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GLOBAL JUSTICE AND COLONIAL LEGACY

A model of a boat transporting enslaved Africans from the Gold Coast, seen at the National History museum in Ghana (26/8/2013 by Marie Lundstrøm).

Roskilde University

Master's thesis – Public Administration

Marie Amalie Conrad Lundstrøm

30 June 2014
Abstract

This thesis investigates the case of the current call for compensation for the Trans-Atlantic Slave Trade from the Caribbean Community Secretariat, CARICOM. 15 Caribbean nations united under the CARICOM Reparations Commission (CRC), represented by the British law firm Leigh Day, are calling upon the former slave-owning nations in Europe; Britain, France, Spain, Portugal, the Netherlands, Norway, Sweden and Denmark to “engage Caribbean governments in reparatory dialogue to address the living legacies of these crimes” (CARICOM Reparations Commission, press statement, 10 December 2013). The focus of this thesis is on the both the theoretical notion of global justice, and the responsibility for compensating for historical injustices in particular the Trans-Atlantic Slave Trade. Using political philosophical theories of justice, this thesis investigates the moral implications of the case, and ask whether Denmark ought to provide compensation for its role in the Trans-Atlantic Slave Trade. The answer is that the nation state as a transgenerational community inherits and passes on the responsibility to maintain and fulfil promises between current citizens, predecessors and successors. If Denmark is guilty of violating the obligations laid out in the International Convention on the Elimination of All Forms of Racial Discrimination (1965) as proposed by the CARICOM, Denmark has at least a moral obligation to rectify the violations of this promise.

Preface

The background for choosing the call for reparations for the Trans-Atlantic Slave Trade as topic for this Master's thesis, stems from an interest in international inequality and global history. Following a 6 months internship with the Royal Danish Embassy in Ghana, this topic which is both historical, ethical and political became my choice. It has proven to be a challenge to find a theoretical backdrop, which would suffice in this investigation. By exploring theories of applied ethics within political science I have discovered theoretical accounts of justice, which were usable for this thesis. Furthermore, I have talked to an archaeologist, to politicians, to the leader of the USVI reparations movement and to the lawyer representing the Caribbean nations to provide the empirical foundation for this thesis, and to gain an overview of this complicated case. I have also chosen to write this thesis in English as the topic is a global issue.

The thesis is written between 1st February 2014 – 30th June 2014.
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1. Introduction

This thesis is investigating Denmark's obligations related to the call for reparations for the Trans-Atlantic Slave Trade from the Caribbean nations. In 2013, fifteen Caribbean countries gathered to establish a regional reparations commission, with the purpose of claiming justice from former colonial powers and involved parties in the Trans-Atlantic Slave Trade. The CARICOM Reparations Commission is seeking compensation from the 8 European nations which were involved in the Trans-Atlantic Slave Trade, which are Denmark, Sweden, Norway, The Netherlands, France, Britain, Portugal and Spain. On behalf of the Caribbean nations the CARICOM Reparations Commission (CRC) “seek reparatory dialogue with the former slave-owning states of Europe, which were enriched by these crimes, with a view to seeking their support for the eradication of the legacy that serves to subvert the development efforts of national societies”\(^1\). The CRC has formulated a Reparations Justice Program which comprise a Ten Point Reparations Actions Plan (annex 2), set out to eliminate the current legacies which the Caribbean nations claim to experience as a consequence of the Trans-Atlantic Slave Trade.

This case has given rise to several debates in the international community, not least in Denmark. Former functioning Minister of Foreign Affairs of Denmark, Nick Hækkerup has called The Trans-Atlantic Slave Trade a "dark and gloomy chapter in the world history"\(^2\). A time where actions were committed by the Danish state, which according to the former Danish Minister for Development Christian Friis Bach can be considered as "major, unforgivable mistakes"\(^3\).

However, the idea of compensating for the Trans-Atlantic Slave Trade has not been met with open arms by the Danish Parliament. The fact that the Trans-Atlantic Slave Trade took place over 150 years ago, and that no living people were directly involved in these crimes, has caused scepticism amongst Danish politicians about whether Denmark should compensate for its actions committed during the Trans-Atlantic Slave Trade.

The idea of compensating or apologising for historical crimes is not new in politics of states\(^4\). Also in the UN, the Trans-Atlantic Slave Trade has been stated a crime against humanity. The Durban Declaration of 2001\(^5\) acknowledges that the Trans-Atlantic Slave Trade is a “crime against

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2 Nick Hækkerup, former functioning Minister of Foreign Affairs in Denmark, answer to the question asked by MP Søren Espersen (O), if Denmark should apologise for the Trans-Atlantic Slave Trade to the US Virgin Islands, §20 question, S 429, 27 November 2013 (Translated by author) (http://www.ft.dk/samling/20131/spoergsmaal/S429/index.htm viewed 4 June, 2014)
3 Interview with former Minister for Development in Denmark, Christian Friis Bach, see Annex 4 (Translated by author)
4 View section 6.1.6 on Similar cases
5 Declaration from the World Conference against Racism, Racial Discrimination Xenophobia and Related Intolerance, Durban, South Africa 31 Au
humanity and should always have been so […] and are among the major sources and manifestations of racism, racial discrimination, xenophobia and related intolerance, and that Africans and people of African descent […] were victims of these acts and continue to be victims of their consequences” (Article 13, Durban Declaration, 2001). Despite this acknowledgement in the UN, Denmark has not issued an official apology to its former colonies in the US Virgin Islands, for the forced migration and enslavement of the ancestors of the African-descended population performed by Denmark during the Trans-Atlantic Slave Trade. While the former Minister for Development Christian Friis Bach believes Denmark might eventually apologise, it does not in his belief make sense to do so. Other Danish politicians have called it “absurd” or “dangerous” for Denmark to issue a formal apology for the Trans-Atlantic Slave Trade, yet the Red-Green Alliance stated in 2013, that they believe Denmark should make an official apology to the US Virgin Islands.

The question of whether Denmark ought to issue compensation for its role in the Trans-Atlantic Slave Trade is yet unsettled. The respective parties in the case; on one side the African-descended population in the Caribbean and the Danish state on the other, have different views on the obligations arising from the Trans-Atlantic Slave Trade.

Is Denmark obliged to compensate for its role in the Trans-Atlantic Slave Trade? If this is the case, what do such an obligation arise from? And what does it consist of?

This thesis will treat and investigate the issue of whether Denmark should compensate for the Trans-Atlantic Slave trade as a moral dilemma. Using theories of applied ethics this thesis intends to investigate the moral implications of the case of whether Denmark ought to provide compensation for the Trans-Atlantic Slave Trade to the Caribbeans.

The studies by the scholars Göran Collste and Janna Thompson will be used as the main theoretical frame in this thesis. Göran Collste is a professor of Applied Ethics at Centre for Applied Ethics at Linköping University in Sweden. He is investigating the notion of rights and has published several articles dealing particularly with historical injustices and the responsibility for handling current legacies of colonialism. Professor Collste has provided a theoretical account for historical

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6 See interview with Mr. Christian Friis Bach section 6.2.2 and annex 4
7 MP Søren Espersen, see section 6.2.3
8 MP Michael Aastrup Jensen, see section 6.2.3
10 I will return to the definition of Applied Ethics in section 4.1.1.
11 Staff at Linköping University; Göran Collste, Professor of Applied Ethics: (http://www.liu.se/ikk/medarbetare/goran-collste?l=en viewed 24 June, 2014)
injustices, which will be presented in section 5.1.

Janna Thompson is a Professor in Political Philosophy in the Department of Philosophy at La Trobe University in Australia13. She has specialised in Political Theory and Philosophy, Reparative Justice, Global Justice, Feminist Philosophy Environmental Philosophy, Feminism and Intergenerational Justice. Her book: “Taking Responsibility for the Past”14 is exploring the moral obligations arising from historical injustices and commitments. Her study on historical obligations and intergenerational commitments will be presented in section 5.2.

What this thesis intends to investigate is which conditions the scholars in applied ethics, presented in section 5, prescribes as necessary features in order for a historical injustice to constitute a relevant claim for compensation, and whether the Trans-Atlantic Slave Trade constitutes such a case.

2. Problem Field

In the context of the call for reparations from the Caribbean nations, focusing on Denmark, this thesis will investigate what Denmark ought to do in terms of compensating for its role in the Trans-Atlantic Slave Trade. According to the Caribbean nations united under CARICOM, Denmark is guilty of harming the Caribbean nations throughout the period of the Trans-Atlantic Slave Trade, and Denmark has a legal obligation to rectify the consequences of its actions, which are still present today15. The claim is forcing Denmark to revisit its past, and in this process an array of ethical considerations and following practical implications arise. Who are the offenders and offended in this case? Is Denmark responsible, and who exactly carry these responsibilities? How should the Danish state react to the accusations from CARICOM? And are these accusations even true? This thesis will investigate what constitutes the claim for repair, the actions proposed to have caused it and, most importantly, which moral obligations Denmark can be considered to have in this case.
3. Problem Formulation

Should Denmark compensate the Caribbean nations for Denmark's actions committed during the Trans-Atlantic Slave Trade?

4. Methodological and theoretical considerations

4.1 Structure
First the topic of this thesis is presented in the Introduction (1). The Problem field (2) will present the main considerations which are the basis for this thesis, which in the Problem formulation (3) will be presented as the main research question. Then the Methodological and theoretical considerations (4) behind this thesis are explained, and hereafter the Theory (5) chosen for this thesis is presented. Then the Empirical evidence (6) used in this thesis, namely the case-study of the Danish Slave Trade and the interviews conducted with the respective parties in this case are presented. Hereafter will follow the Analysis (7) where the theories will be used to examine the case and the data collected (e.g. Interviews). Then a Conclusion (8) will be presented. A list of References (9) is presented, followed by the Appendix (10) which consists of the presentation of egalitarian theories of justice (annex 1), the Ten Point Action Plan from CARICOM (annex 2), a meaning condensation of the interview conducted with Mr. Shelley Moorhead (annex 3), a translated interview with Mr. Christian Friis Bach (annex 4), the transcribed interview with Mr. Søren Espersen (annex 5), answers from Members of the Danish Parliament (annex 6, separate), and finally the E-mail correspondence with Martyn Day, Leigh Day law-firm (annex 7, separate). The sound-recordings of the interviews with Shelley Moorhead and Christian Friis Bach are uploaded in the system.

4.1.1 Choice of theories
For the purpose of investigating the moral question of whether Denmark should or ought to compensate for its role in the Trans-Atlantic Slave Trade, the thesis use the field of applied ethics
namely ethics of justice. Ethics is the term for philosophical reflection on morality (Appiah, 2003), and applied ethics is the “art or science of reflecting on moral dilemmas and moral problems in different social contexts” (Collste, 2012). Applied ethics has since the 1970's developed as a discipline, with a variety of sub disciplines including medicine, health care, politics and business (Collste, 2012). Applied ethics means to engage in a philosophical reflection on ethical notions of a particular field. Dealing with applied ethics means to identify and reflect upon the moral questions arising from the particular field. Within medicine, we are familiar with the existence of moral dilemmas regarding artificial insemination and euthanasia, to name a few. Applied ethics has developed sub disciplines within several fields, where moral dilemmas can be identified. Thus, applied ethics is about identifying moral dilemmas within a particular field or case. The applied ethics of political science has expanded its focus over the years from focusing on the nation state to focusing on the global community, which will be further explained in section 5. This thesis will use the discipline of applied ethics to investigate what Denmark ought to do in the question of compensating for the Trans-Atlantic Slave Trade and hence view the issue as a moral dilemma, and engage in the various moral discussions in this case.

Theories of justice are therefore seen as relevant for this investigation, to identify the ethical answer to the case of Denmark’s obligations regarding the Trans-Atlantic Slave Trade. According to Göran Collste, in the modern history of applied ethics, one of the most important books is A Theory Of Justice (1973) by John Rawls. Rawls examined the meaning and justification of justice (Collste, 2012). Rawls provided a theory of justice which was meant to govern the nation state. Rawls notably focused his theory only on justice within the nation state. Since then, scholars have focused on this lapse in Rawls' focus. They have sought to expand Rawls' principles of justice to apply to the global community, to establish a theory of global justice. Rawls notably perceived justice as fairness (Rawls, 1985), and both Rawls and the scholars he inspired, have focused on the egalitarian idea of justice which view justice as equality. Göran Collste notes that the theories of justice have focused only on justice as equality in distribution. According to him, there are historical causes for the inequality, which should be targeted. The global community according to Collste, is unequal because of actions committed in the past. This notion is in his opinion what validates the idea of rectificatory justice. Collste thus adds on to the original notions of justice as presented by Rawls, using an account of justice as rectification. Collste's notion of justice includes a right to

16 Beitz, 1979; Pogge, 1989 & 2008; Caney, 2005; Valentini, 2012, presented in Annex 1
17 Egalitarianism. (http://plato.stanford.edu/entries/egalitarianism/ viewed 1 June, 2014)
compensation for historical wrongs under special circumstances. Collste is presented in section 5\textsuperscript{18}. Furthermore, Janna Thompson's idea of historical obligations arising from transgenerational commitments is chosen for this investigation (Thompson, 2002). According to Thompson, what gives citizens the responsibility for historical injustices, are the obligations they have towards their predecessors as citizens in a transgenerational community. Having signed a treaty, a state has committed to transgenerational obligations, and therefore the state and its citizens, are obliged to fulfil these obligations (section 5.2)

These theories are elaborated upon in section 5. The philosophical notions of justice will provide the theoretical framework for a moral discussion of Danish obligations arising from the Trans-Atlantic Slave Trade.

4.1.2 Empirical choices

This thesis is an examination of a contemporary case which is largely constituted by historical data and facts. It has therefore been the choice to present the empirical aspects of the case as a case study, to fully grasp both the historical, political and legal aspects of this case. The choice of a case study stems from a preconceived idea of the unlikelihood of observing a uniform global memory and attitude towards the actions which were committed during the Trans-Atlantic Slave Trade. Focusing on the case of Denmark the thesis intends to examine in depth the historical events leading from the beginning of the Danish involvement in the Trans-Atlantic Slave Trade, to the current call for reparations by the Caribbean nations, and the African-Caribbean Reparations and Resettlement Alliance, an NGO operating out of the US Virgin Islands. To align the focus in this thesis with the contemporary public discussions about the Trans-Atlantic Slave Trade, and to get a sense of the attitudes towards this case from the parties involved in the case, interviews were collected which aim to present the various sides of the case respectively.

\textsuperscript{18} The Rawlsian/egalitarian theories of justice are explained in annex 1.
4.2 Methods of and for data collection

4.2.1 Case study

The fact that the Danish involvement in the Trans-Atlantic Slave Trade happened in the 1600-1800's makes it relevant to present the history of the Trans-Atlantic Slave Trade, in order to gain a complete understanding of the case. As the historical events are unobservable, it was considered relevant to establish an understanding for what took place during the Trans-Atlantic Slave Trade, and furthermore, to find out how the involved parties in the case view the issue of compensation. Therefore, it was chosen to do a case study, which would allow for this thesis to present the various aspects of the case. A case study can according to Launsø and Rieper19 be defined as a “strategy to study a complex case, and which is based on an in-depth understanding of the case, obtained by a comprehensive description, analysis and interpretation of the case in its whole and in its context. There is not always an obvious demarcation between the case/the phenomenon and its context”20 (Launsø & Rieper, 2005:94-25). As the case of the Trans-Atlantic Slave Trade took place in the 1400-1800's21, while the call for reparations is current, there are differences in time, which must be taken into account. The definition of a complex case is according to Launsø and Rieper (2005), that input and output can not easily be related to each other. The problem of causation between happenings then, and current legacies which CARICOM is claiming reparations for, makes the case of the Trans-Atlantic Slave Trade a complex case. To investigate the case in “its context” means according to Launsø and Rieper (2005), that the circumstances around the case must also be considered. The reasons why and how Denmark entered into the Trans-Atlantic Slave Trade, and why and how Denmark ended its involvement in the Trans-Atlantic Slave Trade will therefore also be considered. According to Launso and Rieper(2005), a “comprehensive description, analysis and interpretation” means that there should be descriptions from various sources, including first-hand impressions from observations (Launso & Rieper, 2005:95). The way this has been accommodated this in this thesis is that information has been sought about the case of the Trans-Atlantic Slave Trade and the call for reparations, from various parties in the case as well as from the fields of history and natural science.

As part of the research for this thesis, Mr. Hannes Schroeder who is a Post Doc at the University of

20 Translated by author
21 The Trans-Atlantic Slave Trade for all European States involved lasted from 1450-1870, while the Danish involvement was from 1658-1848 (estimates from Lauring, 2014:73)
Copenhagen at the Centre for GeoGenetics was consulted. Hannes Shroeder is a trained anthropologist/archaeologist at the University College London and at the University of Oxford in the UK. He is specialised in bioarchaeology and ancient DNA is coordinating the project EUROTAST. EUROTAST is a Marie Curie Initial Training Network, which is exploring the history, archaeology and genetics of the Trans-Atlantic Slave Trade. For this thesis Hannes Schroeder has been used as an informant about the Trans-Atlantic Slave Trade and where to search for information about the Slave Trade, and he has also read this thesis and provided clarity on a number of historical issues regarding the Trans-Atlantic Slave Trade.

To answer the problem formulation of whether Denmark should compensate for its role in the Trans-Atlantic Slave Trade, it was relevant to not only include the philosophical accounts of justice and the judicial claims for reparations but to provide a thorough examination of, and a detailed account of the actions committed by the Danish state during the Trans-Atlantic Slave Trade. Furthermore, interviews with involved parties in this case were conducted for the purpose of getting first-hand impressions from observations (Launsø & Rieper, 2005:95).

The methodological considerations behind the interviews conducted will now be presented. The interviews will be presented in section 6.2.

4.2.2 Interviews

It was chosen to conduct interviews for the purpose of gaining a thorough understanding of and insight into the political and judicial areas of this case. Therefore, interviews were conducted with representatives from both the Danish State, the US Virgin Islands and the lawyer, Martyn Day who is representing CARICOM.

The following parties in the case were consulted:

- Mr. Shelley Moorhead, leader of the African-Caribbean Reparations and Resettlement Alliance (ACRRA) was interviewed. This interview will be presented in section 6.2.1 and annex 3. Furthermore, the interview is recorded and attached.

- MP and former Minister for Development, Mr. Christian Friis Bach has been interviewed. This interview will be presented in section 6.2.2 and annex 4. The interview is recorded and attached.

22 EUROTAST (http://eurotast.eu/ viewed 25 June, 2014)
• MP Mr. Søren Espersen was also interviewed. His answers will be presented in section 6.2.3 and annex 5

• Questionnaires (two questions) were sent to representatives from each of the 8 parties in the Danish Parliament via E-mail, and 5 answers were received. These answers will be presented in section 6.2.3 and annex 6

• Lawyer Martyn Day representing the CARICOM Reparations Commission has been contacted via E-mail and his answer received via E-mail. These will be presented in section 6.2.4 and in annex 7

The interviews conducted are all *elite interviews*, which are the term for interviews with interviewees who are leaders or experts (Kvale & Brinkmann, 2008:167). When interviewing an expert, who is used to being interviewed, it is important to remember that this person has quite likely produced answers beforehand. Kvale & Brinkmann emphasise that when interviewing an expert, it is important to challenge the opinions of the experts, by sharing your views of the case (Kvale & Brinkmann, 2008:167). For the interview Mr. Christian Friis Back, the former Minister for Development, it was found relevant to ask him general questions about the strategy for Danish Development aid, to try to challenge his ideas and opinions of a case of this sort. The translated interview (by author) is found in its full form in Annex 4, and presented in section 6.2.2. The interviews conducted are also *factual* as the purpose of conducting the interviews was to get the opinions from the involved parties in this case (Kvale & Brinkmann, 2008:171). Furthermore the interviews with the Danish politicians are *concept interviews* which is the term Kvale & Brinkmann use for interviews that investigates the interviewees definition of terms, in this case the notion of justice and responsibility (Kvale & Brinkmann, 2008:171).

4.2.2.1 Interview design

Some of the interviews have been semi structured. These are the interview with Shelley Moorhead and the interview with Mr. Christian Friis Bach. The questions for the interviews were sent beforehand, to both interviewees (see annex 3 and annex 4). For the interview with Shelley Moorhead, 12 questions were prepared. Some of the answers covered more than one question, so the plan was not followed completely. However, all the questions were answered during the interview. It was the choice to structure this interview so that all questions would be answered. As
Shelley Moorhead is an informant as well as a part in the case, it was not only his attitude towards the case which was important, as this was clear from the beginning, due to the fact that he is the founder of ACRRA. It was considered relevant to hear elaborated arguments put forward by Shelley Moorhead, for Denmark's obligation to issue compensation, namely the precise consequences of the Trans-Atlantic Slave Trade, from Shelley Moorhead's viewpoint.

For the interview with Mr. Christian Friis Bach only two questions were prepared. It was chosen to do a less structured interview with Mr. Friis Bach, as it was expected that some answers encountered would need elaboration or clarity. Mr. Friis Bach's attitude towards the case was also unknown in the beginning, therefore by choosing a few questions to begin with, relevant points could be elaborated on during the interview.

It was chosen to send out questionnaires to the representatives from the Danish Parliament. Two questions were sent to each party's rapporteur on Development and Foreign Affairs (see annex 6). The choice to collect their responses in this way, was to be able to compare their answers, by asking them the same questions. The aim was to get the opinions of the respective parties, and not their personal opinions. Therefore an official statement on the question on whether the respective party agreed to that Denmark ought to do justice towards its former colonies; the US Virgin Islands would be sufficient for this investigation. Therefore the questionnaires were chosen as the method for collecting the opinions of the Danish Parliament. The questions could be answered with yes/no, which one MP chose to do.

One MP, Mr. Søren Espersen requested to answer via a phone call instead of replying by E-mail. The transcribed interview can be found in annex 5.

4.2.2.2 Conducting the interviews

One interview was done via Skype and two interviews via the phone.

The Skype interview with Shelley Moorhead resulted in three recordings, where one was lost. Shelley Moorhead was in the US Virgin Islands at the time of the interview, and there were difficulties in maintaining a stable internet connection throughout the entire interview. 40 minutes of the interview remains, and these two recordings are uploaded with this thesis. It was chosen to do a meaning condensation of the interview with Shelley Moorhead. The fact that part of the interview with Shelley Moorhead is missing, is problematic since it cannot directly be proven that he has
answered the questions, the way it is written in this thesis. However, from the two parts of the interview, which are uploaded, it is the opinion that Shelley Moorhead's attitudes and beliefs are transparent.

The interview with Mr. Christian Friis Bach were conducted through a phone interview, which lasted half an hour. The recorded interview is uploaded. The interview is then translated into English (by author) and this is found in annex 4.

To get a sense of the feeling of guilt and responsibility for the past, the Danish politicians were asked about the feeling of guilt or responsibility towards the US Virgin Islands, where Danish slave traders and plantation owners ruled during colonial times. The lawsuit from CARICOM does not include the US Virgin Islands, as they legally are part of the US, and therefore they only have observer status in the CARICOM. Therefore, the politicians have not been asked about their attitude towards Denmark's overall role in the Trans-Atlantic Slave Trade, as the assumption was that this would result in vague answers. To eliminate any doubt about the issue of Danish involvement, it was chosen to ask politicians about their feeling of responsibility towards a specific destination, namely the US Virgin Islands. Also in light of the recent hosting of Shelley Moorhead in various Danish media and in light of last years Parliamentary debate in Denmark on whether to apologise to the US Virgin Islands it was considered relevant to ask questions about a debated question in Danish politics. If the MPs had been asked if Denmark ought to apologise for its role in the Trans-Atlantic Slave Trade, the question would have been more precise, but it was assumed that the answers would have been less precise. The fact that the Trans-Atlantic Slave Trade was a historical period where Denmark had a limited role compared to other European nations, would most likely have biased the politicians' answers. While the point was for them to express their moral standpoint in the question of Danish role in the Trans-Atlantic Slave Trade, the choice to ask only about the former Danish West Indies was made, to get more valid answers from the politicians.


