



Human Rights Council**Forty-eighth session**

Agenda item 9

Racism, racial discrimination, xenophobia and related forms of intolerance: follow-up to and implementation of the Durban Declaration and Programme of Action**Environmental justice, the climate crisis and people of African descent*****Report of the Working Group of Experts on People of African Descent***Summary*

In the present report, the Working Group of Experts on People of African Descent presents its conclusions and recommendations of its twenty-eighth session, on “Environmental justice, the climate crisis and people of African descent”, held from 24 to 26 March 2021. The Working Group provides guidance on how to effectively address environmental injustice, racial disparities, unequal protection and the unique impact of the climate crisis and environmental racism on people of African descent. The report also includes an overview of the Working Group’s other activities over the past year.

* The present report was submitted after the deadline in order to reflect the most recent information.



I. Introduction

1. In the present report, submitted to the Human Rights Council in accordance with Council resolutions 9/14, 18/28, 27/25, 36/23 and 45/24, the Working Group of Experts on People of African Descent focuses on its twenty-eighth public session, on the theme “Environmental justice, the climate crisis and people of African descent”, held from 24 to 26 March 2021. The coronavirus disease (COVID-19) pandemic and related travel restrictions had a direct impact on the Working Group’s mandated activities; country visits were postponed, and sessions and other events were held virtually.

2. In August 2020, Dominique Day was appointed Chair of the Working Group, replacing Ahmed Reid. On 1 May 2021, Sabelo Gumedze completed his term as member of the Working Group, and Catherine S. Namakula (South Africa) began her term. On 4 June 2021, Mr. Reid resigned as member of the Working Group to accept a post with an international organization. On 1 August 2021, Ricardo Sunga and Michal Balcerzak completed their terms as members of the Working Group and were replaced by Sushil Raj (India) and Miriam Ekiudoko (Hungary). A new member from the Latin American and Caribbean Group will be appointed by the Human Rights Council at its forty-eighth session.

II. Activities of the Working Group

3. During the period under review (from August 2020 to June 2021), the Working Group’s expertise was in high demand. The Chair and members participated in many online events as global interest in the mandate peaked following the murder of George Floyd, global protests for racial justice, and the glaring racial disparities surfacing during the pandemic, turned a spotlight on systemic racism and generated an unprecedented opportunity to address the concerns of people of African descent.

4. The Working Group presented a report on COVID-19, systemic racism and global protests to the Human Rights Council at its forty-fifth session (A/HRC/45/44). It also reported on its country visits to Ecuador and Peru (A/HRC/45/44/Add.1 and Add.2), and participated in an interactive dialogue with the Council. The Working Group also submitted its annual report to the General Assembly (A/75/275) and participated in an interactive dialogue with the Third Committee of the Assembly on 2 November 2020.

5. On 20 November 2020, the Working Group held an expert meeting on its operational guidelines on the inclusion of people of African descent in the 2030 Agenda for Sustainable Development. The discussions with experts from the United Nations Population Fund and the Economic Commission for Latin America and the Caribbean assisted in the finalization of the operational guidelines, which were adopted by the Working Group on 9 December 2020.¹ The guidelines were prepared as a tool for United Nations country teams, States Members of the United Nations, financial and development institutions and all stakeholders to assist them in the implementation of the 2030 Agenda and the Sustainable Development Goals contained therein, with a specific focus on people of African descent. They refer to international human rights law and available official and unofficial data, including reports and other studies of the Working Group.

6. Owing to the COVID-19 pandemic, the Working Group postponed both its twenty-sixth session (scheduled for 30 March to 3 April 2020) and its twenty-seventh session (rescheduled for 31 August to 4 September 2020) until the end of the year.

7. The Working Group held its twenty-sixth session, on a virtual platform, from 23 to 25 November 2020. The session included a series of five public regional meetings with representatives of civil society to strategize on the way forward at the mid-term of the International Decade for People of African Descent and the twentieth anniversary of the Durban Declaration and Programme of Action.² These regional meetings informed the

¹ See https://ohchr.org/Documents/Issues/Racism/WGEAPD/Guidelines_inclusion_2030_Agenda.pdf.

² See <https://ohchr.org/EN/Issues/Racism/WGAfricanDescent/Pages/Session26.aspx>.

twenty-seventh session. The Working Group also held several private meetings to consult on and plan for future activities.

8. The Working Group held its twenty-seventh session, on a virtual platform, dedicated to systemic racism and the lessons of 2020, from 30 November to 3 December 2020. This public thematic session built on the report of the Working Group on COVID-19, systemic racism and global protests, and set the scene for the mid-term review of the International Decade for People of African Descent and the twentieth anniversary of the Durban Declaration and Programme of Action. It included discussions on key themes and priorities for the protection of the human rights of people of African descent, positive developments, good practices and how to address systemic racism on the basis of international human rights law.³ The Working Group will present a report on the twenty-sixth and twenty-seventh sessions to the General Assembly at its seventy-sixth session.

9. The Working Group thanks all those who sent written submissions following its call for inputs.⁴ The input received was extremely useful to the Working Group for its sessions and in the preparation of the present report.

10. On 5 March 2021, the Working Group organized a civil society consultation to continue to engage with and learn from civil society in the run-up to its twenty-eighth session. The consultation was an opportunity to identify the human rights concerns that should be prioritized and to make recommendations for preventing the racial discrimination faced by people of African descent.

11. On 23 March 2021, the Working Group organized a virtual screening and discussion of the award-winning documentary *Mossville: When Great Trees Fall*. The documentary tells the story of Mossville, in Louisiana, United States of America, a once-thriving community founded by formerly enslaved and free people of colour, and an economically flourishing haven for generations of African American families. Today it is an area crowded with petrochemical plants and covered by toxic black clouds. Many residents have been forced from their homes, many have died, and those who remain are subject to prolonged exposure to contamination and pollution. The event, held on the eve of the twenty-eighth thematic session of the Working Group on environmental justice, the climate crisis and people of African descent, was organized jointly with the Mossville team. More than 200 people participated in the event.⁵

12. The Working Group held its twenty-eighth session, dedicated to the theme of environmental justice, the climate crisis and people of African Descent, from 24 to 26 March 2021 (see sect. III).

13. Owing to COVID-19-related travel restrictions, the Working Group's visit to Australia, planned for December 2020, was postponed. The Working Group thanks all Governments that have invited it to undertake visits to their countries and looks forward to confirming the dates thereof. The Working Group is currently rescheduling country visits for 2021, 2022 and 2023.

14. During the period under review, and in accordance with its mandate, the Working Group sent 16 communications under the special procedures communications procedure regarding allegations of human rights violations to, inter alia, Brazil, Colombia, Cuba, Mauritius, Spain, the United States of America, the United Kingdom of Great Britain and Northern Ireland, and other actors, including the Formosa Plastics Corporation.⁶ The Working Group also issued 12 media releases and statements. It urges States to address the human rights violations that people of African descent face, and to take effective measures to end impunity and structural racism.

