

CLIMATE REPARATIONS & RACIAL JUSTICE:

LEARNING FROM SOCIAL MOVEMENTS

SUMMARY OF MARCH 2023 CONVENING OF EXPERTS FROM THE UNITED NATIONS, INTER-AMERICAN SYSTEM, AND REGIONAL SOCIAL MOVEMENTS



The Promise Institute for Human Rights UCLA School of Law

ABOUT THE PROMISE INSTITUTE

The Promise Institute for Human Rights at UCLA School of Law is the center of human rights education, research and advocacy at UCLA and regionally. We work to empower the next generation of human rights lawyers and leaders, generate new thinking on human rights, and engage our students and research to drive positive real world impact.



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INTRODUCTION

Overview of the Convening

As countless studies have shown, the devastating effects of the present and forecasted changes in climate are disproportionately experienced by "those who face discrimination, exclusion and the conditions of systemic inequality due to their race, ethnicity and/or national origin."¹ Ironically, those who will suffer the most from the current and forecasted climate crisis are also those who are the least responsible for the crisis to date.² The Global North is largely to blame for these harmful conditions.³ Between 1850 and 2002, the industrialized states of the Global North produced three times the carbon-dioxide emissions produced by the entire Global South.⁴ The United States, in particular, is responsible for 20 percent of the total cumulative carbon-dioxide emissions; and 90 multinational corporations that are predominantly headquartered in the Global North are responsible for 63 percent of cumulative industrial emissions from 1971 to 2010.⁵ Yet, it is those who emitted the least over this timescale—the Global South and colonially designated non-white regions in the world—who are the least able to mitigate and survive the global climate crisis, due in part to the colonial processes that caused these historical emissions.⁶ Since the Global North's historical emissions have persisting ecological, political and social effects, they are "acts that 'remain unrepaired in the present, whose wrongs continue to disfigure generations, and which, in consequence, *call out* now for a just response."⁷ This has led people and nations, particularly in the Global South, to demand reparations for climate harms.

¹ E. Tendayi Achiume (Special Rapporteur on Contemporary forms of racism, racial discrimination, xenophobia and related intolerance), *Report on the Ecological Crisis, Climate Justice and Racial Justice*, U.N. Doc A/77/2990 (October 25, 2022) at 3.

² Maxine Burkett, *Climate Reparations*, 10 Melb. J. INT'L L. 509 (2009) at 510.

³ Achiume, *Report on the Ecological Crisis, Climate Justice and Racial Justice, supra* note 1, at 3.

⁴ Sarah Mason-Case & Julia Dehm, *Redressing Historical Responsibility for the Unjust Precarities of Climate Change in the Present*, in DEBATING CLIMATE Law 170, 172 (Benoît Meyer & Alexander Zahar eds., 2020).

⁵ld at 172-173.

⁶ Achiume, *Report on the Ecological Crisis, Climate Justice and Racial Justice, supra* note 1, at 3.

⁷ David Scott, 'Preface: Evil Beyond Repair' (2018) *22 Small Axe: A Caribbean Journal of Criticism* vi, viii (emphasis in original); cited in Mason-Case and Dehm, *Redressing Historical Responsibility for the Unjust Precarities of Climate Change in the Present, supra* note 4, at 175.

On March 11, 2023, under the leadership of Professor E. Tendayi Achiume, S. Priya Morley, and Kate Mackintosh, the Promise Institute for Human Rights at UCLA School of Law brought together a working group of experts from the United Nations (UN), the Inter-American system, and regional social movements to discuss the disproportionate impacts of the global climate crisis on racially marginalized peoples in North America, Central America, and the Caribbean—particularly people of African and Indigenous descent—in a convening called "Setting Institutional Priorities on Climate Reparations and Racial Justice: Learning from Social Movements" (Convening). In particular, the Convening sought to engage the growing claims for climate reparations arising from social movements and nations in the Global South. Over the course of the day, the group discussed the current options for climate reparations under international law, the international human rights framework and the institutional mechanisms of the United Nations and the Inter-American Commission on Human Rights (IACHR) as well as how these avenues must be reimagined and pursued to meet social movements' demands for climate justice and transformative social change.

The Convening was held as a part of UCLA's signature "Reimagining Rights in the Americas Conference,"⁸ which entailed ten days of activities arranged around a historic first for UCLA: hosting a session of the IACHR, namely the IACHR's 186th Period of Sessions. The Convening followed from and is framed by the final report of Professor Achiume on the *Ecological Crisis, Climate Justice and Racial Justice*, in her role as the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (2017-2022).⁹ That report sought, among other things, to disrupt the silos between people across different spheres of action, whether in the academy, international organizations like the IACHR and UN, or grassroot organizations

⁸ Reimagining Human Rights in the Americas is a project collaborating with grassroots organizations, leaders, scholars and social movements in the Americas to amplify their reform efforts and incorporate their perspective as part of an emerging, reimagined human rights framework.

⁹ See Achiume, *Report on the Ecological Crisis, Climate Justice and Racial Justice, supra* note 1. For a wide range of the latest reports and publications from within the UN system visit, UN Human Rights Office of the High Commissioner, *OHCHR and Climate Change*, available at <u>https://www.ohchr.org/en/topic/climate-change-and-environment</u>.

and social movements, who are doing similar work and producing knowledge about the intersection of climate injustice and racial injustice.

The workshop was structured around three themes:

1. Mapping the demands for climate reparations from movement leaders across the Global South and within racially marginalized communities in the Global North, as well as exploring how they are connected to demands for racial justice, redistributive justice, and broader systemic change.

2. Exploring different legal and theoretical approaches to understanding climate justice and reparations transnationally, and considering the potential and limitations of existing frameworks as well as the urgency of radically reimagining these frameworks.

3. Engaging with ongoing efforts to promote climate reparations within these international frameworks, and grappling with the limits of international institutions to meet the demands from social movements.

Each session opened with a framing conversation with a few speakers to introduce the topic. Each framing conversation was followed by a roundtable discussion with all participants contributing their knowledge and perspectives. Sessions 1 and 2 were closed by a speaker who made summarizing and concluding remarks.

The sections of this report trace the themes of each session at the Convening. Section 1 of this report provides an overview of perspectives on climate justice and reparations from movement leaders from the Global South and marginalized communities around the world. Section 2 briefly outlines the public international law basis to provide reparations and how scholars are advancing thinking around climate reparations, in particular. Further, this section explores how public international law constrains

historical responsibility by adopting principles, procedures and remedies that ignore the experiences of marginalized people while also actively reproducing unequal relations. Section 3 of this report provides an overview of current discussions around "loss and damage" within the United Nations Framework Convention on Climate Change (UNFCCC) and other international frameworks. It outlines how the framing of climate change within international fora tends to exclude the historical responsibility that should be borne by some states and transnational corporations. Finally, the Conclusion highlights some of the central themes and key takeaways that arose from the working group of experts and identifies topics for future research.

MOVEMENT PERSPECTIVES ON CLIMATE JUSTICE AND REPARATIONS

Introduction

Truly understanding the global climate crisis requires looking at the lived experience of climate disorder among affected communities, and this knowledge is essential in order to grapple with the nature and the scope of reparations that are required to address the crisis. At the Convening, movement leaders from across North America, Central America, and the Caribbean shared the harmful consequences of climate disorder on

This report sometimes uses the term *climate disorder* in lieu of climate change. This word choice reflects the perspective held by several organizations in Haiti, which Nixon Boumba shared at the outset of the Convening, that *climate change* is a passive description of environmental changes, whereas climate disorder better describes the harmful impacts of the climate crisis on life. Many others at the Convening favored the term *climate disorder* and continued to use it throughout the day. their communities, such as lack of access to drinking water, loss of land due to deforestation, loss of salmon due to rising water temperatures, and loss of life during and in the aftermath of natural disasters. They discussed the steps that their communities have already taken to address climate disorder, and emphasized that while may be it a new phenomenon for the middle and upper classes worldwide, Indigenous people, low-income

and historically marginalized communities have known about, experienced, and adapted to climate disorder for years. As a result, they already have knowledge and solutions that must inform and guide the climate justice movement going forward. Participants also noted many communities lacked access to information and knowledge produced by scientists and researchers regarding the impacts of climate disorder on their territories, and that access to such information is critical.

Framing Conversation

Session 1 was introduced by: Nixon Boumba, American Jewish World Service (AJWS) Haiti; Chief Caleen Sisk, Winnemem Wintu Tribe; Colette Pichon Battle, Taproot Earth; Elizabeth Yeampierre, UPROSE; Miriam Miranda, Organización Fraternal Negra Hondureña (OFRENEH)

Nixon Boumba, a Haitian human rights activist and member of the American Jewish World Service Haiti, began the framing conversation with a reflection on the legacies of racial injustice and white supremacy in Haiti—starting with the enslavement of African peoples and carrying through to the contemporary prevalence of extractive industries. The impact of climate disorder is dramatically felt by Haitian people and has resulted in, and been compounded by, a lack of basic services such as access to food and water. Haiti is also significantly deforested which is the result of colonialism, extractivism and racial capitalism. This has contributed to young Haitians being forced to migrate within and outside of the country at high rates in order to escape the challenges of dealing with natural disasters. The main responses to the natural disasters promoted by the international community, Haitian elites, and Haitian oligarchy are to open Haiti to business operations rooted in extraction of natural resources and labor, mega-tourism and agro-business. In particular, mining is posited as necessary to develop the country. Such responses reflect the power that corporations have, and the pressure exerted on Haiti to participate in the global extractivist economy.