24 Nick Hækkerup, former functioning Minister of Foreign Affairs in Denmark, answer to the question asked by MP Søren Espersen (O), if Denmark should apologise for the Trans-Atlantic Slave Trade to the US Virgin Islands, §20 question, S 429, 27 November 2013 (http://www.ft.dk/samling/2013/spoergsmaal/S429/index.htm viewed 4 June, 2014)
4.3 Delimitations

The focus of this thesis is the Trans-Atlantic Slave Trade and no account for any consequences of colonialism as a term or as a historical era will be given. However, in practice it has proven to be impossible, due to the economic, social and cultural implications, to separate Denmark's role in the Trans-Atlantic Slave Trade from its role as colonial power in the former Danish West Indies.

It would be relevant to examine the other European countries' attitudes towards the Caribbean agenda to estimate the general willingness amongst European states to issue an apology and offer compensation, as requested by the CARICOM. To limit the focus of this thesis, such an investigation has not been carried out.

Comparing this case to other cases, as mentioned in section 6.1.7, would also be an interesting approach to take, with the purpose of investigating the outcome of the case. Such a comparison has not been attempted. The choice have been made to focus only on the Trans-Atlantic Slave Trade as a historical legacy of the Danish state.

Furthermore, looking into the legal part of this case and focus directly upon the proposed violations of international law, as suggested by Leigh Day (section 6.1.5 and section 6.2.4), is not the aim of this thesis. It has been the choice to focus on the moral case of the Danish state's moral responsibility for compensating for its role in the Trans-Atlantic Slave Trade. To answer whether there has actually been violations of Denmark's responsibilities according to international law, will not be investigated in this thesis. It will not be answered whether any legacies of slavery are actually there, this includes racism. According to several parts in the case, there are current existing legacies of the Trans-Atlantic Slave Trade, and this notion will suffice in the discussion of whether Denmark should compensate for its role in the Trans-Atlantic Slave Trade.

What will be analysed in this thesis are the moral discussions ruling the public debate on this case, and the arguments portrayed by politicians and the media. The idea of rectifying actions which were committed a long time ago by people who are no longer alive, has sparked a debate, which this thesis will use the philosophical theories on justice to analyse and perhaps, provide some moral clarity on. The fact that the CARICOM is possibly going to sue the European nations because of a
proposed violation of international law, has not been the publicly displayed focus of their agenda nor has the public debate focused on this notion. Neither will this thesis, which will have a holistic view on the case of Denmark's role in the Trans-Atlantic Slave Trade. The theoretical and philosophical discussions could very well be focusing on a similar, albeit different case to this one, as this thesis will investigate the principle issues in rectifying a historical wrong. However, this thesis will be focusing on the case of Denmark's present responsibility for compensating for its role in the Trans-Atlantic Slave Trade.

5. Theory

To view the historical changes in the focus of political philosophers dealing with a notion of justice, seems relevant for this thesis which specifically deals with historical perceptions of right and wrong.

The two central philosophical discussions in political theory are whether the state can be justified to its citizens, and what constitutes a just distribution of rights and duties within the state (Risse, 2012:1). The latter is what the majority of theories of justice in political theory have focused on starting with John Rawls' A Theory of Justice (1973). John Rawls provided a theory of guiding principles of justice, which applied to the nation state. The focus on the domestic state as being the unit of moral concern is classic in political theories. While the focus of Rawls was on justice within the domestic state, the expansion of a theory of justice for the global society has been the focus of many theorists since Rawls (Beitz, 1979; Pogge, 1989 & 2008; Caney, 2005; Valentini, 2012). The process of changing the focus from the domestic to the global sphere in political theories, was inspired by actions happening in the physical world. Mathias Risse explains how real-world changes, conveniently termed globalisation, have forced philosophers to deal not only with the justification of the state to the people within the state but also people excluded from the state. In times where states are increasingly co-responsible under global institutions and a body of treaties, philosophers have had to consider not only whether the state can be justified to its citizens but also whether the global structure of multiple states and institutions can be justified to the world population at large. This focus, along with the knowledge of and the concern for international

25 The egalitarian theories of justice stemming from Rawls, view justice as equality in the distribution of basic goods. According to Rawls, inequality is justified only if it brings about advantages for the worst-off group. Injustice is inequality which is not to the benefit of the worst-off. A full account of Rawls and other egalitarian theories of justice can be found in Annex 1
26 Mathias Risse is a Professor of Philosophy and Public Policy at the John F. Kennedy School of Government, Harvard College (http://www.hks.harvard.edu/about/faculty-staff-directory/mathias-risse viewed 4 June, 2014)
inequality, has forced philosophers to also deal with what counts as a just distribution of rights and duties globally, rather than domestically (Risse, 2012:1).

Along with the acknowledgement of the increasing relevance of the international community, both in an empirical and a theoretical context, there has been a focus on how to come to terms with the past and whether it is necessary to do so at all. Actions happening in the past have had significant implications for the existing world order and the division of goods globally (Collste, 2010). Some theorists argue that when discussing the justice of distribution of goods globally, we need also to take into account the historical injustices which can be considered to have caused the unequal division of wealth globally (Collste, 2010; Pogge, 2008).

Following the World War II, there has been an “outbreak of morality in the affairs of nations” (Thompson, 2002:ix). Heads of governments and officials have since the Second World War become increasingly willing to take responsibility for past injustices committed by their nations. Professor in Philosophy Janna Thompson describes how an epidemic of apology has swept the globe (Thompson, 2002:viii). The increased focus on injustices of the past both from claimants of reparations and from governments who are willing, or unwilling, to apologise means that philosophers, as moral agents, have had to provide a response to these claims (Thompson, 2002:ix).

While some recent theorists have chosen to seek to provide a theoretical account for such claims, the concern for global justice is not by all theorists regarded as a relevant topic. Much like in the real-world, perceptions of what is considered to be relevant, will affect the focus of what ends up being validated notions of justice. As Thomas Pogge notes, a persons interest and situation affects our perceptions of justice, what one finds worthy of moral attention, and consequently which reforms or actions appear viable and utopian (Pogge, 2008:4). While the main attention in political theories of justice has been on justice in distribution of goods, what is relevant for this thesis is the more recent theories of global justice, which take into account historical injustices which are some of the pressing issues in the global community and the focus in this thesis.

Janna Thompson explores historical obligations and entitlements in light of the moral issues raised

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27 Professor Janna Thompson is a Professor in the Department of Philosophy at La Trobe University, Australia. She has written books and articles on reparation for historical injustices and inter-generational justice (http://www.assa.edu.au/fellowship/fellow/100030 viewed 4 June, 2014)
28 Janna Thompson describes how President Clinton apologized for the violation of Hawaiian sovereignty in 1893; the British Prime Minister Tony Blair apologized for British policy during the Irish potato famine; the Canadian Government apologized for policies aimed at destroying indigenous cultures; Pope John Paul asked for forgiveness for the sins committed by the Catholic Church in the past 2000 years; Queen Elizabeth apologized for the British exploitation of the Maoris; the Japanese Prime Minister apologized for atrocities committed by Japanese in Korea and China during WWII; some gov. officials in South Africa has expressed regret for apartheid (Thompson, 2002:viii).
29 Thomas Pogge is Director of the Global Justice Program and the Leitner Professor of Philosophy and International Affairs at Yale University (http://www.yale.edu/macmillan/globaljustice/pogge.html viewed 25 June, 2014)
30 Thompson, 2002; Collste, 2010
by demands for correction of past wrongs. Her definition of a historical obligation is that it is a moral responsibility incurred by citizens as members of a trans-generational community as a result of a commitment or an action of their forefathers (Thompson, 2002:ix). The way present responsibilities are connected to past actions is by a historical obligation, such as an unjust deed or a treaty signed. Obligations are “special moral duties that individuals or groups owe to others, either because of a particular action or undertaking, or because they are in a special relationship” (Thompson, 2002:x:27). Obligations and responsibilities are linked to a corresponding entitlement. A past-referring obligation means those who are responsible for keeping the promise or make reparations are not those who have committed the actions or agreed to the promise. Correspondingly those who are entitled to the rectification are not those, who have experienced the wrong (Thompson, 2002:x).

Janna Thompson believes obligations are acquired on an individual basis; such as when making a promise or signing a contract but also in a broader context by being members of a family or citizens of a state, at least in the cases where families are caring and states reasonably just (Thompson, 2002: x).

Obligations and entitlements are different from our basic rights and duties. As moral agents, we have a general duty not to cause harm to others. Correspondingly, entitlements are special rights which result from the actions or relationships, that constitutes obligations(:membership obligations and individual obligations). Everyone has basic rights by virtue of being human, which are the human rights. Obligations and entitlements belong to specific people or groups at a specific period in time (Thompson, 2002:x). In the classical, Rawlsian understanding of justice, basic rights are linked to justice, and injustices occur when a group or an individual gains a larger portion of goods than the majority, without this inequality resulting in any benefit for the worst off group (Rawls, 1973). The understanding of rights vs. entitlements and correspondingly duties vs. obligation is the difference between the egalitarian theories of justice and the theories of rectificatory justice. There is a difference between violating an obligation, and violating a basic right, which is the Rawlsian definition of injustice. In A Theory of Justice (1973)31, Rawls wrote that ”All social values – liberty and opportunity, income and wealth, and the bases of self-respect – are to be distributed equally unless an unequal distribution of any or all these values is to everyone’s advantage” (Rawls, 1973, 62:8). An unequal distribution of basic goods which is not to everyone’s advantage is the cause of injustice in Rawls' theory. Thus, the Rawlsian notion of justice is one focused on the equal

distribution of goods, within or beyond borders (Rawls, 1973; Beitz, 1979; Pogge, 1989 & 2008; Caney, 2005; Valentini, 2012). Thompson brings about a new aspect of justice, linked to the obligations and entitlements that follow from actions and promises. Thompson believes that people making reparatory claims assume that their claims have moral force and, in some cases, legal credibility (Thompson, 2002:xv). Thompson believes there is reason to think that their perception is right. Moral obligations cannot easily be trumped by other moral claims. Thompson believes that a person who has been caused harm, will expect his claim to take priority over the wrongdoers' basic obligations of providing benefits for others (e.g. egalitarian theories of justice). If historical entitlements and obligations to repair exist, according to Thompson, there is good reason to consider such claims to be of considerable importance. According to Thompson, we will therefore need good arguments to ignore such claims (Thompson, 2002:xvi). Hence, the egalitarian vs. the rectificatory theories emphasise different moral obligations in achieving justice.

According to Göran Collste, whichever approach is chosen, in the global community the end result – meaning who will experience improved circumstances, if the theories were realised – will be the same.

In Collste's belief, we ought to consider rectificatory justice as a complementary theory to the classical theories of distributive justice, as represented by Rawls. The Rawlsian theories of justice deals with the notion of the fairness in equality, which is the core argument for redistribution (i.e. to restore justice). The present inequality in the world is according to Collste caused by historical wrongs which, in his view, makes rectification an important pillar in a theory of global justice. The following section will look deeper into the theory of rectificatory justice presented by Göran Collste.

5.1 Göran Collste: rectificatory justice

Collste notes that while Rawls focused on national justice and limited his theory to focus only on distributive justice within the nation state, the later discussions within global justice theory has focused solely on expanding Rawls' theory to the global community. The main focus of the theories have been whether distributive justice applies to the world at large. The fact that the borders

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32 It was not considered relevant to present the egalitarian notion of justice in full. A full account for the egalitarian theories of justice will be presented in Annex 1.
between rich and poor countries is approximately the same as the historical borders between colonial powers and colonies is what Collste notes, and uses as an argument to say that in order to develop a full understanding of the meaning of global justice, we need a theory of rectificatory justice to complement the theory of global distributive justice (Collste, 2010). Collste argues for a theory of global rectificatory justice based on the two pillars; 1.) a notion of the meaning of justice and 2.) the connection between present global inequality and colonialism (Collste, 2010). The terms rectificatory or corrective justice, were first used by Aristotle, who differed between distributive justice and rectificatory justice, where the former is the egalitarian notion of justice. The theory of rectificatory justice is complementary to the theory of global distributive justice as, Collste argues, the recipients and donors will be the same in both cases and because rectification is morally relevant. Collste argues that during colonial times, the economies in the colonies were shaped so to fit the needs of the colonisers. The consequences hereof, argues Collste, was that Europe and North America prospered while many colonies in Latin America, Asia and Africa, fell far behind (Collste, 2010). This notion can be tied to the views presented by Shelley Moorhead and CARICOM, who believes their underdevelopment is caused by the colonial rule, and that the European Nations involved in the Trans-Atlantic Slave Trade were correspondingly “enriched” by these actions.

Collste argues for rectificatory justice by establishing grounds for such a theory, using the work of Aristotle. Collste bases his assumptions on Aristotle's theory on rectificatory justice, to argue for the necessity of correcting wrongdoings. Aristotle wrote that corrective justice is the intermediate between loss and gain, in a case where 'suffering' and 'action' have been unequally distributed. This Collste interprets so that rectificatory justice applies to the case of colonialism (Collste, 2010). Furthermore, Collste notes that John Locke believed that justice implies a right of reparations between the injured and the injurer. Hence, justice is in this understanding not justice a fair distribution of basic goods, but also a right to repair in cases of disputes which have caused harm on one part and benefits of another. Robert Nozick, building on Locke, argues that property rights and entitlements to such are valid only if the property has been acquired in a just way. The importance of this notion is, according to Collste, that if part of the present wealth in the rich parts of the world were acquired unjustly, global rectificatory justice is in demand. The theoretical backdrop of Collste's ethics of justice are based on 1.) Aristotle’s theory of what corrective justice implies,

33 Aristotle used the terms 'rectificatory' and 'corrective' interchangeably (Collste, 2010)
35 Robert Nozick was an American philosopher and a professor at Harvard University. He is the author of the book, Anarchy, State and Utopia (1974) which argue for a minimal state and had opposing views to Rawls: (http://www.denstoredanske.dk/Sprog,_religion_og_filosofi/Filosofi/Filosofi_i_1800-_og_1900-t./Robert_Nozick viewed 26 June, 2014)
which creates the basis of “reparation”; wrongs done to others must be corrected by the wrongdoer; 2) Locke's notion that justice includes a right to reparation and lastly 3) Nozick's theory of justice in acquisition of property are in sum Collste's theoretical backdrop which makes rectificatory justice relevant in a discussions of global justice (Collste, 2010).

According to Collste, those who are responsible for the Slave Trade are the nations which were the homeland to the individuals involved in the Trans-Atlantic Slave Trade and who also provided the judicial framework. The fact that the European countries are still benefitting from colonialism creates a trans-generational continuum of responsibility, according to Collste. Collste also notes, that even countries in Europe and North America who did not have colonies, such as Switzerland, benefited from colonialism, as they were part of the colonial structure (Collste, 2010).

Collste assigns primary and secondary duties respectively to the colonial and non-colonial powers. The former colonial powers have the primary duties of rectification towards the former colonies, and the non-colonial powers have secondary duties. Collste describes secondary duties as economic duties and the primary duties as economic, political and cultural acts of justification. The reason for this distinction and form of compensation is reasoned in the fact that non-colonial nations only gained from and participated in the economic side of the colonisation while the colonial powers influenced both the politics, the economies and the cultures of the colonies (Collste, 2010).

The recipients of acts of rectification according to Collste, are the descendants of the victims of colonialism. These people are however, according to these theories, limited to those who experience relevant moral traces of colonialism (Collste, 2010).

The theorist Jon Elster\textsuperscript{36} provides a theory of so-called ethical presentism. The theory argues that only justice amongst the living matters. Past injustices are not relevant in the present. However, one limitation to Elster's theory of ethical presentism is the current existence of morally relevant traces of the injustice. Thus, he writes: "Injustice done to individuals who are no longer alive may constrain present distributions only if it has left morally relevant traces in the present" (Collste, 2010). Ethical presentism says that justice only applies to current living individuals. But not if it has left “morally relevant traces in the present". What is morally relevant traces? Collste believes that colonies, that have prospered today, as well as other injustices such as wars between Europeans, have become morally irrelevant, because there is not currently any traces of the injustice left. These traces can be both economic and cultural traces. On the other hand, Collste believes that colonies

\textsuperscript{36} Jon Elster Ph.D., University of Paris (1972), specialised in Rational Choice theory and Distributive Justice theory: (http://philosophy.columbiana.edu/directories/faculty/jon-elster) viewed 26 June 2014
which are experiencing present traces of colonialism are entitled to repair. Collste writes “What makes the historical injustices of colonialism relevant for the present discussion on justice is precisely the fact that ’it has left morally relevant traces in the present’: prosperity in the former colonial powers and poverty in the former colonies” (Collste, 2010). Collste is convinced that the former colonies suffering under legacies of colonial rule, whether these are economic or cultural, are morally entitled to repair.

Another feature of Collste's theory is that it differs from that of distributive justice, as distributive justice, according to Rawls, will only be fulfilled if all inequalities are to the benefit of the worst off. The theory of rectificatory justice has been fulfilled when no morally relevant traces of past injustices are present.

Collste provides, on the basis of Rawlsian-egalitarian principles, a supplementary theory to global justice which emphasises the right to rectification. Collste's premises are based on Nozick, who addressed the notion of justice in acquisition of property. Collste writes; “If we assume that the present concentration of property and wealth in the rich part of the world at least partly is the result of unjust historical acquisitions, i.e. plunder, theft, and war, one could, also in line with Nozick's entitlement theory, argue for a global ‘… rectification of injustice in holdings’”(Collste, 2010:38). Collste's argument is that the focus on evening out inequality in a theory of global justice, will benefit the same group of people, as will a theory of rectificatory justice. Rectificatory justice will however at some point, where no morally relevant traces of injustice are present, be fulfilled, and justice be restored. Correspondingly, the Rawlsian ideal situation will be when any inequality is for the benefit of everyone (Rawls, 1973). The argument for focusing on rectification rather than equality in global justice, is that the present inequality in the global community, is caused by colonialism and historical injustices.

Collste's study prescribes that a right to rectification depends on the present existence of morally relevant traces. He says, historical wrongs are only important for morality if present injustices are detectable. Otherwise, a historical wrong will be a concern for history but not for morality. According to Collste, morally relevant traces can both be economic and cultural. His study presupposes some empirical evidence about the causes of the present existing inequality. There must be a link to the colonial domination in order for the historical wrong to be the proven cause of present poverty or cultural deprivation in the former colonies (Collste, 2010).

Collste's rectificatory justice depends on the existence of morally relevant traces. The conditionality
of the appliance of his theory is based on a premise of existing needs. Furthermore, in order for rectification to take effect, Collste prescribes that the present global inequality must be a legacy of colonialism (Collste, 2010)

Janna Thompson does not provide a conditionality on rectification which is similar to Collste's. She writes that people who claim reparations are not only people, who are harmed by historical injustice. Nor are they offended in a case of unjust acquisitions of property. They are the descendants of victims of injustice, and they therefore have a special relation to those, who experienced the wrong. The relationship, and the entitlements and obligations associated with this, is according to Thompson the moral basis of the right to reparations for slavery (Thompson, 2002:xx).

5.2 Janna Thompson: Historical obligations and transgenerational commitments

In her study of historical obligations and rectificatory justice, Janna Thompson argues that obligations and entitlements which are of historical nature are valid in the present when made by members of a transgenerational community, such as a state. A state or a society consists of institutions which persist over time, and so do their moral relationships. The state's historical and political integrity depends on its citizens accept of transgenerational obligations and honouring of historical entitlements (Thompson, 2002:xviii). With states and communities being transgenerational these institutions impose transgenerational obligations and entitlements on its members. Members of a society make moral demands on their successors, and are morally required to maintain the practise of honouring the commitments of their predecessors. As a citizen of a state you are required to undertake responsibilities associated with or entailed by commitments, which according to Thompson include, making reparation for past failures to honour commitments and for other injustices which have been disrespectful towards other nations (Thompson, 2002:xix) In her view, the aim of reparation is to repair the relations damaged by injustice, not to return to the previous state of affairs.

Thompson believe that most people agree to that governments must keep their promises. A treaty is a promise of a state. According to the Vienna Convention on the Law of Treaties a treaty is a

37 Vienna Convention on the law of treaties (with annex). Concluded at Vienna on 23 May 1969
contract which includes the same moral and legal assumptions as a contract or a promise. Legal conventions, says Thompson, treat states like individuals and assigns a state the same responsibility for keeping a promise as an individual would have in keeping theirs. The state is responsible for honouring its agreements.

The state consist of its citizens; past, present and future and thus, the responsibility devolves on whoever is in a position to assume it (Thompson, 2002:4).

What needs to be justified is whether it is morally legitimate to pass down obligations and entitlements from one generation to another. If citizens were not prepared to keep the promises of their nations, then long term commitments between nations would be impossible. The problem of justifying historical obligations, is similar to the 'problem of political obligation', which is asking why citizens should obey their governments. Many people have not consented to the constitution of their nation and therefore one cannot assume that the decisions made by states are always a direct expression of the citizens' wishes and desires. This notion, says Thompson, is similar to the opinions of anarchists, who do not believe in political obligations. Thompson notes, that when trying to justify historical obligations, it is relevant to look at the theories of collective responsibility. However, these theories will say, there is no obligation without participation (Thompson, 2002:7). According to Thompson, such theories ignore an important psychological fact. The fact is that many citizens will feel sorry for the wrongdoings of their predecessors and will be prepared to keep the agreements they made. Her assumptions are based on Alasdair MacIntyre's\textsuperscript{38} theory, who argued that people who would agree to issue compensation are bearers of a particular social identity. These people consider their self to have a history that stretches before birth, that their self is partly someone's daughter, son or cousin, someone who is part of a clan, tribe or nation. The narrative view of the self, as portrayed by MacIntyre, is in opposition to modern individualism which detaches the self from all social obligations. According to such a viewpoint, historical obligations are not relevant. According to MacIntyre, a persons special obligations depend on the nature of her self. Not all selves are narrative selves, and according to MacIntyre, there is becoming increasingly more individualist selves in the modern world (Thompson, 2002:12). Thus, MacIntyre's notion of the narrative self is not sufficient grounds for establishing that all members of society should accept historical obligations. According to Thompson, such obligations can be considered basic duties depending on the view of society as an intergenerational community.

\textsuperscript{38}Alasdair MacIntyre is a professor of Philosophy at University of Notre Dame, Indiana, US: (http://philosophy.nd.edu/people/alasdair-macintyre/ viewed 26 June, 2014)
Thompson says, she does not assume any particular account of why citizens have collective responsibilities. The fact is that the Law of Treaties regard treaties as having a legal and a moral force (Thompson, 2002:15). Hence, the reason why citizens have intergenerational commitment is not as relevant as noting that they do.

The commitment people are imposing on themselves and their nations is a commitment to maintain relations of respect. With this commitment comes an obligation to make reparations for an unjustified act of disrespect (Thompson, 2002:34). Responsibility to make and keep historical obligations belongs only to associations capable of making and keeping transgenerational commitments. Having a historical obligation does not necessarily imply a feeling of guilt or shame over the actions committed by the predecessors, nor does it mean that a person has to be a descendant of someone who has committed the wrong or agreed to the agreement. A person assumes a historical responsibility of a nation when becoming a citizen, however that occurs (Thompson, 2002:34).