15. On 16 February 2021, the Working Group sent an open letter to Congresswoman Sheila Jackson Lee, Subcommittee Chairman Steve Cohen and Chairman Jerrold Nadler on

³ See <https://www.ohchr.org/EN/Issues/Racism/WGAfricanDescent/Pages/Session27.aspx>.

⁴ The submissions received by the Working Group are available at <https://ohchr.org/EN/Issues/Racism/WGAfricanDescent/Pages/WGEPADIndex.aspx>.

⁵ The panel discussion held at the event is available from <https://vimeo.com/528449034>.

⁶ For communications sent and replies received, see A/HRC/46/3, A/HRC/47/3 and A/HRC/48/3.

the Commission to Study and Develop Reparation Proposals for African-Americans Act (H.R.40),⁷ a bill on reparations currently under examination in the United States. The Working Group, inter alia, welcomed the hearings held by the House Judiciary Committee on the bill, and the broad base of support for the bill within the United States Congress. The Working Group emphasized the importance of reparations and how the bill can play an important role in understanding, acknowledging, addressing and ultimately dismantling systemic racism in the United States and promoting racial equity.

16. Throughout the current year, the Working Group has actively assisted the Office of the United Nations High Commissioner for Human Rights (OHCHR) in preparing a report on systemic racism, violations of international human rights law against Africans and people of African descent by law enforcement agencies, in accordance with Human Rights Council resolution 43/1. The Working Group's analysis is reflected in the final report (A/HRC/47/53), which also builds on the work of the Working Group and its many reports and recommendations on this subject. The Chair of the Working Group also participated in the OHCHR #FIGHTracism campaign,⁸ featuring in videos and feature stories.

17. The Working Group continued to advocate for the implementation of the programme of activities for the International Decade for People of African Descent and protection of the human rights of people of African descent. It actively participated in several consultations for the establishment of the Permanent Forum of People of African Descent.

18. During the period under review, the Working Group contributed to many virtual events and webinars on the issue of racism, racial discrimination, xenophobia and related intolerance. In that time, the Chair of the Working Group participated in, inter alia, a seminar of the Working Group on the theme "Advancements and challenges 20 years after Durban" (14 October 2020); the seminar "COVID-19 and its impact on women of African descent", hosted by the non-governmental organization Afroresistance (28 October); a discussion on "Preventing and addressing racism: a core issue of corporate human rights due diligence", held by the Forum on Business and Human Rights on 17 November; a workshop on the theme "Environmental racism", held in the framework of the Geneva Dialogues (17 December); in the United Nations Educational, Scientific and Cultural Organization (UNESCO) masterclass against racism and discrimination, organized under the Slave Route Project (29 January 2021); in the special event entitled "Equal Justice for All", organized by the United Nations Office on Drugs and Crime (UNODC) (9 March); in the event organized to mark the International Day against Racism entitled "Mid-term Review of the International Decade for People of African Descent and COVID-19" (11 March); in a meeting of the Commission on Narcotic Drugs (13 April); in the roundtable on "Anti-Racism: Avenues for active UN engagement", organized by the Permanent Mission of Germany (21 April); in an event on children's rights, organized by Afroresistance (4 June); and in an event hosted by the Council for World Mission and the World Council of Churches to discuss antiracist action (21 June). She also participated in a symposium organized by the International Bar Association entitled "United Nations Human Rights Council Emergency Session on Systemic Racism in Review". In follow-up to the Working Group's country visit to Peru, the Chair participated, on 23 June, in an international Forum to launch the first national action plan on business and human rights organized by the Ministry of Justice and Human Rights of Peru, and on 25 June, in a panel discussion on the theme "The rights of indigenous and Afro-descendant peoples in the public policy of Responsible Business Conduct", moderated by the Director of Policies for the Afro-Peruvian Population Ministry of Culture. She also spoke at several university and education-based events, including in the event "Racial Inequality in Higher Education: A Transatlantic Conversation"; and gave a number of media interviews, including to the BBC and Al Jazeera plus.

19. A member of the Working Group, Ahmed Reid, participated in several events, including one organized by the European Parliament on the theme "Recognizing the past, repairing the present and building the future", on 2 December 2020, as part of the inaugural commemoration of the European Day for the Abolition of the Slave Trade; on 4 March 2021, in an event on Marcus Garvey's 1920 Declaration of the Rights of the Negro Peoples of the

⁷ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27325&LangID=E.

⁸ See www.ohchr.org/EN/Issues/Racism/Pages/Implementation-HRC-Resolution-43-1.aspx.

World, part of the Mona Law Master Class Series at the University of the West Indies, Mona Campus; on 18 March, in a United Nations Academic Impact event in the Digital Dialogue Series on “Countering Racism through Education”; on 22 March, in a conference on “the Possibility and Impossibility of Reparations for Slavery and Colonialism”, held at Columbia University, United States of America,; and, on 25 March, in a seminar on “Royalty, racism, republicanism and reparations: preparing for the sixtieth anniversary of nationhood in the CARICOM region”, held at the University of the West Indies.

20. Another member of the Working Group, Ricardo Sunga, gave media interviews to Russia Today (UK) and Chinese media. On 22 June 2021, he also delivered a presentation at a side event for special procedures of the Human Rights Council during its forty-seventh session.

III. Twenty-eighth session

A. Opening of the session

21. In her opening statement, the United Nations High Commissioner for Human Rights stated that the killing of George Floyd, and the disproportionate impact of COVID-19 on people of African descent had catalysed a global uprising against systemic racial injustice. The climate crisis had an immense and disproportionate impact on the rights of people of African descent, tied to historical and structural racism. People of African descent, like other discriminated peoples and communities, were forced to live in areas vulnerable to environmental degradation, where their right to a safe, clean, healthy and sustainable environment was often not fulfilled. The negative impact of climate change was disproportionately borne by people living in the least well protected situations. Environmental racism posed a serious and disproportionate threat to the enjoyment of multiple human rights, including the right to life, the right to health, the right to an adequate standard of living and cultural rights. In many parts of the world, people of African descent seeking to defend their human rights related to the environment faced unacceptable violence, threats and intimidation.

22. In line with the Guiding Principles on Business and Human Rights, business corporations should refrain from violating the rights of others. Building back from the coronavirus disease (COVID-19) pandemic was an opportunity to build fairer, more resilient systems in a world that was cleaner, greener and safer. This would require a human rights-based approach that promoted the meaningful participation of all, including those at greatest risk. People of African descent had to be part of the climate solution. The organizers of the upcoming twenty-sixth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change in Glasgow had pledged to make the Conference the most inclusive ever. United Nations actors and States should join civil society in seeking to hold them to that promise. It was vital to ensure the inclusion of – and recognize the leadership of – people of African descent in decision-making at all stages of environmental action.