Chief Caleen Sisk, Chief of the Winnemem Wintu Tribe, a California tribe that was denied federally recognized status and thus does not have the domestic legal protections that federally recognized tribes do, in collaboration with International Law Legal Advisor India Reed Bowers and supported by Pomtahatot Tuiimyali (Michael Preston), Winnemem Wintu Tribe Cultural Preservation Officer and Member, began her intervention with two demands: (1) the need to develop formal processes of decolonization and create environmental and Indigenous tribal status protections that

allow Indigenous Peoples who listen to the land and, thus, understand the effects of climate disorder, to protect their communities; and (2) that Indigenous Peoples should have the right of self-determination to sign and ratify international treaties. She elaborated that there are very few and limited accessible mechanisms to make decolonization come about, and that oftentimes one must face criminal charges just to attempt to have access to exercising rights contained in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). Chief Sisk emphasized that addressing decolonization and global overconsumption is contingent upon giving Indigenous Peoples a seat at the table. She also made the point that climate migration and the relocation of displaced communities can negatively impact already existing local Indigenous Peoples, especially when they are not consulted about the possible impacts of the migration.

Colette Pichon Battle is the Visions and Initiative Partner for Taproot Earth, a global climate justice organization. She reflected on the extremely high rate of loss of land in South Louisiana in the United States due to the combination of sea level rise and land degradation caused by oil and gas pipelines in the barrier marsh which kill the trees that hold the soil in place. She warned against allowing the UN-level conversation to reduce climate reparations to a monetary issue alone or the creation of a fund—hindering a more transformative and grassroots understanding of repair and restoration. An intersectional and multi-dimensional understanding of climate reparations is necessary because Global South communities, due to historic colonization and current extraction and exploitation, are the first to experience the impact of climate chaos. Climate reparations must encompass the IPCC mandate to phase out fossil fuels, as well as address the global harms of racialized capitalism;¹⁰

¹⁰ On racial capitalism, see for example Robin D. G. Kelley, What Did Cedric Robinson Mean by Racial Capitalism? Bost. Rev. (Jan. 12, 2017), <u>https://www.bostonreview.net/articles/robin-d-g-kelley-introduction-race-capitalism-justice/</u>; Cedric J. Robinson, Black Marxism: The Making of the Black Radical Tradition, at 2 (2000); Cheryl Harris, Reflections on Whiteness as Property, 134 Harv. L. Rev. F. 1 (2020).

support the right to migration as well as a right to remain; redistribute power and decision-making to frontline communities; and invest in solutions at the frontlines.

Elizabeth Yeampierre, who runs UPROSE, an intergenerational, multi-racial, nationally recognized, women of color-led grassroots organization in Brooklyn, New York, acknowledged that while transition is inevitable, justice is not. She condemned the structures of white supremacy within which international and other large organizations believe they know more about climate disorder, and solutions to combat it, than racially marginalized people do. There should be a way for these organizations, including universities, to partner with local grassroots organizations and allow local voices to determine their priorities and plan a path towards justice. She powerfully stated that "it needs to be a messy conversation because there isn't anything more messy or violent than climate disorder."

A local example of climate justice work that UPROSE is doing in Sunset Park (a neighborhood in Brooklyn, New York) is how they challenged, along with other community groups, re-zoning being sought by developers to expand Industry City.¹¹ UPROSE, in partnership with the Pratt Center, fought to "green" the re-industrialization of the sector and build for climate adaptation, mitigation, and resilience. Yeampierre highlighted that this is an example of a partnership with an academic institution that advanced the work that community-based organizations are doing, instead of hindering it.

Miriam Miranda is the General Coordinator of the Black Fraternal Organization of Honduras (OFRANEH). She sounded the alarm, stating that "we are depleting evermore

¹¹ Pratt Center for Community Development, Now is not the time to rezone Industry City (Aug. 25, 2020), https://prattcenter.net/news/now_is_not_the_time_to_rezone_industry_city; Emma G. Fitzsimmons, Progressives Defeat Brooklyn Project That Promised 20,000 Jobs (Sept. 23, 2020), N.Y. Times, https://www.nytimes.com/2020/09/23/nyregion/industry-city-rezoning-nyc.html

the little resources we have to survive as a human race," warning that if humanity does not act effectively, its own actions will lead to loss of life. Climate harms affect not only Indigenous and Black peoples-though they are bearing the brunt of the climate crisisbut humanity as a whole. Miranda critiqued the focus at COP27 on financial solutions to climate disorder, rather than solutions that reflect the issues humanity is collectively facing, such as overconsumption and extractivism, which lead to the depletion of natural resources. Thus, she echoed the sentiment shared by Colette Pichon Battle that money alone is not going to solve climate disorder; rather, it is progressive political interventions that will assuage it. Miranda noted that it is therefore important to pay attention to those in control of our natural resources—their destructive development model must be attacked at the root.

Discussion:

Second Vice President of the IACHR, Commissioner Roberta Clarke (who is from the Caribbean), reflected on the structural inequalities and underdevelopment in the Caribbean that are the legacies of enslavement, colonialism and neoliberal economics. Many small island developing states (SIDS) in the Caribbean are trapped in cyclical indebtedness. Their economies are open and dependent and governments have limited fiscal space to meet their obligations of progressive realization of social and economic rights and the right to development. In addition, SIDS disproportionately experience the impacts of the climate crisis as hurricanes which are more frequent and ferocious, devastate infrastructure and economies. Yet when these catastrophic events occur, these countries can have limited access to concessionary finance for rebuilding and must still meet debt payments.

Concluding Session 1, Malene Alleyne, international human rights lawyer and founder of Freedom Imaginaries, summarized that climate reparations should address the interlinkages between colonialism, extractivism, and the climate crisis. In other words, climate reparations must address structures and not just symptoms. Climate reparations cannot merely be a system for offering financial compensation to victims and mitigating and adapting to our existing system. Instead, climate reparations must be a tool for decolonization and radical transformation that creates a system that does not perpetuate climate disorder. She noted that it is necessary to build climate reparations around just relationships and the redistribution of resources and decision-making power to historically marginalized communities that can inform and guide the climate justice movement as a whole.

ACADEMIC AND LEGAL PERSPECTIVES ON CLIMATE JUSTICE AND REPARATIONS

Introduction

International law doctrines, although fundamentally limited, can provide fruitful avenues for states and populations that disproportionately suffer the effects of climate disorder to pursue reparative efforts against the "developed" world.¹² The International Law Commission's Draft Articles on the Responsibility of States for Internationally Wrongful Acts provide that a state responsible for a wrongful act has an obligation to "make full reparation for the injury caused by the internationally wrongful act," where "injury includes any damage, whether material or moral, caused by the internationally wrongful act of a State."¹³ Similarly, the "no harm rule" in international environmental law entails a state's responsibility to take appropriate steps to prevent significant harm to other states and the global environment.¹⁴ However, when it comes to the pursuit of claims for historical responsibility for climate disorder (i.e., all past and ongoing harms caused by historical emissions) under international law, several legal hurdles arise.¹⁵ As further outlined below, international law, as it stands, cannot adequately address the fact that the environmental risk and vulnerability that is currently facing Global South countries, SIDS and their populations emerges from intersecting cultural, economic and political accumulations which were set in motion generations ago.¹⁶ The experiences of racially marginalized people have been largely ignored in the development of international legal principles, procedures and remedies, producing a system which constrains historical responsibility while also actively reproducing unequal relations.¹⁷ Therefore, given the various ways that international law itself impedes reparation for

¹² Burkett, *Climate Reparations*, at 530.

¹³ International Law Commission, *Draft Articles on Responsibility of States for Internationally Wrongful Acts*, Nov. 2001, Supplement No. 10 (A/56/10), Art. 31.

¹⁴ Mason-Case and Dehm, *Redressing Historical Responsibility for the Unjust Precarities of Climate Change in the Present, supra* note 4 at 177.

¹⁵ E. Tendayi Achiume (Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance), *Report on the Obligations of Member States in Relation to Reparations for Racial Discrimination Rooted in Slavery and Colonialism*, U.N. Doc A/74/321 (August 21, 2019) at 19.

¹⁶ Olúfémi O. Táíwò, The Fight for Reparations Cannot Ignore Climate Change, Bost. Rev., <u>https://www.bostonreview.net/articles/the-fight-for-reparations-cannot-ignore-climate-change/</u>.

¹⁷ Mason-Case and Dehm, *Redressing Historical Responsibility for the Unjust Precarities of Climate Change in the Present, supra* note 4, at 186.

historic emissions, struggles for reparative climate justice need to call for a much broader decolonization of international law.

Framing Conversation:

Session 2 was introduced by: Julia Dehm, La Trobe Law School; Carmen G. Gonzalez, Loyola University Chicago School of Law; Sarah Riley Case, McGill University Faculty of Law; Leon Sealey-Huggins, University of Warwick; Olúfémi Táíwò, Georgetown University

Sarah Riley Case, Assistant Professor of Law at McGill University in Canada, began her intervention with the ways in which the term reparations is used across different communities and social movements and within domestic and international law. The term is used for both "counterhegemonic and hegemonic purposes." One example of reparations being used by those in power to reinforce their dominance was the indemnity (or "independence debt", see p. 32 below) that France extorted from Haiti after the Haitian Revolution to indemnify colonialists and slave owners.¹⁸ In *Redressing* Historical Responsibility for the Unjust Precarities of Climate Change in the Present, Case and Dehm explore the potential and limitations of reparations as an international law remedy for a wrongful act in respect of another state from the perspective of Critical Race Theory (CRT), Third World Approaches to International Law (TWAIL) and critical indigenous theory.¹⁹ Colonialism and slavery contributed to historic emissions, helped develop the relative wealth of Europeans and supported the West's colonial expansion. Furthermore, the globalization that took place through development of coal and oil, and the global extractivist economy that resulted and persists, spread accumulative ways of understanding the world and life through consumption and production everywhere. As a result, even if one state were to successfully hold another

¹⁸ See Catherine Porter et al., *The Root of Haiti's Misery: Reparations to Enslavers*, N.Y TIMES (May 20, 2022), <u>https://www.nytimes.com/2022/05/20/world/americas/haiti-history-colonized-france.html</u>.