Collste believes rectification should supplement the egalitarian notion of global justice. Thompson believes, rectifying wrong is considered a more pressing moral duty than fulfilling basic duties of providing benefits to others (Thompson, 2002: xvi). In their view, in a global context an agenda of justice as rectification will be more morally satisfying for the recipient, while targeting the same group, than would an agenda of pursuing justice as equality.

Collste bases his idea of rectification on several conditions. Firstly, there must be, at present, experienced harm in the former colonies, which can be traced to the historical injustice. Former colonies, which are not experiencing persistent harm, or who are experiencing harm which is not caused by the colonial rule, are morally irrelevant. Collste believes that in order for historical injustices to be relevant, they must be the present existing cause of global inequality. The inequality need not be economic, but can also be cultural. The conditionality of Collste's notion of justice is thus that there must be direct traces from current inequality to colonial rule, in order for him to support claims for repair.

According to Thompson, the obligation to rectify past wrongs arises from the injustice done and the obligation and entitlement to restore justice. A historical injustice is linked to an obligation and a corresponding entitlement. The importance of rectifying actions is not, as in Collste's view, to repair the wound, but to keep the promises of the state. According to Thompson, the right to reparations
for historical injustices depends on establishing that the successors of the perpetrators have an obligation to make reparation (Thompson, 2002:39). Such an obligation depends on the promises made by the state, which are obligations on its citizens.

6. Empirical evidence
The following chapter will present the case study and the interviews collected for this thesis.

6.1 Case: Denmark’s role in the Trans-Atlantic Slave Trade
This chapter will be a presentation of the case of the Danish involvement in the Trans-Atlantic Slave Trade and the call for reparations by the former European colonies under CARICOM. In the following, the history of the Danish rule of the former Danish West Indies, and Denmark’s role in the Trans-Atlantic Slave Trade will be explained.

The Trans-Atlantic Slave Trade took place between 1450-1870. The countries involved were Portugal, England, France, Spain, The Netherlands, the United States of America, Sweden and Denmark (including Norway). During those four centuries over 35.000 slave-ships sailed from Africa to either South America, North America or the West Indies. Around 12.500.000 African slaves boarded the ships and an estimated number of 10.700.000 made it to the destination alive. Approximately two million captives died during the transportation from Africa to the Americas. Many thousands arrived in a physical state that did not allow for them to live more than a month after arrival (Lauring, 2014:19). The Trans-Atlantic Slave Trade must be understood in a broad sense which included both colonisation of Africa, the Caribbean and trade of the Africans who would finally be working in the colonies.

During the Trans-Atlantic Slave Trade Danish slave merchants shipped approximately 85.000 slaves from Africa. Portugal was the leading slave trading nation with 5.800.000 slaves; England: 3.200.000 slaves; France: 1.300.000 slaves; Spain: 1.000.000 slaves; The Netherlands: 500.000 slaves; USA: 300.000; and other countries including Sweden: 25.000. The historian Kåre Lauring

39 The Caribbean Community Secretariat (http://www.caricom.org/ viewed 8 may 2014)
40 These estimates stem from Kåre Lauring (2014) p. 326 and from the Trans-Atlantic Slave Trade Database on Voyages (http://www.slavevoyages.org/tast/assessment/estimates.faces viewed 25 June, 2014) Both estimates are more precise, but as they are slightly different, it was chosen to present these rough estimates in stead. Further details about the slave voyages can be found via the link above.
describes the Trans-Atlantic Slave Trade in his recently published book41: “Wherever they were collected, and however they were being sold, the whole procedure, from when they were gathered or caught to the final sale, was a long degrading process, which put the slaves through almost unimaginable sufferings: bad or rotten food, insufficient amounts of water, dysentery, beating, torture and sexual abuse42”(Lauring, 2014:19-20:36).

The Danish participation in the Trans-Atlantic Slave Trade started when Denmark took over the forts Carolusborg (today known as Cape Coast Castle) Frederiksborg and Christiansborg on the Guinea coast in 1658-60 (Lauring, 2014:73). The forts on the Guinea coast provided slaves for the sugar plantations in the Danish West Indies (Busck & Poulsen, 2002:173). In 1672 Denmark, which then included Norway, took over the island of St. Thomas in the West Indies. The purpose of establishing colonies in the West Indies was to gain a foothold in the lucrative sugar trade which was developing at that time. St. Thomas was taken over by the West Indian company and in the name of King Christian V, who had donated a ship for the purpose. One hundred and ninety people took off on two ships, to establish a Danish habitation on the island. Most of them did not survive the first year after arrival. They either died during the trip, or on the island where the risk for contracting both malaria and yellow fever was high. The ships brought back sugar and tobacco, but there was a request for labour to really enhance the production. Preferably African slaves, who could grow the crops without contracting the diseases (Lauring, 2014:80).

The Danish administration and handling of traded goods, including slaves, was done by privately owned companies. Three major companies handled the trade between India, Guinea, Denmark and the West Indies. The Danish East Indian company dealt with the traded merchandise from India, there was the Glückstadt company, based in Guinea, handling the trade on the Guinea-coast and then the sugar trading West Indian company. In 1671 a West Indian-Guinean company was established to more effectively handle the trade, and this was placed in Copenhagen. The international companies were concentrated in Copenhagen, and the Danish capital benefited by being both the location where the ships were built and which provided both goods and labour for the trade on the colonies. The triangular trade worked so that the East Indian company shipped textiles to Copenhagen, which were then transported to and sold on the Guinea coast, where they would be used to purchase ivory, gold, palm oil, and slaves. These goods, including slaves, would be transported to the West Indies and be sold, and the ships would then bring sugar from the West

42 Translated by author.
Indies back to Denmark, completing the triangle. All this promoted the Danish capital’s industry, which was very well in line with the mercantile policy that dominated Europe at that time (Lauring, 2014:77).

The administration of the Slave Trade on Danish soil was privatised, and various companies were granted permission by the king to trade. In 1668 a Trade Authority was put in place to regulate and control the trade in the capital. The Trade Authority was also the authority responsible for handling the demand for labour in St. Thomas. Both the process of establishing the trade structures and the negotiation with chiefs in Africa was handled by private companies, which were doing a form of private colonial expansion without involvement by the Danish state (Lauring, 2014). The companies were financed by stocks, which investors, including the state, could purchase. King Christian V and the Danish state was however involved on more than one occasion, when the companies requested for temporary government takeovers of their part of the trade. The Danish king also gave permission, “oktroi”\(^{43}\), to the establishment of trade with foreign countries. The company Glückstadt, based in Holstein, was granted monopoly to trade with Africa for 25 years, in 1659. In return, the company was supposed to handle the King’s castle Carolousborg, although that never happened. The Glückstadt company did, however, take over the two other castles; Frederiksborg and Christiansborg. The company was financed mainly by investors from Hamburg, yet in 1660 it was decided that a third of the stocks in the Glücktstadt company could be purchased by Danish investors. When the Glückstadt failed to meet the demand for labour in St. Thomas in 1672 and asked the King to takeover the company, the king requested the West Indian company to take over the trade on the Guinea coast (Lauring, 2014:80) The West Indian-Guinean company was then established in 1674, and was to handle the administration both of the forts in the Guinea coast and the plantations on St. Thomas. The administration was difficult and expensive which can be part of the explanation why the King did not want to handle the trade himself.

The actual Trans-Atlantic Trade between the Danish colonies was not streamlined. The castles in Guinea, during the Danish rule, sold slaves to other nations and therefore spread out in the Americas. The West Indian-Guinean company had problems making profit for the slave trade and in the first round, the company did not succeed in establishing the profitable sugar plantations, but was mainly exporting tobacco and cotton. Both the administration on St. Thomas and of the trade on the Guinea coast was from time to time handled by other private businessmen who however also gave up due to lack of profit, and handled back the responsibility to the company. In a second

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\(^{43}\) The Kings permission. In french *octroi*: [Danmarkshistorien.dk](http://Danmarkshistorien.dk) viewed 8 May, 2014
attempt to profit from the Trans-Atlantic Trade, the West Indian-Guinean company took over St. Jan in 1718, which was a more profitable business. Twelve years after 109 plantations were established and more than a thousand African slaves were working in the sugar plantations in St. Jan (Lauring, 2014:98).

The slaves were kept under strict rule. To keep the slaves from rebellion, the governor Philip Gardelin put in place a set of laws in 1733, which addressed the punishment for unlawful behaviour. It has later been referred to as “Gardelin's code of 1733”. There was another code in 1755 along with “a vast number of ad hoc proclamations” (Hall, 1992:56:29). Almost half the 19 clauses in the 1733 code gave death penalty. A slave who tried to escape should be hanged, and anyone witnessing an attempt to escape should have their leg cut off and have 150 strokes. Minor offences such as rudeness towards a white person would, depending on the desires of the insulted person, result in either 3 applications of glowing pincers followed by hanging, or amputation of the slaves' right hand (Hall, 1992:57:20). Slaves were not allowed to listen to amuse themselves with “negro instruments” which was also forbidden during funerals. A slave was not allowed to own nor sell anything, and there was strict rules for the amounts of clothes they should have. What was granted to slaves in the forms of food, shelter and clothing was for the purpose of making them more efficient units of production. With the code in 1755, some minimum rights in terms of the amount of food (cassava, corn-meal, salt beef and fish) and the amount of clothes which an owner should grant his slave were put in place. Slaves could marry only with their owners permission, and if they were Christian (Hall, 1992:61). After a rebellion did take place and where many lives were lost, Gardelin lowered some of the punishments, so that the slaves would still survive (Lauring, 2014:100). Some of the offences that used to cause death penalty were reduced to branding and castration (Hall, 1992:62).

In 1733 the West Indian-Guinean company took over the island St. Croix, and an estimated amount of 300 sugar plantations were established. The production of sugar was a profitable part of the trade structure for the West Indian-Guinean company. Since many slaves did not survive the trip from Guinea coast to the West Indies, the number of slaves that Danish ships were able to provide was insufficient. Slaves were also imported from North America and other islands in the West Indies. Only around a third of the slaves arriving to St. Croix, 576 slaves, were delivered by Danish slave ships (Lauring, 2014:119).
The trade itself was done by exchanging the goods brought from Denmark with slaves, gold and ivory amongst other things, from the Guinea coast. The trade was handled by European and African businessmen who bought and delivered the slaves. The trade with slaves was only with African slaves, but there were free African traders handling the negotiations with the Europeans (Lauring, 2014:198). While some scholars believe that the private and short-term micro regional gains that African slave-traders made was also to social and macro-regional benefit, others believe that on the contrary the slave-trade hindered the development and growth of African nations, and said to have caused a structuring of the African societies that was unfavourable to capitalist development in Africa (Inikori & Engerman, 1992:3).

The enslaved people had become slaves under various circumstances and for different, if any, reasons. Some of the slaves in West Africa were war captives. When a warrior was captured, he lost his freedom. This transition from being a free man to becoming a slave was a symbolic action, where the captive threw himself on the ground by the feet of his new master (Lauring, 2014:200). A large slave market was on the Niger riverbank, where many slaves were traded. Millions of slave caravans moved on foot through West Africa and towards the coast, where they were sold.

Other slaves were kidnapped, and captured. The Europeans' (and the Arabs') demand for slaves was the reason for the kidnappings which were however for the most part performed by other Africans. There were both small, privately organised kidnappings but mainly large, official operations performed by armies to provide hundreds of slaves. The demand for slaves from Europe are by modern historians believed to have given rise to political disruption and wars in Africa (Inikori & Engerman, 1992:13). In Senegal, some taxes were paid to the king by the communities, in the form of slaves. The demand for slaves also gave rise to more creative ways of supplying slaves. The local court-systems put in place laws which allegedly was targeted to provide more slaves. In these cases outstanding debt and adultery could result in a person becoming a slave of whoever was violated in the case. Also the local kings, as well as medicine men, could point out free individuals and make them become slaves (Lauring, 2014:206). When a European slave owner bought a slave, the slave was then branded to indicate the name of the owner, with his initials.

As previously mentioned, many slaves did not make it to work as planned in the Danish West Indies. Many died during the Middle Passage, or a few months after arrival. On some occasions, the slave ships would cruise along the coast for months to get a full load of slaves (Inikori & Engerman, 1992:346). The conditions they were kept under, was a large part of the explanation why so many
slaves did not survive. On a regular ship the estimated space for a male slave was 65 cm in height and 40 cm in wideness and 180 cm in length. Sometimes even less. A craftsman would make shelves where the slaves could lie in layers. They were laying as many as possible, close to each other. To fit more, they would on some occasions lie on the side, which made it difficult for them to move or turn (Lauring, 2014:237). A ship surgeon named Thomas Trotter who was a doctor on the British slave ship BROOKES wrote about the conditions on a British slave ship: “Each of them were granted less space, than they'd have had in a coffin. Normally they'd be put on the back, but sometimes they would be put on the side, laying like spoons one after the other, and so close that you couldn't move without stepping on them; but they were just slaves. Some humane sailors did take off their shoes before stepping over them, so they wouldn't hurt them. The smell down with the niggers was so thick and rotten, that you would see slaves being led down into the load, strong and healthy in the night, which would be dead the next morning. A slave-trader told, that his shirt, after spending only 10 minutes down in the load was as wet as if it had dipped in a bucket of water.” (Lauring, 2014:263). The slave traders wanted to fit as many slaves as possible on their ship, whilst also being able to keep them alive in order to sell them when they reached the destination. The goal was to be able to profit from the slave trade, which according to Kåre Lauring, was difficult. The plantation owners, who had slaves did profit from the sugar trade, and it was this part of the trade, which made the slave trade continue (Lauring, 2014:330).

More than 500 rebellions on sea took place during the slave trade. Most of these happened while the ships were leaving the coast. (Lauring, 2014:250:5) The slaves who finally made it to the West Indies were then sold to plantation owners and rich men in the islands. The slaves were sold at various prices and bought for various purposes depending on their health and strength. Some slaves would work within the household, and some on the plantations. The sugar cane was harvested in spring, and the canes were then squeezed and the juices boiled which after being strained resulted in two products; muscovado sugar and syrup. This was shipped off to Europe (Lauring, 2014:297).

The handling of the Danish establishments both in the Danish West Indies and on the Coast of Guinea shifted hands many times, and was handled both by private businesses with both Danish and foreign investors, and various Danish Kings and the state. The responsibility for overall slave trade and -keeping is hard to place, as it was legislated by the King but handled by a mix of Danish and foreign traders, including African slave owners and Kings. On many occasions the Danish King and state funded various companies and provided the legislation needed for them to handle trade with

44 Translation by author.
slaves and other goods, and the state always had a role to play somewhere in the Trans-Atlantic Slave Trade.

### 6.1.1 Moral awakening and the end of the Trans-Atlantic Slave Trade

In the period of the enlightenment towards the end of the 18th century the individual’s rights was becoming more debated in society. Slavery was becoming more debated. Some thought slavery was a good, and morally defensible action. Philosopher John Locke (1632-1704) was amongst those, who was in favour of slavery, which he believed saved the Africans from a far worse destiny. Locke allegedly had stocks in the Royal African Company (Lauring, 2014:311; Blackburn, 1988:42).

Locke interestingly, when writing his famous work *Two Treatises of Government* had a different view on slavery: "Slavery is so vile and miserable an Estate of Man, and so directly opposite to the Generous Temper and Spirit of Our Nation; that 'tis hardly to be conceived, that an Englishman, much less a Gentleman, should plead for 't" (Blackburn, 1988:42:28). Other philosophers including Jean-Jacques Rousseau criticised slavery as it was out of line with the principles of freedom and human rights.

The Danish state was inspired by England, who had formed a commission which was to investigate the circumstances around the slave trade. The Danish crown prince established a similar commission to investigate the future for the Danish slave trade. The Danish Minister of Finance, in charge of the commission, wrote a letter to the crown prince of Denmark in 1791, where he reported about the many sufferings that the slaves experienced both on the Guinea coast, the slave ships and on the Danish West Indies. The commission reported that the Danish ships treated the slaves best, compared to other slave trading nations such as the Portuguese. The opposite was the case, as the Danish ships were amongst those with the highest death rates (Lauring, 2014: 325) The commission was well aware of the good impression Denmark would give, if Denmark was the first nation to abolish the slave trade. However, the Danish Minister of Finance was also aware of the hardships the plantation owners would face, if the decision was put in place too quickly. There was negotiated a ten year period, where the slave owners could import the sufficient amount of slaves, necessary for production on the plantations in the Danish West Indies. Furthermore, the slave owners were encouraged to treat their slaves better, which they of course; the slaves being their private property, could decide for themselves. The intention was to increase the slaves fertility by allowing

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45 Locke, J. (1689) *Two Treatises of Government*. (unknown publisher)
marriages, schooling and less hard physical labour. This would keep a stable number of slaves, without ongoing imports, which would no longer be permitted (Lauring, 2014: 329). In 1790, there were 22,000 slaves on St. Croix, which was insufficient. A few years later, more slaves had been imported and this would allow for a stable population of slaves in the West Indies. In 1792, the crown prince decided that all slave trade under Danish establishments should be abolished with effect from the year 1803. Furthermore, the crown prince declared that until then, it was fully legal for all nations to transport slaves to the West Indies (Lauring, 2014: 334). The slave trade yet continued even after it was legally abolished by the King. Kåre Lauring writes about the Danish decision to abolish slavery, that it was not as much humanitarian reasons that dominated the decision, as was it opportunistic, economic foreign policy that would benefit Denmark internationally (Lauring, 2014: 334: 25). Despite the prohibition, Danish ships continued to trade slaves until 1806. Between 1793-1806 30,000 slaves deported the Guinea Coast in Danish registered ships. In 1807 England abolished slave trade too.

While the trading of slaves was abolished, keeping the slaves was still permitted for another 40 years. Denmark allowed slavery until 1848, 15 years longer than England.

Slavery was abolished on the Danish West Indies by the then governor Peter Von Scholten. According to Another Copenhagen's tour guides who offer a “different” tour of Copenhagen, Peter Von Scholten is known in the famous Danish rhyme: “Hvem er det, der banker? Det er Peter Anker. Hvem er det, der lukker op? Det er Peter Sukkertop”. According to Another Copenhagen, the Danish governor in Trankebar Peter Anker is the Peter Anker, mentioned in the rhyme and Peter Sukkertop is Peter Von Scholten.  

6.1.2 The Danish Empire and the formation of the Danish state
Denmark was back then including Norway until 1814. Also under the Danish crown was the Norwegian colonies; the Faroe Islands, Greenland and Iceland which Denmark took over from Norway. Denmark became a nation state later after losing Slesvig and Holsten in 1864, and prior to that Norway in 1814. The relationship with the North Atlantic was maintained until Iceland in 1918 became an independent state. Denmark was reunited with Northern Slesvig in 1920. The Danish democracy and the constitution was formed in 1849, one year after slavery was abolished (Busck & Poulsen, 2011: 308) Thus, the modern state has not been associated with slavery on the West Indies

46 Another Copenhagen (http://etanderledeskbh.wordpress.com/tours/another-copenhagen/ viewed 13 June, 2014)
or on the Guinea coast.

6.1.3 The Danish West Indies – The US Virgin Islands

In 1917, the three islands St. Thomas, St. Jan and St. Croix were sold to the USA for an amount of 25 million dollars ~ 87 million Danish kroner. The question of whether the islands should be sold or not, gave rise to political debate and therefore the first public hearing in Denmark (Busck & Poulsen, 2011:308). The arguments for selling the islands were that expenses were increasing and they were no longer profitable due to the abolishment of slavery. While the Danish people voted, the West Indian inhabitants were sold without consultation.

6.1.4 The international human rights treaties

The acknowledgement of all people's individual rights came about with the Universal Declaration of Human Rights in 1948. The first of the 9 core treaties was the International Convention of the Elimination of All Forms of Racial Discrimination as of 21 December 1965. Since then has been the United Nations conferences on racism in Durban 2001 and the follow-up Durban review conference in Geneva 2009.

The Durban Declaration from 2001 states under General Issues that:

14. We recognize that colonialism has led to racism, racial discrimination, xenophobia and related intolerance, and that Africans and people of African descent, and people of Asian descent and indigenous peoples were victims of colonialism and continue to be victims of its consequences. We acknowledge the suffering caused by colonialism and affirm that, wherever and whenever it occurred, it must be condemned and its reoccurrence prevented. We further regret that the effects and persistence of these structures and practices have been among the factors contributing to lasting social and economic inequalities in many parts of the world.

47 The Danish history (Danmarkshistorien.dk/MerkantilismeogDanskeTropekolonier viewed 8 May 2014)
49 The Core International Human Rights Instruments (http://www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx viewed 10 June, 2014)
50 The Convention of the Elimination of All Forms of Racial Discrimination, 1965 (http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx viewed 10 June, 2014)
19. We recognize the negative economic, social and cultural consequences of racism, racial discrimination, xenophobia and related intolerance, which have contributed significantly to the underdevelopment of developing countries and, in particular, of Africa and resolve to free every man, woman and child from the abject and dehumanizing conditions of extreme poverty to which more than one billion of them are currently subjected, to make the right to development a reality for everyone and to free the entire human race from want;

100. We acknowledge and profoundly regret the untold suffering and evils inflicted on millions of men, women and children as a result of slavery, the slave trade, the transatlantic slave trade, apartheid, genocide and past tragedies. We further note that some States have taken the initiative to apologize and have paid reparation, where appropriate, for grave and massive violations committed; (Durban Declaration, 2001 [http://www.un.org/WCAR/durban.pdf viewed 10 June, 2014])

The final document from the follow-up conference in Geneva 2009 mentions the Trans-Atlantic Slave Trade:

62. Recalls that slavery and the slave trade, including the transatlantic slave trade, apartheid, colonialism and genocide must never be forgotten and in this regard welcomes actions undertaken to honour the memory of victims;

63. Notes actions of those countries that have, in the context of these past tragedies, expressed remorse, offered apologies, initiated institutionalized mechanisms such as truth and reconciliation commissions and/or restituted cultural artifacts since the adoption of the Durban Declaration and Programme of Action, and calls on those who have not yet contributed to restoring the dignity of the victims to find appropriate ways to do so; (UN review conference on Racism, 2009)
The Durban declaration states that countries should find “appropriate ways” to restore the dignity of the victims. What constitutes appropriate ways of restoring dignity? And do this include descendants of the victims? The Durban declaration do not specify this.

6.1.5 The legal case

Last year, in December 2013, the Caribbean Community Secretariat; CARICOM's Reparations Commission (CRC) released a press statement following a meeting between the members of the Executive of CRC. The press statement calls upon the former slave owning nations in Europe to “engage Caribbean governments in reparatory dialogue” (Press release 285/2013, 10 December 2013). The 15 CARICOM member states agreed, during a meeting in July 2013, to establish National Committees on Reparations. The chairs of the committees would be part of the head-commission directly under CARICOM. The purpose was to establish the ethical, moral and legal case for the payment of reparations by former European colonizers to the nations in the Caribbean (CARICOM press release 285/2013, 10 December 2013). As per December 2013, committees had been established in 8 member states; Barbados, Belize, Antigua and Barbuda, Guyana, Jamaica, St. Lucia, St. Vincent, The Grenadines and Suriname.

