

Complementary Submission of the United Nations Permanent Forum on People of African Descent to the Intergovernmental Working Group on the Implementation of the Durban Declaration and Programme of Action on the United Nations Declaration on the promotion, protection, and full respect of the human rights of people of African descent

A. Introduction

1. Pursuant to General Assembly resolution 75/314 operationalizing the mandate of the Permanent Forum on People of African Descent (PFPAD), and the latest the General Assembly resolution 78/234, which invites the Permanent Forum to contribute to the elaboration of a draft United Nations Declaration on the promotion, protection and full respect of the human rights of people of African descent (hereafter the “Declaration”), the Permanent Forum present the following information with a focus on the theme of collective rights, which is the result of an internal consultation process among the Members.
2. As indicated in its first submission to the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action (IGWG) dated 9 September 2022, the Permanent Forum aims to carry out regional consultations with civil society, human rights activists, and people of African descent in the future, which will enable a more comprehensive contribution reflective of people of African descent. Taking note of the elaborating process of the Declaration and drawing from the observations and conclusions of its last three sessions, the Permanent Forum reaffirms its position as indicated in its preliminary submission and deems it important to submit the following complementary inputs highlighting reparations and collective rights, issues of utmost importance to people of African descent, which require to be incorporated in the Declaration. For this purpose, the Permanent Forum will develop a preliminary position paper on the Declaration, which it will share with the IGWG in the future.
3. The Permanent Forum reaffirms that people of African descent shall enjoy all human rights and fundamental freedoms in accordance with international law and international human rights instruments, including the United Nations Charter, the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), and other international human rights treaties and the Durban Declaration and Programme of Action (DDPA), without any discrimination.
4. The Permanent Forum also reaffirms that the rights people of African descent enjoy are deemed as inalienable collective rights, and that the victimization due to colonialism, enslavement, apartheid, systemic racism and racial discrimination against people of African descent should be regarded as collective harm.

5. The Permanent Forum expresses its deep concern about the persistence of systemic racism, racial discrimination and structural barriers against people of African descent as well as the legacies of centuries of colonialism, apartheid, enslavement and the transatlantic and other transoceanic trades in enslaved Africans, all of which have caused profound historical and contemporary injustice and negatively impacted on the rights and well-being of people of African descent.
6. The Permanent Forum holds the view that the long over-due historical injustice endured by people of African descent can only be comprehensively recognised and addressed with reparatory justice. Thus, the primary responsibility of combating systemic racism and racial discrimination, as well as protecting and promoting the safety, human rights and the well-being of people of African descent lies with the Member States of the United Nations. It is imperative for all stakeholders to work harder to put an end to the centuries-long injustice, systemic and structural racism and social invisibility to which people of African descent have been subjected. There is a strong call for the United Nations General Assembly to proclaim a second International Decade starting from 2025, focusing on reparatory justice, recognition and development, eradication of systemic and structural racial discrimination, and the full recognition and implementation of the DDPA.
7. It is the view of the Permanent Forum that the Declaration offers a unique opportunity to increase the human rights respect, protection, and fulfilment of people of African descent and to improve human rights recognition and address of systemic and structural forms of racism, racial discrimination and disparity. This will require a Declaration that does not merely collate or assemble human rights provisions from already existing human rights instruments, but a Declaration that is innovative and offers novel forms of human rights respect and promotion. There should be particular attention to global reparatory justice, sustainable development, a human rights- and evidence-based approach to recognising and addressing systemic and structural racism, transnational migration, health, well-being and intergenerational trauma. Equally essential are the general remarks and provisions specified by the Permanent Forum in its first submission to the IGWG dated 9 September 2022.
8. The General Assembly (resolution A/RES/73/262) has suggested that the Declaration will be a first step towards a new legally binding agreement (i.e., a new human rights convention). There is today a growing international consensus on the systemic and structural nature of racism, as demonstrated at the United Nations by, for example, the DDPA, the 2021 Agenda towards transformative change for racial justice and equality (A/HRC/47/53), and the first final report of PFPAD in 2023 (A/HRC/54/68). As the ICERD (1965) was developed and adopted before such terms and concepts as institutional, structural and systemic racism were elaborated and coined, it is the view of PFPAD that inclusion of such terms and concepts in the development of collective human rights in the Declaration may become a significant step forward in international human rights protection against racism, racial discrimination and disparity.
9. Hence, the Permanent Forum stresses that it is critical that the Declaration incorporates political commitment to the collective right of people of African descent to reparatory