¹⁹ Mason-Case and Dehm, *Redressing Historical Responsibility for the Unjust Precarities of Climate Change in the Present, supra* note 4, at 171.

accountable under international law for historic contributions to climate disorder (for ex., at the International Court of Justice), this might fail to provide redistributive justice, which is part of reparations sought by communities and social movements. Such a court case might not obtain the justice that SIDS, other states in the Global South and marginalized communities have been calling for, because international law does not easily afford structural transformation through reparations, such as debt cancellation or the repatriation of indigenous lands, which would be required for repairing the harm that has been caused by climate disorder.²⁰ Any form of reparations should look to communities and social movements for the full range of measures they are seeking as reparations. Reparations have been defined differently from mainstream sources of law by communities and social movements, such as people of African descent who have been calling for reparations for centuries. In this sense, Riley Case urged that reparations can and must be anti-imperial, and must upend the hegemony of Western epistemologies and ways of life that are at the root of the climate problem.

Julia Dehm, Senior Lecturer at La Trobe University in Australia and Member, School of Social Science, Institute for Advanced Study, Princeton (2023), discussed the different pathways to make the legal and/or moral case for climate reparations and why the unjust excessive historical and current emissions by countries in the Global North matter. While international legal principles can and should provide for limited forms of compensation for climate harm, the doctrine of international law cannot address and remedy the complexity of historical emissions on its own. Historical emissions are harmful for two reasons: (1) they have led to rises in temperature and sea levels, and unjust appropriation of the atmospheric space; and (2) they were constitutive in enabling the conditions for dispossession, violence, unequal accumulation and racial discrimination that are prevalent today. Therefore, they are not just harmful in and of themselves, but because these emissions enabled certain actions and extractivism as well as exploitative legal relationships. Therefore, in order to address the complex

²⁰ *Id* at 184.

harms that historical emissions have caused, a more "constructive" view of climate reparations is needed which sees reparations "as building a more ecologically just world in a way that is attentive to the structural inequalities and the violence produced by fossil capitalism."²¹

Dehm also discussed the different pathways for reparations within the international legal regime. She identified one such pathway as "loss and damage" in the UNFCCC framework. The demand for compensation for climate loss and damage, particularly by SIDS, has been ignored and sidelined for almost two decades. Even after an institutional mechanism was established on loss and damage, the focus in international fora has been on capacity building and transfer of knowledge rather than the financing and compensation that the Global South is calling for. The COP27 establishment of the loss and damage fund is an important step, however the operationalization of the fund is still unclear.

The other important development is the request for an advisory opinion from the International Court of Justice. International legal principles can—and should—provide for a limited form of compensation for climate harms, but doctrines of international law are themselves inadequate to remedy the complex harms arising from historical emissions. International law is itself a product of the colonial encounter and has developed many mechanisms to prevent claims for colonial reparations. Finally, Dehm noted that it is necessary to recognize and contest how a perverse form of "climate reparations" are currently being paid, that is, under international investment

²¹ On the constructive view, see Olúfémi O. Táíwò, Reconsidering Reparations, 74, 163 (2022).

law, fossil fuel companies are seeking and being awarded damages where countries are making climate policies to prevent the extraction or combustion of fossil fuels.²²

Leon Sealey-Huggins, Assistant Professor in the Global Sustainable Development division of the School for Cross-faculty Studies at the University of Warwick, currently serving as Head of Research at the climate justice organization, Breathe, discussed the importance of acknowledging colonial histories for climate justice. Based on his research on the impacts of climate breakdown in the Caribbean, he argued for the need to consider history and the legacies of colonialism when thinking about climate justice and the responses to climate breakdown. The Caribbean is especially vulnerable to climate change; and natural disasters, such as hurricanes, are increasingly frequent in the region. The world is not on track to limit global warming to 1.5 Celsius and, as stated by the UNDP *Emissions Gap Report* (2022), system-wide transformation is needed.

The main question is how to achieve that change. Sealey-Huggins proposed that one approach would be better distribution of resources, while noting that colonialism resulted in the unequal distribution of resources and that core issue needs to be tackled for any substantial transformation to take place. People know how to build resilience in the region, but the lack of resources is an obstacle, and there is an inverse relationship between vulnerability and culpability.²³ One way of addressing this problem is through reparative justice, but reparation is not just about the redistribution of money. It is reparation more broadly through the restructuring of the global political

²² A controversial legal mechanism known as investor-state dispute settlement (ISDS) threatens to hamper the ability of states to mobilize finance for ambitious climate action. When assets are protected by an international investment agreement with ISDS, investors in the fossil fuel sector can bring legal claims against the state in which it has made an investment for climate measures that negatively impact the value of their investments. See Rachel Thrasher, *FAQ: What is Investor-State Dispute Settlement and What Does it Mean for Climate Action?* BOST. UNIV. GLOB. DEV. POL. CENTER (December 12, 2022),

https://www.bu.edu/gdp/2022/12/12/faq-what-is-investor-state-dispute-settlement-and-what-does-it-mean-for-clima te-action/.

²³ Anastasia Moloney, *Caribbean life 'as we know it' at serious risk: expert*, REUTERS (July 26, 2017), <u>https://www.reuters.com/article/us-caribbean-climatechange-idUSKBN1AB2H3</u>.

architecture and the relationship between societies. Wealthy countries have the financial means to spend, for instance on flood defenses, whereas the Caribbean does not have these resources. The concept "fair shares" shows that for the UK to address climate deficit, the scaling up of funding for climate impacts and mitigations and redirecting resources outside of the UK is required. Sealey-Huggins noted that this is not only a governmental problem, but also a problem implicating corporations.

Olúfémi Táíwò, Associate Professor of Philosophy at Georgetown University, echoed the sentiment that climate reparations is not a new concept and, instead, is continuous with the long history of arguments for reparations for transatlantic colonialism and slavery. He explained his "constructive view" of reparations for climate disorder, which is that, while the motivation for reparations may be past and present injustice and wrongdoing, the goal of reparations must be forward-looking, focused on transforming conditions and building a more just world. As Táíwò noted, reasons to favor the constructivist view were evident in the earlier interventions of Miriam Miranda and Nixon Boumba, which called for addressing climate injustice at its root. One such way of addressing the climate crisis at its root would be a redistribution of resources and power, especially decision-making power. Another example would be the reallocation of Special Drawing Rights (SDR) at the IMF. Lastly, he called for sovereign debt cancellation, particularly for the lowest income countries.

Carmen Gonzalez, Professor of Law at Loyola University Chicago School of Law, examined migration as a form of reparations for the intertwined injustices of climate change, racism and colonialism. Her analysis was rooted in Central America, both as a climate hotspot as well as often a racial blind spot. Climate vulnerability is a function of exposure to climate change-related extreme weather events and social and economic capacity to withstand these events. By failing to curtail their historic and current greenhouse gas emissions, the United States and other affluent high-emitting states are disproportionately responsible for the rapidly increasing exposure to the ravages of

climate change experienced by Central American countries. The United States is especially responsible for Central America's limited capacity to respond to climate change-induced disasters. Through successive military, economic, and political interventions (including financing civil wars and overthrowing democratically elected leaders), the U.S. government impoverished Central America and deprived it of the resources necessary for climate change adaptation, disaster risk reduction, and disaster recovery. Many of these interventions constituted violations of international law and have led to high levels of poverty, unemployment, and violence that left Central American countries with limited capacity to adequately respond to the climate crisis.

Gonzalez stressed that as a result of the above, high-emitting states should accept climate displaced persons into their territory in proportion to each state's historic contribution to climate change based on the principle of common but differentiated responsibilities. The recognition of migration as one form of reparations would go a long way toward raising consciousness about the intersecting injustices that are forcing ever growing numbers of people to flee their homes. At the same time, when demanding migration as reparations, it is important to keep in mind Chief Sisk's warning of the impact that migration has on Indigenous Peoples when they are not consulted about migration to their territories.

Discussion

The group discussion recognized the clear limits of the law while acknowledging that it is an important tool in the struggle for climate reparations. It is therefore imperative for lawyers to root litigation in movement building by working closely with frontline groups. Another aspect that lawyers must keep in mind is ensuring that their work is understood by the people on the ground.

To conclude, E. Tendayi Achiume, former UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and Professor of Law at UCLA Law, noted that "there are clearly shared commitments to conceptualizing climate justice and climate reparations as fundamentally interconnected with racial justice, and as being about remaking the world rather than some of the more two-dimensional ways that skeptics of demands for reparations have characterized these demands." She noted that there remain tensions to be grappled with. For example, pursuing migration as reparations would require ensuring that migration and resettlement were structured in ways that did not undercut the sovereignty of Indigenous nations on whose territories resettlement might take place. She also noted that different communities and movements may have different conceptions of reparations. She cautioned that legal frameworks are where hierarchy and power go to be institutionalized as well as where injustice has historically been embedded, raising real concerns regarding law's role in formulating solutions.