The CRC states that the Caribbean societies have been built upon the Trans-Atlantic Slave Trade and that this has been declared a crime against humanity by the UN. The call for reparations is based within a context of reparatory justice for the victims and their descendants, who, according to CRC, continuously suffer harm due to these crimes. The Caribbean societies have experienced the genocide of the native population, which also has been declared by the UN to be a crime against humanity. The CRC claims that the victims and the descendants of these crimes has been left in “a state of social, psychological, economic and cultural deprivation and disenfranchisement that has ensured their suffering and debilitation today, and from which only reparatory action can alleviate..."
their suffering” (CARICOM press release 285/2013, 10 December 2013). The press release furthermore states, that the slave trade has specific consequences to the Caribbean youth, which limit their ability to be positive, global citizens. CARICOM believes that the Trans-Atlantic Slave Trade is the root cause of a list of current issues in the Caribbean countries. Sir Hilary Beckles, Chairman of the Caribbean Reparations Commission says: "Reparations for slavery, and the century of racial apartheid that replaced it into the 1950s, resonate as a popular right today in Caribbean communities because of the persistent harm and suffering linked to the crimes against humanity under colonialism”54. Martyn Day, the lawyer who is representing the CRC says about the Ten Point Action Plan, which CARICOM has formulated: “This is a very comprehensive and fair set of demands on the Governments whose countries grew rich at the expense of those regions whose human wealth was stolen from them”55.

The commission wants the governments of Britain, Denmark, Portugal, Sweden, Spain, Norway, France and the Netherlands to issue statements of formal apologies and commit to a reparatory process.

The problems that the reparations are intended to target, which are claimed to be the direct result of the crimes committed by the European colonisers, has been identified by the CRC in these six broad areas:

1. **Public Health**: The African descended population in the Caribbean today has the highest incidence in the world of chronic diseases in the form of hypertension and type two diabetes that are the direct result of their nutritional exposure, endemic inhumane physical and emotional brutalization and other aspects of the stress experience of slavery and post slavery apartheid. Scientific research and costs associated with stemming this historically derived pandemic must be addressed.

2. **Education**: At the end of the colonial period the British left the African descended population, and survivors of the native genocide, in a state of general illiteracy. Some 70 percent of these persons were functionally illiterate at the onset of the Independence era. Widespread illiteracy continues to plague Caribbean societies and accounts for significant parts of their development challenges.

3. **Cultural Institutions**: Europeans have invested in the development of institutions such as museums and research centres in order to prepare their citizens for an understanding of their imperial history that defined them as rulers and beneficiaries of slavery. There are no such facilities in the Caribbean where the crimes were committed and the victims left disenfranchised in respect of their institutional and cultural experiences and memory. This crisis must be remedied.

54 Leigh Day.uk (http://www.leighday.co.uk/News/2014/March-2014/CARICOM-nations-unanimously-approve-10-point-plan, viewed 23 May, 2014)
55 Leigh Day.uk (http://www.leighday.co.uk/News/2014/March-2014/CARICOM-nations-unanimously-approve-10-point-plan, viewed 23 May, 2014)
4. **Cultural Deprivation**: The primary cultural effect of slavery was to break and eradicate African commitment to their culture. African culture was criminalized and the cultural basis of identity shattered. Africans were deculturalized and today remain impoverished in respect or cultural legitimacy and supportive appropriate institutional arrangements. These matters represent the colonial legacy of slavery and must be addressed. Contemporary manifestations of these include low ethnic self-esteem; the devaluation of black identity; broken structures and diminished family values; delegitimization of African derived religion and cultural practices, and disconnection from ancestral roots and culture.

5. **Psychological trauma**: For over 400 years Africans were classified in law as non-human, chattel, property and real estate. They were denied recognition as members of the human family by laws and practices derived from the parliaments and policies of Europe. This history has inflicted massive psychological damage upon African descendants and is evident daily in social life. Only a reparatory dialogue can begin the process of healing and repair.

6. **Scientific and technological backwardness**: For 400 years the policy of Britain and Europe had been that the Caribbean should not participate in any manufacturing or industrial process, and should be confined to the production of raw materials. This policy has rendered the Caribbean a technologically and scientifically ill-equipped civilization for which it continues to experience debilitating backwardness in a science and technology globalized world. The subjection of the Caribbean to this state has denied Caribbean youth membership and access to an enhancing science and technology culture that has become the world youth patrimony. This matter must be addressed in reparatory dialogue (CARICOM Press release 285/2013, 10 December 2013).

Since then, the CARICOM Reparations Commission (CRC), now represented by the British law firm Leigh Day, has formulated a Ten Point Reparations Action Plan, which the CARICOM nations has unanimously approved. The CRC claims that the victims and descendants of the crimes against humanity, which were committed by the European Governments, have a legal right to reparatory justice. The CRC identifies the European Governments as the primary agencies through which slavery, as a tool for enrichment, was taking place, and that the European governments were national custodians of criminally accumulated wealth. The CRC states that the European Governments:

1. Were owners and traders of enslaved Africans
2. Instructed genocidal actions upon indigenous communities
3. Created the legal, financial and fiscal policies necessary for the enslavement of Africans
4. Defined and enforced African enslavement and native genocide as in their ‘national interests’
5. Refused compensation to the enslaved with the ending of their enslavement

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56 Martyn Day, Senior Partner at Leigh Day law firm, London UK, viewed 9 May 2014
57 "CARICOM nations unanimously approve 10 point plan for slavery reparations" 11 March 2014: LeighDay.co.uk viewed 9 May 2014
6. Compensated slave owners at emancipation for the loss of legal property rights in enslaved Africans

7. Imposed a further one hundred years of racial apartheid upon the emancipated

8. Imposed for another one hundred years policies designed to perpetuate suffering upon the emancipated and survivors of genocide

9. And have refused to acknowledge such crimes or to compensate victims and their descendants

These actions are the cause for the CRC to call for justice in the form of reparations from the European governments. The Ten Point Action Plan addresses the following actions to be taken, in order to repair the Caribbean communities:

1. A full, formal apology from the European governments,

2. Repatriation of people, who wish to return to their homeland,

3. an Indigenous Peoples Development Program shall be established, to rehabilitate the community after the genocide on the native Caribbean population

4. establishment of cultural institutions in the Caribbean such as museums and research centres,

5. addressing the Public Health crisis of the African descended population, which have the highest incidence of chronic diseases in the world stemming from the treatment of slaves, and which is causing a financial burden in the region,

6. Eradicate illiteracy, which is also seen as a colonial legacy of slavery, which Europeans are responsible for,

7. an African knowledge program; school exchanges and culture tours,

8. psychological rehabilitation for the African descended population,

9. technology transfer and science sharing from other nations

10. debt cancellation, both domestic and internationally.

The legal basis for the law suit, is the obligations imposed under customary international law, and the Convention of the Elimination of All Forms of Racial Discrimination (CERD) (1965).

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58 “CARICOM nations unanimously approve 10 point plan for slavery reparations” 11 March 2014: (LeighDay.oc.uk viewed 9 May 2014)
59 See annex 2 for full details on the Ten Point Reparations Plan.
60 “CARICOM nations unanimously approve 10 point plan for slavery reparations” 11 March 2014: (LeighDay.oc.uk viewed 9 May 2014)
According to Martyn Day, the lawyer representing CARICOM, the European States have failed to comply with the obligations imposed under Article 2 (1 & 2)\textsuperscript{62}. Article 2 reads as follows:

### Article 2

1. States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end: (a) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;

(b) Each State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations;

(c) Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;

(d) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization;

(e) Each State Party undertakes to encourage, where appropriate, integrationist multiracial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division.

2. States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved (CERD: \url{http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx} viewed 9 June, 2014)

According to Martyn Day, the modern-day discriminatory effects of the Trans-Atlantic Slave Trade give rise to the obligations under Article 2 (1) to pursue a policy of eliminating racial discrimination and particularly, to take effective measures to review and amend national policies which create or perpetuate racial discrimination. Since the CERD entered into force, the European nations involved in the slave trade (Britain, Denmark, Norway, Sweden, Spain, France, the Netherlands and

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\textsuperscript{62} See full claims about the legal case in section 7.2.4
Portugal) are accused of having failed to fulfil the obligations in this treaty. Therefore, CARICOM calls on each of these States, to enter into negotiations to ensure that concrete and positive steps are “speedily taken to ensure that the obligations under Article 2 (1) CERD are adhered to in order that the effects of slavery are no longer perpetuated” (Martyn Day, Section 7.4.2.) Furthermore, the European countries involved, have failed to comply with their obligations under Article 2 (2) to take “special and concrete” measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them. The special and concrete measures are those set out in the Ten Point Action Plan formulated by the CARICOM Reparations Commission.

6.1.6 Similar cases

Other cases of compensation and apologies for historical actions is amongst others the compensation given by Germany to Israel since the Second World War because of the Holocaust and another is the policy of affirmative action in favour of black people and former slaves in the USA (Collste, 2010). Janna Thompson describes how President Clinton apologised for the violation of Hawaiian sovereignty in 1893; the British Prime Minister Tony Blair apologised for British policy during the Irish potato famine; the Canadian Government apologised for policies aimed at destroying indigenous cultures; Pope John Paul asked for forgiveness for the sins committed by the Catholic Church in the past 2000 years; Queen Elizabeth apologised for the British exploitation of the Maoris; the Japanese Prime Minister apologised for atrocities committed by Japanese in Korea and China during WWII and some government officials in South Africa have expressed regret for apartheid (Thompson, 2002:viii). Haiti in 2004 demanded a return of their independence debt to France in 20 billion dollars, which however did not go through63. CARICOM's lawyer, Martin Day, has previously won a case against the British Government, who was to pay compensation to hundreds of Kenyans tortured during British colonial rule64.

6.2 Interviews

Interviews have been conducted with representatives from both the offended and the offenders sides of the case. The purpose of conducting interviews was to gain first-hand knowledge of this new case, which has deep historical roots that are more or less unobservable. The need for valid sources of representation is essential in providing the sufficient basis for examining the case. The interviewees are informants that are involved, in one way or another, in this case. The first interview presented is with the African-Caribbean Reparations and Resettlement Alliance leader; Mr. Shelley Moorhead. Mr. Moorhead is a US Virgin Islander, and he has made it his goal to pursue justice for the former Danish colonies. His arguments are interesting for this case, as he can provide his own account for the terms which give rise to a call for reparations from the Caribbean region. Although not formally represented under CARICOM, the US Virgin Islands are the direct link to the Danish involvement in the Trans-Atlantic Slave Trade, as the islands are former Danish colonies, and the place where the slaves were transported to, to work for the Danish plantation owners on the islands.

The second informant is Mr. Christian Friis Bach. Christian Friis Bach is the former Danish Minister for Development under who Denmark in 2012 adopted the UN's Rights Based Approach to Development in the new strategy for Danish development cooperation; The Right to a Better Life. The strategy, in short, view people as rights-holders, and highlights a rights based approach to development. This understanding of people as rights holders, and the definition of development being a right has a direct relevance to the case of viewing the claim for reparations from the Caribbean Nations. The Danish development cooperation and the strategy for this is where Danish values and Danish interests are reflected and promoted through international cooperation with developing countries. Mr. Friis Bach is therefore chosen as informant in this case, as he will be able to answer how Danish values align with the claims from the Caribbean Nations.

Questionnaires (2 questions) were sent to the Danish Parliament. Rapporteurs from the committee for Foreign Affairs and the committee for Development from each party in Parliament were chosen as informants on behalf of their respective parties. As the Danish Parliament, along with the Prime Minister and the Queen, are the representatives of the Danish state, it was considered relevant to hear their opinion of the question of compensating for Denmark's role in the Trans-Atlantic Slave

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65 The Human Rights Based Approach to Development, the UN: (http://www.undg.org/archive_docs/6959-The_Human_Rights_Based_Approach_to_Development_Cooperation_Towards_a_Common_Understanding_among_UN.pdf viewed 2 June, 214)
Trade.

Furthermore, Mr. Martyn Day, the lawyer representing the CARICOM Reparations Commission has been consulted for this thesis. Martyn Day's answers to what constitutes the legal claim in this case is outlined in section 6.2.4.

6.2.1 Founder of ACRRA Mr. Shelley Moorhead

The private NGO African-Caribbean Reparations and Resettlement Alliance (ACRRA) founded by Mr. Shelley Moorhead from the US Virgin Islands in 2004, has on several occasion travelled to Denmark and discussed the matter of reparations with the Danish people. For this thesis, Mr. Shelley Moorhead was interviewed, to present his arguments for seeking reparations for what he terms the "persistent social ills" stemming from Danish rule on the former Danish West Indies.

Shelley Moorhead describes how he founded ACRRA after travelling the world, and finding himself unaware of his people's history. On behalf of the US Virgin Islands, he is seeking reparations for the 175 years of labour, that Denmark stole from the islands. Shelley Moorhead believes, the US Virgin Islands are experiencing persistent social ills in the form of a large number of drop outs of schools, broken marriages and poor health, due to the Danish rule of the islands and of the people. Furthermore, when Denmark sold the US Virgin Islands it was without consent from the citizens on the islands. This, Mr. Shelley Moorhead believes, was one of the greatest violations of the human rights in recent times. What Shelley Moorhead is pursuing on behalf of ACRRA and his fellow US Virgin Islanders is what he describes as recognition from Denmark of the shared history between the former Danish West Indies and Denmark. He believes, the US Virgin Islands' population are descendents of the primary creditors to the modern state of Denmark. The US Virgin Islands are not formally represented by CARICOM, as they belong to the USA. Still, CARICOM is pursuing reparations from Denmark as a colonial- and slave-owning nation. Shelley Moorhead has previously, on behalf of ACRRA, established a Memorandum of Understanding between the Alliance and the Danish Institute for Human Rights. The MoU established that people of Africa were unjustly transported to the West Indies and forced into chattel slavery under the authority of the King of Denmark. The MoU also writes that the Kingdom of Denmark "derived great wealth" from the institution of slavery in the Danish West Indies and that the US Virgin Islanders suffered "economic, psychological, social and emotional harm during the period of slavery in the Danish West Indies" and that "elements of the institution of slavery and the harms caused thereby continued

67 See Annex 3 for the interview with Mr. Shelley Moorhead, 15 April 2014.
68 MoU between ACRRA and DIHR, 11 April 2005 (http://viden.jp.dk/galathea/ekspeditionen/reportager/default.asp?cid=27487/viewed 13 June, 2014)
after 1848”. Furthermore, the MoU states the fact that the US Virgin Islands were sold without consulting the population on the Islands. A Joint Task Force was established to investigate the question of reparations between Denmark and the US Virgin Islands, but according to Shelley Moorhead there was never any follow up on this agenda, which was established in 2005. Shelley Moorhead’s opinion is clear: Denmark had great economic benefits from the slave labour in the US Virgin Islands, which was consequently not benefiting the population themselves. Shelley Moorhead believes, the slaves in the US Virgin Islands were the primary creditors to the modern state of Denmark. He believes, Denmark owes the US Virgin Islands the 175 years of labour, which were stolen from them. Shelley Moorhead expressed that he fully embraces the feeling that some Danes might have against issuing an apology to the US Virgin Islands. He says, the fact that the Danish population at the time had limited rights themselves, is a good reason for the Danish population to point out the unfairness in issuing an apology on behalf of our forefathers which, he says, might have had nothing to do with slavery at the time. Nevertheless, Denmark is according to Shelley Moorhead experiencing the benefits of the Trans-Atlantic Slave Trade to date, which according to Shelley Moorhead constitutes the basis of repair, even today. The view presented by Shelley Moorhead is that while Denmark has prospered since the Trans-Atlantic Slave Trade, the US Virgin Islands are still suffering a great number of social- and economic ills which, he says, did not originate with the population. The way Shelley Moorhead understands the current state of affairs in Denmark and in the US Virgin Islands attributes great importance to the shared history between Denmark and the Islands. According to Shelley Moorhead the US Virgin Islands are left in despair while Denmark has formed a democratic constitution and established citizen rights. Shelley Moorhead believes, slavery is the reason why Denmark has been able to prosper the way it has. He says: “what was the resource that brought about industrialisation, the modern military, the factories, you understand? The wealth, the free education and the free health care. What was the raw material for that? Where did that resource come from? […] That resource came out of the former Danish West Indies that brought about the now modern state of Denmark.”(Annex 3)

6.2.2 Former Danish Minister for Development Christian Friis Bach

The former Minister for Development Mr. Christian Friis Bach was interviewed for this thesis. In his opinion, issuing an apology for the Trans-Atlantic Slave Trade neither makes sense nor makes it a difference. He believes, the idea of apologising on others' behalf is pointless. Friis Bach
emphasises the issues Denmark would face, if the state was to calculate the consequences of our past deeds. According to Friis Bach, calculating the consequences of historical wrongs one must also calculate the positive outcomes of such. He argues, the global benefits of European prosperity would also have to be considered:

“You also have to remember - and this is a general thing in this global 'blame-game' that sometimes occurs - that great mistakes have been made in terms of the way we've handled the West Indies and the slavery. Without a doubt, major unforgivable mistakes have been made during the period of slavery - with great human consequences. That being said, also in the following, good things have happened and therefore it can be hard to take stock. The historical bills are hard to settle. If you on one hand have suppression and the invention of the cellphone and the car and the windmill on the other. All the things that have been taking place during the past hundreds of years. Unforgivable mistakes have been made, but here has also been progress, there has been made peace, progress and wealth also on the West Indies and also both in the early period and after with Danish involvement. So it is hard to set stock globally [...] Should poor countries then pay rich countries for having invented the cellphone, or the car or the windmill or the effort we have put into establishing international human rights, which have primarily been made by rich countries, but also with a number of poor countries involved. How does the equation look in terms of good and bad?” (Annex 4)

In his opinion the US Virgin Islands themselves are responsible for initiating the necessary domestic reforms, which he believe is the only way to solve their problems. His opinion is that the Caribbean countries should attempt to solve their own problems internally, and that it is an “illusion” to think that claiming reparations from Denmark and other countries will solve their problems. Considering how long ago it is since the Trans-Atlantic Slave Trade happened, he does not believe Denmark has a “significant responsibility” any longer. He thinks it is a domestic policy issue for themselves, to solve their problems.

“I think we are creating an illusion by saying that there is, here and now, a historical responsibility with the Danish state which we must solve, and that this will be the solution, because it will not (be the solution ed.)” (Annex 4).

According to Friis Bach, Denmark's relationship with the US Virgin Islands is not one that obliges Denmark to issue an apology nor reparation for past actions. While Denmark might eventually apologise, he says, in his on words, it will not make sense or make a difference to do so. Christian Friis Bach believes the way to solve domestic issues are internally in the country. The reforms needed in the Caribbean are not some that should be funded by European governments and, he insists, it is dangerous to create this illusion that pursuing justice for the Trans-Atlantic Slave Trade
would be the solution to their problems. Friis Bach believes a country should generally solve its own problems, and that the target for Danish development cooperation are the poorest countries with the poorest people. Friis Bach do not believe “rights” are tied to historical obligations. Rather, we have an everlasting responsibility to improve the Human Rights all over the World, and especially where it is mostly needed. Friis Bach believes, the US Virgin Islands are to solve their own problems by negotiating with their government. International handouts will only be relevant if a natural disaster would happen in the Islands. About the relationship between Denmark and the former Danish West Indies, he says, there are many ways to take advantage of the shared history and that the former Danish West Indies should initiate investments from Danish companies, to make the most of what ties the Islands have to Denmark.

Friis Bach is sceptical when it comes to the question of Danish responsibility towards the development crisis in the Caribbean region. Friis Bach believes development needs to come from below, and that citizens should use their efforts to pursue such an agenda rather than pursuing international apologies for the past. However, he acknowledges the fact that historical events are related to the current development state of countries and he says that if the Caribbean countries believe that taking the case to the International Court of Justice to pursue justice for historical wrongs, then they should pursue it. And then it will be up to the court to decide if there is a responsibility which has not been handled (Annex 4).

6.2.3 The Danish Parliament

Questionnaires were sent out to the rapporteurs on Development and Foreign Affairs of all parties in the Danish Parliament. The full correspondences (E-mails) will be given in Annex 6. Answers were received from 5 out of 8 parties, namely the Social Democratic Party (A), the Conservative People's Party (C), Liberal Alliance (I), the Social Liberal Party (B) and the Danish People's Party (O). The Red-Green Alliance (Ø) has previously expressed their opinion of the case, and so has the Liberal Party (V) to the Danish TV Program DR 2.

The representatives were asked to answer the following (two) questions:

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70 The Socialis People's Party (F) did not reply, and the Liberal Party (V) replied that they were too busy to answer.
72 Deadline DR 2 Dagen 10 Juli 2010, is recorded and found on ACRRA USVI's Facebook-page: (https://www.facebook.com/photo.php?v=134250496605551&set=t.550075438&type=3&theater viewed 14 June, 2014)
1) *Is it Denmark’s duty to do justice towards inhabitants on the former Danish West Indies?*

*And if so,*

2) *What ought Denmark to do in terms of doing justice for our past as colonial power and our role in the slave trade?*

The representatives were informed that the questions were related to the claim for reparations from CARICOM.

The representatives who replied all answered that they do not believe Denmark have current obligations towards the US Virgin Islands. As mentioned, the three parties V, F, and Ø have not replied to my email. As the both Red-Green Alliance (Ø) and the Liberal Party (V) have previously expressed their opinions about this case to other sources, their opinion will still be used in estimating the political willingness in the Danish Parliament towards the case of issuing apologies and offering repair for Denmark's actions during the Trans-Atlantic Slave Trade.

The opinions of the Danish Members of Parliament appear in the table below:\(^\text{73}\):

<table>
<thead>
<tr>
<th>Party</th>
<th>Ought Denmark to do justice towards the citizens on the former Danish West Indies?</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>The Social Liberal Party (B)</strong></td>
<td>I won't completely deny the fact that we might apologise one day. But I don't think it makes sense nor makes a difference [...] it is a pretty long time ago since we let go of the West Indies and therefore I don't think we have a significant responsibility any longer. They are now a part of the US, they have to fight the domestic policy battle to ensure better circumstances and transfers and more attention so no, I don't think we have a significant responsibility to give economic compensations to the West Indies. It is a domestic policy issue in the US.” MP Christian Friis Bach</td>
</tr>
<tr>
<td><strong>Danish People's Party (O)</strong></td>
<td>“I think it is absurd, an absurd idea that a generation such as ours, which have had nothing to do with the Slave Trade should give an apology to a generation who has never been slaves”. MP Søren Espersen</td>
</tr>
<tr>
<td><strong>The Social Democratic Party (A)</strong></td>
<td>“I do not think we have an official policy on this case. But I believe, some conflicts and violations happened so many generations ago, that there must be a limit to living people's responsibility in that context. And we risk supporting more extreme forces in more or less peculiar historical violations which only contributes to further division in the world in stead of the desired reconciliation.” MP Mette Gjerskov</td>
</tr>
</tbody>
</table>

\(^{73}\) Translation by author
Conservative People's Party (C) | “No”. MP Per Stig Møller

Red-Green Alliance (Ø) | “Denmark has a cruel colonial history with active participation in Slave Trade, so it is appropriate to issue an official apology. There are two reasons why this is important. Both out of consideration for the successors of those, who were kept as slaves, but also to get an actual debate going in Denmark about our involvement in Slave Trade”. MP Nikolaj Willumsen

The Liberal Party (V) | “I think it is a very dangerous step to take, to apologise for something which our ancestors did for over 150 years ago, because then you need to consider; where do we draw the line for what we should apologise for? It is important to note that neither I, you or any other existing Dane has had anything to do with slavery. So if we were to go out and apologise on behalf of our forefathers then I think it is a very dangerous step to take because then we also have to apologise for all the other things we have done in the past, which we might not be proud of either”. MP Michael Aastrup Jensen

Liberal Alliance (I) | “It is impossible to define the term "justice" in this context. The injustices which we shall acknowledge was committed to current living people's forefathers and -mothers. It is historical occurrences which can not be remedied today”. MP Mette Bock

All parties except the Red-Green Alliance (Ø) do not believe Denmark has present responsibilities towards the US Virgin Islands.

