on the Granting of Independence to Colonial Countries and Peoples was only presented in 1960.

Although collective claims for reparation emanating from the African people have been declined and even ignored for decades, individuals might have already taken on them to reach out to the wealth. E. Tendayi Achiume, Professor of Law at UCLA and recently appointed UN Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, writes, “Justice in immigration from the Third World to the First must, in important part, be a function of the distributive justice and remedial implications of the failures of formal decolonization” (2019: 1520). Joining her, I too argue that migration from Africa to Europe – from the decision to leave the mother country to the choice of the country of final destination – should be interpreted as deliberate, individual claims for justice, a self-determination gesture, and a refusal to endure the unilateral and repeated imposition of an unfair economic and social world order. Since the 1970s, Europe has been increasingly rejecting, prosecuting, and deporting those the neoliberal rhetoric calls *economic migrants*, namely those who are “motivated primarily by the desire for a better life.” (Achiume, 2019: 1513) These migrants are defined in opposition to “refugees” who, for their part, meet the various criteria imposed by the 1951 UN Refugee Convention – chiefly that they have been forced out of their country of origin by war or persecution. In contrast to refugees who receive relative compassion and legal protection, economic migrants bring about suspicion and hostility everywhere they choose to settle. But “a different conceptualization of such migration is necessary,” writes Achiume, “one that treats economic migrants as political agents exercising equality rights when they engage in ‘decolonial’ migration” (2019: 1510). Migrants, whether they are forced to cross borders or not, must be acknowledged as politically competent agents. Achiume states that, “Third World persons are entitled to First World inclusion” (2019: 1551) as a form of reparations. They are entitled. The First World owes them.

Swedish Ethics scholar Göran Collste also supports the statement that, “the colonized peoples who contributed to the wealth of the colonial nation are entitled to immigrate to get their fare share of this

wealth” (2012: 75). However, he proposes the implementation of a “generous immigration policy” in order to compensate for “past wrongs.” But I find myself uncomfortable with the formulation of his argument. Indeed, the term “generous” conveys once again — like in the case of debt forgiveness — the conception of Europeans as saviors of the Third World. Moreover, in the case of colonialism, the “wrongs” cannot be defined as “past.” Additionally, Collste suggests that each former colonial state should accept in priority and in larger numbers immigrants from their former colonies rather than immigrants from other countries. This argument poses two major problems. The first one being that it again puts European states in a position of strength and superiority, in the position of the decision-maker. The second one being that it creates an inequality of rights among immigrants. Suketu Mehta, author and professor of journalism at NYU, published in 2019 *This Land Is Our Land: An Immigrant's Manifesto*. His thesis is quite simple: “[migrants] are coming here because we were there” (2019). Mehta states that, “in seeking to move, they are asking for immigration as reparations,” but his mathematical vision of these reparations resembles a lot Collste’s. “Immigration quotas should be based on how much the host country has ruined other countries,” he writes. Would this mean that a Malian citizen seeking to migrate to Germany would find a closed door and be redirected to France on the pretext that each former colonial power must deal with its own *burden*? Congolese to Belgium, Senegalese to France, Guineans to Portugal, and Somalis to Italy? And what about Cameroonian migrants? Should they be arbitrarily split between France, the UK and Germany? This absurd set of questions as well as the argumentation that led to it only say one thing: all humans should be endowed with the right of choosing the environment in which to settle, live, and thrive. In other words, individual self-determination should be a human right, not a favor, nor a privilege. Following Joseph Nevins, I am here making “the case for reparations in the form of freedom of movement and residence” (2019: 130). Yet, as surprising as it can be, no such thing is guaranteed by the Universal Declaration of Human Rights. Article 13 states, “everyone has the right to leave any country, including his own, and to return to his country” but nowhere is to be found the right for everyone to enter the country of their choice. As a matter of fact,

Achieme explains, “the prevailing doctrine of state sovereignty under international law today is that it entails the right to exclude nonnationals” (2019: 1509). One can leave one’s country but has no guarantee to be able to enter another one, and, in a statist world, it is impossible to get out without getting in. The right of the state crashes into the right of the individual.

When all appeals have been exhausted and justice hasn’t been made, migration becomes the “weapon of the weak,” (Scott, 1985) a refusal to cooperate. Anthropologist Carole McGranahan writes, “refusal marks the point of a limit having been reached: we refuse to continue on this way” (2016a: 320). She theorizes the political practice of refusal as a powerful manifestation of hope, “hope that things will be different. Even more, it is the insistence that they will be.” (2016b: 338) To be sure, migrating to Europe and leaving everything behind will never be a just compensation nor satisfactory reparations for colonial wrongs. It is most of the time a default option for the African migrant. The moral debt that is owed to them is par essence irreparable, unsolvable. It is though understandable that, when seeking a “better life,” migrants choose to settle in the country that created the conditions that pushed them to leave in the first place. In this context, migration becomes the exercise of a right long overdue to the migrant by the former colonizer. Within a global space organized around borders, the migrant represents the ultimate political being. “Becoming political is that moment when the naturalness of the dominant virtues is called into question and their arbitrariness revealed.” (Isin, 2002: 275)

CONCLUSION

Migrants are nowadays criminalized to the point that the term “migrant” itself amounts to an insult. Within certain circles of volunteers, all migrants are called “refugees” out of respect, as if one needed to escape death to be entitled to cross borders. As if only refugees who can prove they are such are worthy of the Western world’s largesse. The refugee is seen as a passive and weak body pushed across borders;

and the immigrant a profiteer, a thief attracted by the irresistible glow of running water and mass consumption. It is necessary then, and even urgent, that we deconstruct migrant categories, their tacit rankings, and the “white ruler” arbitrariness they carry within them.

In May 2018, former French Interior Minister Gérard Collomb gave a patronizing speech in which he lamented migrants, and particularly refugees, “benchmarking” European countries choosing their destinations according to immigration legislation and welfare programs. The speech was deemed disrespectful and insulting by the Left, and generated a wave of public outrage. While I’m surely exasperated by its unabashed xenophobic rhetoric, I challenge Collomb’s statement by taking it further: what if migrants are benchmarking? What if they do choose the country where they want to live, and don’t surrender themselves to the good will of European saviors? White people do the exact same thing when “expatriating,” don’t they? Today, almost four years after he was granted asylum for ten years in France, Hussein is homeless and unemployed. He doesn’t speak French, and so must survive on a meagre monthly welfare check, alternating between the streets and cheap hostel rooms. The refugee status offered him only a momentary relief. Death threats from a dictatorial regime were substituted with hunger, loneliness, and depression. Yes, the reasons why he left his mother country were deemed acceptable, but his life – including the freedom of choosing where to settle and thrive – ceased to belong to him. Whether they are called refugees or economic migrants, Third World individuals daring to cross borders are denied their political agency. To me, this is simply one more deed of colonial dispossession.

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