INSTITUTIONAL PERSPECTIVES ON CLIMATE JUSTICE AND REPARATIONS

Introduction

Due to the global nature of the climate crisis, some of the most significant attempts to address the crisis have occurred in the international arena.²⁴ The UNFCCC framework advances three pillars in the fight against climate change: adaptation, mitigation, and "loss and damage."²⁵ In the United Nations climate negotiations, Global South states have consistently advocated for an international environmental framework that recognizes structural inequality in the global system, but their proposals are often not adopted or are put aside.²⁶ Therefore, a landmark step in the loss and damage negotiations was the adoption of the Paris Agreement which explicitly recognizes "the importance of addressing, averting and minimizing loss and damage associated with the adverse effects of climate change."²⁷ The text, however, does not address the financing necessary for loss and damage. To prevent any claims on responsibility for loss and damage, parties agreed that article 8 of the Paris Agreement "does not involve or provide a basis for any liability or compensation."²⁸ In November 2022, COP27 provided a turning point in the deliberations on loss and damage finance when, during the closing plenary session, parties agreed on the establishment of a dedicated loss and damage fund.²⁹ The operationalization of the fund remains unclear. Apart from the institutional setup, the major questions around the fund are related to the financial contributions. It is not clear whether the fund will operate based on voluntary

²⁴ Burkett, *Climate Reparations, supra* note 2, at 515.

²⁵ Achiume, *Report on the Ecological Crisis, Climate Justice and Racial Justice, supra* note 1, at 20.

²⁶ Id.

 ²⁷ Paris Agreement to the United Nations Convention on Climate Change, Dec. 12, 2015, T.I.A.S. No. 16-1104, Art. 8 para.
1).

²⁸ Decision 1/CP.21 Adoption of the Paris Agreement, para. 51.

²⁹ Decisions -/CP.27 and -/CMA.4 Funding arrangements for responding to loss and damage associated with the adverse effects of climate change, including a focus on addressing loss and damage.

contributions nor whether contributions will be based on a country's historical and current emissions.³⁰

The framing of climate disorder within international fora often excludes the historical responsibility borne by some states and transnational corporations.³¹ While the "common but differentiated responsibility" principle is included in the UNFCCC and the Paris Agreement, Global North states have only accepted the language based on superior capacity rather than as an indication of state responsibility for historical harm.³² Similarly, questions of reparation for loss and damage caused by climate disorder have intentionally been excluded from the international frameworks by those countries most responsible for the harm.³³ In their introductory remarks to this session, participants raised their concerns and brought a critical lens to the existing institutional frameworks, agreeing that overcoming their limitations requires creative solutions that are responsive to movement demands.

Framing Conversation

Session 3 was introduced by: Dominique Day, UN Working Group of Experts on People of African Descent; Ian Fry, UN Special Rapporteur on the promotion and protection of human rights in the context of climate change; Soledad García Muñoz, IACHR Special Rapporteur on Economic, Social, Cultural, and Environmental Rights; Sheryl Lightfoot, UN Expert

³⁰ The distinction between countries is based on the UNFCCC, where the then economically developed countries were listed in Annex I (and Annex II) of the UNFCCC, whereas the rest of the countries were referred to as non-Annex I countries. The strict distinction was eased in the Paris Agreement, the document diverged from the previous categorization and referred to Parties as Developed Country Parties and Developing Country Parties. Annex I and non-Annex I countries are not completely parallel with Developed and Developing Country Parties, however there is no clear list of countries for the latter categorization. Therefore, countries' economic development, thus the increase in their GHG emissions in the past 30 years, is not being officially considered when it comes to the distinction between Country Parties.

³¹ Achiume, *Report on the Ecological Crisis, Climate Justice and Racial Justice, supra* note 1, at 20.

³² Id.

³³ *Id* at 21.

Mechanism on the Rights of Indigenous Peoples; Tamara Morgenthau, Center for International Environmental Law

Dominique Day, member of the UN Working Group of Experts on People of African Descent, expressed concerns about the conceptual limitations of the institutional approach to tackle the climate crisis and climate reparations. The question of what it actually means to have a framework that provides the possibility for achieving justice remains open. Day stressed the importance of refraining from seeking solutions through legal remedies and legal systems unless they reflect the future being sought. For instance, remedies and solutions to racism and reparations have historically been narrowly defined in international institutions like the United Nations. Instead, it is necessary to think expansively and create a space that has innovative ideas, including drawing on an Afro-futuristic framework. The lens of real repair should be used when engaging in discussions about the framework to be adopted regarding reparations.

Ian Fry, the inaugural UN Special Rapporteur on the Promotion and protection of human rights in the context of climate change, began his intervention with a brief history of international negotiations regarding loss and damage, emphasizing the debates around article 8 of the Paris Agreement and the current negotiations on the loss and damage fund. In these debates and negotiations, the United States has blocked discourse on the question of compensation for the damage that has resulted from climate crisis and these blockages, by states from the Global North, continue to present an ongoing challenge in international fora. There are concerns that the new loss and damage fund raises several yet to be answered questions such as whether it is the answer to the call for reparations. Fry stated that the new loss and damage fund is not the answer to the reparations that marginalized people have been advocating for. Instead, a different approach is required to adequately address climate disorder related loss and damage. He recommended the establishment of a group of finance

experts who are mandated to think "outside the box" and explore options such as SDR, debt forgiveness and taxes on aviation.

Soledad García Muñoz, IACHR Special Rapporteur on Economic, Social, Cultural, and Environmental Rights (REDESCA), remarked that the Convening was a good opportunity to build a common vision and that these types of conversations are essential for collective action. She stressed that climate justice is related to economic justice, racial justice, and intergenerational justice, and is one of the most important concepts to be strengthened and applied in the Americas. She noted that the connection between human rights and the environment has only recently emerged, and the Inter-American system had been a pioneer in recognizing the right to a healthy environment in the Protocol of San Salvador. The IACHR in creating REDESCA in 2017 explicitly charged the mandate with promoting and protecting environmental rights, as well as developing standards to address the challenges of climate disorder. She explained that she has fulfilled this mission through various works, especially by developing *Resolution 3/2021 on Climate Emergency and Human Rights*, to help States and other Inter-American actors to adopt a human rights lens, as well as a gender equality and intersectional approach to addressing the climate crisis.

Sheryl Lightfoot is Professor of Political Science, Public Policy and Global Affairs at the University of British Columbia in Canada, and is currently the Vice Chair and North American Member on the UN Expert Mechanism on the Rights of Indigenous Peoples. She expressed concern that there have been very few advances on the topic of global Indigenous Peoples' rights within the fight for climate reparations. It is crucial for Indigenous peoples to have access to policy programs and financial assistance, and for governments to include meaningful urgent actions in the 2030 Agenda for Sustainable Development to address the climate crisis. Indigenous peoples have their own knowledge and traditions which are recognized in the UNDRIP and these should be utilized and implemented.

Finally, Tamara Morgenthau, Senior Attorney at the Center for International Environmental Law (CIEL), noted that, over the years, CIEL has seen an increase in UN human rights treaty bodies' references to climate change in their review of States parties' implementation of their human rights obligations. While they have focused on disaster risk reduction and touched on emergency response and recovery, the areas of accountability, remedy, and reparations for loss and damage—and the extraterritorial nature of these obligations—need more attention. There needs to be more of a focus on drivers of climate change and actors most responsible. This attention must also be directed to states most responsible for climate destruction and states that host the largest transnational fossil fuel companies and other major polluters. Treaty bodies and UN independent experts can help articulate the duties of states to ensure remedy and reparations are provided. Consequently, they can influence the normative discussion and perception of these topics and how human rights are interpreted and applied in the context of climate litigation. Moreover, communities engaging in advocacy before the United Nations can put forward their perspectives on what constitutes climate-induced loss and damage and what climate reparations should look like, which can help shape the global dialogue. In this way climate justice advocates have a chance of putting forward stories that center lived experience and think creatively about these issues.

Spotlight Discussion:

What Should a Reparations Framework Look Like in Haiti?

Haiti is the world's first Black republic, and it epitomizes the intersection between legacies of colonization, racial injustice, climate injustice and migration. The current economic and political reality of Haiti today has been shaped by the history of centuries of racism, extraction, and marginalization.³⁴ In Session 1, President of the IACHR and

³⁴ Porter et al., *The Root of Haiti's Misery: Reparations to Enslavers, supra* note 18.

Rapporteur of the Rights of Persons of African Descent and against Racial Discrimination, Commissioner Margarette May Macaulay (who is from the Caribbean), reflected on the heavy debt burdens that Haiti has had to carry as a result of the historic and ongoing violations committed against the country. In light of this, she invited the group to share their thoughts on what a reparations framework could look like in Haiti, a discussion which took place during Session 3.

Guerline Jozef, Founder and Executive Director of the Haitian Bridge Alliance, a United States based nonprofit organization that advocates for fair and humane immigration policies, began her intervention by asking the simple question: "how does the world's richest and most profitable colony become considered as a failed state?" Jozef insisted that the "failure" of the state of Haiti was and is by design.

Twenty-one years after Haiti's revolutionary heroes claimed their country's independence from France, becoming the only country in the world born of a successful revolution of enslaved people, a squadron of French warships came to issue an ultimatum demanding that Haiti pay a huge sum in reparations or face another war.³⁵ Under extreme pressure, Haiti agreed to pay France an "independence debt" amounting to between \$21 to \$115 billion in present day dollars, as a consequence of France's "material losses" including the ownership of enslaved people, and in return for Haiti's diplomatic recognition.³⁶ Expectedly, the debt stagnated the country's economic growth as well as obstructed the construction of key infrastructure which are essential to climate resilience.³⁷ After 1915, the United States replaced France as the dominant force in Haiti, and seized control of Haiti's banks, installed a puppet government, entrenched segregation, and took various other actions and measures which benefited the U.S. economy at the expense of Haiti's development.³⁸

- ³⁵ Id.
- ³⁶ Id.
- ³⁷ Id.
- ³⁸ Id.

This history is the context for Jozef's claim that France, the United States and other countries that have benefitted at the expense of Haiti owe the state remedy and reparations. These countries should repay what they have taken. In light of this, Haiti should not be described as a "failed state" because there is a history that shows that the "failure" of the state was carefully manufactured by France, the United States and others.