23. Following an exchange with the High Commissioner, the Working Group adopted the agenda and programme of work for its twenty-eighth session.

24. The Chair provided a summary of the activities conducted by the Working Group over the past year. She highlighted the operational guidelines on the inclusion of people of African descent in the 2030 Agenda adopted by the Working Group on 9 December 2020. The Working Group had actively supported OHCHR in its preparation of a report on racial justice and the implementation of Human Rights Council resolution 43/1. The Working Group had also sent an open letter in support of H.R.40 before the United States Congress (see para. 16 above).

B. Summary of deliberations

25. During the thematic session, the Working Group discussed human rights approaches to environmental injustice, racial disparities, unequal protection and the unique impact of the climate crisis and environmental racism on people of African descent. The session comprised three panel discussions.

1. Environmental racism: Earth, wind and fire (and water)

26. In her introductory remarks, the Chair of the Working Group stressed the importance of centring people of African descent in order to recognize the racial dimension of the climate crisis. Race was used to normalize exploitation and disregard, opening opportunities to generate profit at the expense of people's lives, resources and lands. The Chair recalled the opening screening of "Mossville: When Great Trees Fall" and the discussion thereon co-organized with the Mossville team, and thanked it for making such an important documentary, which showed the deadly cost of environmental racism. Other climate justice experts would take the floor during the session and examine how systemic racism and the environment and climate crisis were affecting people of African descent.

27. Rosamund Kissi-Debrah, World Health Organization advocate for health and air quality and co-founder of the Ella Roberta Family Foundation, spoke about her 9-year-old daughter, Ella, who died in 2013 from a severe form of asthma. Ella was the first person in the United Kingdom to have air pollution listed as a cause of death on her death certificate. A second coroner's inquest into Ella's death, in a landmark decision in December 2020, found that air pollution had been a significant contributory factor to both the induction and exacerbations of her asthma. Between 2010 and 2013, Ella was exposed to levels of nitrogen dioxide and particulate matter (mainly from traffic emissions) in excess of World Health Organization guidelines. Even though the failure to reduce the level of nitrogen dioxide to limits set by the European Union and domestic law was recognized as a cause of her death, Ella's mother was not informed by health professionals of the health risks posed by air pollution and its potential to exacerbate asthma, or of steps that might have prevented Ella's death. There was no dispute at the inquest that atmospheric air pollution was the cause of many thousands of premature deaths every year in the United Kingdom of Great Britain and Northern Ireland. Delays in reducing the levels of atmospheric air pollution caused avoidable deaths.⁹ Ella's mother was campaigning to create "Ella's law", which would replace outdated clean air legislation. The twenty-sixth session of the Conference of the Parties (see para. 23 above) was an opportunity to ask leaders what they were doing to protect the right to clean air, to advocate for and demand monitoring of air quality, to educate and raise the awareness of those most at risk, and to ensure that waste was not simply dumped in people's backyards.

28. Dr. Angelique Walker-Smith, National Senior Associate for Pan African and Orthodox Church Engagement at Bread for the World, discussed the lack of environmental justice in the climate crisis and how it affected the people of Africa and people of African descent around the world. She referred to Flint, Michigan, in the United States of America, a community affected for years by toxic water because of government negligence and disregard for Black and brown lives. In 2014, the town decided to switch its drinking water supply from a municipal water system to a local river in order to save money. Inadequate treatment and testing resulted in major water quality and health issues for Flint residents. Grievances were systematically ignored and even dismissed by government officials, despite reports for 18 months of the odour, discoloration and bad taste of the water, as well as skin irritation and hair loss. The Michigan Civil Rights Commission had concluded that the poor governmental response to the Flint crisis was the result of systemic racism. Dr. Walker-Smith pointed out that African Americans were five times as likely as other people to live in areas of concentrated poverty, which were more exposed to climate shocks and lacked community amenities that could mitigate the effects of climate change, such as trees that help to clean the air and to cool neighbourhoods during heatwaves. The historic reality of colonialism and structural racism had designed systems that lived on today through environmental racism and a myriad of other injustices that had grown out of the same evil roots. Global protests for

⁹ See www.judiciary.uk/wp-content/uploads/2021/04/Ella-Kissi-Debrah-2021-0113-1.pdf.

racial justice continued amidst unprecedented climate-induced disasters, an economic crisis and the death of more than 1 million people globally from the pandemic.

29. Eva Okoth, for *Natural Justice: Lawyers for Communities and the Environment*, shared perspectives from Africa. She recalled that while only a small share of CO₂ emissions came from Africa, it was the continent most vulnerable to climate change. Africa had been plagued by natural disasters due to climate change: droughts, floods, rising sea levels and desert locusts. Environmental racism was closely linked to environmental justice, and it had its roots in colonialism. In the post-colonial period, former colonies were used as dumping grounds for the North, and for the trade in harmful and toxic products. African countries were used as waste deposits and chosen as the sites for harmful industries, and certain communities faced disproportionate impact from environmental crises. In Africa, environmental racism had been institutionalized. The debt burden of many African countries was growing owing to development financing. Multinationals were evading their environmental responsibilities. Indigenous and marginalized people were losing their land rights. At the same time, credible solutions were overlooked; while research and knowledge were monopolized by the North, collectively held knowledge important to addressing the climate crisis, including indigenous knowledge, was being ignored.

30. Isabel Padilla, Executive Secretary of Pastoral Social Caritas del Vicariato Apostolico de Esmeraldas, discussed the structural and environmental racism endured by people of African descent in Ecuador. Their territories were exploited for gold mines, palm oil crops and the timber industry, which had led to the contamination of 90 per cent of the country's rivers. Afro-Ecuadorian communities had brought cases to court for violations of their collective territorial rights but were denied restitution. Community defenders were criminalized. The absence of oversight by the State had allowed pillaging of land; the lack of protection of rights was an added manifestation of environmental racism. The benefits from extractive industries went directly to foreign actors, while all harm was endured by the local population of African descent whose land was being exploited. Even when one judge ordered precautionary measures to be taken, State authorities had failed to implement them. In 2020, five people lost their lives in a mine but no reparations were made, nor was investigative process initiated. Lax oversight and policies with respect to the extractive industry had left the local people impoverished and the environment destroyed. Ms. Padilla called for community justice and reparations.

31. During the interactive dialogue, in response to a question by Mr. Sunga about establishing causality between air pollution and Ella's death, Rosamund Kissi-Debrah stated that it was important to investigate pollutants during post-mortem examinations. Mr. Balcerzak noted that it was important to advance drafting of the declaration on the promotion and full respect of the human rights of people of African descent, and that it should include environmental racism. The representative of China stated that, as States commemorated the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action, they should also be encouraged to implement it.