justice for histories and legacies of colonialism and enslavement, to recognition and address of systemic and structural racism, and to sustainable social, economic, and environmental development. Member States should demonstrate political commitment to reparations for people of African descent and develop standards of collective rights of people of African descent, as provided in General Recommendation 34 of the Committee on the Elimination of Racial Discrimination (CERD). This includes, among other things, collective rights to effective monitoring of the human rights situation of people of African descent through disaggregated data collection by race, gender, sexuality, age and other factors; access to quality education, employment, health and adequate housing; ancestral lands, afro-descendent cultural identities and the full and equal enjoyment of religious freedom in the practice of African derived spiritualities; equality before the law and criminal justice; as well as comprehensive national legislation, programs of action and special measures for the promotion, protection and full respect of the human rights of people of African descent.

B. Who are “people of African descent”?

10. It is the position of the Permanent Forum that the Declaration should include a definition of “people of African descent” with guidelines about how the definition relates to such key terms as race, skin colour, ethnicity, national and geographic origin. The definition of people of African descent in the Declaration should be broad and include enslaved Africans and descendants of enslaved Africans in the Diaspora, African migrants and descendants of African migrants in the Diaspora (including in the Maghreb), as well as people and communities of African descent across the world who self-identify as such.
11. It should be unambiguously recognised by the Declaration and Member States that “people of African descent” is a *racial* designation and that people of African descent in the Diaspora as well as continental Africans historically have been and remain subjected to forms of *racial* discrimination, exclusion, and subordination. Here “race” refers exclusively to visible physical characteristics and distinctions coupled with notions of geographic origin and descent and does not depend on nor condone racial theories of essential human differences, innate psychological or cultural differences. In referring to, monitoring, and analysing the human rights situation of people of African descent “ethnicity” and “national origin” should not be used as a proxy for, or replacement of, “race.” In national contexts where the term “race” has been eliminated from discrimination law and other legislation or where race has too strong race-biological connotations, consistently referring to “skin colour” could be an alternative to “race”. However, in such cases the continuities and overlaps with “race” should be made clear and it should also be clear that “skin colour” is meant to refer to physical characteristics more generally and not merely skin colour per se. Other references to “people of African descent”, depending on national contexts and self-identification could be, for instance, “Black”, “African” and “Afro-descendent”. In recognizing and monitoring the human rights situation of people of African descent, the ethnicity and ethnic self-identities of people of African descent should also be carefully considered and taken into account. Here “ethnicity” is understood as communities with shared cultural practices, identities, and histories. Likewise, the social positionalities, intersectionalities and self-identities of people of African descent related to gender, sexuality, national origin, age and other grounds should also be carefully considered and taken into account.

12. After the Durban Conference and its preparatory conferences, the concept of people of African descent has become frequently used in national and international spheres. The existence of a legal, instrumental and institutional architecture around the rights of people of African descent is confirmed, emanating from a set of resolutions of the Human Rights Council and the General Assembly of the United Nations and at regional levels, in particular, at the request of the Organization of American States and the European Union.
13. Likewise, different bodies and mechanisms of the United Nations, including the CERD, the Working Group of Experts on People of African Descent and the Group of Independent Eminent Experts on the Implementation of the DDPA have contributed to the construction of the architecture that today makes people of African descent *subjects of international law* with a wide range of individual and collective rights—as outlined, for example, in CERD General Recommendation 34.

C. General remarks on “collective rights” for people of African descent

14. Collective rights are a foundation for justice and equity for people of African descent, which would benefit communities and society as a whole. Based on the racialized social and international positionalities, collective cultures, traditions and practices of people of African descent, such rights are intrinsic to people of African descent, and a necessary and much needed step on the path to transformative change. Ensuring collective rights will help recognise and address systemic and structural forms of racism, racial discrimination and disparity that people of African descent are subjected to, as well as promote and protect the cultural identities, heritage and economic, cultural, social, civil and political rights of people of African descent. A national legal framework is necessary to set standards of collective rights for people of African descent.
15. There are at least two kinds of *collective rights* that are relevant to the United Nations Declaration on the promotion and full respect of the human rights of peoples of African descent. In one sense “collective rights” are *rights that individuals have as members of groups* such as the rights of women, workers, migrants or children. Another sense of “collective rights” are *rights that groups (of individuals) have as groups* such as the rights of states to sovereignty and self-determination and the rights of ethnic or cultural minorities and indigenous peoples to cultural protection and integrity, ownership of land and genetic resources.¹ Both kinds of collective rights are well established in the universal human rights system and are relevant to the human rights of people of African descent—especially in the areas of recognition and address of systemic and structural racism; the rights of national African descendent ethnic, cultural and spiritual communities; the rights of states with a majority, or large minority, of people of African descent in the Caribbean and elsewhere; the rights of people of African descent to reparatory justice and environmental justice; and the rights of people of African descent to a healthy environment and sustainable development.