Nixon Boumba reminded the group that crimes against humanity were committed by France and the United States against Haitian people; these states created the structural vulnerability of Haiti that exists today. The question of reparations in Haiti should keep in mind the complexity of Haiti's history from colonialism to U.S. imperialism to extractivism, and not just in terms of climate disorder.

CONCLUSION AND NEXT STEPS

This convening on "Setting Institutional Priorities on Climate Reparations and Racial Justice: Learning from Social Movements" acknowledged that combating the challenges of the climate crisis and meaningfully responding to the questions and interventions raised throughout the day will require a multifaceted approach. This requires continuing to bring together the voices of movement leaders, scholars, and institutional actors in order to collectively explore possible pathways towards more just futures.

A key theme that arose during the day was the need to build a world of "just relationships" and the contribution that academic institutions can play in building such relationships. For instance, as noted above, Elizabeth Yeampierre described how academic institutions can have the resources and technical expertise needed to help those on the frontlines to advance their campaigns and policies. Just relationships in this context would require a change in the balance of power between academic institutions and movement actors, and a commitment to deep collaboration. Miriam Miranda added that academic institutions play an important role in bringing awareness of the climate crisis to the forefront, and educating young people about the damage that is being caused by multinational corporations as well as the work that communities are doing to restore and recover their lands. Fernanda Hopenhaym, Member of the UN Working Group on Business and Human Rights, highlighted that in thinking about creating just relationships, it is important to avoid extractive practices, such as the unilateral extraction of the knowledge of communities in the creation of reports with no real consideration of the agency and priorities of these communities. We must instead find ways to also create strategies of just collaboration with these communities such as, for example, helping to develop tools that can be useful in implementing the fight for climate reparations more strategically.

Another key theme that arose throughout the day was the need to hold multinational corporations accountable for their high emissions. Fawn Sharp, President of the National Congress of the American Indians, highlighted how Tribal Nations in the Pacific

Northwest co-led a citizens' campaign in I-1631 and subsequent legislation in the Washington State Legislature to hold corporations accountable through carbon pricing. They have used the resources generated to assist communities that are facing harms due to sea-level rise. Although, as raised by Sarah Riley Case, courts are ambivalent forums, they can still be useful; "one purpose of litigation may be to achieve a successful injunction in a specific case, and another is to raise awareness on a global scale."

Another core takeaway is the need to grapple with questions regarding the concrete meaning of decolonization and how to pursue it in the current context of emboldened white supremacy around the world. Struggles for reparative climate justice must be rooted in the call for a much broader decolonization of international law.

Finally, as Malene Alleyne, Olúfémi Táíwò, and others highlighted, it is important not only to critique but also to develop alternative pathways towards a more just future, one where people have equal dignity and can live in harmony with each other and the Earth.
APPENDIX

Setting Institutional Priorities on Climate Reparations and Racial Justice: Learning from Social Movements Participants



E. Tendayi Achiume

E. Tendayi Achiume is the inaugural Alicia Miñana Professor of Law at the University of California, Los Angeles School of Law, a research associate of the African Center for Migration and Society at the University of Witwatersrand, and an extraordinary professor in the department of jurisprudence at the University of Pretoria. She is also the former UN Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, and was the first

woman to serve in this role since its creation in 1994. In 2023, she was appointed as a commissioner to the O'Neill-Lancet Commission on Racism, Structural Discrimination and Global Health. The current focus of her scholarship is the global governance of racism and xenophobia; and the legal and ethical implications of colonialism for contemporary international migration. In 2016, she co-chaired the Annual Meeting of the American Society of International Law, and is currently an editor on the board of the American Journal of International Law. She is also a recipient of the UCLA Distinguished Teaching Award—the highest university-wide honor for excellence in teaching. Her publications include: *Racial Borders*, Georgetown Law Journal; *Migration as Decolonization*, Stanford Law Review; *Governing Xenophobia*, Vanderbilt Journal of Transnational Law; *Syria, Cost-Sharing and the Responsibility to Protect Refugees*, Minnesota Law Review; and *Beyond Prejudice: Structural Xenophobic Discrimination Against Refugees*, Georgetown Journal of International Law. She is currently the Leah Kaplan Visiting Professor of Human Rights at Stanford Law School.



Brad Adams

Brad Adams is the founder and Executive Director of Climate Rights International. From 2002-2022, Adams was the Asia Director at Human Rights Watch, overseeing investigations, advocacy and media work in twenty countries, including China, India, Indonesia, and Japan. At HRW, Adams was responsible for managing a team of 30-40 and a budget of \$8 million. He has written for the New York Times, Washington Post, Guardian, Foreign Affairs, and Wall Street Journal, and has regularly

appeared on the BBC, CNN, Al Jazeera and other major media. Prior to Human Rights Watch, Adams worked as the senior lawyer for the UN human rights office in Cambodia. Adams was the founder of the Berkeley Community Law Center and teaches International Human Rights Law at the University of California, Berkeley, School of Law, where he received his J.D.



Malene Alleyne

Malene Alleyne is a Jamaican human rights lawyer and founder of Freedom Imaginaries, a non-profit organization that uses human rights law to tackle legacies of slavery and colonialism and contemporary forms of oppression. Malene's work focuses on extractivism at the intersection of human rights and environmental and climate justice. Her work includes the litigation of cases in Jamaica's Bauxite-Alumina Industry and Guyana's Oil and Gas services sector. Malene holds a Master of Laws degree from Harvard Law School and a Master of Advanced Studies degree from the Graduate Institute of International Studies, Geneva. She received her Bachelor of Laws degree from the University of the West Indies, Cave Hill, and is qualified to practice law in Jamaica and Guyana.



Esmeralda Arosemena

Commissioner Esmeralda Arosemena de Troitiño was re-elected by the General Assembly of the OAS during its 49th Regular Period of Sessions, on June 28, 2019, for a further four-year term from January 1, 2020 through December 31, 2023. In her first term as a commissioner (2016-2019), she served as President of the IACHR during 2019. She held office in Panama's judiciary: she was a Justice of the Supreme Court, of which she was vice-president; she also presided the Chamber for Criminal Cases, and was a judge on the High Court on children and adolescent affairs. She participated

in the Special Commission that proposed constitutional reforms in Panama on 2011, and on the Commission that elaborated the Code of Constitutional Procedures in 2016. She has a degree in Philosophy, Letters and Education, with a specialization in Pedagogy, as well as a degree in Law and Political Science. Her post-graduate studies are in gender, with a specialization in family and childhood, as well as constitutional affairs. She is an academic and a professor at the University of Panama, the Superior Judicial Institute and Panama's Judicial Authority. She collaborates with the Public Prosecutor's Office School with regards to the new criminal system and in the subject of juvenile criminal justice. She is a consultant on childhood, adolescence, women and family for international organizations. She was also an ad honorem consultant in the elaboration, debates and approval of important legislation on these matters for Panama's legislative authority. She is a citizen of Panama.



Joseph Berra

Joseph Berra is Human Rights in the Americas Project Director with the Promise Institute for Human Rights at UCLA School of Law. His teaching and research interests include immigrant rights, international human rights, and the rights of Indigenous and Afrodescendent peoples in Central America. Berra coordinates projects with organizational partners in the U.S. and Latin America to engage students in human rights advocacy and the Inter-American system for human rights. Current projects include

collaboration with Indigenous organizations resisting extractivist industries in their territories, litigation at the Inter-American Commission for Human Rights, and research on the human rights challenges faced by Indigenous migrants in the U.S. detention and immigration systems. Before coming to UCLA, Berra was a successful civil and human rights litigator with both the Mexican American Legal Defense and Educational Fund (MALDEF) and the Texas Civil Rights Project. He is the past Executive Director of the Caribbean Central American Research Council, an inter-disciplinary activist research organization, and currently serves on the CCARC Board. He co-authored two studies with CCARC in 2002 and 2007 to support the territorial

claims of Indigenous and Afrodescendent communities in Honduras. A former Jesuit, Berra spent many years living and working in the Northern Triangle countries of Central America before earning his law degree.



Nixon Boumba

Nixon Boumba is a Haitian human rights activist and member of the Kolektif Jistis Min nan Ayiti (Haiti Mining Justice Collective). Boumba has been working in mining-affected areas of Haiti to ensure that local people understand their rights in regard to the extractives industry. Besides his work on mining, Boumba is also a supporter of economic and cultural rights in Haiti, a staunch advocate on behalf of all marginalized and oppressed populations in Haiti, and a leading figure calling for vigilance and justice in

Haiti's current development climate, which is marked by notoriously low wages and controversial efforts to create industrial and tourist zones. Boumba also works on issues of gender and sexuality in the context of humanitarian aid.



Peggy Chu

Peggy joined the True Costs Initiative (TCI) team in Fall 2021 as the Director of Operations to help strengthen TCI's operational and administrative infrastructure. She has a deep respect, admiration, and appreciation for environmental and social services, and she is excited for the opportunity to support TCI's work.

Peggy started out as a teacher, which cultivated her interest in social justice at the intersection of housing and education. She worked for The Community

Builders, an affordable housing nonprofit, where she managed the evaluation and operations for resident services. Prior to joining TCI, Peggy worked at Boston Public Schools to support principals and teachers in ensuring that English Learners receive quality services. Peggy holds a BBA from Emory University for Information Systems and Operations Management and an Ed.M. from Harvard University for Education Policy and Management.