2. Race and the climate crisis: preparedness and response

32. Several people provided information and analyses of the impact that the climate crisis was having on people of African descent globally, grounded in lived expertise and professional experience in the local communities and affected regions. According to Colette Pichon Battle, founder of the Gulf Coast Center for Law & Policy in the United States, communities in the Gulf South were experiencing new levels of extreme weather conditions with 2020 as the most active hurricane season on record. In February 2021, an Arctic storm from the North had already left thousands without drinkable water after infrastructure damage. Those who lacked water were mostly poor, many were Black, and all were in the South, raising important questions about racial equity and climate disaster recovery. In the United States of America, the Red, Black and Green New Deal, promoted by civil society, centres voices of African descent, in order to acknowledge that climate and environmental impacts are particularly pervasive in the Global South, and bi-products of economic systems of extraction, exploitation, accumulation through dispossession, and white supremacy. In this, climate change is not an isolated crisis, but a symptom of an economic system that

jeopardizes Black lives.¹⁰ Ms. Pichon Battle defined broadly the concept of “preparedness” for an climate emergency, including investment and providing information to Black communities, were clearly not a priority of State actors in the Gulf South. Preparedness involved moving infrastructure to renewable energy, namely, to sources that were available in the immediate aftermath of a climate disaster. Preparedness also required a conversation about the climate crisis and solutions in order to be able both to adapt to imminent events and to mitigate the impact of human exploitation and extractivism. The context must also be acknowledged; access to clean water and sewage was already limited in southern communities, Black communities and frontline communities even before climate disaster became the norm. Moving away from fossil fuel-based energy and combustion engines towards renewable, clean energy also implied commitments to effective disaster recovery, given that access to solar, wind and water energy would allow communities to recover more quickly. A key obstacle to the conversation on climate was that it was still rooted in capitalism, oppression and profitmaking for only a few. This dialogue failed to embrace principles of equity, repair and justice or to consider other complex conversations being held by social movements around the world. The climate crisis was a Black issue, affecting people of African descent everywhere. Equity, repair and justice were urgently required.

33. Miriam Miranda of the Black Fraternal Organization of Honduras (OFRANEH) stated that climate change had made Honduras extremely vulnerable to natural disasters and the impact of hurricanes. *Garifuna*, Honduran people of African descent, live in the most affected coastal regions of the country. The national production model saw the country as a monoculture, agricultural society, generally to the detriment of local people. Huge plantations of African palm had replaced food crops. Traditional methods of food production had been lost as numerous hectares of forest had been replaced by monocultures. Throughout, decision-makers had failed to acknowledge the true effects of disregard, or to learn from diverse community experiences and issues. The climate crisis required a re-examination of existing production and consumption models, given the disproportionate cost-benefit ratio of industrial mega projects to their impact. Existing production and consumer models affected the whole of humanity, and vulnerable Black communities in particular.

34. Sharon Lavigne, the founder of RISE St. James, discussed the impact of decades of environmental racism. She stated that the sickness of industry greed and systemic racism were evident in the soil and the air of “Death Alley” in Louisiana. Ms. Lavigne was a lifelong resident of St. James Parish in Louisiana, United States of America, a town in which 85 per cent of residents were African American and located in the 85-mile stretch along the Mississippi River between Baton Rouge and New Orleans. In that area, more than 100 petrochemical plants and refineries defined the popularly-termed “Cancer Alley,” given the prevalence of cancer among its residents, and recently recharacterized as “Death Alley” by the community. St. James had been devastated by industrial exploitation; people could not drink the water, plant a garden or breathe clean air. St. James residents suffered high rates of cancer, respiratory diseases and other severe health problems from exposure to industrial pollutants. When the COVID-19 pandemic hit, a disproportionate number of residents died because of their immune-compromised status due to industrial pollution. Racial disparities were evident even in real estate buyouts, which favoured white property owners and left Black homeowners involuntary holdouts amidst the industrial development of the area. Nonetheless, State leadership continued to see the community as expendable: in spring 2018, without community consultation, the Governor of Louisiana announced that a site had been approved for a new project involving the creation of 14 chemical plants by Formosa Plastics Group, a Taiwanese supplier of plastic resins and petrochemicals, in St. James parish. The announcement reflected how easy it was to establish environmentally toxic plants in communities where the residents were poor, Black and without powerful protectors. Even though the project would desecrate ancestral burial grounds, community members had already been threatened with arrest, ejected from land and prevented by police from placing flowers on graves. The community had sought assistance and advocated for a moratorium on industrial exploitation and extractivism in St. James Parish and throughout “Cancer Alley”, including by seeking to bar new industries and the expansion of existing industries, and to obtain reparations for the people of St. James, an investigation into the cause of the high rates

¹⁰ See <https://redblackgreennewdeal.org/>.

of illness and mortality, and a study on the impact of chemicals released into the air and water.

35. Biko Rodrigues of the National Coalition of Quilombola communities spoke about Quilombola communities, communities of escaped enslaved people found throughout Brazil, the Amazon, the semi-arid region, and also in the Pantanal. The communities were vulnerable socioeconomically and were subjected to environmental racism, in addition to other manifestations of racism in Brazil. Violence against their communities had surged during the COVID-19 pandemic, to which the authorities had turned a blind eye. More than 1,200 mega projects, a military base and several major hydroelectric projects, including a dam, were planned on Quilombo land that would displace Quilombo communities, particularly those without land demarcation. Although there were more than 6,000 communities, fewer than 200 (mostly in the Amazon region of Brazil) had land titles. One fact that was not widely understood was that 70 per cent of people living in the Amazon region were Black, and that the Quilombos played a vital role in preserving ecosystems and lives, despite the increasing threat to their lands, the murder of several leaders and the pillaging of natural resources during the pandemic. Indigenous, Quilombo, traditional and rural communities protected biodiversity on the frontlines, trying to prevent agribusinesses from destroying the countryside and seeking to preserve the lands of their ancestors so that their grandchildren would be able to live there. Mr. Rodrigues emphasized the efforts made by these communities to save lives. Biodiversity and the environment were the source of life, and were desperately in need of conservation.

36. James Bhagwan, the General Secretary of the Pacific Conference of Churches, stated that the Pacific was rarely recognized as a diverse region, even though more than a quarter of the world's distinct languages were spoken there. Pacific island nations made up some very large exclusive economic zones and played an important role in safeguarding natural resources. Pacific island people saw themselves as part of the land and had an almost spiritual relationship with land and sea, seeing the Pacific as the blue heart of the planet, providing oxygen, a carbon sink, food, minerals and more. Pacific island States had been at the forefront of advocating for climate justice, not only from a human rights perspective but also as a moral imperative, as it concerned the possible extinction of living cultures and the disappearance of sovereign States. Structural racism might explain the slowness and lack of resources provided to engage on climate change or developing adaptation and mitigation policies. Some development aid was being inappropriately recharacterized as climate adaptation and mitigation resources, while pressing issues, such as climate-induced relocation due to rising seas and extreme weather patterns, had broad implications for security. The issues of dignity, justice and human rights were prevalent in the context of climate-induced migration. The work done to address COVID-19 should not come at the expense of addressing climate change and the climate crisis.

