

Session of the Working Group of experts on people of African descent on Environmental Justice, the Climate Crisis and People of African descent

Concept Note

Introduction

The Working Group of Experts on People of African Descent is pleased to announce its upcoming public session on *Environmental Justice, the Climate Crisis and People of African Descent*, which will be held in Geneva from 30 November to 4 December 2020. This thematic session will involve specific focus on this timely issue, specifically with respect to people of African descent, and discuss human rights solutions to address environmental injustice, racial disparities, unequal protection and the unique impact of the climate crisis and environmental racism on people of African descent. It will involve a comprehensive look at various aspects of environmental racism and the climate crisis locally and globally. All interested Member States and other stakeholders are warmly invited to join the session.

Background

People of African descent continue to be subjected to environmental racism and are disproportionately impacted by the climate crisis. Environmental racism refers to environmental injustice which occur in practice and in policy in racialized societies.¹ Environmental racism is a measurable contemporary manifestation of racism, racial discrimination, xenophobia, Afrophobia and related intolerance. In many parts of the world people of African descent are suffering discrimination, and insufficient respect, fulfilment and protection of their human rights to a safe, clean, healthy and sustainable environment by policymakers, legislators, and others. This is manifest in the siting of landfills, toxic waste dispensaries, as well as the lack of enforcement of environmental protection regulations in communities heavily populated by people of African descent, often resulting in high rates of asthma and other chronic environment-related illnesses. People of African descent deserve environmental justice. As Environmental human rights defenders (EHRDs), people of African descent have faced threats, intimidation, and violent attacks defending their communities' human rights or campaigning for the promotion of economic alternatives which contribute to the development of environmentally safe livelihoods for people of African descent.

Environmental racism is perpetrated by States, international corporations and other non-state actors, often in violation of international human rights obligations² and local law, and also in 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"³.

Environmental racism cannot be discussed in isolation. As a consequence of historical and structural racism and the legacy of the trade in enslaved Africans, people of African descent have been segregated and decisions have been taken that has disproportionately exposed them to environmental hazards. Landfills, waste dumps, extractive industries, industrial and mining areas and other environmentally hazardous activities are disproportionately situated near neighbourhoods and communities of people of African descent. Environmental racism occurs both at national and international levels. For instance,

¹ Bullard, Robert D (2001). "Environmental Justice in the 21st Century: Race still Matters" *Phylon*. 49(3/4): 151-171.

² Human rights obligations relating to the environment include: Procedural obligations of States to assess environmental impacts on human rights and to make environmental information public, to facilitate participation in environmental decision-making, and to provide access to remedies for environmental harm;

Substantive obligations of States to adopt legal and institutional frameworks that protect against environmental harm that interferes with the enjoyment of human rights, including harm caused by private actors; and Non-discrimination and other obligations of States relating to the protection of members of groups in vulnerable situations, including women, children and indigenous peoples. See Special Rapporteur on the Environment Framework Principles on Human Rights and the Environment

<https://www.ohchr.org/Documents/Issues/Environment/SREnvironment/FrameworkPrinciplesUserFriendlyVersion.pdf>

³ DDPA (2001), p. 22, para 5.

discrimination at the national level includes, failing to ensure that people of African descent have the same access as others to information about environmental matters, to participation in environmental decision-making, or to remedies for environmental harm. It also includes authorizing hazardous facilities in large numbers in communities that are predominantly composed of racial or other minorities, thereby disproportionately interfering with their rights, including their rights to life, health, food and water. At the international level, hazardous wastes continue to be exported to poor countries in the Global South where environmental policies and safety practices remain lax. To address indirect as well as direct discrimination, States must pay attention to historical or persistent prejudice, recognize that environmental harm can result from and reinforce existing patterns of discrimination, and take effective measures against the underlying conditions that cause or help to perpetuate discrimination. In addition to complying with their obligations of non-discrimination, States should take additional measures to protect those who are most vulnerable to, or at particular risk from, environmental harm.⁴

The climate crisis has now become a ticking time bomb. The climate crisis, which refers to global warming and climate change as a result of human decision-making, including the burning of fossil fuels and the release of excess carbon into the environment, has impacted the lives of people of African descent disproportionately already. The negative impacts of climate change are disproportionately borne by persons and communities already in disadvantageous situations, including people of African descent. 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 enhance the impact of the climate crisis on communities of African descent which have less political and positional power locally and globally. Addressing the Climate Crisis requires inclusion of people of African descent in decision making at all stages including preparedness, mitigation, response and recovery. There is need for equal and effective protection and a human rights based approach.⁵

The evidence from climate tipping points in the climate system, which suggests that “we are in a state of planetary emergency”⁶, are pointing to a worsened the situation of people of African descent. ⁷ Among other things, the DDPA urges financial and development institutions and the operational programmes and specialised agencies of the United Nations, ‘to develop programmes intended for people of African descent allocating additional investments to...environmental control measures...’⁸ It further invites States to consider non-discriminatory measures to provide 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.⁹ This further requires the taking of 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.¹⁰

Objectives and Outcomes

The Working Group’s public session will discuss the unique impact of environmental racism and the climate crisis on the human rights of people of African descent in all parts of the world. Panel discussions will focus on the impacts of discrimination on the right to a safe, healthy and sustainable environment; Race and the Climate Crisis: preparedness and response; Regional perspectives; and The reparatory justice framework to address environmental injustice, racial disparities, unequal protection and the unique impact on people of African descent. These discussions will, among other things,

⁴ Ibid 2

⁵ See <https://www.ohchr.org/EN/Issues/HRAndClimateChange/Pages/HRClimateChangeIndex.aspx>

⁶ Timothy M. Lenton, Johan Rockström, Owen Gaffney, Stefan Rahmstorf, Katherine Richardson, Will Steffen, Hans Joachim Schellnhuber. Climate tipping points — too risky to bet against. *Nature*, 2019; 575 (7784): 592 DOI: [10.1038/d41586-019-03595-0](https://doi.org/10.1038/d41586-019-03595-0).

⁷ Ibid.

⁸ DDPA (2001), p. 23, para 8.

⁹ DDPA (2001), p. 41, para 111(b).

¹⁰ DDPA (2001), p. 41, para 111(d).

contribute towards the Working Group's proposals on the elimination of racial discrimination against Africans and people of African descent in all parts of the world; and to address issues concerning the well-being of Africans and people of African descent contained in the DDPA and other relevant international human rights instruments. The session will also hold a panel discussion on the mid-term review of the International Decade for people of African descent.

At the end of the session, the Working Group will adopt conclusions and recommendations. A report on the session will be presented to the United Nations Human Rights Council.