Roberta Clarke

Commissioner Roberta Clarke was elected by the General Assembly of the OAS during its Regular Period of Sessions, on November 12, 2021, for a period of four-year term, from January 1, 2022 through December 31, 2025. An activist for social justice and gender equality, Roberta Clarke has led UN Women Regional Offices in East and Southern Africa, Asia Pacific, the Caribbean and Libya. Prior to her career at the United Nations, she practiced as a lawyer in Trinidad and Tobago. She has been engaged in civil society

and the national and international levels including as the Chair, Executive Committee, International Commission of Jurists and President of the Coalition against Domestic Violence, Trinidad and Tobago. She is the Chair, Harassment Committee of the Caribbean Court of Justice. Dominique Day



Dominique Day

Dominique Day is a human rights attorney and the executive director of DAYLIGHT | Rule of Law • Access to Justice • Advocacy. Internationally, her litigation, public policy, research, teaching, and capacity-building work over the past two decades has focused heavily on racial justice, nondiscrimination, and human rights advocacy. She has extensive experience in criminal and civil litigation on behalf of individuals and communities within the Black diaspora, in addition to working on rule of law and access

to justice issues in post-conflict and transitional States. She holds a bachelor's degree from Harvard University and a juris doctor from Stanford Law School.



Julia Dehm

Julia Dehm is a Senior Lecturer in the School of Law, La Trobe University, Australia. In 2023 she is also a Member of the School of Social Science at the Institute for Advanced Studies, Princeton. Her scholarship addresses urgent issues of international and domestic climate change and environmental law, natural resource governance and questions of human rights, economic inequality and social justice. Her monograph, *Reconsidering REDD+: Authority, Power and Law in the Green Economy* (CUP, 2021) was awarded the ECR Publication Prize from

the Law and Society Association of Australia and New Zealand.



Ian Fry

Dr. Ian Fry was appointed as Special Rapporteur on the promotion and protection of human rights in the context of climate change by the UN Human Rights Council in May 2022. He is dual citizen of Australia and Tuvalu and is an international environmental law and policy expert. He worked for the Tuvalu government for over 21 years and was appointed as their Ambassador for Climate Change and Environment 2015-2019. Dr. Fry also teaches part-time at the Fenner School of Environment and Society at

the Australian National University in Canberra, with a focus on international environmental policy.



Soledad García Muñoz

Soledad García Muñoz is Special Rapporteur on Economic, Social, Cultural and Environmental Rights (REDESCA), from the IACHR, OAS. Lawyer, specialized in fundamental rights by University Carlos III of Madrid, Spain. She is a renowned academic and activist with a long career trajectory of regional and global work on human rights, gender and women's human rights. She has provided professional and voluntary services to different agencies of the United Nations, to Amnesty International, the

Ibero-American Youth Organization, among other prestigious organizations. Before starting her

tenure as Special Rapporteur, she was the regional representative for South America of the Inter-American Institute of Human Rights based in Montevideo, Uruguay. She is the first holder of REDESCA's mandate, after being elected by the IACHR in an Inter-American public competition.



Joel Hernández García

Commissioner Joel Hernández García was re-elected in the 51st Regular Period of Sessions of the OAS General Assembly, on November 12, 2021, for four years, from January 1, 2022, to December 31, 2025. His first term as Commissioner was elected on June 21, 2017, by the General Assembly of the OAS, for a period of four years that began on January 1, 2018, and ends on December 31, 2021. He holds a law degree from the Universidad Nacional Autónoma of Mexico and a master's degree in international law

from the New York University School of Law. He is a member of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute and was a member of the Inter-American Juridical Committee during 2015-2018.

He is President of the Mexican branch of the International Law Association. In the foreign service of Mexico, he rose to the rank of ambassador and served in several positions. From 2011 to 2013, he served as Permanent Representative of Mexico to the OAS. In that capacity, he chaired the working group to strengthen the IAHRS. He has been a guest professor in the fields of international law and international organizations in various academic institutions. He is a citizen of Mexico.



Carmen G. Gonzalez

Carmen G. Gonzalez is the Morris I. Leibman Professor of Law at Loyola University Chicago School of Law. Her research focuses on international environmental law, environmental justice, human rights and the environment, and the global food system. Her publications include International Environmental Law and the Global South (Cambridge University Press, 2015); Energy Justice: US and International Perspectives (Edward Elgar 2018); and The Cambridge Handbook of Environmental

Justice and Sustainable Development (Cambridge University Press, 2021). Professor Gonzalez has worked on environmental law capacity-building projects in Latin America, Asia, and the former Soviet Union, and has represented non-governmental organizations in multilateral environmental treaty negotiations. She served as chair of the Environmental Law Section of the Association of American Law Schools; member and vice-chair of the Governing Board of the IUCN Academy of Environmental Law; and member of the Board of Trustees of Earthjustice, the largest public interest environmental law firm in the United States. She also served on the International Subcommittee of the National Environmental Justice Advisory Council (NEJAC), an advisory body to the U.S. Environmental Protection Agency on environmental justice issues.

Fernanda Hopenhaym



Fernanda Hopenhaym is a feminist human rights advocate, who has been working on human rights and gender justice for over two decades, focusing on corporate accountability and financial institutions in the past 15 years. She has vast experience in research, working with communities on the ground and leading advocacy efforts internationally. In 2021, she was appointed by the Human Rights Council to the UN Working Group on Business and Human Rights. She is also the Co-Executive Director of

PODER, a human rights organization working on corporate accountability throughout Latin America. Fernanda was the Chair of the Board of ESCR-Net between 2019-2021, and is currently part of the Board of Directors of Earth Rights International and All Out. Fernanda is also part of the Advisory Network of the Business and Human Rights International Award Foundation and a member of the faculty of the Instituto de Liderazgo Simone de Beauvoir in Mexico. Fernanda is a sociologist, specialized in Latin American studies.



Cara Horowitz

Cara Horowitz is the executive director of the Emmett Institute on Climate Change and the Environment at UCLA School of Law, where she also directs the Environmental Law Clinic. The Emmett Institute was founded as the first law school center in the nation focused on climate change law and policy. Cara teaches at the law school and directs the work of the Emmett Institute to advance innovative research, public policy debate, and legislative reform to address climate change and its devastating effects. Before joining UCLA, Cara worked in the private sector and for the Natural

Resources Defense Council, where she litigated high-profile cases and advocated domestically and internationally to protect oceans and wildlife. She serves on the boards of several nonprofit environmental organizations and has been quoted by media outlets including the New York Times, the Washington Post, the Los Angeles Times, and the New Yorker. She is a graduate of Yale College and the UCLA School of Law.



Maryum Jordan

Maryum Jordan is the Climate Justice Attorney at EarthRights International where she is leading the Climate and Environmental Justice Project. This new project seeks to support frontline communities in the U.S. who bear the brunt of the climate crisis and other environmental harms through litigation and advocacy. Maryum first worked at EarthRights from 2014-2018 where she worked in both the Amazon and U.S. offices. During this time, she developed international legal and advocacy strategies with Indigenous community leaders and grassroots organizations in Peru and Ecuador, and

represented clients in human rights litigation against multinational corporations. Before her return to EarthRights in 2022, Maryum served as counsel for the Special Litigation and Advocacy Project at the Lawyers' Committee for Civil Rights Under Law. There, she supported

the organization's work on cross-cutting racial justice issues including environmental racism and anti-Blackness in the immigration system. Maryum received her J.D. in 2014 from Harvard Law School where she was actively involved in the International Human Rights Clinic and the Law and International Development Society. She earned her B.A. from Harvard College where she majored in Anthropology with a focus on Peruvian archaeology.



Guerline Jozef

Guerline Jozef is a leading human rights advocate who dedicates her life to bringing awareness to issues that affect us all locally and globally, such as immigration, domestic violence, child sexual abuse, and other human rights issues. She is the Co-Founder and Executive Director of the Haitian Bridge Alliance (HBA), a U.S.-based nonprofit organization that advocates for fair and humane immigration policies. HBA provides migrants and immigrants with humanitarian, deportation defense, legal, and social services. It has a particular focus on Black immigrants from the Caribbean and Africa, the

Haitian community, women and girls, LGBTQA+ individuals, and survivors of torture and other human rights abuses. She is the co-founder of the Black Immigrants Bail Fund and the Cameroon Advocacy Network. Ms. Jozef was named one of POLITICO's 2021 40 Most Influential People on Race, Politics, and Policy in the United States for her leadership and is the recipient of prestigious awards—most recently, the Las Americas' 2021 Border Heroes Award, the 2021 Robert F. Kennedy Human Rights Award, the 2022 National Haitian-American Elected Officials Network Community Champion Award and the 2022 American Immigration Lawyers Association's Arthur C. Helton Human Rights Award.



Ashwini K.P.

Ms. Ashwini K.P. is the sixth Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. She was appointed by the Human Rights Council in October 2022 and took up her functions as Special Rapporteur on 1 November 2022. Ms. Ashwini K.P. served as an assistant professor in India. She is also a co-founder of Zariya: Women's Alliance for Dignity and Equality. As part of her research and activism, she has focused on policies related to

marginalised communities, in particular to support their livelihood and access to education. She has focused on social exclusion, particularly descent and occupation based discrimination in South Asia. Ms. Ashwini K.P. has represented Indian Dalit women in various civil society groups helping them in strategizing on how to ensure that women from marginalised communities are empowered and are in decision-making roles in activism and mainstream social movements.

Sheryl Lightfoot



Sheryl Lightfoot (Anishinaabe, Lake Superior Band) is Canada Research Chair of Global Indigenous Rights and Politics at the University of British Columbia, where she holds faculty appointments in Political Science and the School of Public Policy and Global Affairs as well as an association with the Institute for Critical Indigenous Studies. She serves as the Vice Chair and North American Member on the UN Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) as well as Senior Advisor to the

UBC President on Indigenous Affairs, where she is the lead on UBC's Indigenous Strategic Plan and directs the Office of Indigenous Strategic Initiatives. She is currently President of the Native American and Indigenous Studies Association (NAISA). Her research focuses on Indigenous global politics, especially Indigenous rights and their implementation in global, national and regional contexts.