6.2.4 Martyn Day, Leigh Day law firm

In a correspondence (see Annex 7) lawyer Martyn Day, representing CARICOM Reparations Commission explains the following legal base for the case:

1. The continuing effects of the Transatlantic Slave Trade are such that the United Kingdom and other former slave trading powers incur a number of important and fundamental obligations under international law in respect of the slave trade.

2. These obligations arise under customary international law as well as a number of international
conventions, notably, the Convention on the Elimination of All Forms of Racial Discrimination (1966), 660 U.N.T.S. 195 (“CERD”). The first is an obligation, under Article 2 (1) of CERD to pursue by all appropriate means a policy of eliminating racial discrimination including through the amendment of policies which have the effect of creating or perpetuating racial discrimination wherever it exists. The second is an obligation pursuant to 2 (2) CERD to take “concrete and special measures” to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms.

3. As regards the first of these obligations, Article 2 (1) (c) of CERD stipulates:

States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end: […] (c) Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists (emphasis added by Martyn Day)

4. As noted above the UN General Assembly has, by consensus, recognized that the slave trade, especially the transatlantic slave trade, is “among the major sources and manifestations of racism, racial discrimination, xenophobia and related intolerance” and that “people of African descent […] and indigenous peoples were victims of these acts and continue to be victims of their consequences” (emphasis added by Martyn Day).

5. The modern-day discriminatory effects of the slave trade gives rise to an obligation under Article 2 (1) of CERD to pursue a policy of eliminating racial discrimination and, in particular, taking effective measures to review and amend national policies which create or “perpetuate racial discrimination”.

6. Since the entry into force of CERD the United Kingdom et al through act and omission, have
failed to comply with the obligations imposed by Article 2 (1) CERD. They have failed to adopt a policy of eliminating racial discrimination in all its forms and to promote understanding among races and, further have failed to review and amend policies which have the effect of creating or perpetuating racial discrimination.

7. CARICOM calls on each of these States to enter into negotiations to ensure that that concrete and positive steps are speedily taken to ensure that the obligations under Article 2 (1) CERD are adhered to in order that the effects of slavery are no longer perpetuated.

8. The United Kingdom et al have also failed in their obligations under Article 2 (2) CERD. Article 2 (2) states:

*States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved.*

9. The modern discriminatory effects of slavery, as recognized by the international community on a host of occasions identified in outline above, call for “special and concrete” measures pursuant to Article 2 (2) CERD. This obligation is all the more pertinent for those states which were centrally involved in the slave trade. (See Annex 7 for the full correspondence)

7. Analysis

The moral case of whether Denmark has obligations towards descendants of the victims of the Trans-Atlantic Slave Trade will now be investigated. Whether Denmark will be forced to pay
compensation for its role in the Trans-Atlantic Slave Trade is a legal issue, which shall be determined by a judge in a legal court. What this thesis has set out to investigate is whether Denmark ought to give compensation for its role in the Trans-Atlantic Slave Trade. In the following, the theories presented in section 5 will be used to examine the moral basis for Denmark's obligations towards descendants of the offended in the Trans-Atlantic Slave Trade.

In this analysis the aim is, with help from the theories, to provide the moral clarity in the discussions, which the claim for reparations for the Trans-Atlantic Slave Trade has brought about.

In light of the claims for reparations and focusing on the legal aspects of the case, the thesis will discuss the arguments presented by Martyn Day, the answers from the Danish politicians and the philosophical theories on reparation to answer whether Denmark ought to compensate for its role in the Trans-Atlantic Slave Trade.

To answer the problem formulation, there is a need for establishing moral clarity on a few issues, which have been presented by the parties in the case, and which seems to be the cause of unwillingness towards the issue of whether Denmark should issue repair or apologise for its role in the Trans-Atlantic Slave Trade.

The following issues shall be discussed:

- Do the fact that the Trans-Atlantic Slave Trade happened in the past means that the actions are not morally wrong?
- Does it matter whether or not the Trans-Atlantic Slave Trade was profitable for the Danish state when discussing the issue of compensating for the Slave Trade?
- Will the focus on compensating for historical injustices overtake our concern for current living people in need? And is this a reason to ignore the call for compensation for the Trans-Atlantic Slave Trade?
- How should it be decided which historical injustices should trigger compensation?
- Has the Trans-Atlantic Slave Trade morally relevant legacies?

And lastly
- Do Denmark have a moral obligation to compensate for its role in the Trans-Atlantic Slave Trade?
The main question, which will need to be answered in the affirmative in order to conclude that Denmark ought to issue compensation for the Trans-Atlantic Slave Trade, is whether the Trans-Atlantic Slave Trade constitutes a relevant moral claim for repair.

Lawyer Martyn Day expresses that CARICOM’s case rests on the violation of international law, specifically CERD Article 2 (1&2). According to Martyn Day, the European states have failed to eliminate the modern day discriminatory effects of slavery, which they according to CERD are obliged to do. Specifically, according to Martyn Day, the European nations involved are obliged to take concrete and special measures to eliminate the consequences of slavery. These measures are, by CARICOM, identified in the Ten Point Action Plan by CARICOM Reparations Commission (Annex 2).

The judicial part of the claim for reparations focus upon the current existing legacies of the Trans-Atlantic Slave Trade which, according to the UN, was one of the major sources and manifestations of racism (Durban Declaration p. 13, 2001). The international conventions are the common established predictions of what ought to be done in terms of the Slave Trade and why this is necessary.

Before discussing whether or not Denmark ought to compensate for the Trans-Atlantic Slave Trade, some of the principle arguments against issuing repair or apologies for actions in the past will be discussed.

The first thing about the Trans-Atlantic Slave Trade which is important to state is that there is agreement about some parts of the case of the Trans-Atlantic Slave Trade. There seems to be consensus about the fact that slavery was a horrible thing, which has caused great sufferings for the victims.

There is also, to a large extent, agreement on the fact that the trade was profitable for Europeans. This argument is supported by the Danish Institute of Human Rights, who said, Denmark derived great wealth from the institution of slavery in the Danish West Indies. According to Kåre Lauring, the sugar-trade in the West Indies gave an estimated amount of 9% profit annually. However profitable the Trans-Atlantic Slave Trade was, the argument proposed by Shelley Moorhead; that the slave labour was stolen from the rightful owners, makes the amount of such less relevant. The

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74 International Convention on the Elimination on All forms of Racial Discrimination 1965 (http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx viewed 16 June, 2014)
76 MoU between ACRRA and DIHR, 11 April 2005 (http://viden.jp.dk/galathea/ekspeditionen/reportager/default.asp?cid=27487viewed 13 June, 2014)
77 DR 2 Dagen (55.02) 7 April 2014 (http://www.dr.dk/tv/se/dr2-dagen/dr2-dagen-154#!/47:22 viewed 16 April, 2014)

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fact that the enslaved did not themselves gain the profit of their labour, whilst they were being forced to live in a new country without the right to own anything of their own, and being subjected to incalculable degradation, makes the question of the actual European gains irrelevant compared to the means used for any such acquisition. As Kåre Lauring writes, the profit from the sugar trade was what kept the trade going for such a long period of time (Lauring, 2014).

Whether or not slavery can be considered as the primary contribution to the form of the modern state of Denmark, as Shelley Moorhead believes, will be left out of the discussion in this thesis. What will be assumed is that the Trans-Atlantic Slave Trade was a period which included horrible actions systematically carried out for the purpose of making profit.

In spite of the agreements on the fact that the Trans-Atlantic Slave Trade was a terrible thing, there is strong opposition towards issuing compensation or even an apology from the Danish state. The core arguments put forward against issuing any symbols of responsibility are different in kind.

One of the arguments presented is that the times when the slave trade happened were “different”. Kåre Lauring, is one to emphasise the fact that the times then were different:”The Human Rights were not invented at the time. People lived in a different world. They had different views on people. They had a totally different view of the world”78. Christian Friis Bach also notes that the Trans-Atlantic Slave Trade happened “in a very different time under very different circumstances, and with a different legislation with a different background and culture” (Annex 4). The fact that the time when the Trans-Atlantic Slave Trade happened was very different from now means that the perceptions of right and wrong were different. The way slave trade at the time was perceived is very different from how it is perceived nowadays.

The UN recognition of the crimes committed during the Trans-Atlantic Slave Trade is notably emphasising the issue of the differences in legislation between then and now. Point 13 in the Durban Declaration of 2001 reads as follows:

13. We acknowledge that slavery and the slave trade, including the transatlantic slave trade, were appalling tragedies in the history of humanity not only because of their abhorrent barbarism but also in terms of their magnitude, organized nature and especially their negation of the essence of the victims, and further acknowledge that slavery and the slave trade are a crime against humanity and should always have been so, especially the transatlantic slave trade and are among the major sources and manifestations of racism, racial discrimination, xenophobia and related intolerance, and that Africans and people of African descent, Asians and people of Asian descent and indigenous peoples were victims of these acts and continue to be victims of their consequences (Durban

78 DR 2 Dagen (55.02) 7 April 2014 (http://www.dr.dk/tv/se/dr2-dagen/dr2-dagen-154#!/47:22 viewed 16 April, 2014)
Notably, the quote above from the Durban conference states about slavery being a crime against humanity, that it “should always have been so”. The formulation is odd, because the fact that it is there, gives rise to some questions about why the authors found it pressing to state that the slave trade was not, at the time, a criminal action. Is the purpose to state that the Trans-Atlantic Slave Trade was not a crime? Or that it was not perceived as a crime? Or that the term “crime against humanity” did not exist? The Danish scientist Astrid Nonbo Andersen has written her Ph.D. on Denmark's relationship with the US Virgin Islands. The formulation in the Durban declaration, in Andersen's opinion, shows that the authors saw it as pressing to state, that crimes against humanity were not – at the time – unlawful, and that this formulation emphasises the differences between the moral and the legal sphere (Andersen, 2011:58). The formulation emphasises that while according to the law now slavery is a crime, it was not at the time unlawful. The formulation also express some sense of regret over the fact that the Trans-Atlantic Slave Trade was not considered as a crime at the time.

The formulation in article 13 in the Durban declaration displays the core of the debate on when historical injustices are obsolete. Human rights are tied to natural rights thought, wherein the basic rights are some, that all humans have regardless of where or who they are (Andersen, 2011). The fact that these rights are some that all people have is an argument for the time of violation of these rights being irrelevant. Normally, human rights violations are sentenced based on the legislation in force. These are the UN's human rights conventions of 1966, the European human rights convention of 1950 and any human rights laws in the various national constitutions. Since these laws were all written after the Trans-Atlantic Slave Trade, they were not legislation in force at that time where the crimes were committed. The fact that the Human Rights are tied to the natural rights, and thus have what Andersen calls “metaphysical validity” has not proofed relevant in terms of judging the human rights violations by law before (Andersen, 2011).

Andersen describes how there has been a history-political change occurring after the acknowledgement of holocaust victims right to justice. According to her, the Durban declaration of

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80 Islands of Regret: Restitution, Connected Memories and the Politics of History in Denmark and the US Virgin Islands, Astrid Nonbo Andersen, Aarhus University, 11 April 2014
2001 sparked the discussion in the international community about whether victims of colonialism should be paid compensation in the same way as in the case of holocaust victims (Andersen, 2011:58).

Does the question of guilt for the slave trade depend on whether the actions committed felt wrong or were illegal at the time? In order to answer that question, it is necessary to establish under which moral climate these actions happened.

The Trans-Atlantic Slave Trade happened during the era of mercantilism, which dominated in the 1600-1700s. The idea in mercantilism was that the amount of goods on earth in the form of production, trade and natural resources was a static one. This understanding led to the understanding that increasing the states' amount of goods had to consequently happen at the expense of another nation. Therefore a strong state was needed (Lauring, 2014). The focus on maximizing the wealth of the nation led to Denmark entering into the Trans-Atlantic Slave Trade (Busck & Poulsen, 2011:173).

The fact that the times were different might have meant something to the moral hazards the slave traders experienced. One can question whether the physical abuse of the enslavement, from the victims perspective, is perceived any different today.

The political will, or lack hereof, to issue statements of regret is yet rooted in the notion that the Trans-Atlantic Slave Trade took place under different circumstances. The MP Søren Espersen (O) expressed his views in a phone interview83, where he stated: “You cannot measure events from the past with today's eyes, then you'll misunderstand history”. The fact that the politicians point to that times of the past were different has by Andersen been described as “Viking arguments”. The Vikings are known for immoral behaviour, which happened a long time ago. Andersen use this term for arguments politicians use to ridicule claims for apologies, which they do by pointing to the fact that everything was different in the past. Andersen notes, the Viking argument it is the most reoccurring argument in the debate on apologies for slavery in Denmark (Andersen, 2013:72).

According to the philosophical views on such argumentation, which emphasise the difference in perceptions of actions in the past, they are invalid to determine or cancel injustices committed in a different time. In Collste's view, it is the result of the action and not the intention behind, which is relevant in terms of rectificatory justice (Collste, 2010). Thus, whether the actions committed were intentionally harmful or not, they are considered as a crime against humanity.

83 See the transcribed interview in Annex 5
Another argument against issuing compensation for the Trans-Atlantic Slave Trade, is the concern for additional claims for reparations. This fear is that acknowledging a sense of guilt will start a trend where claims for reparations will be coming from all sides. When and where reparations are relevant is an important discussion, since the 'blame game', as Christian Friis Bach called it, according to some, is a “dangerous path”. The fear that the focus on reparations for the past will be getting out of hand is presented by the MP Michael Aastrup Jensen (V) who says: “I think it is a very dangerous step to take, to apologise for something which our ancestors did over 150 years ago, because then you need to consider; where do we draw the line for what we should apologise for? It is important to note that neither I, you or any other living Dane has had anything to do with slavery. So if we were to go out and apologise on behalf of our forefathers then I think it is a very dangerous step to take because then we also have to apologise for all the other things we have done in the past, which we might not be proud of either.” This statement is expressing concern, not for who might be out there who is entitled to an apology but for the amount of blame Denmark should take responsibility for as a state.

However, as in this case, the offended and offenders need not necessarily agree on when a case is relevant or not.

A different argument proposed to leave out solving injustices of the past, is that current injustices are more important. Christian Friis Bach says, development efforts should focus on the needs of the poorest countries and the poorest people (annex 4). Thompson notes: ”Others fear that obligations from the past are likely to interfere with what they believe to be the principal concern of justice: equitable distribution of goods according to the needs, deserts, preferences or choices of existing people”(Thompson, 2002:xv). Is it a valid argument against repairing historical injustices to focus on current needs instead of historical entitlements? Thompson refers to Will Kymlicka saying about treatises made with indigenous people: ”Why should governments not do what principles of equity require now, rather than what outdated and often unprincipled agreements acquire?”. While Christian Friis Bach do not express such scepticism, he does points out that development aid is not about making up for the causes of underdevelopment, it is about strengthening people's rights.

Christian Friis Bach is of the opinion that while Denmark has a life long responsibility to defend and promote International Human Rights, it does not have a historical obligation towards the

84 See Annex 4
85 Deadline DR 2 Dagen 10 Juli 2010, is recorded and found on ACRRA USVI's Facebook-page (https://www.facebook.com/photo.php?v=134250496605551&set=t.550075438&type=3&theater viewed 14 June, 2014)
86 Will Kymlicka is the Canada Research Chair in Political Philosophy at Queen's University, Canada: (http://post.queensu.ca/~kymlicka/ viewed 26 June, 2014)
Caribbean which it needs to attend to (Annex 4). According to this view, focusing on correcting historical wrongs might be a distraction from the real focus on establishing justice. The agenda to pursue justice in distribution of basic rights and goods is a different one than seeking justice for historical wrongs.

However, Collste proposes that there is a group of donors and recipients in any agenda of pursuing global justice, which in any case will consist of the same people. Collste claims that recipients of acts of justice, whether such acts seek to eliminate inequality, or right historical wrongs, are the same people (Collste, 2010). According to Collste, the current unequal world order is a legacy of colonialism and the Trans-Atlantic Slave Trade, which makes rectification for historical wrongs aligned with an egalitarian agenda of pursuing global justice in distribution. Hence, historical injustices are the basis for current global inequality. Pursuing justice will therefore benefit the same group of individuals due to the geographical borders between offenders and offended, rich and poor. It will be discussed later if this distinction by Collste, is sufficient to claim that the Trans-Atlantic Slave Trade constitute a relevant case for compensation.

Collste, at the same time, states that this assumption about the causes of global inequality needs to be true. He does not provide the empirical evidence, but simply notes that it is a fact that global inequality is caused by colonialism and the slave trade. Historical injustices need to be the cause of current global inequality in order for repair to be justified. Thus, a prerequisite for accepting responsibilities to repair is that there are scars from historical wounds.

If we accept historical obligations, does that mean that all historical injustices result in current obligations?

The issue of what is relevant and what is too old is, also amongst rectificatory philosophers, a debated issue. The argument from Danish politicians is supported by Robert Penn Warren\(^{87}\), who believes that demands for historical injustices are absurd. In his opinion, opening the floodgates for reparatory claims will mean nothing can prevent all historical injustices from overtaxing our moral capacity (Thompson, 2002:xvii). Warren is expressing concern for the fact that historical obligations might be so widespread that the focus on these, will result in that people will stop caring about the current existing injustices. Others disagree. Randall Robinson\(^{88}\) believes slavery is a human rights crime which produces its victims \textit{ad infinitum} long after the active stage of the crime has ended. Therefore he has no doubt that demands for reparations for slavery are still justified.

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\(^{87}\) Robert Penn Warren was an American novelist and poet: (http://www.poets.org/poetsorg/poet/robert-penn-warren viewed 26 June, 2014)

\(^{88}\) Randall Robinson is a professor of law at Pennsylvania State Law School, USA (http://www.randallrobinson.com/debt.html viewed 26 June, 2014)
(Thompson, 2002:xvii). But does it make sense to disregard all reparatory claims or accept all of such? Is it meaningful to take an overall moral stand on all historical injustices? Generalising claims for historical injustices does not make sense. It seems that more detailed moral reasoning of historical obligations is needed. One which can answer which cases should be considered as relevant for issuing repair, and whether the Trans-Atlantic Slave Trade is such a case.

Collste writes that according to ethical presentism, repair is relevant when and if the historical injustice has left morally relevant traces in the present (Collste, 2010). Ethical presentism provides a moral view of the idea of rectification which makes a rectification for the Trans-Atlantic Slave Trade depend on whether there are current existing legacies. The fact that, according to Collste, there needs to be morally relevant traces in order for Denmark to accept a claim for reparations, makes other cases of historical injustices obsolete. Accepting to repair injustices that have existing legacies is somewhat less demanding and, one can argue, more fair than an unconditional moral obligation to rectify all past events. To estimate just when repair is relevant for a historical obligation, empirical evidence is needed in order for such causation to be established.

**Has the Trans-Atlantic Slave Trade left morally relevant traces?**

The Trans-Atlantic Slave Trade will, according some theories, constitute a legitimate claim for rectificatory justice if the period has left morally relevant traces. According to Collste, the morally relevant traces are prosperity for the offenders and poverty for the offended in the case of the Trans-Atlantic Slave Trade and the related colonisation of the Caribbean nations. To establish that European nations are wealthier or more developed than the countries in the Caribbean region is not as difficult as determining the source of such poverty and wealth. A momentary view of the current state of the countries involved is not sufficient to establish whether there are traces to the Trans-Atlantic Slave Trade.

It is important to remember, that the morally relevant traces need not be economic, but can also be cultural according to Collste's conditions for repair. The issue that the populations in the Caribbean are experiencing are, according to CARICOM characterised by social, psychological, economic and cultural deprivation and disenfranchisement. The total amount of “moral traces” which the
CARICOM Reparations Commission has identified in the region, has been calculated and summarised under the following headlines:

1. **Public Health**: The African descended population in the Caribbean today has the highest incidence in the world of chronic diseases in the form of hypertension and type two diabetes that are the direct result of their nutritional exposure, endemic inhumane physical and emotional brutalization and other aspects of the stress experience of slavery and post slavery apartheid. Scientific research and costs associated with stemming this historically derived pandemic must be addressed.

2. **Education**: At the end of the colonial period the British left the African descended population, and survivors of the native genocide, in a state of general illiteracy. Some 70 percent of these persons were functionally illiterate at the onset of the Independence era. Widespread illiteracy continues to plague Caribbean societies and accounts for significant parts of their development challenges.

3. **Cultural Institutions**: Europeans have invested in the development of institutions such as museums and research centres in order to prepare their citizens for an understanding of their imperial history that defined them as rulers and beneficiaries of slavery. There are no such facilities in the Caribbean where the crimes were committed and the victims left disenfranchised in respect of their institutional and cultural experiences and memory. This crisis must be remedied.

4. **Cultural Deprivation**: The primary cultural effect of slavery was to break and eradicate African commitment to their culture. African culture was criminalized and the cultural basis of identity shattered. Africans were deculturalized and today remain impoverished in respect or cultural legitimacy and supportive appropriate institutional arrangements. These matters represent the colonial legacy of slavery and must be addressed. Contemporary manifestations of these include low ethnic self-esteem; the devaluation of black identity; broken structures and diminished family values; delegitimization of African derived religion and cultural practices, and disconnection from ancestral roots and culture.

5. **Psychological trauma**: For over 400 years Africans were classified in law as non-human, chattel, property and real estate. They were denied recognition as members of the human family by laws and practices derived from the parliaments and policies of Europe. This history has inflicted massive psychological damage upon African descendants and is evident daily in social life. Only a reparatory dialogue can begin the process of healing and repair.

6. **Scientific and technological backwardness**: For 400 years the policy of Britain and Europe had been that the Caribbean should not participate in any manufacturing or industrial process, and should be confined to the production of raw materials. This policy has rendered the Caribbean a technologically and scientifically ill-equipped civilization for which it continues to experience debilitating backwardness in a science and technology globalized world. The subjection of the Caribbean to this state has denied Caribbean youth membership and access to an enhancing science and technology culture that has become the world youth
The issues proposed by CARICOM might - or might not - be current experienced problems in the region. To determine that such problems are actually experienced in all of the region, is not the aim of this thesis. The fact that CARICOM claims to experience such problems will suffice in this discussion of responsibility. But in the same way as Collste refers to the existing economic situation in the respective countries, a current experienced social issue does not come with a “list of ingredients” which states the origin of such problems. Is it possible to make any factual assumptions about the link between diabetes prevalence, illiteracy and the Trans-Atlantic Slave Trade?

It seems as if we are left in the same place as before, with symptoms, that can be caused by numerous conditions. The historical factor makes it even harder to determine the cause of existing illnesses.

In Collste's belief, we need not to think hard about why the borders between rich and poor countries are similar to the historical borders between colonised and colonial powers. The mere fact that there seems, to be almost similar economic domination from the global rich today as there were during colonisation is in Collste's belief sufficient to determine that the current global structure was established during the period of colonial rule. A division of offended and offenders that constitutes legitimacy for reparatory claims from the offended, in this case the Caribbean region (Collste, 2010).

As the claims from CARICOM have shown, financial issues is just one part of what reparations are intended to target. The social and cultural legacies of the Trans-Atlantic Slave Trade and colonisation of the Caribbean region cannot be comprehensively verified by Collste's account of the existence of moral traces of the Trans-Atlantic Slave Trade.

