



Breakout session: Environmental Racism and Climate justice

Background Paper

ENVIRONMENTAL AND CLIMATE JUSTICE VERSUS RACIAL JUSTICE

The movement for environmental justice began in the United States in the 1980s, as an offshoot of the civil rights movement of African Americans. The African American Professor Robert D. Bullard is one of the main theorists on environmental racism, a process of territorial exclusion that he defines as follows:

*“Environmental racism refers to any policy, practice or directive that result in the disproportionate exposure of racialized communities to pollution and other environmental hazards, denial of access to sources of ecological sustenance such as clean air, water, and natural resources, and infringement of environmentally related human rights”.*¹

Reports by civil society organisations indicate that the climate crisis is fuelling inequality and racial injustice around the world. The climate crisis threatens water systems, food sovereignty, energy access and other necessities fundamental to a dignified life and will exacerbate existing social inequalities². One of the first studies on environmental justice in metropolitan France indicates that hazardous sites like incinerators and waste management facilities are more likely to be located near towns with higher immigrant populations.³ Research has shown that many Roma live in marginalised and polluted areas due to systematic discrimination which deprives them of access to basic environmental services and public utilities. This has a devastating impact on their health and wellbeing. For instance, a [FRA survey \(2016\)](#) reveals that 80% of Roma in the EU are at risk of poverty, with 61% living in sub-standard housing and 30% with no access to running water.

¹ Bullard, R., D., *“Environmental Racism and Invisible Communities”*, The Research Repository, West Virginia University, vol.96, issue 4, 1994, 15 p.

² EQUINOX-Initiative for Racial Justice, *“Towards Climate Justice: Rethinking the European Green Deal from a racial justice perspective”*, Brussels, May 2021, p.9. ENAR, *“The Climate crisis is a (neo)colonial capitalist crisis: Experiences, responses and steps towards decolonising climate action”*, Brussels, 2021, p.29

³ ENAR, *“The Climate crisis is a (neo)colonial capitalist crisis: Experiences, responses and steps towards decolonising climate action”*, Brussels, 2021, p.29

As highlighted in the [EU Anti-Racism action plan](#), racism damages society in many different ways⁴ and the Commission seeks to ensure that the fight against racial discrimination and its intersections with other grounds of discrimination is integrated into all EU policies, legislation and funding programmes. When developing policies, integrating the equality dimension entails ensuring that EU and national policies serve the interests of all people, irrespective of their racial or ethnic origin. For example, the new [EU Roma strategic framework 2020-2030](#) includes actions to mitigate the disproportionate impact of crises on the Roma community and to deliver environmental justice.

In December 2019, the European Commission adopted the [European Green Deal](#) that not only aims to protect our planet but also seeks to ensure the necessary social support to European citizens in the ecological transition. The EU Green Deal resets the Commission's commitment to tackling climate and environmental-related challenges and aims to transform the EU into a fair and prosperous society, with a modern, resource-efficient and competitive economy where there are no net emissions of greenhouse gases by 2050.⁵ Integral to this is the protection, conservation and enhancement of the EU's natural capital, and the protection of the health and well-being of citizens from environment-related risks and impacts.

Through the European Green Deal⁶, the European Union can mainstream necessary decisions and societal changes in the areas of housing, energy use, mobility, consumption, agriculture and education, all of which are stepping-stones towards creating a fairer and more sustainable Europe.⁷ The Just Transition pillar of the European Green Deal addresses the impacts of the transition (e.g., on vulnerable communities, regions, etc.) and also ensures that the transition has a positive contribution to the reduction of pre-existing inequalities (e.g., energy poverty).

