

Statement on the United Nations General Assembly Resolution on the Transatlantic Slave Trade

The Commonwealth Lawyers Association (CLA) notes the historic adoption by the United Nations General Assembly (UNGA) on 25 March 2026 of the resolution entitled [*Declaration of the Trafficking of Enslaved Africans and Racialized Chattel Enslavement of Africans as the Gravest Crime Against Humanity*](#). The resolution, led by Ghana, was adopted with 123 votes in favour, three against and 52 abstentions.

The consequences of the transatlantic slave trade continue to reverberate across societies, shaping the lives of millions within the Commonwealth and beyond. This landmark resolution represents a significant acknowledgement of the persistent inequality, discrimination and disparities faced by victims, and the grave injustice they have suffered.

The CLA's mandate encompasses the protection of human rights in accordance with the principles enshrined in the [*Harare Declaration \(1991\)*](#), [*Millbrook Commonwealth Action Programme on the Harare Declaration \(1995\)*](#), [*Commonwealth \(Latimer House\) Principles on the Three Branches of Government \(2003\)*](#), and [*Commonwealth Charter \(2013\)*](#).

The Commonwealth Charter affirms that member states are implacably opposed to all forms of discrimination, whether rooted in gender, race, colour, creed, political belief or other grounds. Article 2 of the Commonwealth Charter also affirms the collective commitment of Commonwealth member states to the principles of the [*Universal Declaration of Human Rights*](#) and other foundational human rights instruments, emphasising that civil, political, economic, social and cultural rights, including the right to development, are universal, indivisible, interdependent and interrelated, and cannot be implemented selectively.

The CLA affirms its enduring commitment to the rule of law, human rights and human dignity. We support inclusive, constructive and good-faith dialogue. The legal profession plays a vital role in bringing expertise to complex questions of justice, reconciliation and remedy. Acknowledging the profound gravity of the transatlantic slave trade, and both addressing and learning from its lasting legacies, aligns with the values and responsibilities of the legal profession.

The CLA recognises the diverse perspectives within the Commonwealth regarding the resolution's specific provisions, and notes the concerns expressed by certain member states who hold differing views.

Nevertheless, the substance of the resolution warrants serious consideration, and should not be dismissed on unmeritorious grounds, such as the assertion that the resolution creates a hierarchy of atrocities. Criminal law across a wide spectrum of offences routinely recognises a hierarchy: some crimes are more serious than others. For the most egregious offences, the Judicial Committee of the Privy Council has recommended that the death penalty, if imposed at all, must be reserved for those that are "the worst of the worst".¹ Similarly, in the preamble to the [*Rome Statute*](#), the States Parties affirm "that the most serious crimes of concern to the international community as a whole must not go unpunished and that their effective prosecution must be ensured by taking measures at the national level and by enhancing international cooperation".

In this regard, the jurisprudence of the International Criminal Court and international criminal tribunals ranks the core crimes of aggression, genocide, crimes against humanity, and war crimes according to their gravity.

The prohibition of slavery and servitude is a fundamental right recognised under the Universal Declaration of Human Rights. Article 4 states: “No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.”

This right is inalienable to all persons and is not contingent upon temporal circumstances. Its denial is incompatible with human dignity and cannot be confined to the legal frameworks of any era.

There are also significant concerns regarding the duty to provide reparation for historical injustices. Reparative measures are remedial, and extend beyond financial compensation to encompass acknowledgement, restoration of dignity, and initiatives addressing the enduring consequences of systemic harm.

Notably, at their 2024 meeting in Apia, Samoa, the [Commonwealth Heads of Government agreed](#) to engage in meaningful conversation on reparatory justice concerning the transatlantic slave trade. This commitment reflects the shared values of the Commonwealth and recognises that addressing the legacies of the past is essential to building a more just and equitable future.

The Commonwealth is uniquely positioned — as a community encompassing nations whose peoples were victims of the grave injustices of transatlantic slavery, and nations whose legal systems were historically implicated in its perpetration — to effectively contribute to dialogue, reconciliation and healing.

The CLA is prepared to support Commonwealth dialogue through practical professional contributions, including facilitating exchange among bar associations and law societies; promoting legal education on the history and consequences of the transatlantic slave trade; supporting initiatives to combat modern slavery and human trafficking; encouraging pro bono efforts that advance access to justice; and advocating for lawful measures to facilitate the return of cultural artefacts to their countries of origin.

Justice, even when long delayed, must not be denied. Through recognition, sustained dialogue, reconciliation and reparative measures, a more just and equitable future may be advanced. In so doing, we acknowledge the transatlantic slave trade as a grave crime against humanity; we honour the memory of those who suffered; we affirm the dignity of their descendants; and we help to shape a Commonwealth grounded in justice, equality and mutual respect.

Commonwealth Lawyers Association **10 April 2026**

ⁱ *Trimmingham v The Queen* (St. Vincent and the Grenadines) [2009] UKPC 36; *Maxo Tido v The Queen* [2011] UKPC 16.

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