37. During the interactive dialogue, in response to a question by Mr. Sunga, Sharon Lavigne cited categories of reparations and restitution, including coverage of medical expenses related to industrial pollution, restoration of land and water, the acknowledgement of ancestors with gravesites and monuments, payment for pain and suffering, and restoration of the values of properties owned by the people still living in the 4th and 5th districts of St. James parish. Mr. Gumedze stated that, in addressing the climate crisis, people should not forget the historical and structural racism that have pushed many communities of Africa into marginalization and poverty. Myriam Miranda pointed out that the climate crisis required holistic and robust action. Companies should be held to account and assume their true obligations with regard to the future and the climate. Decision-makers should take sustainable decisions that were valid for the future. Destroying the environment was an abdication of responsibility to future generations. Policies should recognize the global emergency for humankind.

38. The representative of the European Union spoke about climate action and the European Green Deal package of measures, which had the aim of protecting the planet but also of making the transition just and inclusive for all. The European Union was also working to improve access to justice in environmental matters, such as through the Aarhus Convention. As part of its action plan against racism 2020–2025, the European Union had adopted a new Roma strategic framework that included action to mitigate the

disproportionate impact of crises on the Roma community and to deliver environmental justice.

39. The representative of the United States of America pointed out that addressing systemic racism and environmental challenges, including climate change, were core priorities for the United States, which had rejoined the Paris Agreement and appointed the country's first presidential envoy for climate. That commitment included advancing environmental justice at home and holding polluters accountable, including those who disproportionately harmed communities of colour and low-income communities. An executive order on environmental justice had made environmental justice a part of the mission of every federal agency by directing the development of programmes, policies and activities to address the disproportionate health, economic, environmental and climate impact on disadvantaged communities. The order had established two new White House environmental justice councils to ensure a whole-of-government approach to address current and historical environmental injustices, including by strengthening and monitoring enforcement by the Environmental Protection Agency, the Department of Justice and the Department of Health and Human Services. The order also created the government-wide "Justice40" initiative, which had the goal of delivering 40 per cent of the overall benefits of relevant federal investments to disadvantaged communities. It had also created an environmental justice scorecard to track performance.

40. The representative of Brazil agreed that traditional communities were important to ecosystem preservation, and that they should be consulted. He underlined the role of the human rights ombudsman and other institutions in Brazil to respond to threats to human rights. Brazil had produced data on the impact of COVID-19, disaggregated by race, which had proved essential to act to benefit the most vulnerable. The representative of Cuba emphasized the importance of this topic, and confirmed that the hurricane and storm season in the Caribbean was becoming more intense because of the climate crisis.

3. Environmental racism, the climate crisis and reparatory justice

41. Mr. Reid stated that the focus of the panel discussion was the matrix of exploitation, the destructive impact of colonialism on the environment, the exploitation of people of African descent, the long-term consequences of such exploitation and the ongoing concerns and problems that people of African descent faced today.

42. Prof. Hilary Beckles, Chair of the Caribbean Community (CARICOM) Reparations Commission and Vice-Chancellor of the University of West Indies, stated that the cross-cutting concerns of combating institutional racism within environmental thinking were critical to discussions. The connection between global movements for reparatory justice for crimes against humanity and the climate crisis judgement are all relevant to global considerations. The injustices of the past now collided with the climate crisis of today. The Black community seeking to overcome the legacy of slavery was now suffering the effects of climate change. The frequency and intensity of increasingly frequent hurricanes were the result of rising global temperatures. Death and destruction were now the norm within this changed reality; history and hurricanes constituted the new cocktail posing an existential threat to the people of the Caribbean. Against a backdrop of mass poverty arising from the plantation world of slavery, the climate crisis was increasing the vulnerability of communities. Reparatory justice was therefore the common demand; there could be no other perspective, no other policy framework.

43. According to the Vice Chair of the Committee on the Elimination of Racial Discrimination, Prof. Verene Shepherd, small island developing States like those in the Caribbean were extremely susceptible to the effects of climate change. She referred to the role that European colonialism played in the current crisis, adding that the climate crisis had been generated by the system of plantation slavery and centuries of agricultural practices, including mass deforestation, which had led to erosion, the loss of soil fertility and of valuable protected forestry. The United Nations Environmental Programme had pointed out that the production of sugarcane had led to the loss of greater biodiversity than any other single crop in the world because of its impact on ecosystems and increased soil erosion. Historical injustices had undeniably contributed to the poverty, underdevelopment, marginalization, social exclusion, economic disparities, instability and insecurity that affect

many people in different parts of the world, in particular in developing countries, where the vast majority of people of African descent resided and suffered from the legacy of colonialism. States should engage with people of African descent on appropriate and effective measures to halt and reverse the lasting consequences of slavery and colonialism, and eliminate continuing harm, including environmental harm that threatened their well-being. She underscored the need to implement the CARICOM 10-point action plan for reparatory justice, which demanded a full formal apology; the establishment of an indigenous peoples development programme; repatriation for those who chose it; the building of cultural institutions; attention to the public health crisis; the eradication of illiteracy; the creation of an African knowledge programme; psychological rehabilitation; technology transfers; and debt cancellation.

44. If the case for slavery reparations were to encompass the damage to island environments by plantations and the destitution of populations descended from enslavement, which have left them especially vulnerable to climate change, and the role of slavery systems in the financial foundations of global economies, banks and insurance firms that had directly financed the rise of multinational fossil fuel (and mining) extractive economies, then it could be shown that the beneficiaries of slavery had exposed the Caribbean to ecological damage, social vulnerability and risks of climate change. In a reparations approach, climate adaptation measures for countries that were most exposed to but least responsible for climate change would be funded on this basis.

45. William A. Darity Jr. of the Lancet Commission on Reparations and Distributive Justice stated that the impact of structural racism in the United States was manifest in the disproportionately compromised health status of African Americans. Health disparities had increased during the course of the pandemic; by the beginning of March 2021, the actual Black mortality rate from COVID-19 was 1.2 times that for white Americans. African Americans were more likely to have pre-existing conditions that made them more vulnerable after contracting the disease; inequitable access to quality medical care only aggravated the situation. An important contributor to the imbalanced presence of pre-existing conditions in the Black population in the United States was the far greater likelihood of exposure to environmental hazards. In his recent book, *From Here to Equality: Reparations for Black Americans in the Twenty-First Century*, he had catalogued an array of environmental threats to Black health, including a greater likelihood of living in communities located near hazardous-waste sites; of exposure to nitrogen dioxide poisoning; of lacking potable water and proper sanitation; and of living in the presence of heavily polluting corporations, that emitted cancer-causing agents into the surrounding air. Wealth deprivation was the pre-existing condition from which flowed so much of the harm inflicted on Black lives in the United States. A proper plan of action to close the Black-white wealth gap – a reparations plan – would cost the federal Government to spend at least \$14 trillion to implement.