Kate Mackintosh

The inaugural Executive Director of the Promise Institute for Human Rights at UCLA School of Law, Kate Mackintosh has held multiple roles at the UN international criminal tribunals, worked in post-conflict human rights field operations in Bosnia and in Rwanda and for eight years was legal adviser, and then head, of humanitarian affairs for international NGO Médecins sans Frontières. Most recently she was deputy co-chair of the Expert Drafting Panel on the legal definition of ecocide. Mackintosh has

worked in the fields of human rights, international criminal justice, and the protection of civilians for over two decades. She was involved in the development of international criminal law in its fledgling years and contributed to defining many elements of this new area of law, such as the elements of rape as an international crime, the definition of protected persons, and the scope of complicity for international crimes. She has held multiple roles at international criminal tribunals, working as a lawyer with the judges; prosecution appeals counsel; co-counsel for the defense and finally as an administrator, responsible as Deputy Registrar for the International Criminal Tribunal for the former Yugoslavia's court operations, witness protection and support services, legal aid scheme, detention facility, communications and outreach, languages services and archives.



Margarette May Macaulay

Commissioner Margarette May Macaulay was re-elected by the General Assembly of the OAS during its 49th Regular Period of Sessions, on June 28, 2019, for a further four-year term from January 1, 2020 through December 31, 2023. She had previously been elected by the General Assembly of the OAS for a first term as a commissioner that also ran for four years, January 2016-December 2019. President Macaulay holds a bachelor of laws degree from the University of London and is currently an

attorney in private practice. She serves as Mediator in the Supreme Court of Jamaica and as Associate Arbitrator, as well as serving as Notary Public. She served as a Judge of the Inter-American Court of Human Rights from 2007 to 2012, contributing to the formulation of the Court's Rules of Procedure. She is an honored member of the Gender Justice Legacy Wall of notable women's rights advocates who have brought about important changes, which was launched in December 2017 at the United Nations in New York, during the Assembly of Ministers. She took part in the reform and drafting of laws in Jamaica and is well known as a strong proponent of and authority on women's rights. She is a citizen of Jamaica.



Conniel Malek

As True Costs Initiative's (TCI) founding Executive Director, Conniel drives strategies centered on promoting collaboration among communities, funders, and creative leaders. This collaboration is integral to tip the balance so corporations are held accountable for and internalize the true environmental and human costs of their actions. She is a proud daughter of the Caribbean and is particularly committed to advocating for the rights of people in oft overlooked parts of the globe as they pertain to climate justice

and technical expertise. Under her vision and leadership, TCI became one of the founding members of Funders Organized for Rights in the Global Economy (FORGE). Currently, Conniel serves on the Board of Directors for Center for International Environmental Law (CIEL), Environmental Defender Law Center (EDLC), and EDGE Funders Alliance. She was an Equity in Philanthropy Fellow with the Rockwood Leadership Institute and prior to TCI, Conniel practiced corporate law for a decade. She also serves on several advisory boards for organizations committed to supporting systemic change and innovation in the human rights movement. Conniel received her law degree from the University of Virginia School of Law and her Bachelor of Arts, *cum laude*, in Government, with a concentration in International Relations, from Cornell University. Conniel is admitted to practice law in Pennsylvania.



Julissa Mantilla

Commissioner Julissa Mantilla Falcón was elected by the General Assembly of the OAS during its 49th Regular Period of Sessions, on June 28, 2019, for a four-year term from January 1, 2020 through December 31, 2023. As a lawyer, she specializes in human rights and has a degree from the Pontifical Catholic University of Peru (PUCP), a diploma in Gender from the PUCP, and an LLM in International Human Rights Law from the London School of Economics and Political Science (LSE) at the University

of London. She worked in the Peruvian Ombudspersons Office and was in charge of gender issues in the Commission for Truth and Reconciliation in Peru. She has served as an international consultant on transitional justice for UN Women. She is a professor at the Law School and the master's degree in Human Rights at the PUCP and at the Academy on Human Rights and Humanitarian Law at the American University's Washington College of Law. She has lectured internationally and authored several academic publications. She is a citizen of Peru.

Kate Meyer



Kate Meyer is a Litigation Staff Attorney at IRAP. In this role, she works on impact litigation in U.S. courts to advance and defend the rights of refugees, asylum seekers, and other people in need of humanitarian relocation. Prior to joining IRAP, Kate was a Legal Fellow at the Women's Rights Project of the American Civil Liberties Union, where she brought impact litigation to advance the rights of pregnant and parenting workers and eliminate gender stereotypes in schools. Kate holds a J.D. from UC

Berkeley School of Law and a B.A. *cum laude* in Government from Cornell University. She speaks Spanish and is a member of the New York bar.



Miriam Miranda

Miriam Miranda is a Honduran activist who advocates for the human and environmental rights of the <u>Garífuna</u> people. As the leader of the <u>Black</u> <u>Fraternal Organization of Honduras</u> (OFRANEH), Miranda has coordinated efforts to counter land theft by big tourism businesses, reclaim ancestral territories formerly belonging to Garífuna communities, stop drug traffickers, promote sustainable environmental practices, and support community leadership development for local youth and women. She has been illegally arrested and beaten by local authorities and kidnapped by drug

traffickers. Miranda has received the Óscar Romero Human Rights Award and the <u>US Food</u> <u>Sovereignty Alliance's</u> International Food Sovereignty Prize. In 2016, she was awarded the Carlos Escaleras environmental prize for 30 years of activist work.



Tamara Morgenthau

Tamara Morgenthau is a Senior Attorney with CIEL's Climate and Energy Program. Tamara's work focuses on protecting human rights in the context of the climate crisis by developing and supporting legal and advocacy strategies related to climate litigation and accelerating the transition away from fossil fuels. Tamara has worked with individuals and communities around the world to support their pursuit for justice, accountability, and protection of their human rights. In doing so, she has litigated and supported

advocacy and cases before domestic courts and regional and international human rights bodies. Prior to joining CIEL, Tamara was a Clinical Teaching Fellow at the International Human Rights Law Clinic at UC Berkeley School of Law, a Bertha Legal Fellow with EarthRights International, and practiced immigration and refugee law in Toronto, Canada. Tamara holds a J.D. from the University of Ottawa, an LL.M. from NYU School of Law, M.A. (International Affairs) from Carleton University, and a B.A. from the University of Western Ontario. Tamara is admitted to practice law in New York and Ontario.



S. Priya Morley

S. Priya Morley is the Racial Justice Policy Counsel at the Promise Institute for Human Rights, Director of the International Human Rights Clinic, and an Affiliated Faculty Member of the Critical Race Studies Program at UCLA Law. She provides leadership on the Promise institute's academic, advocacy, and policy initiatives at the intersection of racial justice and critical approaches to human rights. Priya's current research explores how race intersects with migration and climate justice, particularly in the

Americas. She is also interested in gender and human rights, feminist legal theory, and the regulation of sex work. Her scholarship has appeared in publications including the Columbia Human Rights Law Review and UCLA Law Review. Priya joined the Promise Institute from NYU Law, where she was an Arthur Helton Global Human Rights Fellow doing collaborative research on discrimination against Black African and Haitian migrant women in Mexico. Alongside this role, she was advising NYU's Global Justice Clinic's Caribbean Climate Justice Initiative, with whom she continues to collaborate since joining UCLA Law. Priya holds an LLM in International Legal Studies from NYU Law, law degrees from McGill University's Faculty of Law, and a BA from the University of British Columbia.



Colette Pichon Battle

Colette Pichon Battle is a generational native of Bayou Liberty, Louisiana. She founded the Gulf Coast Center for Law & Policy and led the development of programming focused on equitable climate disaster recovery, global migration, community economic development and energy democracy for more than 17 years in the Gulf South. Colette now serves as the Partner of Vision & Initiatives at Taproot Earth, a global climate justice organization working for a world where all people can live, rest and thrive in

the places they love. She serves on the governance council of the Southern Movement Assembly, co-chairs the national Water Equity and Climate Resilient Caucus with PolicyLink, serves on the steering committee of the Ocean Justice Forum, and is a lead architect of the 5-state, multi-issue initiative Gulf South for a Green New Deal. Colette also helped to develop the 13-state Southern Communities for Green New Deal with the Southeast Climate & Energy Network and the Red, Black & Green New Deal, the national climate initiative with the Movement for Black Lives.

In 2022, Colette received the William O. Douglas Award- recognizing individuals who have made outstanding use of the legal/judicial process to achieve environmental goals, particularly those with national significance and received the the Catalyst Award from Rachel's Network for her environmental leadership as a woman of color. Her TED Talk on climate migration was ranked in the top 10 TED talks of 2020. And she was named a 2019 Obama Fellow for her work with Black and Native communities.

Colette chaired the 2021-22 Equity Advisory Group of the Louisiana Governor's Climate Initiative Task Force, she currently serves on the Kataly Foundation's Environmental Justice Resourcing Collective as well as sits on the boards of the US Climate Action Network, Center for Constitutional Rights, Highlander Research Education Center, and Healthy Gulf, and serves on the steering committee of the Resilience Roadmap Project.



Michael Preston

Michael Preston is an artist, activist and the son of the current Winnemem Wintu Tribal Chief, Caleen Sisk. He has been dancing in the Winnemem way since he was 4 years old and now channels his advocacy through being a singer and war dancer. Currently serving as the Cultural Preservation Officer for his nation, the 37-year-old has also done work to condemn the raising of the dam and to protect sacred sites, attended a Geography of Hope event and visited classrooms throughout the state to talk about healing Northern California's waters. While his job mostly entails writing grants and

being a spokesperson, Preston said he prefers to use spirituality and prayers as a form of activism.