¹ Cf e.g., Peter Jones, *Groups and Human Rights*, in HUMAN RIGHTS: THE HARD QUESTIONS 100 (Cindy Holder ed., 2013); Miodrag A. Jovanović, *Are There Universal Collective Rights?* 11 HUM RIGHTS REV 17 (2010); Kwame Anthony Appiah, “Group Rights” and Racial Affirmative Action, 15 J ETHICS 265 (2011).

16. It is the view of PFPAD that the collective rights of people of African descent should not be understood as conflicting with individual human rights and that the proper objective of both collective and individual rights is to protect and promote the equal human dignity and non-discrimination of human beings. Sometimes the resistance to collective human rights is borne of a misguided view that individual human rights are not circumscribed by national, racial, ethnic and other collectives. The history and practice modern human rights have had a “Janus face” of, on the one hand, being based on equal human dignity and rights, and, on the other hand, being based on national, racial, ethnic and gendered exclusivity.² Indeed, the recognition of collective rights is often meant to recognize and correct group-based discrimination, exclusion, disparity and domination.³ Such rights remain critical to addressing the many inequalities within and between countries that urgently need to be tackled by the international community—notably, the inequalities of people of African descent in the Diaspora and Africans on the African continent.

D. Collective right to recognition and address of systemic and structural racism

17. PFPAD holds that the collective right of people of African descent to recognition and address of systemic and structural racism, racial discrimination and disparity needs to be central to, and frame, the Declaration. Although systemic and structural racism are touched on by the DDPA (which speaks of generic “structures”) and especially the 2021 report of the High Commissioner of Human Rights on the promotion and protection of the human rights and fundamental freedoms of Africans and people of African descent (to which “systemic racism” is central)—there are to date at the United Nations no clear, concise, legal and operational (i.e. empirical or measurable) definitions of systemic and structural racism. For example, the 2021 report does not define systemic racism, but describes it in terms of “the compounding inequalities that Africans and people of African descent face in all areas of life as a result of their marginalization and the lack of equal access to opportunities, resources and power”; and furthermore understands it “to be the *operation* [meaning the *manifestation* or *function*] of a complex, interrelated system of laws, policies, practices and attitudes in State institutions, the private sector and societal structures that, combined, result in direct or indirect, intentional or unintentional, de jure or de facto discrimination, distinction, exclusion, restriction or preference on the basis of race, colour, descent or national or ethnic origin.”⁴ PFPAD is looking forward to working closely with the IGWG and others in developing clear, concise, legal and operational definitions of systemic and structural racism. For now, it should suffice to point out that a definition of systemic racism will need to outline how social systems may be racist—by being racially stratified in the enjoyment of human rights across areas or aspects of the system (such as across areas of society as a social system); and similarly, that a definition of structural racism will need to outline how social structures, conditions or patterns may be racially stratified.

² E.g., CHARLES W. MILLS, *THE RACIAL CONTRACT* (1997); CHARLES W. MILLS, *BLACK RIGHTS/WHITE WRONGS: THE CRITIQUE OF RACIAL LIBERALISM* (2017); JÜRGEN HABERMAS, *THE INCLUSION OF THE OTHER: STUDIES IN POLITICAL THEORY* (2000).

³ Bonny Ibhawoh, *Inalienable Dignity: Writing Counterhegemonic Universal Human Rights Histories*, 70 *ETHNOHISTORY* 187 (2023); Cristiano Gianolla, *Collective Rights; a Western Foundational Perspective*, 140 *SFERA POLITICII* 74 (2009).

⁴ A/HRC/47/53, Paragraphs 3 and 9.