46. Mr. Darity argued that a reparations plan was warranted because federal government policies had created a racial wealth gap in the United States. At the end of the Civil War, formerly enslaved persons, who had virtually no assets, were promised land grants of 40 acres as restitution for their years of bondage, to allow them to become participants in full citizenship. That promise was intentionally never kept, and full citizenship has never been achieved. Simultaneously, under the Homestead Act of 1862, the federal Government had undertaken the allocation of 160 acres land grants to more than 1.5 million white families in the western territories to complete the nation's colonial settler project. Between the end of civil war and Second World War, the Black community was devastated by more than 100 white terrorist massacres in all regions, including in Wilmington in 1898 and in Tulsa in 1921. White riots took countless Black lives, blocked Black political participation and resulted in the destruction or appropriation of Black-owned property by white mobsters. The capacity to accumulate wealth was denied, and the federal Government was complicit either by turning a blind eye or by supporting the white rioters. In the late nineteenth century, government asset-building policies focused on land distribution; in the twentieth century, the focus shifted to home ownership. In both cases, federal programmes promoted white wealth accumulation while exacerbating Black wealth decumulation. The discriminatory application of home buying provisions of the enabling legislation for the Federal Housing Administration and the Servicemen's Readjustment Act (more commonly known as the "GI Bill") gave white Americans another important boost in acquiring property, while African Americans were

denied comparable access to the same resources. Federal policy in the United States created the racial wealth gap, and federal policy should be mobilized to provide a remedy. The federal Government, on its long overdue path towards redress and justice, should adopt a reparations plan for African Americans, with three critical elements: a specific focus on Black Americans who were descendants of persons enslaved in the United States as the eligible recipients; the elimination of the racial wealth gap in its entirety, in order to provide Black Americans with the material basis for full citizenship; and direct payments to eligible recipients, replicating restitution practices elsewhere.

47. Jose Luis Rengifo Balanta, a human rights defender and member of Mesa Ambiental y de derecho del Pueblo Negro de Colombia, emphasized that Afro-descendants in Colombia, like in other parts of the world, had suffered greatly from structural and environmental racism and savage capitalism. The ancestral territories, natural resources, water and forests of Afro-descendant communities were being plundered by transnational corporations and the State. The Constitutional Court of Colombia had ruled that the State authorities were responsible for violations of the rights to life, health, water and food security, the right to a healthy environment, and the cultural and territorial rights of the claimant ethnic communities. The Court found that the authorities had failed to comply with their constitutional obligation to take concrete and effective measures to stop illegal mining activities, thereby precipitating a humanitarian and environmental crisis in the river basin, its tributaries and the surrounding territories. Communities of Afro-descendant people still struggled to achieve legal recognition of their collective territories. On the Pacific coast, communities had a maritime culture in harmony with the environment, with fisheries, mining and natural resources in a territory that was biodiverse and biocultural; they also produced traditional medicine. Large-scale projects, such as the building of ports, had had a negative impact on the environment and the communities, which had been displaced from the coastal regions into the cities, and corporations and extractive industries, the beneficiaries of State concessions, had taken over. Afro-descendants, under external pressure, had been pushed off their lands, while the State did not provide them with any safeguards, thereby alienating them from the rights and territories linked to their identity and culture. Mr. Balanta referred to the emblematic case of the Anchicaya river, which transnational corporations had polluted, leading to the displacement of hundreds of thousands of people who had lived in those territories and used the river for generations as a source of livelihood. A resolution had been issued by the Minister for the Environment, which was given to the State to remedy the damage caused; to date, however, the communities were still fighting to defend and protect their rights and to ensure that the law was respected. The speaker emphasized a number of key elements: legal and collective recognition of the use of traditional territories; policies that recognized traditional and ancestral knowledge, which helped to mitigate climate change; policies and programmes of capacity-building, to help to protect nature and to strengthen people's ability to resist climate change. He called upon all Afro-descendant peoples to mobilize until ancestral territories and knowledge were recognized. He also called for genuine action to ensure environmental justice, including effective participation for people of African descent.

48. During the interactive dialogue, in reply to a question by Mr. Reid, Mr. Darity explained his focus on reparations for people of African descent born in the United States of America, a community that had descended from the individuals promised land grants in the aftermath of the civil war, and were denied such restitution, which had laid the foundation for the wealth disparities now observed between Blacks and whites. Black people throughout the African diaspora had a claim for reparations, but not all had a claim for reparations from the Government of the United States. Every diaspora community had to be careful about carving out a claim that was relevant to their history.

49. The Chair of the Working Group spoke about the ongoing extractivism that Afro-descendant communities were facing, such as in the case of "Death Alley" in Louisiana, where vast numbers of petrochemical plants were operating with the green light from the State despite the massive and intergenerational threat to Black communities. She referred to the study that Prof. Darity had co-authored, and the finding that, if reparations had been awarded after enslavement, the COVID-19 footprint in Louisiana would have been 30 to 60 per cent smaller. She asked about the COVID-19 pandemic and reparations, and how the transnational actions of private companies that were disproportionately cited in Black communities played into the reparations debate. Prof. Darity replied that the actions of

corporations that were currently heavy polluters in all regions of the United States should be regulated, particularly in Louisiana, the location of “Cancer Alley”. Reparations alone were not enough; they should be combined with an effort to stop the processes responsible for the damage caused.

50. Mr. Sunga confirmed that the Working Group endorses the CARICOM 10- point action plan.

51. Mr. Balcerzak spoke about the operational guidelines on the inclusion of people of African descent in the 2030 Agenda for Sustainable Development.

52. Jose Luis Rengifo Balanta emphasized that the extractive policies that had emerged from large-scale megaprojects and mono crops were strategies designed to deprive peoples of their land. States should step in and protect communities. There was also a relationship between mining, the law and armed conflict. The women who had played a key part throughout this struggle deserved praise.

53. The representative of the Bolivarian Republic of Venezuela stated that the Government was working on a draft bill on climate change, and had identified three cases for reparatory processes of environmental racism. The representative of Indonesia reported the Government of Indonesia was providing assistance to small island States.

54. The twenty-eighth session ended with closing remarks, including statements by outgoing members of the Working Group ending their term in 2021, Mr. Gumedze, Mr. Sunga and Mr. Balcerzak.