In a realistic sense there needs to be more proof of the existence of current traces of the Trans-Atlantic Slave Trade than the claims from CARICOM and the opinions of scholars.

A global acknowledgement of the legacies of the Trans-Atlantic Slave Trade will do. Such an acknowledgement is provided by the UN conventions and conferences on Racism from 196591.

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The international treaties on Racism, established consensus amongst the involved parties, on the exact legacies of the Trans-Atlantic Slave Trade and the causes of current experienced social issues amongst the descendants of slaves.

The Durban Declaration of 2001 specifically states the issue of the current experienced legacies of colonialism and the slave trade:

13. We acknowledge that slavery and the slave trade, including the transatlantic slave trade, were appalling tragedies in the history of humanity not only because of their abhorrent barbarism but also in terms of their magnitude, organized nature and especially their negation of the essence of the victims, and further acknowledge that slavery and the slave trade are a crime against humanity and should always have been so, especially the transatlantic slave trade and are among the major sources and manifestations of racism, racial discrimination, xenophobia and related intolerance, and that Africans and people of African descent, Asians and people of Asian descent and indigenous peoples were victims of these acts and continue to be victims of their consequences.

14. We recognize that colonialism has led to racism, racial discrimination, xenophobia and related intolerance, and that Africans and people of African descent, and people of Asian descent and indigenous peoples were victims of colonialism and continue to be victims of its consequences. We acknowledge the suffering caused by colonialism and affirm that, wherever and whenever it occurred, it must be condemned and its reoccurrence prevented. We further regret that the effects and persistence of these structures and practices have been among the factors contributing to lasting social and economic inequalities in many parts of the world today;

19. We recognize the negative economic, social and cultural consequences of racism, racial discrimination, xenophobia and related intolerance, which have contributed significantly to the underdevelopment of developing countries and, in particular, of Africa and resolve to free every man, woman and child from the abject and dehumanizing conditions of extreme poverty to which more than one billion of them are currently subjected, to make the right to development a reality for everyone and to free the entire human race from want;

100. We acknowledge and profoundly regret the untold suffering and evils inflicted on millions of men, women and children as a result of slavery, the slave trade, the transatlantic slave trade, apartheid, genocide and past tragedies. We further note that some States have taken the initiative to apologize and have paid reparation, where appropriate, for grave and massive violations committed; (Durban Declaration, 2001 [http://www.un.org/WCAR/durban.pdf viewed 10 June 2014])

Both Martyn Day and Collste consider the UN treaties as valid and indicators that slavery might be a part of history, but its legacies are present today. As Collste writes; he believes the Durban


Declaration of 2001 and follow-up conference of 2009 indicate demands for restoration, which in his belief are reasonable and fair (Collste, 2010). Collste specifically addresses the Durban follow-up conference in 2009:

62. Recalls that slavery and the slave trade, including the transatlantic slave trade, apartheid, colonialism and genocide must never be forgotten and in this regard welcomes actions undertaken to honour the memory of victims;

63. Notes actions of those countries that have, in the context of these past tragedies, expressed remorse, offered apologies, initiated institutionalized mechanisms such as truth and reconciliation commissions and/or restituted cultural artifacts since the adoption of the Durban Declaration and Programme of Action, and calls on those who have not yet contributed to restoring the dignity of the victims to find appropriate ways to do so; (UN review conference on Racism, 2009 (http://www.un.org/en/durbanreview2009/pdf/Durban_Review_outcome_document_En.pdf viewed 10 June, 2014))

The Durban conferences are both following the CERD of 1965, which CARICOM claims have been violated by the European governments involved in the slave trade. Martyn Day specifically notes that the European governments who were involved in the Transatlantic slave trade have not fulfilled the objectives of Article 2; 1 and 2 of the Convention of the Elimination of All sort of Racial Discrimination (1965) As regards Article 2 (1) the European states have not succeeded in eliminating all racial discrimination, whether it be by amending policies that create or "perpetuate racial discrimination where ever it exists" or by failure to pursue a policy of the elimination of all racial discrimination. According to Martyn Day the European states, have also failed to take the necessary measures according to Article 2 (2) to "ensure the adequate development and protection of certain racial groups or individuals belonging to them" in accordance with Human Rights Law.

It is established in the UN that the Trans-Atlantic Slave Trade is amongst the major sources and manifestations of racism and racial discrimination and that people of African-descent continue to be victims of the consequences of these acts. It is also established that European governments according to international law are obliged to pursue policies for eliminating all forms of racial discrimination, and to pursue special and concrete measures to ensure the development and protection of the Human Rights for the affected groups.

94 International Convention on the Elimination of All Forms of Racial Discrimination, Adopted and opened for signature and ratification by General Assembly resolution 2106 (XX) of 21 December 1965 (http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx viewed 16 June, 2014)
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According to Martyn Day, these obligations have not been adhered to and the Caribbean countries are currently experiencing the consequences of the Trans-Atlantic Slave Trade. This thesis do not intend to verify if any or both these claims are true. What is important is that if they are, then there might in fact be a relevant reason to assume that Denmark has an unfulfilled obligation related to Denmark's role in the Trans-Atlantic Slave Trade, which Denmark need to address either willingly or by force.

Does Denmark have a moral obligation to compensate for its role in the Trans-Atlantic Slave Trade?

Accepting that claims for repair, which are based on international laws, have moral relevance is one step further towards determining whether Denmark ought to compensate for its role in the Trans-Atlantic Slave Trade. There is however, in the legal case a lot less speculation about why such laws should be followed. What this thesis is investigating is the moral obligations. On this note it can be assumed that some current living Danes do not have a specific sense of responsibility to issue compensation for the Trans-Atlantic Slave Trade, and maybe not even for fulfilling legal obligations in a treaty. The fact is that Denmark is obliged to compensate for the Trans-Atlantic Slave Trade only if the persisting health issues, present economic inequalities, and lingering social ills are a direct legacy of this crime. If the law determines that the Caribbean region is either not experiencing these issues or if these issues are not caused by the Trans-Atlantic Slave Trade or the ensuing climate of racism and disenfranchisement, it is unlikely that the European states will ever be held responsible. If on the other hand these issues can be verified and if they are indeed legacies of the Trans-Atlantic Slave Trade, then Denmark is obliged to act, according to CERD. Accepting this means Denmark is accepting a responsibility to repair. There might have been established legal consensus on such a responsibility, but it is nevertheless a historical obligation for actions over which current living citizens of Denmark had no control. Is the Danish people, in a moral sense, responsible for the actions committed by its forefathers? Is the Danish people responsible, even if their forefathers were not directly involved in the Trans-Atlantic Slave Trade? Are Danish citizens responsible if they are new citizens of Denmark? And if the Danish people are not responsible for the actions, how can they be responsible for compensating for them?

To understand what the Danish people, are obliged to do, it is necessary to understand the

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connection between historical wrongs, international treaties and moral obligations for states and their citizens.

Joel Feinberg\(^98\) believes a necessary condition for liability for the action of a group is 'opportunity for control'. A citizen of a democracy, even one who does not pay attention to politics, does have a degree of control and hence must bear some responsibility for the actions of her country. But she has no influence over the actions of her predecessors, whether their actions were wrong or the agreements they made (Thompson, 2002:9).

The fact that current living people cannot undo or control actions that have happened in the past, seems relevant when discussing the moral responsibility for such actions. Feinberg's notion of 'opportunity for control' is a relevant claim in theories of collective responsibility (Thompson, 2002:7) To assume a responsibility for an action, you should have a degree of control over such an action. If no such control is handed to citizens of the current state of Denmark, are they then really morally responsible for the Trans-Atlantic Slave Trade? Or for any legacies stemming from this period?

According to Thompson, the beneficiaries of the injustice have a duty to repair the injuries suffered by their victims (Thompson, 2002:9). The fact that the Danish state has accumulated wealth at the expense of the Caribbean people including the African-descended population, means that the Danish people are currently experiencing the benefits of the injustice in the form of the economic traces the Trans-Atlantic Slave Trade has left in the Danish state. Collste notes that the European nations were the homeland to the individuals involved in the Slave Trade and that the judicial framework was also provided by the national leaders at the time. Thus, the responsibility for the Trans-Atlantic Slave Trade lies with the Danish state. He outlines the difference between remedial and outcome responsibility, using David Miller’s\(^99\) distinctions. Outcome vs. remedial responsibility places the duty of rectification differently. The outcome responsibility is assigned to the agent who has been or can be credited or debited with a particular outcome in terms of a loss or a gain. The remedial responsibility is the duty to settle injustices (Collste, 2010). Accepting that nations have the outcome responsibility - as they arguably have respectively benefited from, and been harmed by colonialism - do we also need to accept the remedial responsibility?

\(^{98}\) Joel Feinberg was a political and social philosopher who taught at the University of Arizona: (http://www.nytimes.com/2004/04/05/us/joel-feinberg-77-influential-philosopher.html viewed 26 June, 2014)

\(^{99}\) David Miller is a Professor of Political Theory at the Blatvatnik School of Government, Oxford University(http://www.nuffield.ox.ac.uk/People/sites/Miller/SitePages/Biography.aspx viewed 26 June, 2014)
One objection to nations being assigned remedial responsibility is that states do not necessarily have the same form as they did at the time. At the time of the slave trade, Denmark included the kingdom of Norway and thus, there are people who were once Danish who are now Norwegian, who are not directly assigned remedial responsibility. However, Norway is also included in the call for repair from CARICOM. Collste believes that Danish people, as citizens of the state, have inherited both benefits and responsibilities from the Trans-Atlantic Slave Trade.

Collste assigns primary and secondary duties respectively to the colonial and non-colonial powers. Martyn Day correspondingly argues, that countries directly involved in the slave trade have a higher degree of responsibility for the obligations under CERD (annex 7). According to Collste, the former colonial powers have the primary responsibility of rectification towards the former colonies, and the non-colonial powers have secondary duties. Collste describes secondary duties as economic duties and the primary duties as economic, political and cultural acts of reparation. The reason for this distinction and form of compensation is reasoned in the fact that non-colonial nations only gained from and participated in the economic side of the colonisation while the colonial powers influenced both the politics, the economies and the cultures of the colonies (Collste, 2010).

Thompson supports the argument that responsibilities of a state are trans-generational. According to her the state consist of its citizens, past, present and future and thus, the responsibility for historical obligations imposed on the state devolves on whoever is in the position to assume it (Thompson, 2002:4). Regarding the responsibility for new Danish citizens, Thompson notes that a person assume a historical responsibility when becoming a citizen, however that occurs (Thompson, 2002: 34).

8. Conclusion

Some scholars have argued that historical injustices are morally relevant if they either have 1.) present existing consequences or if 2.) there has been a violation of an obligation imposed on the state. For this case, both scenarios are true. The theories have shown that current legacies must be present in order for moral obligations to take effect. Human Rights violations are judged based on existing laws. Correspondingly, there are proposed legacies directly stemming from the Trans-Atlantic Slave Trade. This is both acknowledged by the UN and noted by CARICOM and the
international law firm Leigh Day. The legal claims by CARICOM are based on the existing legacies of the Trans-Atlantic Slave Trade, and a violation of International Law (CERD\textsuperscript{100}, Durban\textsuperscript{101}) according to which Denmark has promised to eliminate the existing legacies of the Trans-Atlantic Slave Trade. This results in a double moral obligation on the Danish state. Denmark is morally obliged to rectify consequences of its actions, if these have left relevant moral traces in the present. The Danish citizens are obliged, as members of an intergenerational community, to fulfil promises made by its government, including treaties and declarations.

It can be concluded that on the basis of the ethical accounts of justice, Denmark has at least a moral obligation to rectify the consequences of the Trans-Atlantic Slave Trade. It can furthermore be concluded that Denmark has a moral obligation to fulfil the obligations proposed by International law, which CARICOM is targeting.

Whether such obligations are currently fulfilled, and whether the proposed legacies by CARICOM stem directly from the Trans-Atlantic Slave Trade is not answered in this thesis. What can be concluded is that if the obligations under CERD are not fulfilled and if the Trans-Atlantic Slave Trade has caused existing legacies which relate to the obligations under CERD, Denmark is very likely going to have to compensate for its role in the Trans-Atlantic Slave Trade.

\textsuperscript{100} The Convention on the Elimination of All sorts of Racial Discrimination, 1965: (http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx viewed 29 June, 2014)
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10. Appendix

Annex 1: Egalitarian theories of justice

*John Rawls: Justice as Fairness (A Theory of Justice, 1973)*

John Rawls believed that the moral basis of society could be chosen by rational individuals if they were unaware of their own position in society. The way to provide a moral foundation for social cooperation, which is based on a notion of justice, was in Rawls' view to set up a thought experiment. How society should work within the state, should be based on a set of principles that everyone subjected to these would agree to. Rawls' aim was to take the social contract theory, to a new level of abstraction which incorporates principles of justice. Rawls did not formulate a theory about the original contract which should be applied to a particular society or government, but rather, he claims that the original contract, as a metaphor for the structure and formation of any society, in his belief consist of two principles, which all humans can agree to. Therefore Rawls provides an account of a formation of, or a recipe for human interaction which he means everyone can align to, when entering a society (Rawls, 1973). Rawls wrote that these principles are some, that free and rational beings, wanting to maximize their own self interests, would accept "*in an initial position of equality as defining the fundamental terms of their association*" (Rawls, 1973:11:15). These principles should be the basis for all social establishments and they dictate, so to say, the forms of successful human association.

Rawls writes that these guiding principles will be some that free, rational, utility seeking individuals would chose for the basis of society. Rawls also says, that they would do so in an 'initial position of equality' as referenced above. The term is not a historical reference but a metaphor which is part of a thought experiment designed by Rawls, to describe the basis for a formation of principles of justice (Rawls, 1973:12). Rawls meant that principles of justice must be found by people in the original, equal position which in his opinion was the appropriate initial status quo (Rawls, 1973:12:27). The most important basis of this original position, is the preconditions for individuals
to be positioned equally. They must be equal in order to find mutual agreement on fair principles, that can govern all, and that all people will willingly align to. The people in the original position must therefore be unaware of their own place in society, their social class or status. They are also unaware of their abilities in terms of intelligence and health. Furthermore, the people do not have knowledge of their own conception of the good, nor their particular psychological propensities. The people are under a veil of ignorance, which puts aside all personal knowledge and perceptions which can put them on unequal terms with each other. The people, being unaware of their own position as well as without any bias towards any particular distribution, will find principles of justice that are fair, as they can only benefit themselves by ensuring a fair distribution. The principles that these individuals, under the veil of ignorance, can agree to, are intended to be the principles that a fair society is based on. When this is put in place, people are agreeing on principles which all further regulation shall be based on, and all criticism can be answered with.

By having this thought experiment as the basis for understanding social interaction, we are free of any bias and preconceptions as the rational and utility maximizing individuals have determined and outlined the proper basic circumstances which everyone can agree to is fair. The parties are furthermore mutually disinterested, which means they are not taking into account what other parties must prefer. Rawls wrote: "A society satisfying the principles of justice as fairness comes as close as a society can to being a voluntary scheme, for it meets the principles which free and equal persons would assent to under circumstances that are fair" (Rawls, 1973:13:28). What are the principles then? Rawls first argue, being an egalitarian and not a utilitarian, that utility - Maximizing the overall amount of wealth in society - is not something rational beings would chose. Rawls do not believe people would think in terms of creating the highest amount of wealth for society as a whole, without knowing their own, perhaps poor position in society. Rawls believe that a principle of utility is incompatible with the conception of willing cooperation among equals for mutual advantage (Rawls, 1973:14:29). In Rawls view, people are more focused on what their own benefits will be. In a real life context, Rawls argue for justice based on the rational individuals' utility-maximizing behaviour. To benefit oneself, the persons under a veil of ignorance, has to benefit the worst off in society. Therefore a principle of utility – maximizing the wealth of society overall, without consideration for the distribution – is not in line with the preferences of the rational individual.

The two principles that Rawls believe people will align to is a principle regarding equality and a principle regarding differences.
The principle of equality prescribes that there must be equality in terms of basic rights and duties. This principle holds that each person should have equal right to the greatest form of liberty, compatible with the same amount of liberty for everyone.

The principle of difference writes that social and economic inequalities are just, only if these result in compensation for the benefits of everyone and most importantly the least advantaged in society. This idea also holds that official positions and offices are open to all. The assignment of rights and duties in society must be in accordance with the principles, to ensure human cooperation. When referring to the basic rights and duties, which shall be equal for all, Rawls is referring to the following basic liberties: Political liberty to vote and be eligible for public/political work as well as freedom of speech, thought and conscience, freedom as being an individual as well as right to hold personal property. Further, a basic liberty is to be free from unrightful arrest and seizure, in accordance with the rule of law (Rawls, 1973:61).

The idea is, that since people are mutually dependent in order to live a satisfactory life, the advantages in society should be organised so that everyone will willingly take part in this, also those who are poorly situated. When basic rights are the same for all, and there are certain benefits from peoples progression which benefits all, the social bonds are able to grow and persist in mutual agreement. Rawls further gives an account for the opposite – injustice – which are inequalities that do not benefit all. Providing an account for injustice, Rawls summarises his idea of justice as fairness. If the principle of difference prescribes, that inequality must benefit all, then a violating of this principle; an inequality that only benefit some (i.e. removing the top taxes in Denmark) is unjust.

To sum up: Rawls provides a theory of justice, found by representatives of a community, being ignorant of their own position in this. The people will choose two principles. The first principle is that every person share the same basic rights, and the maximum amount of freedom compatible with an equal set of rights and freedom for everyone else in the community. The second principle is that every inequality is permitted only if these are to the benefit of all in the community and if they are attached to positions and offices of authority open to everyone. The first principle of equality is prior to the second, and therefore there can be no compensation in the form of greater social or economic advantages on the account of de- or increasing the equal liberty for all. In brief, Rawls states that the conception of justice, which these principles are to examplify, is this:

"All social values – liberty and opportunity, income and wealth, and the bases of self-respect – are
to be distributed equally unless an unequal distribution of any or all these values is to everyones advantage” (Rawls, 1973, 62:8).

What is relevant for my problem formulation is whether the principles presented by Rawls, can be extended and applied in an international context – to the global community at large.

1.1 International distributive justice

Different, opposing views to the question of applying justice as fairness principles to the international community will be explained later.

First, I will in brief outline Rawls' own version of international morality. Rawls provides an example similar to the original position, where people within a shared community are to choose principles for cooperation. This time, the people are representatives of each their own state, but they are, in the same fashion as the original, original position, unaware of the particular circumstances in their own society, its strength compared to other countries as well as their own place within their respective societies (Rawls, 1973:378). Rawls says then that justice in the international community is based on the principles that these representatives under the veil of ignorance can agree to. Rawls write: "I can give only an indication of the principles that would be acknowledged. But, in any case, there would be no surprises, since the principles chosen would, I think, be familiar ones" (Rawls, 1973:378:22). Rawls meant people representing different states under a veil of ignorance, would chose similar principles of justice to apply to the international community as will be chosen within a particular community. Rawls goes on to describing that the principle chosen would be one of equality, which puts all societies equal in terms of right to self determination and right to defend themselves. (Rawls, 1973:378). Rawls mentions his own interpretation of an internationally chosen principle of equality, where he gives example only on autonomy and self-defense. Interestingly, he does not provide an international version of the principle of difference, and like mentioned before, a much less demanding version of the principle of equality than the domestic one. In the international community, states have autonomy and have equal rights in terms of self defence and self determination. There is not a difference principle which apply globally let say one arguing for equality between citizens globally, but Rawls limits himself to focus on the relationship between states. Rawls own account for what I will call international morality is thus much less demanding than the principle provided for the domestic realm.

What other theorists have examined in further detail, which I will now shortly outline, is what
exactly constitutes the 'domestic' wherein what you can call robust principles of justice applies, and if these principles, depending on the interpretation of 'basic structure' can be applied to the global realm. If the theories can be applied to the global arena, the case chosen for this thesis can be examined through these theories.

**Global distributive justice**

On the notion of global justice, the theorists are divided. Those, who believe the egalitarian principles presented by Rawls can be applied to the global society at large; referred to as Cosmopolitans (Valentini, 2011), and those who believe the principles of justice only apply to the domestic arena only; Statists (Valentini, 2011).

The core of the cosmopolitan belief is that given the moral fundamental equality shared by people, the egalitarian principles of distribution should apply to the world at large. The reason for this is that it is in their opinion irrational for people to choose morally arbitrary factors, such as nationality, to play a role in the distributive justice, as presented in the second principle provided by Rawls (Valentini, 2011:6). The 'rationality argument', as one can call it, is that it is not rational that a factor such as nationality, over which the people choosing the principles have no control, should determine the distribution of goods in the world. Thus, a person's nationality is not a valid argument for this person to be treated any worse or better than people with a different nationality.

Cosmopolitan theorist argue for global justice in different ways. Some cosmopolitan theorists argue for an extension of Rawls' principles for justice, based on the principle of equality for persons (Valentini, 2011:6). These can be referred to as non-relational cosmopolitans, whose arguments I will return to shortly. In opposition to these are the relational cosmopolitans who argue for an extension of Rawls' principles based on the international interdependency, which in their view is similar to the dependency within a state and therefore constitutes a basic structure which validates the extension of distributive justice to the global sphere (Valentini, 2011:45). The shared belief in cosmopolitanism is that any understanding of justice must apply to citizens of the world rather than citizens within a certain state. Thus, the obligation for the state is not just to treat citizens fairly in the nation state, but in the global community too.

Simon Caney\(^{102}\) is a non-relational cosmopolitan theorist, who base his claim for global distributive...
justice not on the basis of the existence of any social institutions - which he believe are morally insignificant - but on a perception of the individual. Caney writes that a central feature of cosmopolitanism is that there is no fundamental morally significant difference between the domestic and global realms. Therefore the same values apply to both realms. Caney states his view: "For cosmopolitans, the principles of justice that inform the domestic level, should also inform the global realm" (Caney, 2005: 265:15). He thus derives, from the principle of equality of persons, that the rational individual would disregard nationality as a valid factor to determine the distribution of wealth. Therefore, the principles of justice should be governing the global society.

Other cosmopolitan theorists focus their argument on a precondition in Rawls theory, that make principles of justice relevant, only between people within a basic structure of society. These are called 'relational cosmopolitans'. Two of these relational cosmopolitans are Thomas Pogge\(^{103}\) and Charles Beitz\(^{104}\) (Valentini, 2011:6).

Thomas Pogge finds that justice can be described as a certain social system's practises or "rules of the game" (Pogge, 2008:19). Pogge says, we generally think of justice in terms of how social institution affect the people living under these institutions, and the people to whom these institutions apply. Pogge says, this understanding is too narrow in two respects. First, social institutions are likely to have a significant impact on non-participants in the form of non-citizens. Pogge says we shall allow that the justice of an institutional order may be in part dependent on how it treats non-participants. Second, social institutions may also affect the livelihoods of past and future individuals. Pogge says we should not ignore, when looking at the justice of social institutions, the affect it has on non-participants nor former or future generations (Pogge, 2008:38).