18. Including in the Declaration the collective right of people of African descent to recognition and address of systemic and structural racism will be a paradigmatic shift from viewing racial discrimination as individual instances of discrimination (however frequent, common, or widespread). It will grant people of African descent the right to have their full human rights situation in a society and, in international affairs monitored, holistically recognised and addressed. Including, how the systemic and structural human rights situations of people of African descent across the world are not the result of historical accidents, but of histories of colonialism, enslavement, apartheid, ethnoracial nationalism and more; and that the human rights situations of people of African descent call for comprehensive systemic and structural transformations.
19. The collective right of people of African descent to recognition and address of systemic and structural racism, racial discrimination and disparity will have several other advantages for the international community. The growing international crises facing the international community call for a systems- and structures-approach and increasing awareness, conversations and practical solutions on how to create social and international systems and structures that are sustainable by being socially and economically equitable and environmentally friendly (in a nutshell, this is the task of Agenda 2030 for Sustainable Development). This will require correcting racial, ethnic, and national disparities within and among countries and fostering systems and structures in which also people of African descent can enjoy equal human dignity and rights.
20. A critical aspect of the collective right of people of African descent to recognition and address of systemic and structural racism is that it encompasses both domestic and international systems and structures. Among the innovative aspects of the DDPA is that it recognises the international as well as domestic dimensions of racism, racial discrimination and disparity. For example, it recognizes the suffering caused by colonialism and regrets that the effects and persistence of its “structures and practices have been among the factors contributing to lasting social and economic inequalities in many parts of the world today.”⁵ However, the DDPA notwithstanding, there are at least three critical reasons why the collective right of people of African descent to recognition and address of systemic and structural racism should encompass both domestic and international systems and structures. First, in line with the DDPA, it should be clear that racism against people of African descent has both domestic and international dimensions. The systems and structures of colonialism and enslavement were not merely domestic matters, but international matters that have shaped racial inequities both within and among countries. For example, the social positions of people of African descent across the Global North as well as the positions of Caribbean and African States in the global economy and in institutions of global governance (including, in relation to International Financial Institutions). Hence, the collective right to recognition and address of systemic and structural racism needs to be a right—like Article 28 of the *Universal Declaration of Human Rights*—to social and international orders in which human rights can be fully realised. Second, for the Declaration to be

⁵ Paragraph 14 of the DDPA.

fully relevant to people of African descent, it should be clear that it cannot merely concern the domestic level and the rights of people of African descent in relation to their own States, but that it also needs to include the international level and the rights of people of African descent in relation to other States and international actors. Third, the Declaration will be remiss if it does not include global inequality and global economic systems and structures; their historical roots in colonialism, enslavement and the Atlantic economy; and their continuing disparities, including inequitable uses of the human and natural resources of Africans and people of African descent.

21. Effective companions to the Declaration and the collective right of people of African descent to recognition and address of systemic and structural racism could be, as PFPAD has recommended in its first final report (A/HRC/54/68), “the development of official United Nations guidelines and a handbook for a comprehensive human rights-based and data-driven approach to recognizing and addressing systemic and structural racism against people of African descent” (§84) and the “drafting of guidelines for data collection on racial inequities in the global economy, especially as they pertain to Africans and people of African descent” (§88a).
22. In conjunction with the collective right of people of African descent to recognition and address of systemic and structural racism, people of African descent should have the collective right to all appropriate measures, including *special measures*, to promote and/or ensure the equal enjoyment of human rights of people of African descent across spheres of life (such as in education, employment, healthcare, and housing).

E. Collective rights of ethnic, cultural, and spiritual communities

23. PFPAD views the protection against discrimination, subordination, and suppression of ethnic, cultural, and spiritual communities of African descent as an extension of the collective right of people of African descent to recognition and address of systemic and structural racism.
24. To these ends, people of African descent should have the collective right to exercise, without any discrimination, individually or collectively with other members of the group, as appropriate, the following specific rights:
 - a. The right to their cultural identity and to maintain, safeguard, and promote their way of life and their forms of organization, culture, languages, and religious expressions.
 - b. The right to the free exercise and expression of their spiritual practices and worldviews without discrimination, suppression, persecution, or stigma.
 - c. The right to the protection of their traditional knowledge and their cultural and artistic heritage.
 - d. The right to property and the right to use, conservation and protection of lands that they have traditionally occupied and natural resources—if their ways of life and culture are linked to the use of those lands and resources.
 - e. The right to be consulted beforehand when decisions made may affect their rights, by international standards.