IV. Conclusions and recommendations

A. Conclusions

55. **People of African descent continue to be subjected to environmental racism and are disproportionately affected by the climate crisis. Environmental racism refers to environmental injustice in practice and in policies in racialized societies. Environmental racism is a measurable contemporary manifestation of racism, racial discrimination, xenophobia, Afrophobia and related intolerance.**

56. **Environmental racism cannot be discussed in isolation. As a consequence of historical and structural racism, exploitative economic models and the legacy of the trade in enslaved Africans, people of African descent have lived segregated, and decisions have been taken that have disproportionately exposed them to environmental hazards. In addition, generations of racism, economic divestment and targeting must be acknowledged and addressed.**

57. **In many parts of the world, policymakers, legislators and others subject people of African descent to discrimination, and provide insufficient respect for and protection of their human rights, including the right to a safe, clean, healthy and sustainable environment. This is manifest in the siting of landfills, toxic waste dispensaries, extractive industries, industrial and mining areas, factories and power plants and environmentally hazardous activities, and the lack of enforcement of environmental protection regulations in communities heavily populated by people of African descent, often resulting in high rates of asthma, cancer and other chronic environment-related illnesses, as well as less visible and long-term effects.**

58. **Environmental racism is present at both the national and international levels. At the national level, people of African descent have reduced access to information about environmental matters, to participation in environmental decision-making and to remedies for environmental harm. States authorizing hazardous facilities in communities that are predominantly composed of people of African descent disproportionately interfere with their rights, including their rights to life, health, food and water. Internationally, hazardous wastes continue to be exported to countries in the global South with lax environmental policies and safety practices. Transnational corporations develop lucrative endeavours that disregard or deny the impact on local**

populations. The persistent failure to take sufficiently ambitious action to reduce greenhouse gas emissions and thereby mitigate climate change has the heaviest impact on States and communities that have been subject to historic exploitation, discrimination and marginalization. States must pay attention to historical or persistent prejudice, recognize that environmental harm can result from and reinforce existing patterns of discrimination, and take measures against the conditions that cause or perpetuate discrimination. States should take measures to protect those who are at particular risk of environmental harm.

59. Environmental justice and reparations are human rights to which people of African descent are entitled. As environmental human rights defenders, people of African descent have faced threats, intimidation and violent attacks while defending their communities' human rights or campaigning for the promotion of economic alternatives that contribute to the development of environmentally safe livelihoods for people of African descent.

60. Environmental racism is perpetrated by States, international corporations and other non-State actors, often in violation of international human rights obligations and local law, and also with deliberate indifference to the impact on communities of African descent. It is for this reason that the Durban Declaration and Programme of Action requested States, supported by international cooperation as appropriate, to consider positively concentrating additional investments in environmental control in communities of primarily African descent.

61. The climate crisis has now become a ticking time bomb. This global emergency, characterized by global warming and climate change as a result of human decision-making, including the burning of fossil fuels and the release of excessive amounts of carbon into the environment, has already had a disproportionate impact on the lives of people of African descent. Disproportionate effects have also been reported on the African continent. Communities and even entire States that occupy and rely upon low-lying coastal lands, tundra and Arctic ice, arid lands, and other delicate ecosystems are at particular risk. Policymaking, including how States respond to the climate crisis, may strengthen the impact of the climate crisis on communities of African descent, which often have less political and positional power locally and globally. Addressing the climate crisis requires a human rights-based approach that prioritizes the inclusion of people of African descent in decision-making at all stages, including preparedness, mitigation, response and recovery. Protection should be equal and effective.¹¹

62. The evidence from climate tipping points in the climate system, which suggests that "we are in a state of planetary emergency", points to a worsening situation for people of African descent.¹² Among other things, the Durban Declaration and Programme of Action invites States to consider non-discriminatory measures to provide for a safe and healthy environment for individuals and groups of individuals victims of or subject to racism, racial discrimination, xenophobia and related intolerance, and in particular, to ensure that relevant concerns are taken into account in the public process of decision-making on the environment. This further requires appropriate remedial measures, as possible, to clean, re-use and develop contaminated sites, and where appropriate, relocate those affected on a voluntary basis after consultation.

63. The world is currently facing a climate crisis, environmental racism, pervasive toxic pollution, dramatic loss of biodiversity and a surge in emerging infectious diseases of zoonotic origin, such as COVID-19. These interlocking environmental crises have a negative impact on a wide range of human rights, including the rights to life, health, water, sanitation, food, decent work, development, education, peaceful assembly and cultural rights, as well as the right to live in a healthy environment.

64. The adverse effects have a disproportionate impact on women and girls and the rights of billions of people, especially those who are already vulnerable to

¹¹ See www.ohchr.org/EN/Issues/HRAndClimateChange/Pages/HRClimateChangeIndex.aspx.

¹² Timothy M. Lenton et al., "Climate tipping points — too risky to bet against", *Nature*, 2019; 575 (7784).

environmental harm, including people living in poverty, minorities, older persons, LGBT persons, racially and ethnically marginalized groups, indigenous peoples, people of African descent, persons with disabilities, migrants, internally displaced persons, and children.

65. Peoples and communities historically subject to exploitation, including people of African descent, continue to bear the brunt of pollution, environmental degradation and climate change, including in some actions ostensibly intended to protect the environment. In addition, environmental human rights defenders have been subject to a shocking rate of killings, threats, arbitrary arrests, harassment and intimidation as a direct result of their legitimate work on human rights and the environment.

66. Climate change is a byproduct of an economic system that is heavily reliant on extraction, exploitation and accumulation through dispossession. There are credible authorities, including civil society organizations, academics and individual experts, that can attest to the racialized impact of environmental racism and the climate crisis, in every region. Resources abound to facilitate the understanding of the severe, ongoing and systemic impact of the climate crisis and environmental racism on communities of African descent. Although people of African descent should be at the centre of climate and environmental analyses, particularly as communities subject to historical and ongoing exploitation, any genuine understanding or acknowledgment that climatic and other environmental effects are particularly pervasive in the global South has been lacking. The climate crisis, and specifically any effort to exclude, minimize or ignore its dramatic impact on communities of African descent in particular (including in the most developed countries) and on the Global South in general, reflect a mindset that is a legacy of white supremacy. A racialized analysis illustrates that climate change is not an isolated crisis but a symptom of economic and political systems that have disregarded the right to life and other core human rights.

67. Transformative actions are urgently required to address systemic racism and the COVID-19 pandemic, to protect the environment and human rights, and to address the drivers of the climate emergency, toxic pollution, biodiversity loss and zoonotic diseases, including by requiring businesses to respect the rights of affected communities and the environment.

68. A human rights-based approach would help to address inequality and ensure protection for people in vulnerable situations, including people of African descent.

69. The right to a healthy environment includes the rights to clean air, safe and sufficient water, sanitation, healthy and sustainable food, a toxic-free environment, a safe and stable climate and healthy ecosystems and biodiversity. It also includes the rights to environmental information, participation in decision-making and access to justice with effective remedies.