Pogge is calling for a holistic understanding and recognition of the interplay and interdependenc of various institutional regimes. The institutional connectedness which is part of globalisation, says Pogge, means that countries cannot peacefully agree to disagree about justice. As the global rules of governance, trade and diplomacy can only function in one way at a time, there need to be agreement among all, to how these institutions are structured, in order for them to be justified to all. Pogge says, we must find a single universal criterion for justice (Pogge, 2008:39). Pogge too do not believe that the focus on nationality is a valid argument for applying principles of justice only to the domestic sphere. He argues for the moral insignificance of national citizenship in this quote:

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\(^{103}\)Thomas Pogge is Director of the Global Justice Program and the Leitner Professor of Philosophy and International Affairs at Yale University (http://www.yale.edu/macmillan/globaljustice/pogge.html viewed 25 June, 2014)

\(^{104}\)Charles R. Beitz is Edwards S. Sanford Professor of Politics Professor of Politics and Director at University Center for Human Values at Princeton University (http://www.princeton.edu/politics/people/display_person.xml?netid=cbeitz viewed 25 June, 2014)
"Nationality is just one further deep contingency (like genetic endowment, race, gender, and social class), one more potential basis of institutional inequalities that are inescapable and present from birth. Within Rawls's conception, there is no reason to treat this case differently from the others. And so it would seem that we can justify our global institutional order only if we can show that the institutional inequalities it produces tend to optimize (against the backdrop of feasible alternative global regimes) the worst social position” (Pogge 1989: 247). Thus, the principle of difference should in Pogge's view apply to the global arena. Pogge believes, that global inequality must be to the benefit of even the worst off citizens in the world. Later, I will discuss what exactly constitutes this group of people. It is important to note that the idea that Pogge presents is that we are obliged by international morality, to benefit the global poor by redistributing wealth, similarly to how the nationstate operates its chores of redistribution between citizens.

Charles Beitz's argument in favor of extending the principles of justice is similar to Pogges. He wrote in 1979 that the international economic interdependency is similarly to other social systems where the difference principle (i.e. That inequality must be to the benefit of the worst off group), according to Rawls himself, applies. Therefore, as a relational cosmopolitan, Beitz uses Rawls own argument for contraction of his theory to the domestic - that the basic structure is shared only amongst some - as an argument for extending the theory to the global sphere. This means that while Rawls argue for discussing justice solely within the domestic sphere, as this is where we share certain common grounds, this is the argument which Beitz use for advocating for a global notion of justice, as he belief the global community is the most relevant society.

Beitz notably also says that the global difference principle do not necessarily require transfers from developed to developing nations. He writes that an international difference principle applies to persons rather than states. The principle will, in a global context, require that it is the globally least advantaged representative person (or group of persons) whose position is to be maximized. Beitz points out that being part of the least-advantaged group does not necessarily mean being part of any existing state (Beitz, 1979:25). Then, you might live in a state, as a member of the least-advantaged group. But due to national borders, and legislation for development aid, you will not be granted a sum from any countries violating such a difference principle. Beitz wrote that objections to the argument of a global basic structure could be that interdependence is not a sufficient argument for applying the difference principle in a global context. Also, a criticism of the fact that global institutions are not supreme compared to the powers within the nation states. There is no international police, and there is, he writes, no reliable way of enforcing compliance with
international redistributive policies. Here he gives the example that the UN have not had any luck persuading rich countries to give as much as three quarters of one percent of their GDP to international development efforts (Beitz, 1979:155).

In conclusion, cosmopolitans either disregard the moral value of citizenship or argue, based on the international dependency and existing global institutions, that the relationship within a state between citizens is found in the global community too. The notion of citizenship is therefore an irrelevant moral factor when designing principles of justice. Therefore Rawls' principles should be extended to the global community. The argument they put forward is that if income inequality above what is permitted by the difference principle is considered unjust within the nation state, so should income inequality globally be considered unjust, if this is beyond what the principle of difference accept.

On the contrary, Statists, which Rawls represented, says that the duties applying internationally are more modest than those applying nationally. Rawls himself argued that the basic structure to which the principles of justice applies, is not to be understood globally. When Rawls discussed the realm to which, the principles of justice apply, he used the words 'society' (Rawls, 1973:7) and 'peoples' (Rawls, 1999:10). In *A Theory of Justice* Rawls explicitly limits the appliance of his principles to a society. He explains that these principles do not apply in all contexts, and that the principles may be irrelevant to some versions of a basic structure such as private organisations and/or informal conventions. Rawls says his theory aims to formulate a reasonable ideal of justice for the basic structure of society conceived as a closed system isolated from other societies (Rawls, 1973:8).

Thus, speaking of such 'other societies', Rawls only see the principles as relevant to apply within a closed system. Later on, Rawls wrote: “In particular, justice as fairness is framed to apply to what I have called the "basic structure" of a modern constitutional democracy”. Furthermore Rawls explicitly distinguish between what he refers to as the law of nations and the relationships between states. In his later work, *The Law of Peoples*, he provides 8 principles of international conduct between peoples, which can be understood as representing nations, or states (Valentini, 2011:73). He has designed specific principles for an international code of conduct. The 8. principle for the relationship between states dictates that peoples have a duty to assist other peoples living under unfavorable conditions that prevent them from having a just or decent political and social regime.

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106 Rawls, 1985: (http://philosophy.ucsd.edu/faculty/rameson/Philosophy%20167/Rawlsjusticeasfairness.pdf )

(Rawls, 1999:37). The notion that a society should assist another society burdened by unfavourable conditions is thus referring to the mutual relationship between states and not an extension of the principles of justice. As Valentini writes “in Rawls's ideal of a just world, no principles of egalitarian distributive justice apply, but only duties of humanity aimed at assisting needy societies” (Valentini, 2011:74:12). The distinction between extending the principles of egalitarian distributive justice found to apply within the nation state to a the global community, and accepting the principle that states should assist other states, under unfavourable conditions is that the former is an act of justice, and the latter an act of humanitarianism.

Whichever principle is preferred, there is a difference between an act of justice and an act of humanitarianism, which will be the consequences of either cosmopolitan or statist believe. As Laura Valentini explains "From a viewpoint of demandingness, there is a clear difference between promoting cosmopolitan global socio-economic equality and ensuring that every political community has sufficient resources to sustain itself. Needless to say, attaining the former goal requires much greater sacrifice on the part of wealthy nations than attaining the latter” (Valentini, 2011:7-8:32).

Valentini, as well as Mathias Risse\(^{108}\) along with others, go on to offering different views of global justice where different principles apply between and within nations (Valentini, 2011; Risse, 2012). They both argue the practical implications for putting either statism or cosmopolitanism in practice result in either too unambitious or too ambitious reforms.

\(^{108}\) Mathias Risse is a professor in Philosophy and Public Policy at Carr Center for Human Rights Policy at the John F. Kennedy School of Government (http://www.hks.harvard.edu/about/faculty-staff-directory/mathias-risse viewed 25 June, 2014)
Annex 2: Ten Point Action Plan

CARICOM Reparations Justice Program: Ten Point Action Plan

1. FULL FORMAL APOLOGY

The healing process for victims and the descendants of the enslaved and enslavers requires as a precondition the offer of a sincere formal apology by the governments of Europe. Some governments in refusing to offer an apology have issued in place Statements of Regrets.

Such statements do not acknowledge that crimes have been committed and represent a refusal to take responsibility for such crimes. Statements of regrets represent, furthermore, a reprehensible response to the call for apology in that they suggest that victims and their descendants are not worthy of an apology. Only an explicit formal apology will suffice within the context of the CRJP.

2. REPATRIATION

Over 10 million Africans were stolen from their homes and forcefully transported to the Caribbean as the enslaved chattel and property of Europeans. The transatlantic slave trade is the largest forced migration in human history and has no parallel in terms of man’s inhumanity to man.

This trade in enchained bodies was a highly successful commercial business for the nations of Europe. The lives of millions of men, women and children were destroyed in search of profit. The descendants of these stolen people have a legal right to return to their homeland.

A Repatriation program must be established and all available channels of international law and diplomacy used to resettle those persons who wish to return. A resettlement program should address such matters as citizenship and deploy available best practices in respect of community re-integration.

3. INDIGENOUS PEOPLES DEVELOPMENT PROGRAM

The governments of Europe committed genocide upon the native Caribbean population. Military commanders were given official instructions by their governments to eliminate these communities and to remove those who survive pogroms from the region.

Genocide and land appropriation went hand in hand. A community of over 3,000,000 in 1700 has been reduced to less than 30,000 in 2000. Survivors remain traumatized, landless, and are the most marginalized social group within the region.

The University of the West Indies offers an Indigenous Peoples Scholarship in a desperate effort at rehabilitation. It is woefully insufficient. A Development Plan is required to rehabilitate this community.
4. CULTURAL INSTITUTIONS

European nations have invested in the development of community institutions such as museums and research centers in order to prepare their citizens for an understanding of these CAH.

These facilities serve to reinforce within the consciousness of their citizens an understanding of their role in history as rulers and change agents.

There are no such institutions in the Caribbean where the CAH were committed. Caribbean schoolteachers and researchers do not have the same opportunity.

Descendants of these CAH continue to suffer the disdain of having no relevant institutional systems through which their experience can be scientifically told. This crisis must be remedies within the CJRP.

5. PUBLIC HEALTH CRISIS

The African descended population in the Caribbean has the highest incidence in the world of chronic diseases in the forms of hypertension and type two diabetes.

This pandemic is the direct result of the nutritional experience, physical and emotional brutality, and overall stress profiles associated with slavery, genocide, and apartheid. Over 10 million Africans were imported into the Caribbean during the 400 years of slavery.

At the end of slavery in the late 19th century less than 2 million remained. The chronic health condition of Caribbean blacks now constitutes the greatest financial risk to sustainability in the region. Arresting this pandemic requires the injection of science, technology, and capital beyond the capacity of the region.

Europe has a responsibility to participate in the alleviation of this heath disaster. The CRJP addresses this issue and calls upon the governments of Europe to take responsibility for this tragic human legacy of slavery and colonisation.

6. ILLITERACY ERADICATION

At the end of the European colonial period in most parts of the Caribbean, the British in particular left the black and indigenous communities in a general state of illiteracy. Some 70 percent of blacks in British colonies were functionally illiterate in the 1960s when nation states began to appear.

Jamaica, the largest such community, was home to the largest number of such citizens. Widespread illiteracy has subverted the development efforts of these nation states and represents a drag upon social and economic advancement.

Caribbean governments allocate more than 70 percent of public expenditure to health and education in an effort to uproot the legacies of slavery and colonization. European governments have a responsibility to participate in this effort within the context of the CRJP.

7. AFRICAN KNOWLEDGE PROGRAM
The forced separation of Africans from their homeland has resulted in cultural and social alienation from identity and existential belonging. Denied the right in law to life, and divorced by space from the source of historic self, Africans have craved the right to return and knowledge of the route to roots.

A program of action is required to build ‘bridges of belonging’. Such projects as school exchanges and culture tours, community artistic and performance programs, entrepreneurial and religious engagements, as well as political interaction, are required in order to neutralize the void created by slave voyages.

Such actions will serve to build knowledge networks that are necessary for community rehabilitation.

8. PSYCHOLOGICAL REHABILITATION

For over 400 years Africans and their descendants were classified in law as non-human, chattel, property, and real estate. They were denied recognition as members of the human family by laws derived from the parliaments and palaces of Europe.

This history has inflicted massive psychological trauma upon African descendant populations. This much is evident daily in the Caribbean.

Only a reparatory justice approach to truth and educational exposure can begin the process of healing and repair. Such an engagement will call into being, for example, the need for greater Caribbean integration designed to enable the coming together of the fragmented community.

9. TECHNOLOGY TRANSFER

For 400 years the trade and production policies of Europe could be summed up in the British slogan: “not a nail is to be made in the colonies”.

The Caribbean was denied participation in Europe’s industrialization process, and was confined to the role of producer and exporter of raw materials. This system was designed to extract maximum value from the region and to enable maximum wealth accumulation in Europe.

The effectiveness of this policy meant that the Caribbean entered its nation building phase as a technologically and scientifically ill-equipped- backward space within the postmodern world economy.

Generations of Caribbean youth, as a consequence, have been denied membership and access to the science and technology culture that is the world’s youth patrimony. Technology transfer and science sharing for development must be a part of the CRJP.

10. DEBT CANCELLATION

Caribbean governments that emerged from slavery and colonialism have inherited the massive crisis
of community poverty and institutional unpreparedness for development. These governments still
daily engage in the business of cleaning up the colonial mess in order to prepare for development\textsuperscript{109}.

Annex 3 : Interview with Shelley Moorhead

Meaning condensation: Interview with Mr. Shelley Moorhead, 15 April 2014

Questions for the interview:

1. First of all I will ask you to introduce yourself and tell me a bit about your background and
   how you came up with the idea to found this movement; the African-Caribbean Reparations
   and Resettlement Alliance (ACRRA)
2. What is ACRRA and who do you represent?
3. What is your mission in relation to Denmark?
4. What is ACRRA's relation to CARICOM and the Ten Point Reparations Plan?
5. How do you believe the period of slavery is affecting the population of the US Virgin
   Islands today?
6. In 2010, you called it ”highly insensitive” to price such a thing as human life, when asked
   why you, at that point, did not ask for a formal apology or economic compensation. You say
   that you are more interested in the ”collective Danish consciousness”. Can you explain that,
   and has that changed?
7. You have mentioned in a previous interview to Modkraft.dk\textsuperscript{110}, that a number of social ills in
   the US Virgin Islands, such as the high number of students who drop out of school, can be
   traced directly to the 250 years of colonisation and the 175 years of slavery by Danish
   ground. Can you explain the connection between the Danish rule and the persistent/current
   social ills?
8. Can you please outline the human rights violations you believe were committed by the
   Danish nation during the period of the Danish ownership and sale of the West Indies and the
   Trans-Atlantic Slave Trade?
9. What is/has been the nature of your collaboration with the Danish institute of human rights?
10. You explain that you and the Danish Institute of Human Rights have agreed upon a
    definition of reparations that ”comprise education, restoration and reconciliation”. What

\textsuperscript{109} Leigliday.oc.uk ”CARICOM Nations unanimously approve 10 point plan” 11 March 2014: /http://www.leigliday.co.uk/News/2014/March-
2014/CARICOM-nations-unanimously-approve-10-point-plan. viewed 26 June, 2014
\textsuperscript{110} http://modkraft.dk/blogindl%20C3%20A6g/reparation-genopretning-slaveriet viewed 25 June 2014
happened to the joint task force (DIHR and ACRRA) and what do you expect will be the outcome of the collaboration?

11. How do you as a representative of ACRRA feel about the fact that Denmark has not made a formal apology to the US Virgin Islanders?

12. You said in a previous interview, that "money would not flourish once" in the context of the appropriateness of economic reparations. How do you feel about the fact that reparations (compensation) were paid to the British slave owners for liberating their slaves. And that this money flourish throughout generations in the families of former slave owners?

Introduction

Shelley Moorhead grew up in the US Virgin Islands. He returned to the US Virgin Islands in 2004 after 7 years abroad working in many different parts of the world. He describes how he, at the age of 30, found himself unaware of his own history. He explains how he knew about both African, American and European history but was not aware of his own history as a US Virgin Islander. He investigated the history of the US Virgin Islands and former Danish West Indies.

The African Caribbean Reparations and Resettlement Alliance was founded by Shelley Moorhead in 2004. It is a membership association which covers more than just US Virgin Islanders/descendants of slaves traded during the Trans-Atlantic Slave Trade, but also Africans. The organisation represents the 'great majority of conscious minds' currently situated in the US Virgin Islands, but is thus working for an agenda, which anyone, who can align with this agenda, can become a member of. Shelley Moorhead explains how the exact number of members of the Alliance is not a certain one, but that the Facebook-pages belonging to the Alliance have had between 5000-10.000 'likes'.

The Mission of ACRRA is repair and historical justice. Shelley Moorhead express how the US Virgin Islands government has refused to officially ask for reparations from Denmark, and therefore the Alliance is doing this. The historical wrongs done by Denmark were not justified and therefore they have to be made right. Shelley Moorhead explains how we are to sit down to negotiate and discuss what should be done between the US Virgin Island and Denmark in cooperation, to sort out the wrongdoings as partners in an enterprise.

He has previously made a Memorandum of Understanding with the Danish Institute for Human Rights\textsuperscript{111}. However as the leader of the DISH changed, there has not been any follow up on the issue, according to Shelley Moorhead.

\textsuperscript{111} Memorandum of Understanding between ACRRA and The Danish Institute for Human Rights, 2005 (http://viden.jp.dk/galathea/ekspeditionen/reportager/default.asp?cid=27487 viewed 13 June, 2014)
The CARICOM chose last year to include Norway and Denmark in the call for repair, something they did, according to Shelley Moorhead, following the cancellation of a meeting between Shelley Moorhead and the Danish MP Nikolaj Willumsen. Shelley Moorhead describes CARICOM's relationship with the African Caribbean Reparations and Resettlement Alliance like an “older brother”.

**Sense of injustice and matters causing it**

He found, when he returned to the US Virgin Islands and founded ACRRA, that repair was needed, and that the problems faced by the US Virgin Islands did not “originate with the population”. He says, there is no accountability neither from the US or the Danish nation.

He says ”175 years of labour was stolen from us. Did it not have a value to Denmark? Can some of it be returned to us?”.

The US has apologised for its role in slavery, and many universities are offering reparations such as scholarships and free education for descendants of slaves.

Shelley Moorhead expresses his sense of injustice by asking ”Where is the development aid? Why isn't Denmark here?” According to Shelley Moorhead poverty is 34% in the US Virgin Islands, which is higher than in Accra, Ghana.

In 175 years it was illegal in the US Virgin Islands to be educated as a slave. This makes Shelley Moorhead ask the rhetorical question ”What were we freed to do?” According to him, there is no structure in society. The drop out of schools is increasing, and those who do get an education travel to the US. Therefore Shelley Moorhead describes that a ”brain drain” is taking place. The years of slavery has affected the structure in society, also within families. Since it was illegal to marry Shelley describes how even these days there are many ‘broken families', as people are not used to spending their lives as part of a family.

Shelley Moorhead lists a number of social ills stemming from the time of slavery under the Danish Nation. These are poverty, broken families, poor education, domestic violence, poor health and diets. Shelley Moorhead explains how diabetes is the fifth leading killer in the islands. The sale of the islands which Shelley Moorhead describes as one of the ”greatest human rights violations in recent times” has also had a number of consequences to the political status of citizens of the US Virgin Islands. They have not been allowed to form their own constitution, and the islands do not have a representative in the UN. The fact that the islands do not have their own constitution and, as
Shelley Moorhead describes, only 30% of the US constitution applies to them, they are experiencing a violation of their human right to self determination. The sale of the Islands from Denmark to the US was done after a national referendum in Denmark, which was not the case in the West Indies in 1917. They were sold for 25 millions in gold, to the US government without consultation.

Shelley Moorhead has a clear opinion that the Danish state is responsible for the social ills experienced by the US Virgin Islands today. If asked what Denmark should do, he says “Labour was stolen from us. Can we get some of that back to restore our problems? It is kind of backwards to look at the problem, as if we need help. We had our labour stolen and we would like to get some of it back”. Shelley says that slaves held during the time of slavery in the West Indies were the “primary creditors to the modern state of Denmark”.

**Relations to CARICOM**

The US Virgin Islands are not a part of CARICOM, as they are property of the US. The islands have obtained observer-status in a recent reparations conference in September 2013 held by CARICOM. Shelley Moorhead explains how the US Virgin Islands' status as US territory prevents them from politically organising themselves. Shelley Moorhead explains how he was to meet with the Danish Politician Nikolaj Willumsen, but the meeting got cancelled last year in 2013. Afterwards, the CARICOM decided to include Denmark, Norway and Sweden in their pursuit of reparations.

Transcribed excerpt:

Marie Lundstrøm: *How do you feel about the fact that Denmark has not made a formal apology to the US Virgin Islanders?*

Shelley Moorhead: *I think it continues to highlight; or it casts rather a dark shadow upon the state, you know. It is a part of Denmark's history. Ultimately it is a decision and a debate to be had in Denmark amongst Danish politicians and elected officials. The debate and discussion of an apology is not something that has originated in the Virgin Islands, it is not a discussion that is organic to us here in the territory. It is something that is completely born in Denmark, and that I have been asked to participate in that debate and I do so.*
Marie Lundstrøm: Can you explain that? Who has asked you to participate in that?

Shelley Moorhead: Well no, just as far as being pulled into the discussion by the Danish media. You know whether DR or Politiken or the different media, institutions and universities in Denmark. I guess every once in a while I am asked to stoke the fires a little bit. I don't feel that I am able to make a substantial contribution to the debate in the way that I would like to, simply because of the language barrier and also because of the distance, you know I can't be in Denmark full-time while this debate is taking place and so, to participate via Skype or the telephone and you only get little snippets here and there of what the real issues are. You know, I would like to fully participate in a real-life public debate on the issue one day there in Denmark. But for now its just snippets in the media here and there. And so my full view on apology, or ACRRA's full position on apology, I don't think has been adequately shared with the Danish public yet. Again I feel it is a Danish national issue. Here in the Virgin Islands, our government officials have not taken up the issue of demanding an apology from Denmark. There is no legislation in place, there has been no debate amongst our lawmakers on the issue. We have not even as a government established or formulated a reparations commission. Its been a lot of talk of it. There is a resolution that exist. But as far as any substantial movement towards making that demand doesn't exist yet here in the territory. We might see some changes with the change in government later in the year and into next year. But as far as our position; ACRRA’s position on an apology, certainly we feel that it is something that is important, but if we had to weigh it, we would be more interested in the programs and in the initiatives and in the reparations, in the tangible repair than instead of getting caught up in whether or not, you know, you should apologise or not. Lets make the repair real, lets discuss the future cooperation and lets get down to business. I don't want to be tied into a debate for ten years talking about should we say sorry or should we not, you know (laughs). Or; As Virgin Islanders: do we want Denmark to apologise or not, you know? The discussion, to me, is a distraction from actualising the repair that is needed, you know, and yes, an apology would be important it would speak highly to Denmark's humanity and to its regrets of those historical wrongs, you know. I don't think that, and lets be clear I speak of the government and the royal family, up until 1848 the same year slavery was abolished here in the former Danish West Indies, the great majority of those that are Danish citizens now were not then, as far as citizens of the state, you know. They were serves and peasants and many were slaves in another sense. Maybe not enduring the hard conditions that were endured here on the chattel slavery in the Danish West Indies, but they weren't land owners, they didn't participate in the educational institutions like the children and family of the merchants and the royal family and the politicians, and so, we find it very hard here in the Virgin Islands to make a demand on that people and to say that they owe an apology to the West Indies when in fact during that era they had no knowledge of what took place here. This was the royal family, this was merchants, rich merchants, and this was politicians. And so the great majority of Danes, and those families that are Danish citizens today, had no part in slavery and in the slave-trade, and so to demand an apology from them is ludicrous. But because of the way that Denmark today is
structured, and after 1848 with now the constitution, after 1848 now the Kingdom of Denmark is a constitutional monarchy, and how it has a citizenry, and things are changing now in Denmark, well, how was it able to make a move to constitutional monarchy? To industrialisation? You know that move in 1848, Denmark no longer had a labour force in the Caribbean and so Denmark now needs to make Danish citizens partners in this new state. And so this constitutions now extends rights and privileges to these citizens and makes them participants and players now in the state, when before 1848 they were not; they were peasants and serves. And so, what was needed, what was the resource that brought about industrialization, the modern military, the factories, you understand? The wealth, the free education and the free health care. What was the raw material for that? Where did that resource come from? All of the sudden we now got a bunch of citizens to take care of, they were serves and peasants before! With nothing. That resource came out of the former Danish West Indies that brought about the now modern state of Denmark. And so those who were peasants and serves had know nothing about slavery, today they are beneficiaries of that wealth and of that labour. But unknowingly. And so when we say to the government, and to the royal house that reparations are a must and that repairs are important and that yes, apology is important too then y’all should discuss that and come to some terms about what you are going to do. It is difficult to separate the Danish public, the Danish government and crown, because today they are all co-mingled, while during slavery they were not. And today the Danish public are beneficiaries of that wealth when before 1848 they were not. And so it is difficult to now separate the two and say well the government got to apologize, but we don’t get an apology from the people, but they still got the benefits, so you see how complex these issues get. So education and awareness are primary - they are very important in this process to bring about awareness because Danish citizens say: Shit, why should I apologize? I didn't have anything to do with that! I think slavery is deplorable. My grandparents, my ancestors they hadn’t anything to do with slavery, and so why should I apologize today? And I can embrace that thinking. I fully embrace that thinking. But the Danish government and the Danish crown are the corporates. And they have made the Danish public guilty by association. And they have swept the 250 years of history, for the most part, they have swept it under the rug. And so only - now and today in the 21st century - is this awareness and education coming to the forefront. Yes, it is in the history books now but to what extend? And from what perspective? And how is the story being told? And when you look at the Holocaust that lasted for under a decade in Europe and throughout Germany during World War II and you go to the history book. Go to any history book that is used in a Danish history classroom, and lets see how many pages in the book are attributed to that era - that era of under a decade- that lasted in Europe, that Holocaust adduced, then now flip your pages to the next chapter, some chapters earlier and then lets see how many pages are attributed to the 250 of unbroken, and uninterrupted period of Danish history that exist on these shores. And you will find disproportionately, perhaps about this many pages (holds his fingers together to show a small amount) compared to about this many (leaves a wider gap between his fingers) pages on the holocaust. So awareness and education on this era, are very important before we can even discuss things like making a demand, when there is no awareness. We are not ready yet
to make a demand. We want to bring education and awareness. Maybe make a demand 20-30 years from now. Or maybe Denmark will - the collective Danish consciousness will with respect to the Danish West Indies and we may find that we don't have to make a demand of the Danish government and crown, and we've found that it might be trendy in the future, to apologize for historical wrongs.