F. Collective rights of African descendant (and African) states

25. PFPAD views the rights of African descendent (and African) states to equal sovereignty and self-determination in international affairs—including, in its social, political, economic and environmental aspects—as an extension of the collective right of people of African descent to recognition and address of systemic and structural racism. People of African descent should have the right to recognition and address of international social, political, economic and environmental systems and structures that undermine the equality of human dignity and rights of people of African descent.
26. PFPAD is looking forward to developing this right with the IGWG and others. Including, defining whom or what are obligated to respect, protect and fulfil this right. As most human rights provisions and instruments follow the logic that although human rights are universal, they are primarily the responsibility of States for persons within their national jurisdictions—among the innovative aspects of the Declaration, as the PFPAD envisions it, is that it will include “extraterritorial” or transnational obligations to respect, protect and fulfil the human rights of people of African descent.⁶

G. Collective rights to reparatory justice and environmental justice

27. PFPAD asserts that people of African descent should have collective rights to reparatory justice for histories and legacies of colonialism and enslavement, and to environmental justice for the adverse effects on the enjoyment of human rights of global warming and environmental destruction. PFPAD has a systemic and structural perspective on the collective human rights of people of African descent to reparatory justice and environmental justice and views these collective rights as extensions of the collective right of people of African descent to recognition and address of systemic and structural racism. As the PFPAD affirms in its first final report (A/HRC/54/68) “from a human rights perspective, reparatory justice is primarily about rectifying and transforming systemic and structural injustices established by past injustices and crimes against humanity and, in their place, establishing social and global justice in the sense of the full and equal enjoyment of human dignity and rights and non-discrimination” (§61).
28. The right of people of African descent to reparatory justice should include the development of adequate tribunals, legal instruments and mechanisms for effective access to reparatory justice for people of African descent. In principle, all States and non-state actors that have contributed to and benefitted from histories of colonialism and enslavement—including, the establishment of social and international systems and structures of racial disparity and stratification—with a lasting effect on the enjoyment of human rights of people of African descent should have an obligation (relative to their contributions and benefits) to fulfil the collective right of people of African descent to reparatory justice. This distribution of responsibilities and obligations concerning the right of people of African descent to reparatory justice also means that the responsibilities and obligations of any African countries, kingdoms, ethnic groups or other intermediary actors for their involvement in the enslavement of Africans are negligible.

⁶ Cf. THE ROUTLEDGE HANDBOOK ON EXTRATERRITORIAL HUMAN RIGHTS OBLIGATIONS, (Mark Gibney et al. eds., 2022).

29. Similarly, in principle, all States and non-state actors that have contributed to and benefitted from green-house emissions and environmental exploitation with adverse effects on the enjoyment of human rights of people of African descent should have an obligation (relative to their contributions to and benefits from green-house emissions and environmental exploitation) to fulfil the collective right of people of African descent to environmental justice.

H. Collective rights to a healthy environment and sustainable development

30. People of African descent should have the collective right to recognition and address of any systemic or structural barriers that prevent them from exercising their right to a clean, healthy and sustainable environment as well as their right to social, economic and environmentally sustainable development.
31. Although people of African descent are not explicitly included in Agenda 2030 for Sustainable Development and race is barely mentioned—creating greater equity for people of African descent and Africans and decreasing racial inequalities within and between countries (in particular for African descendent (and African) States), including through measures of reparatory and environmental justice, should be seen, and noted in the Declaration, as integral to achieving universal sustainable development.

I. APPENDIX. The collective rights of people of African descent in the political constitutions, national laws and regional organizations of Latin America

32. Today, international law, regional and national laws in Latin America expands the agency of Afro-descendants beyond the characterization of merely being individual subjects towards a fuller recognition of the cultural specificities created by the phenomenon of the enslavement of Africans and people of African descent in the Americas—especially their conditions as ethnic collectives with a right to self-determination, which entails the recognition of their condition as collective subjects with collective rights. From this also derives the right to decide on their knowledge, innovation, and traditional practices associated with genetic resources and their derived products and to equitable participation in the benefits derived from their use, as enshrined in various international and national legal instruments. As part of this third generation of rights in the international system, Afro-descendant people demand the right to historical reparation for transatlantic trafficking, enslavement, and the prolongation of its consequences. This generation of rights also includes climate justice, police non-violence, the fight against algorithmic bias, and artificial intelligence.
33. In that sense, a draft Declaration should be projected as the cornerstone of the fourth generation of rights of people, communities, ethnic and tribal peoples of African descent, which should be focused on reparatory justice for histories and legacies of colonialism and enslavement, an issue that promises to be the gravitational axis of the human rights agenda in the coming decades.
34. The Inter-American Court of Human Rights determines that Afro-descendant rural communities correspond to peoples as ethno-racial communities that inhabit collective territories, generate means of their development, and, therefore, have specific characteristics that require special protection. The Commission reaffirms that the fact

of accepting the recognition of “tribal peoples” does not imply abandoning self-identification as Afro-descendants (IACHR 2015: 8).

