



Report on the Adverse Impact of Climate Change on the Full and Effective Enjoyment of Human Rights of Indigenous Peoples

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Cultural Survival is an international Indigenous rights organization with a global Indigenous leadership and consultative status with ECOSOC since 2005. Cultural Survival is registered as a 501(c)(3) non-profit organization in Cambridge, Massachusetts, USA. Its mission is to advocate for Indigenous Peoples' rights and support Indigenous communities' self-determination, cultures and political resilience. We work to monitor and report on the implementation of Indigenous Rights globally and publish findings at

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Climate change is disrupting and threatening lives on a global scale, causing rising temperatures, melting glaciers, sea level rise, changes in wet and dry seasons, more extreme and unpredictable weather, and countless other impacts, resulting in grave threats to people's safety and their full and effective enjoyment of human rights. Among those who are most severely impacted are Indigenous Peoples, despite the fact that Indigenous Peoples are among the groups who have contributed the least to climate change.ⁱ This global crisis poses an additional layer of threat to the already existing range of economic, social and environmental issues that Indigenous Peoples face daily.ⁱⁱ The following includes reports from grassroots Indigenous communities and organizationsⁱⁱⁱ regarding their experiences with climate change's impacts on the ground, as well as additional research.

Indigenous Peoples' livelihoods are strongly defined by relationships with their environments. Being able to understand and predict weather patterns within their territories has sustained cultures for generations. Weather unpredictability resulting from climate change has severely affected many Indigenous communities' capacity to determine when to plant, harvest, hunt, and carry out other activities throughout the seasons. Indigenous Peoples' enjoyment of the right to adequate food is thus in danger. Nahua and Binnizá communities in Mexico reported decreases in harvests and miscalculations due to difficulties in predicting weather, since changes in the rains mean they may plant too early or too late. Crop failures significantly reduce Indigenous communities' resiliency and most likely result in increased poverty. Climate change is violating Indigenous Peoples' access to their traditional foods and livelihoods in many regions, not only when it comes to crops, and not only when it comes to predicting weather. Weather extremes are changing Indigenous Peoples' access to food, water, and other resources they have relied upon for generations. In the Arctic, ice and permafrost are melting, harming reindeer, deer, marine mammals and fish migration patterns, on which Indigenous communities rely.^{iv} For example, Sami and Nenets communities in Russia depend on their reindeer herds for food, clothes, transport, and shelter and have migrated across their homelands for centuries. Melting ice caps increase rainfall, resulting in more refreezing events and damaging pasture conditions, as reindeer cannot forage for lichens beneath the ice.^v

The Land Trust Alliance reports that shifting seasons are having a significant impact on ecosystem cycles around the world, causing "potential misalignment between lifecycle events of species that rely on one another."^{vi} They may alter timings of flowers blooming, pollinators appearing, migration patterns, invasive species establishment; and they can create "false springs," meaning plants begin to grow too early and are vulnerable to frosts.^{vii} Shifting seasons also result in a loss of biodiversity, which gravely threatens Indigenous food systems. Gathering, hunting, fishing, and farming are key activities in Indigenous food systems,^{viii} and changing patterns make it difficult for communities to access traditional food sources.^{ix} All of this is associated with increased poverty levels when Indigenous communities no longer have sovereignty over their food systems and spend a major part of their budgets on store-bought foods. Human rights are interdependent; therefore, jeopardizing Indigenous Peoples' right to food impairs their full and effective enjoyment of other rights mentioned in the UN Declaration of Human Rights such as those to health, to life, to water, to adequate housing, to education, and others.^x

Indigenous Peoples make up an estimated 5% of the world population but constitute nearly 15% of the world's poor^{xi} and are among the poorest populations globally.^{xii} Many live in areas in developing countries which are considered to be the most vulnerable to climate change and the least prepared to address its consequences.^{xiii} A World Bank study estimated that 100 million people will be forced into poverty due to climate change^{xiv} and the consequences of the inequalities that shall arise will be particularly severe for Indigenous Peoples given that they are already amongst the most marginalized groups. Climate change poses a major threat to any progress in poverty reduction and to the achievement of the UN Sustainable Development Goals.

Unable to sustain their traditional livelihoods, many Indigenous people have been forced to migrate in search of work and a source of income. Indigenous communities in Guatemala, Mexico, Nepal,

and Brazil report an increase in migration because, largely due to impacts on agriculture, the communities can no longer support themselves on their lands and people have had to leave to be able to provide for their families' needs. Employment in the cities to which Indigenous people migrate is commonly found within the informal economy, e.g. domestic, agricultural and construction work. Such settings can be associated with limited social protection, social and economic discrimination, wage exploitation, health and safety risks, and forced assimilation.^{xv} Indigenous women and girls are especially vulnerable in these situations and are at risk of exposure to additional violence and human rights violations.^{xvi} In addition to migration rooted in economic impacts of climate change, according to the Internal Displacement Monitoring Centre's 2021 global report,^{xvii} "disasters related to climate displaced 30.7 million people"^{xviii} worldwide in 2020. A September 2021 World Bank report projects an estimated 216 million internal migrants - not counting international migrants - by 2050, for reasons ranging from extreme weather events to crop failures.^{xix}