Different areas of European legislation and policies have a direct link to the issue of environmental justice. However, according to the European Environmental Bureau (EEB), this legislation could be better used in the future.⁸ Currently, environmental regulation does not benefit all parts of society equally. Therefore, the EEB and civil society organisations such as Environmental Justice and the European Roma Grassroots Organisations Network (ERGO) are calling for an assessment of how equally European environmental laws are enforced. This includes assessment of the [EU Drinking Water Directive](#), the [Water Framework Directive](#), the [Industrial Emissions Directive](#) or the [Ambient Air Quality Directive](#), the [Environmental Impact Assessment Directive](#) and the [SSEA Directive](#) as well as the [EU Waste Framework Directive](#).⁹

As mentioned in the EU Anti-Racism action plan, local authorities have a wealth of experience in developing effective strategies to combat racism and in building networks. The Commission will continue to support such schemes and networks. Local initiatives, such as the [International urban](#)

⁴ Communication from the European Commission, "[A Union of equality : EU anti-racism action plan 2020-2025](#)", COM(2020)565, 18 September 2020, p. 1.

⁵ *Ibidem*, p.1

⁶ In December 2019, the European Commission adopted the [European Green Deal](#) that not only aims to protect our planet but also seeks to ensure necessary social support to European citizens in the ecological transition. The EU Green Deal resets the Commission's commitment to tackling climate and environmental-related challenges

⁷ CARITAS EUROPA, Final Convention Report, [Interfaith Youth Convention on the European Green Deal](#), October-November 2021, p.4

⁸ EUROPEAN ENVIRONMENTAL BUREAU, "[Pushed to the Wastelands: Environmental racism against Roma Communities in Central and Eastern Europe](#)", Brussels, 2021, p.11

⁹ *Ibidem*, p.13

[and regional cooperation 2021-2024 programme](#) or the [Covenant of Mayors for Climate and Energy](#) could serve as platforms for further developing city level action promoting racial equality, in addition to supporting social inclusion through areas such as tackling energy poverty or access to decent housing. The Action Plan also mentions the Commission's [renovation wave initiative](#) that will foster energy efficiency in social housing and other lower income housing. [Cohesion policy funds](#) are key instruments for supporting non-segregated housing initiatives and ensuring access to inclusive and high-quality mainstream services.

THE UNIVERSAL RIGHT TO A HEALTHY ENVIRONMENT

On 8 October 2021, the United Nations Human Rights Council adopted a [resolution recognising the human right to a clean, healthy and sustainable environment as a universal human right](#). While this right is already recognised in more than 150 national jurisdictions, its international recognition paves the way for its effective integration in international law and stronger national implementation. The resolution asks states to adopt policies to enforce this right, including with respect to biodiversity and ecosystems, and lists climate change as one of the major obstacles to the enjoyment of a healthy and sustainable environment.¹⁰ Though not legally binding, the resolution signals the strong political commitment of UN member states to such a right and could be a catalyst for change.¹¹ It is expected to produce positive environmental results by raising public awareness and improving accountability and enforcement. In particular, the recognition of this right can provide a strong basis for environmental litigation in courts. Across the world, the link between human rights and the environment and climate is increasingly being invoked before the courts.

Alongside these national instruments, European States developed an important regional legal corpus affirming the right to a healthy environment. The European Union is a party to the [Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters](#). This is a key instrument in protecting environmental rights. It grants the rights to review procedures to challenge public decisions that have been made without respecting the two aforementioned rights, or environmental laws in general (access to justice).¹²

The aim of the breakout session is to examine what policy and legal tools can effectively address environmental racism and secure better environmental justice.

Guiding questions:

- How can we ensure that the Green Deal transition is truly just and inclusive?
- What are the concrete tools that ensure that people are put first, and that particular attention is given to the regions, industries and workers who face the greatest challenges?
- How can we find solutions where there are different stakes are in conflict and proposed solutions aiming at better environmental protection create barriers to equal access?
- What are the conditions for ensuring a more participatory approach?

¹⁰ European Parliamentary Research Service (EPRS), [A universal right to a healthy environment](#), December 2021, p.2.

¹¹ *Ibidem*, p.2.

¹² ¹² EUROPEAN ENVIRONMENTAL BUREAU, [idem](#), p.11

- How can a rights-based approach address environmental inequality and ensure protection for racialized people in vulnerable situations?