35. **Bolivia.** Article 32 of its Political Constitution states that the Afro-Bolivian people **should** enjoy, in all relevant areas, the economic, social, political, and cultural rights recognized in the Constitution for the native Indigenous peasants, nations and peoples. Similarly, Law No. 200—adopted December 14, 2011—Declares September 23 the National Day of the Afro-Bolivian People and Culture, to reaffirm the identity and value of the culture of those in Bolivia who are of African descent and to implement and protect the rights of the Afro-Bolivian People.
36. **Brazil.** Law 12,288 of 2010, Statute of Racial Equality, creates the conditions to adopt, where deemed necessary, affirmative actions and other special measures to correct historical discrimination and inequality (Art 4. II). The law contains some specific articles for Quilombola communities. Similarly, Article 8 refers to specific incentives to guarantee rights to health and access to land. Chapter 4, Section 1 on access to land mentions land titles, public policies for sustainable development, and special treatment for Quilombola communities (articles 31-34). In general, the Law provides for measures in social matters, with special reference to the Afro-descendant population.
37. **Colombia.** Law 70 of 1993, Law on the Right of the Afro-Colombian Population as an Ethnic Group and its Regulatory Decrees, provides for measures regarding the recognition of the right to collective property of their ancestral territories, priority in matters of use of natural resources, recognition of the right to their cultural identity, participation and autonomous development. Similarly, Law 70 regulates Transitory Article 55 of the Political Constitution. In the development of such precepts, the high courts of Colombia have issued more than one hundred rulings, which include the recognition of Afro-descendants as beneficiaries of ILO Convention 169 on Indigenous and tribal peoples in independent countries. The legal framework adopted in their favour also includes Law 649 of 2001, Regulates the Special Constituency to the House of Representatives, referred to in Article 176 of the National Political Constitution. The law assigns two (2) Seats to Black Communities.
38. **Costa Rica.** Executive Decree No. 43191-mp-mcg, of August 31, 2021, states the declaration of public interest to the Afro-Costa Rican population, its cultural identity, language, historical tradition, culture, and worldview, and creation of the **table for the recognition process of Afro-Costa Rican tribal peoples**. Similarly, Executive Decree No. 32338 of April 27, 2005, created the National Commission for Afro-Costa Rican Studies to strengthen the study of Afro-Costa Rican culture in the curricular structure of the educational system. Furthermore, Law 8938 published on 05/25/2011 in Gazette # 100 declares August 31 Day of the Black Person and Afro-Costa Rican Culture. This law reiterates what was already established in the Executive Decrees. Executive Decree No. 25698-MINAE-MEP-C of September 9, 1996, which also declares the celebration of Afro-Costa Rican Culture.
39. **Ecuador.** Law 275 of May 2006, on **Collective Rights of Black or Afro-Ecuadorian Peoples**, seeks to guarantee the right to equality of Afro-Ecuadorians, and their constitutionally recognized collective rights (arts. 84 and 85), including collective ownership of ancestral territories, traditional health practices, and intellectual property, and establishes mechanisms for the protection of their cultural identity, among others. Similarly, Decree No. 60 of September 2009, by which the Multi-Annual Plan for the

Elimination of Racial Discrimination and Ethnic and Cultural Exclusion is adopted as Public Policy, an affirmative action labour policy is adopted that contemplates access to employment for Afro-Ecuadorians, Indigenous Peoples, and Montunos, in a percentage not less than the proportion of their population. It also contemplates the resignification of names of monuments, avenues, parks, squares, and national buildings, to strengthen interculturality and the Plurinational State.

40. **Chile.** Law 21151 grants legal recognition to the **Chilean Afro-descendant tribal people.** The collective territories of Afro-descendants are characterized by their wealth in natural resources and biodiversity. In recognition of their ancestral property and their way of relating to nature, more than nine million hectares of land have been awarded to them as collective property. Increasingly, its critical importance for the sustainability of the planet is recognized.