Marie Lundstrøm: That's true. You said also, the last question is that you said in a previous interview that money would not flourish once in the context of the appropriateness of economic reparations given to the virgin islands, because you import everything from toothpicks to tea-bags etc., so how do you feel about that reparations or compensations were paid to the previous slave-owners for liberating their slaves, and that many families are wealthy because of these payments that were made to them when they liberated their slaves?

Shelley Moorhead: Well, to say that they liberated their slaves is an incorrect thinking in that in 1848 we took the matter of freedom from chattel slavery into our own hands. And so at the risk and gamble of having the entire island burned down, having a severe loss of Danish lives, the then Governor Peter Von Schoelten, with the backdrop of the Danish fort and the absence of all the gunpowder had to proclaim that from this day on, all who were unfree would be free. It was a plot and a scheme by the leaders of the slaves. It took months for the slaves who were assigned to a fort and for the labourers to remove gunpowder from the storage room, and replace it with sand. It took discipline on the part of slaves during those several months to not cause any rebellion and to not get into any trouble that would result in that they would be going to the gunpowder reserves and discover that it wasn't gunpowder but that it was sand. And so this strategy was folded over several months, there were many different parts and on July 30th 1848, when it was time for the curtain to be drawn against the backdrop of the fort that was surrounded of 10,000 enslaved Africans all dressed in white, blowing conch shells and beating drums and threatening to burn down the island and kills all the Danes, well again that backdrop we find that the slaves where liberated but truly we freed ourselves. But today, you see, how then on July 30th 1848 we take the matter of our self determination into our own hands, and we free ourselves from chattel slavery, how do we find generations later that there are people that were free, were now being sold without consultation? And so that sale has resulted in a number of problems, and we find Americanization now as the law of the land. Up until 1936 it was illegal for us to own or purchase land, and so, all of the industry all of the land was owned and controlled by Americans, by colonial Americans. We didn't have the right to vote until 1936 and even then it was only those who could afford to purchase land; only landowners could vote. And so what percentage of the African population in 1936 could afford to purchase land or were educated enough to participate in the electoral process? We could not elect our own until 1954. All of our governors were then appointed by the US President up until 1954. We had a colonial council made up of former Danish planters and European planters up until 1954. With minimal participation by the African population. My family participated in that during that era and has always been freedom.
fighters here on these shores. So this Americanization.. today tourism is one of our major economic industries. But the native population; we are not participants in the tourist economy. We don't own hotels, we don't own water sport companies, we don't own yachts and boats, you understand? And so the degree to which we participate in the tourist economy is as housekeepers, or taxi-drivers or groundskeepers or landscapers, you know? That's it!

And so you find today that the native population is pretty much disenfranchised when it comes to the economy. It is altogether disenfranchised when it comes to the economy. And so, little trickles down. As far as what we manufacture and make - nothing. We do not grow our own food, all of our food is imported from the United states, everything that we use is pretty much... We are consumers. We don't manufacture anything. And so if we were to place a dollar amount upon reparations, and that was to be paid by Denmark here, and given to families or descendants of slaves, or to even be given to the government, that money would not turn around once. It would not stay in the territory of ours, it would leave our shores like this (snaps his fingers). All supermarkets are owned by immigrants from the Middle East, so that money would just go to Palestine, or Lebanon or Syria. All of the other stores you know, K-Mart and MC Donald’s and Kentucky Fried Chicken and if you want to eat out, that food goes into the United states, you know? I mean whatever you pay for, nothing stay here in the territory. And so, money is not repair for us they would further destroy us. We would buy material things. We are not land owners to a great degree here. Much of the land here is owned by colonial Americans and even a lot of land still remains in the hands of Danish families, and European families that owned the land during the colonial period. And so, money for us do not equal repair. That is why it is insulting to ask me to place a dollar amount upon this. It is our humanity that has been impaired and impacted. We haven't figured out how to have pockets yet. Much less to have money to put in them. We have to address our ill humanity, our impaired humanity. We need infrastructure, we need education. You know? We need healthcare, we need technology. We need the return of our archives so that we can understand our history. We need our archives to be repatriated and we need the return of our historical investment, that labour that was stolen from us for that 250 year period.
Annex 4: Interview with Christian Friis Bach

Transcribed transcription of interview with Christian Friis Bach (5 May 2014 10.30-11.00)

The interview (in Danish) is also attached as a sound-recording.

Questions sent by mail:

Should Denmark do justice towards the inhabitants on the US Virgin Islands; the former Danish West Indies, to make up for our actions during our colonial rule?

What, if anything, ought Denmark to do, to make up for our actions during the Transatlantic slave trade, towards the US Virgin Islands?

Marie: What do you believe should be done in this case, if anything, and what is the notion of justice behind any action?

CFB: There are two things in this case. First; issuing an apology does not really make sense; to apologise on behalf of others, who did something clearly unacceptable, in a very different time under very different circumstances and with a different legislation with a different background and culture. Therefore I am as a starting point sceptical towards issuing an apology. There are also greater political things in this case, since the Virgin Islands are now part of the US. Then who is apologising to who and what does it mean? Will it then trigger a compensation from the Americans? Therefore it is a bit complicated. But I won't completely deny the fact that we might apologise one day. But I don't think it makes sense nor makes a difference.

You also have to remember, and this is a general thing in this global 'blame-game' that sometimes occurs, that great mistakes have been made in terms of the way we've handled the West Indies and the slavery. Without a doubt, major unforgivable mistakes have been made during the period of slavery - with great human consequences. That being said there, also in the following, good things have happened and therefore it can be hard to take stock. The historical bills are hard to settle. If you on one hand have suppression and the invention of the cellphone and the car and the windmill on the other.. All the things that have been taking place during the past hundreds of years. Unforgivable mistakes have been made, but there has also been progress, there has been made
peace, progress and wealth also on the West Indies and also both in the early period and after with Danish involvement. So it is hard to take stock globally.

Marie: The US Virgin Islands representative claims, that they are not receiving help from the Danish State, even though poverty is greater in the West Indies compared to Ghana, that do receive development aid. The US Virgin islands are a pocket of poverty in the US, and therefore they cannot get help from the Danish government, even though this is where our slaves ended. How do you justify who should get help and who should not?

CFB: First of all, Denmark cannot help all countries, and there are some rules for our international cooperation about which countries we cooperate with. And there are many countries who do not belong to this category. There is also a very simple measurement for the country's GDP. The West Indies are a part of the US and hence, we can not give development aid to the West Indies, because it is the country's average income which determines this. I can see the possibilities that Denmark should cooperate in other ways in terms of business and culture, education and in other ways, for expanding the connection which I know is already taking place. And we might do more to build these bonds. But we cannot give development aid to the West Indies. It is a matter of domestic policy in the US to handle the poverty in the West Indies. Therefore the problem should be handled within the US.

Marie: the Human Rights Based Approach to Development is targeting the Human Rights, but like you say, you phase out the aid on the background of the GDP. Why don't you use the Human Development Index instead?

Christian: You could use the HDI; at the moment we are using a broad indicator, but it can get too narrow. You have to remember that the purpose of Danish development aid is to help the poorest countries and the poorest people. If you used a different approach, people would criticise, within minutes, that we were not focusing on the poorest countries with the poorest people. And this is what we are currently doing where we are prioritising countries such as Afghanistan, Somalia, Sudan which are extremely poor and fragile states and some of the most difficult countries and you have to admit that there is more need for us there than there is on the US Virgin Islands. So in that sense, if you gave up on the whole poverty-demand, you would very quickly bet met with a
different criticism, then you could engage in all middle-income countries all over the world. And then the poorest people and the poorest countries would suffer from this. So this is why my stand is that it has to be very poor countries. And besides from that, I don't think the GDP/HDI indicator would make that much of a difference in terms of where you would involve (give aid, ed.) But you are right, that it might make sense to have a bit broader look upon it than purely economic, but then again, the pure economic is more clear whilst some of the other measures are more insecure.

Marie: But the poorest people in the world do not necessarily live in the poorest countries. How do you reach out to them?

CFB: This is where a Rights Based Approach is extremely important. Cause this is about strengthening the mechanisms in the countries which makes the people themselves able to fight for a fair distribution within the country so the West Indies in the US compared to the rest of the US, so internally in the country. Better efforts to fight poverty, get the children to school and fix the health care system. And this exactly is the whole idea in the rights based approach; to give the citizens of a country the possibility to fight for their own rights internally in the country. Because there are money that can be redistributed and it is the internal fight which is important to ensure that this happens. So also within the Rights based approach, is the ideal to leave the country in a better state to handle the challenges in the future, compared to if you don't have a rights based approach. Cause if you just go down there and make our own projects and schools, and health clinics and then, when they turn too rich, leave everything, then you have not established the mechanisms within the country which can ensure that the population itself can fight for education and health, and everything they wish for in the future. And this is why it is so important with the rights based strategy in order to fight the pockets of poverty and injustices that exist in some of the richer developing countries.

Marie: This is what you refer to as "trouble" and "budget support" which are the two factors that are important for development. Is it the backside of the medal that people are now being addressed as rights holders, in countries where the national community is not able to fulfil their needs, and when the developing partners phase out before everything is in place?

Christian: This can cause challenges in societies, and we have to be good at establishing some
mechanisms internationally between countries that are well off and those who are struggling. But typically there are other instruments that developing countries can benefit from; international loans and capital, if they do their homework and create the framework needed to get investments and international loans and thereby even out the income differences internally within the countries. But the countries really have work for it themselves, and this is what the local governments on the US West Indies also have to do. They are very much the ones who are now responsible for initiating some of the reforms that are needed to re-establish the economy, so that the population can get better life terms. But you are right, the pressure from the expectations that can be within a country which loses international finance as they become richer, this can be hard to accommodate. But this pressure has to be put on the government to make them deliver the reforms that are needed.

Marie: The West Indies are requesting for a cooperation where we are establishing some institutions so that they can be educated, and so that they don't have to import everything, because what they are saying is that if we come with an economic compensation from Denmark now, the money would not flourish once, because they import everything. And the US have some very different domestic policies; they don't offer free education and all of the other things we have in Denmark. Should we just let the US decide which rights the US Virgin Islands should have, or should we not take a responsibility for having left them in this state where they for many years could not read and write, they have had their family structures broken and so on; all the colonial legacy which they cannot have restored because of the US's policies. Don't we have a responsibility to push them just a little bit ahead?

CFB: Well, it is a pretty long time ago since we let go of the West Indies and therefore I don't think we have a significant responsibility any longer. They are now a part of the US, they have to fight the domestic policy battle to ensure better circumstances and transfers and more attention so no, I don't think we have a significant responsibility to give economic compensations to the West Indies. it is a domestic policy issue in the US.

But I think that the shared unity we have from that time, when they were a part of Denmark can be used actively to strengthen investments in tourism and other sectors in the West Indies from Danish companies. I think there is a great potential which should be taken advantage of, and this is both a Danish and a West Indian obligation, for the West Indies to take advantage of their ties to Denmark in a positive way and attract more investments, more tourists, more Danish companies. But I mean,
it is relatively long time ago, and they are part of the US now, which is both good and bad, but this is where they should direct their attention if they want to improve their own circumstances.

Marie: So the relationship between "rights holders" and "duty bearers" lies between citizens of a state and the state, is that how it should be understood?

CFB: Yes, it does. The primary duty bearers on the West Indies is the state, the local government and then the American government and state. These are the primary duty bearers. The international community is of course also duty bearers, so if the West Indies are hit by special problems such as climate changes or hurricanes, then the international community do have a responsibility towards the West Indies. But the primary duty bearer is the nation state. Then there can be all kinds of other churches and organisations, but primarily the nation state.

Marie: and so, the development cooperation between Denmark and other countries is about strengthening the governments to do that.

CFB: Yes.

Marie: So we are cooperating with the governments but not the population necessarily.

CFB: No, I mean we support civil society organisations. I very much hope that there are civil society organisations in Denmark who will engage themselves more with the West Indies, and thereby support the rights holders there are in the West Indies, to be better at doing their job out there. And people are free to do so, that civil society organisations in Denmark can do that. They also have to meet some demands, if they want development aid to do so, but people can collect money themselves, people themselves can get involved. Civil society organisations can cooperate with each other across borders. And you could wish that this would happen, that more Danish CSO's would get involved in helping the West Indies to fight for their rights. But I don't think it is doing the right thing, to create the illusion for people that if they can't get their way with things in the US, that they then can turn to Denmark and get both an economic compensation and an apology and that we can"help" the West Indies solve the problems they have, cause I don't think that is likely to happen. So I don't think it is a good idea to build up their expectations, which will then not be
met. And therefore I think it is dangerous to create that illusion both within the population and those out there, that now their own government isn't reacting, then they can turn to the Danish government. I think it is important to increase the pressure internally in the West Indies and towards the US, this is where the focus should be and this is where changes can be created.

Marie: So we have so to speak sold our responsibility to the US?

CFB: Yes, well it is the Americans who have the responsibility for the US virgin Islands, and this is how it has been for a long time. And therefore this is where they should direct their focus. But we do have historical ties, and if you can use these positively to strengthen the cooperation across borders then we are more than willing to do so, just like we have ties to Iowa, and in Ghana we have historical ties which we hope can bring us further, but when Ghana turns rich enough that they can handle themselves, then they won't get development aid any more and then they have to deal with their problems within the country, and the population will have to fight to get their fair share of the resources that are and will be in Ghana, and this is the same that has to happen on the West Indies.

Marie: Wouldn't it be easier to just settle this once and for all, and pay for all of our sins and shut down the development aid and say "you are on your own now"?

CFB: This is what rights are about. It is about all people having an equal set of rights and we have to do what we can to fulfil these rights. And therefore you can't simply say: now we paid our debt from the colonial time or for the mistakes we've made historically. This is about ensuring that all children get to go to school and everyone has the freedom of speech, ensure that the health systems are working and that you do not have torture in prison. And these things are tied together. And this was some of the issues I addressed when I talked at Egmont Kollegiet. So this is an obligation we will have to the end of time. And I don't think we are making a strong enough effort today. I don't think the international cooperation is strong enough. But we cant just pay our debt and then say that we do not have a responsibility. Because these rights are international, universal, individual; all people have them, and as long as there are people who still haven't obtained these right, then we have to work for it.
Marie: Until their country is too rich to receive development aid.

CFB: Yes, and then the country itself should take over. But therefore we can still put pressure on the countries from outside, if they do not fulfil these conditions. And this is what the international cooperation is about, the whole Universal Periodic review, and the mechanisms we are establishing internationally to monitor if the countries are upholding the human rights. This is something we shall be even better at in the future. especially towards the countries that do not deliver, despite being rich enough to do so, and thus are neglecting their own population. They shall of course be critically examined and criticises, and involved internationally if they don't do so. But the primary change comes from within and from the bottom of a country, from the citizens who fight to make a change.

Marie: You also explained that the human rights have a legitimacy, because it isn't just Danish interests we are promoting in some country, but that there is international agreement about the Human Rights and therefore this is what we should focus upon. Why does that have more legitimacy than these countries who wants an apology, despite of what some researchers have called the "viking argument"; that this is too far behind is history for the state to take responsibility for. Why can't you say that what these Caribbean countries want; this is actually 15 countries who think this is really relevant so they will take it to the international court to settle this. Who decides what is relevant?

CFB: Yes, and this is why we should have some mechanisms and the international court of justice is an excellent place, i will definitely, if they believe this is the solution to their problems to go to the international court of justice to pursue justice for historical wrongs, then they should pursue it. And then we have the international system which will decide if whether there is a responsibility which have not been handled. I just think it will be an illusion to think that this is the way to solve the problems in these countries. It is not the way. And this is why I will encourage them to primarily fight for justice with those who are responsible today instead of getting in to a very long and troublesome process internationally, which might remove focus from what is important; that local governments and the cooperation with US to work. This is what will work for the US Virgin Islands.
Marie: Will you acknowledge the meaning that a country’s history can have to the development within the country, and that other countries might have affected the circumstances in a country which have caused their current circumstances?

CFB: Definitely, definitely. But as mentioned, this is both in terms of good and bad. And if we are to set stock globally over the past 1000 years of history it is going to be a very complicated equation. Should poor countries then pay rich countries for having invented the cellphone, or the car or the windmill or the effort we have put into establishing the international human rights, which have primarily been made by rich countries, but also with a number of poor countries involved.

How does the equation look in terms of good and bad? It is the same with the climate change, where it is both true that the rich countries have emitted most but it is also true that it also true that the rich countries have invented most of the technologies that can ensure that we will not be polluting as much in the future. And how do you come up with the result? It is an impossible task if you see it in a 200 year period, and Denmark has done some things that have been beneficial for the West Indies, while we have also made some big mistakes, but I don't think it makes sense to try and calculate the costs and benefits and get the result. We should strengthen both the international and the civil society cooperation across borders, with universities, companies, civil society organisations, everything between the West Indies and Denmark. But I think we are creating an illusion by saying that there is, here and now, a historical responsibility with the Danish state which we must solve, and that this will be the solution, cause it will not.
Annex 5: Interview with Søren Espersen

Transcription of interview with Mr. Søren Espersen, Member of Parliament for the Danish People's Party (O) 25 April 2014, 10.24 AM – 10.31 AM (phone call)

ML: Mit speciale det handler om at de Vestindiske øer, de søger genoprejsning for vores kolonialtid der. Og så det jeg prøver at finde ud af det er, om vi har et ansvar overfor dem eller om vi ikke tage os af det, og derfor spørger jeg dig som ekspert, om du mener at det er Danmarks pligt at udføre retfærdighed overfor beboerne på de tidligere Dansk Vestindiske øer?

SE: Altså du ved pudsigt nok havde vi faktisk spørgsmålet nede i Folketingssalen til Udenrigsministeren for nogle måneder siden, hvor vi også at er enige med regeringen og sådan set alle andre partier tror jeg, udenom Enhedslisten om at det kan der ikke blive tale om, og det var også det udenrigsministeren sagde. Vi er sådan set ret enige om, og har været det igennem lang tid. Altså det her er en debat som af og til kommer op, første gang tror jeg var da Niels Helveg Petersen var udenrigsminister og han afviste det også blankt. Det er jo en gruppe derovre, det er jo ikke sådan at øerne officielt, regeringen ønsker det, det er en gruppe, der har gjort det til deres holdning. Jeg synes, det er absurd, en absurd tankegang at en generation som vores, der intet har haft med slavehandlen eller skulle give en undskyldning til en generation som på intet tidspunkt har været slaver. Altså de mennesker som bor på de Dansk vestindiske øer i dag er jo ikke engang, altså vi skal måske helt tilbage til deres tipoldeforældre for at finde nogen, der har været slaver. Og der er sket så mange ting i historien på alle mulige felter, at det ville være helt absurd at sige undskyld til dem der er. Og det er grunden til at vi helt klart afviser det som en absurd idé.

ML: Men den organisation du taler om, som hedder ACRRRA, de siger faktisk at de ikke beder om en officiel undskyldning, men at de synes vi skal sætte os ned og tale om Danmark måske kan hjælpe med at opbygge institutioner og så videre for de hændelser der skete dengang. Så det er ikke sådan at vores generation har et ansvar, eller skal sige undskyld, men at vi kan hjælpe med at genopbygge deres samfund på grund af det arbejde vi har taget fra dem dengang, altså Danmark
som nation men ikke vores nulevende befolkning. Hvad synes du om det hvis det handler om at man skal opbygge nogle institutioner?

SE: Dem som vi taler om, som bor på Vestindien i dag, det er i øvrigt ikke danskere, det er Amerikanere i dag og har været det siden 1917. Vi vil gerne være med til at hjælpe med at restaurere de bygninger der er derovre fra Dansk tid, det har regeringen i øvrigt også sagt ja til, både i Frederiksted og i Charlotte Amalie har man forsøgt at hjælpe, men det er en helt anden form som handler om at bevare den danske kulturarv og historiske indsats. Men vi bør ikke – altså det er en del af Amerika, så det er klart at det americansk område. Og de beboere som er der nu, der er knap nok nogle af dem som er i live, der har været en del af Danmark i 1917, de var jo kun spædbørn dengang. Altså og slavehandlen blev ophævet midt i 1800-tallet og det vil sige, så vi skal yderligere en to-tre, tre-fire generationer tilbage for at finde nogen, der har været slaver. Så det er lidt det samme som at vi skulle foretage os et eller andet i Stockholm, på grund af det Stockholmske Blodbad eller vi skulle erstattes på grund af svenskernes besættelse af Danmark i 1658. Det giver slet ikke mening, det er helt absurd fordi hele verdenshistorien er jo en forandring, alle mulige forandringer, og vilkår der er på en ganske bestemt måde, der gør at sådan er historien blevet. Jeg vil næsten sige, det lyder måske sådan lidt kynisk men altså i forhold til de mennesker der er derovre, der tror jeg da egentlig ret beset med dagens øjne, at de er da bedre stillet med at være en del af USA end at skulle vokse op i Ghana. Altså de er frie amerikanere og de har et americansk pas, og mange af dem er meget velstående. Altså jeg kan slet ikke se hvordan man kan ændre historien og på den måde skrue tiden tilbage. Hans Egede rejste til Grønland i 1921 i et forsøg på at missionere. Med dagens øjne, ville man nok ikke have gjort det men det gjorde man altså dengang. Man kan ikke måle fortiden og bedømme fortiden med vor tids øjne, så går man helt galt af historien.

ML: Okay. Ja jeg tror faktisk at det var det, jeg ville spørge dig om. Men jeg er rigtig glad for at du ringede, og mange tak for hjælpen!