70. The Working Group welcomes the steps taken towards environmental justice and the inclusion of people of African descent in all conversations on the climate crisis worldwide. It also welcomes, in the United States of America, the Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis of 20 January 2021. It calls upon the Government of the United States to deliver environmental justice in communities in America, including areas like “Death Alley” and other areas that face environmental degradation, climate crises and disaster, all of which are compounded by infrastructure deficiencies, including a lack of potable water, sanitation, plumbing, and assurances of air quality. The Working Group calls upon all Governments to protect the right to a healthy environment and to partner with communities for environmental justice for people of African descent globally.

71. The Working Group welcomes the considerations made by the Committee on the Elimination of Racial Discrimination to prepare a new general recommendation on the right to health and racial discrimination. In the light of the climate crisis, the impact of environmental racism and of climate-related disasters on communities of African descent, it is clear that the right to health and the right to environmental justice are inextricably linked.

B. Recommendations

72. **People of African descent must be part of the solution to climate change and other environmental crises. States should include the leadership, experience and expertise of frontline communities, such as communities of people of African descent, in all stages of environmental policies, processes and implementation in an equitable way.**

73. **Priority should be given to increasing the participation of people of African descent in the design and implementation of climate change emergency response, adaptation and mitigation measures. Opportunities should be taken to address both climate change and racial discrimination together, rather than treating them separately.**

74. **The Working Group recommends that States and other duty bearers:**

(a) **Implement the International Convention on the Elimination of Racial Discrimination, the Durban Declaration and Programme of Action and the Programme of Activities for the International Decade for People of African Descent, and take action to address the root causes and current manifestations of racism, racial discrimination, xenophobia, Afrophobia and related intolerance, including environmental racism;**

(b) **Take urgent and timely action at the global level to recognize and implement the right to a safe, clean, healthy and sustainable environment as a vital response to the current multi-faceted environmental crisis; support the adoption of key United Nations resolutions recognizing that everyone has the right to a safe, clean, healthy and sustainable environment to serve as a catalyst for constitutional recognition, stronger laws and increased resources to deliver essential services; and hasten the process of drafting United Nations declarations and treaties in this connection;**

(c) **Take urgent action to mitigate the climate crisis, and address environmental degradation and environmental racism, applying a human rights-based approach; emphasize prevention and participation, focus on the needs of those most affected, and increase accountability; address the root causes of systemic racism and interrelated environmental disasters, and seize the opportunity to “build forward better” in order to achieve a just and sustainable future in which no one is left behind.**

75. **States must take urgent action to ensure protection and support for environmental human rights defenders, including defenders of African descent.**

76. **States, corporations, institutions and individuals must develop a facility to recognize racial discrimination to effectively address it. This includes in policies that balance extraction against community health and safety. Corporations should conduct environmental and human rights impact assessments as part of their due diligence processes, and engage in fair contracting and siting practices that respect local communities and do not exploit or coerce favourable outcomes at the expense of communities with less power and privilege. Member States must not shirk their oversight obligations, particularly with respect to transnational corporations and businesses headquartered outside communities where they operate.**

77. **States should introduce legally binding targets based on World Health Organization (WHO) guidelines to reduce the number of deaths from air pollution. They should ensure that the national limits for particulate matter are in accordance with WHO guidelines as minimum requirements. They should engage in awareness-raising within communities at risk to help individuals to reduce their personal exposure to air pollution. The capacity to monitor air quality must be increased. The adverse effects of air pollution on health should also be communicated to patients and their carers by medical and nursing professionals.**

78. **States should also support and invest in Africa and other countries affected by the legacy of colonialism, and smallholder farmers of African descent, with special regard for women and the local food producers who create resilience and liveable**

communities in the midst of crises. Investments in climate resilience programmes help farmers to adapt and to protect food security.

79. Developed nations, multinational corporations and investors should help to develop new sustainable development models, such as sustainable energy. They should support COVID-19 recovery plans aimed at radical reductions in carbon in Africa and communities of the African descent in the diaspora. They should also make serious and immediate efforts to transition from extractive energy systems to sustainable energy, to demand corporate accountability for water pollution, to ensure common access to clean water, and to understand anti-poverty measures as fundamental to climate preparedness.

80. The multiple crises of climate change and other forms of environmental degradation, racial inequity and the COVID-19 pandemic demand recovery efforts that prioritize women, young people and other marginalized communities. Government immigration policies should accommodate climate migrants and others moving for reasons related to climate change, and meet their needs. Governments should also plan climate resiliency into global nutrition and food security programmes for Africa and communities of African descent. They should support food system strategies that mitigate the emissions caused by both food production and consumption.

81. States should recognize the rights of people of African descent to ancestral territories and value ancestral knowledge to mitigate climate change; and develop policies and of capacity-building programmes to help communities to protect nature and to strengthen their ability to resist climate change and other environmental destruction.

82. All States should address the ways in which systemic racism and multiple and intersecting systems of discrimination have disproportionately affected people of African descent; this includes directing climate adaptation and mitigation funding to communities that have historically experienced discrimination, and seeking climate solutions that also serve to rectify historical inequities. Climate financing should be localized to support community-led solutions. An assessment of racial impact should be a part of human rights due diligence efforts for all climate and environmental action, and there should be accountability for human rights violations and environmental damage, including reparations. There must be free, prior and informed consent from communities to ensure people of African descent are consulted and enjoy the benefits arising from the use of their land, and meaningfully addressing climate change-related loss and damage experienced by marginalized communities.

83. All States should recognize and pay reparations for the centuries of harm to Afro-descendants rooted in slavery and colonialism. States should consider the CARICOM 10-point action plan for reparations for guidance in this regard.

84. Decision-makers should examine the effect of interaction of historical and structural discrimination on people of African descent and climate change to inform their policymaking, in particular with regard to any unintended impact of emergency response plans; have greater recognition of the existing vulnerability of people of African descent when designing adaptation measures; ensure the interaction of climate mitigation policies for existing sites of concentrated air pollution and the demographic makeup of these areas (such as mitigation of environmentally-induced asthma in communities of African descent); and bear in mind the risk of climate mitigation policies incentivizing the seizure of land.

85. Special measures should be regarded as part of a State's climate change response to enhance the effectiveness of emergency response and adaptation measures by reducing the vulnerability of people of African descent and the social impact of climate mitigation measures. Special measures include granting access to health and housing, given that climate change presents a significant threat to both and they are a major source of accumulation of disadvantage; to land, particularly to reduce the impact of mitigation policies that might incentivize the seizure of land; and to education, to ensure that people of African descent have greater access to economic opportunities, political participation and justice. These are fundamental to reduce vulnerabilities and the

potential negative impact of climate change and related policies on the rights of people of African descent.

86. Work should be fast-tracked to develop a United Nations declaration on the promotion of and full respect for the human rights of people of African descent, in full collaboration with people of African descent. The declaration should include protection from environmental racism.

87. Governments, businesses and civil society should implement the Guiding Principles on Business and Human Rights to prevent, address and remedy human rights violations suffered by people of African descent at the hands of business enterprises.