Sarah Riley Case

Sarah Riley Case is an Assistant Professor at the McGill University Faculty of Law. Her research and teaching focus on Critical Race Theory, slavery and the law, Black life, Third World Approaches to International Law, settler colonialism, the arts, and governing the natural world. Before joining McGill, she was a Fulbright Visiting Researcher at Harvard Law School, and an Adjunct Professor at the University of Toronto Faculty of Law. She presently serves on the Black Legal Action Centre Task Force on Legal Aid

Modernization and the editorial board of the Journal of Human Rights and the Environment. She was formerly a Special Advisor to the UN Independent Expert on Human Rights and International Solidarity. Her current and forthcoming publications include: 'Looking to the Horizon: 'The Meanings of Reparations for Unbearable Crises'', *AJIL Unbound*; 'Redressing Historical Responsibility for the Unjust Precarities of Climate Change in the Present' with Julia Dehm in *Debating Climate Law*; 'Homelands of Mary Ann Shadd' in *Portraits of Women in International Law: New Names and Forgotten Faces*?; 'The Colour of Jus Cogens' with Frédéric Mégret in *Emancipating International Law: Confronting the Violence of Racialized Boundaries;* and 'Thoughts of Liberation' with Nataleah Hunter-Young in *Canadian Art*.



Leon Sealey-Huggins

Leon Sealey-Huggins is Lead Researcher and a co-founder of Breathe, Community Organising for Climate Justice. Leon is working for Breathe while on a career break from the University of Warwick where he is Assistant Professor of Global Sustainable Development. His scholarship and activism focus on climate justice, asking what kinds of societies we must co-create as we face up to climate breakdown. Leon considers the sociology and politics of the climate crisis, investigating what climate justice means in the context of global historical, and present, inequalities.

Leon is currently working on a book about social collapse in the UK.



Fawn R. Sharp

Fawn R. Sharp is the Vice President of the Quinault Indian Nation 2006current as well as the current President of the National Congress of American Indians; an attorney with an academic background in criminal justice, she holds an advanced certificate in International Human Rights Law from Oxford University. President Sharp formerly served as Managing Attorney/Lead Counsel/and Associate Judge for the Quinault Indian Nation government. She also served as an Administrative Law Judge for the

Washington State Department of Revenue Tax Appeals Division. While President of the Quinault Indian Nation, Fawn Sharp was elected as President of the Affiliated Tribes of Northwest Indians from 2001-2017, and the Vice President for the National Congress of American Indians from 2016-2017. She completed two years of service as Chairman of the United States Department of the Interior Secretarial Commission on Indian Trust Administration and Reform that issued its final report in December 2013.



Chief Caleen Sisk

<u>Winnemem Wintu</u> Recipient of the 2015 <u>Wisdom Treasure Award</u> Caleen Sisk is the Spiritual Leader and Tribal Chief of the Winnemem Wintu Tribe, who practice their traditional culture and ceremonies in their territory along the McCloud River watershed in Northern California. For more than 30 years, Caleen was mentored and taught in traditional healing and Winnemem culture by her late great aunt, Florence Jones, who was the tribe's spiritual leader for 68 years. Caleen's traditional teachings and training comes from an unbroken line of leadership of the Winnemem Wintu

Tribe. Since assuming leadership responsibilities in 2000, Caleen has focused on maintaining the cultural and religious traditions of the Tribe as well as advocating for California salmon restoration, the <u>Human Right to Water</u> and <u>the protection of Indigenous sacred sites</u>. She is also currently leading her Tribe's efforts to work with Maori and federal fish biologists to return Chinook salmon to the McCloud River.



Olúfémi O. Táíwò

Dr. Olúfémi O. Táíwò is an Assistant Professor of Philosophy at Georgetown University. He completed his Ph.D. at University of California, Los Angeles. Before that, he completed BAs in Philosophy and Political Science at Indiana University. His theoretical work draws liberally from German transcendental philosophy, contemporary philosophy of language, contemporary social science, histories of activism and activist thinkers, and the Black radical tradition. He is currently writing a book entitled Reconsidering Reparations that considers a novel philosophical

argument for reparations and explores links with environmental justice. He also is committed to public engagement and is publishing articles in popular outlets with general readership (e.g. Slate, Pacific Standard) exploring intersections between climate justice and colonialism.



Elizabeth Yeampierre

Elizabeth Yeampierre is an internationally recognized Puerto Rican environmental/climate justice leader of African and Indigenous ancestry, born and raised in New York City. Elizabeth is co-chair of the Climate Justice Alliance, a national frontline led organization and Executive Director of UPROSE, Brooklyn's oldest Latino community-based organization. Elizabeth was the 1st Latina Chair of the USEPA National Environmental Justice Advisory Council and opening speaker for the First

White House Council on Environmental Quality Forum on Environmental Justice under Obama. Elizabeth has been featured in the NY Times as a visionary paving the path to Climate Justice. She was named by Apolitical as Climate 100: The World's Most Influential People in Climate Policy, also featured in Vogue as one of 13 Women Climate Warriors in the world, Oprah's list of Future Rising and a recipient of the Frederick Douglass Abolitionist Award FD200. Recently, she has spoken at Oxford University, the Ethos Conference in Brazil and the Hague.

CONVENING AGENDA



UCLA School of Law Critical Race Studies



Setting Institutional Priorities on Climate Reparations and Racial Justice: Learning from Social Movements

Date and Location:

Saturday, March 11, 2023 Room 1314, UCLA School of Law 385 Charles E. Young Drive East, Los Angeles, CA 90095

Concept of the Convening:

The uneven allocation of the burdens of climate change maps on to systemic racial discrimination, inequality, and marginalization within and between countries, all of which are the persistent impacts of global histories of colonialism, enslavement, and extractivism. This convening will bring together experts from the United Nations, Inter-American system, and social movements to discuss the disproportionate impacts of the global climate crisis on racially marginalized peoples in North America, Central America, and the Caribbean—particularly people of African and Indigenous descent. The convening will build on the work being done by social movements, including those working at the intersections of racial, Indigenous, migrant, and climate justice. It will also draw on a series of recent reports on the human rights impacts of climate change, including its intersection with racial injustice, by experts from the UN and Inter-American systems. In particular, the convening will respond to growing claims for climate reparations arising from social movements and Global South nations. It will explore whether and how international law, the international human rights frame, and the institutional mechanisms of the UN and IACHR may be reimagined and wielded to meet social movements' demands for climate justice and transformative social change.

Agenda for the Convening:

8:30 AM – 9:00 AM PT	Registration, with coffee and refreshments
9:00 AM – 9:05 AM PT	 Introduction and Welcome E. Tendayi Achiume UCLA Law, former UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and related intolerance Kate Mackintosh Promise Institute for Human Rights, UCLA Law S. Priya Morley Promise Institute for Human Rights, UCLA Law
9:05 AM – 10:35 AM PT	Movement Perspectives on Climate Justice and Reparations This session will foreground the demands for climate reparations from movement leaders across the Global South and within racially marginalized communities in the Global North, exploring how these are connected to demands for racial justice, redistributive justice, and broad systemic change.
	 Framing Conversation (25 min; 5 min each) Nixon Boumba American Jewish World Service (AJWS) Haiti Miriam Miranda Organización Fraternal Negra Hondureña (OFRENEH) (with Spanish interpretation) Colette Pichon-Battle Taproot Earth Chief Caleen Sisk Winnemem Wintu Tribe Elizabeth Yeampierre UPROSE (remote participation)
	 Group Discussion (55 min) Concluding Reflections (10 min) Malene Alleyne Freedom Imaginaries

10:35 AM – 10:50 AM PT	Coffee break
10:50 AM – 12:20 PM PT	 Academic and Legal Perspectives on Climate Justice and Reparations This session will explore different legal and theoretical approaches to understanding climate justice and reparations transnationally, and will consider the potential and limitations of existing frameworks as well as the urgency of radical reimagination of these frameworks. Framing Conversation (25 min; 5 min each) Julia Dehm La Trobe Law School (remote participation) Carmen G. Gonzalez Loyola University Chicago School of Law (video recording) Sarah Riley Case McGill University Faculty of Law Leon Sealey-Huggins University of Warwick (video recording) Femi Táíwò Georgetown University Group Discussion (55 min) Concluding Reflections (10 min) E. Tendayi Achiume UCLA Law, former UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and related intolerance
12:20 PM – 1:30 PM PT	Lunch break

	Institutional Perspectives on Climate Justice and Reparations
1:30 PM – 2:50 PM PT	 Both the international human rights system and UNFCCC framework have recently grappled with demands for climate reparations. At COP27, progress was made towards a fund for loss and damage resulting from climate change, which has long been called for by countries in the Global South. As well, international human rights actors are increasingly advancing the duty to provide reparations for historic violations with persistent impacts, including enslavement, colonialism, and climate and environmental harms. This session will engage with ongoing efforts to promote climate reparations within these international frameworks, seeking in particular to grapple with the limits of these institutions to meet the demands from social movements. Framing Conversation (25 min; 5 min each) Dominique Day UN Working Group on People of African Descent Ian Fry UN Special Rapporteur on the promotion and protection of human rights in the context of climate change Soledad García Muñoz IACHR Special Rapporteur on Economic, Social, Cultural, and Environmental Rights Sheryl Lightfoot UN Expert Mechanism on the Rights of Indigenous Peoples Tamara Morgenthau Center for International Environmental Law
2:50 PM – 3:15 PM PT	 Final Reflections and Plans for Future Collaboration Group Discussion, moderated by: E. Tendayi Achiume UCLA Law, former UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and related intolerance S. Priya Morley Promise Institute for Human Rights, UCLA Law
Reception	

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