Climate change is pushing Indigenous communities to evermore vulnerable situations where a wide variety of human rights are being violated, including those to life, food, health, water, sanitation and development. Moreover, specifically for Indigenous Peoples, their rights to self-determination and cultural identity are violated as the effects of climate change make it impossible for them to continue practices that define and sustain their ways of life. The UN Declaration on the Rights of Indigenous Peoples (UNDRIP) contains within its first six articles the right to self-determination and free pursuit of their economic, social and cultural development.^{xx}

Diverse multilateral, regional, and international mechanisms have been developed as a response to the implications climate change might have on the full and effective enjoyment of human rights. The UNDRIP lays the foundation of specific rights and actions that governments must take to safeguard Indigenous Peoples' rights. If these rights were broadly respected, many climate change impacts would be avoided or mitigated, as Indigenous self-determination related to land management has been proven to protect the environment and mitigate climate change.^{xxi} Other international instruments applicable to the relationship between UNDRIP and climate change include: the Universal Declaration of Human Rights (UDHR); International Covenant on Civil and Political Rights (ICCPR); International Covenant on Economic, Social and Cultural Rights (ICESCR); Convention Concerning the Protection of the World Cultural and Natural Heritage; Rio Agenda 21; and the International Convention on the Elimination of All Forms of Racial Discrimination (CEDAW).^{xxii} The International Labour Organization (ILO) conventions also serve as frameworks for the protection and promotion of Indigenous Peoples' rights, specifically Indigenous and Tribal Peoples Convention of 1989 (No. 169) and the 1957 Convention (No. 107).^{xxiii}

Specific internationally enshrined rights are at risk due to climate change. Extreme weather events can cause loss of land; lack of clean water; diseases; loss of infrastructure and property; resource scarcity; changes in traditional fishing livelihoods; food insecurity; psychological distress; and many others.^{xxiv} All of these put at risk numerous rights enshrined in the aforementioned mechanisms, such as the rights to self determination; life; health; water; means of subsistence; standard of living; adequate housing; culture; property; and education.^{xxv}

Article 3 of the UN Framework Convention on Climate Change (UNFCCC) also states that any actions to achieve the objectives within the convention should be guided by "the specific needs and special circumstances of developing country Parties, especially those that are particularly vulnerable to the adverse effects of climate change."^{xxvi} The right to Free, Prior and Informed Consent (FPIC), increasingly recognized internationally, defends Indigenous Peoples' right to determine whether or not to accept "a program, development project or legislation that could affect their people and/or their territories."^{xxvii} In the fight against climate change, FPIC is essential to ensuring the successful implementation of development and aid programs that take into account the real needs of Indigenous Peoples through consultation and consent,^{xxviii} as well as defending Indigenous rights to reject extractive, renewable energy, or other projects.

The Paris Agreement,^{xxix} a legally binding international treaty adopted in 2015, set goals for climate change adaptation and mitigation for nations to follow. Indigenous Peoples are mentioned several times, mainly referencing all nations' obligations to promote and respect Indigenous Peoples' rights and the importance of Indigenous knowledge to combat climate change.^{xxx} The recent Glasgow Pact of November 2021 also recognizes the importance of promoting and respecting human rights. However, the general consensus is that it is not enough. While this Pact recognizes Indigenous Peoples' rights, it could have included stronger human rights language such that of the UNDRIP and language affirming the rights of Indigenous Peoples to FPIC. This would have particular importance for Indigenous Peoples because mining for minerals needed for a transition away from fossil fuels is occurring and will continue to occur on Indigenous territories.

While there are ample tools in international agreements that should protect Indigenous Peoples' human rights, they largely go unimplemented on the ground. However, if more of these human rights instruments were operationalized and implemented at national levels, it would have a direct positive impact on Indigenous rights and on combating climate change effects. For instance, leading climate researchers have concluded that "[there is] an urgent need to make collective tenure security a critical part of emission reduction strategies. Empowering forest peoples to continue their historical role as stewards of the environment is essential for stabilizing Earth's climate."^{xxxi} When Indigenous Peoples have rights to their lands, they are able to steward these lands in ways that prevent fossil fuel extraction, maintain carbon-capturing forests, ensure soil regeneration and carbon capture through traditional agriculture and agroecology, and protect biodiversity. The gap between recognized and unrecognized land rights points to significant opportunities to scale up the protection of Indigenous lands. UNDRIP provides basic standards that states can use for creating legislation, policies, and constitutional reforms that include the protection and promotion of Indigenous Peoples' rights, particularly their right to FPIC. There have been some states that have taken steps in the right direction by implementing UNDRIP in their domestic legislation. Bolivia is one of a few states that has included the protection of Indigenous Peoples' rights in its constitution.^{xxxii} A number of domestic judicial decisions taken recently have also been informed by UNDRIP and other global standards and have created precedent setting case law for the protection of Indigenous Peoples' rights, such as the case of the *Maya Leaders Alliance et al v The Attorney General of Belize*, which affirmed the rights of Maya communities in southern Belize to their collective lands and territories.^{xxxiii} More states ought to follow in the footsteps of Bolivia and Belize as human rights instruments are only relevant if they are actually used and operationalized. This will have a direct positive impact on Indigenous Peoples' ability to continue to steward their lands sustainably which will have a direct impact on fighting climate change.

Indigenous Peoples are crucial agents of change for climate mitigation and adaptation.^{xxxiv} They are in a constant state of resiliency as they develop solutions to the effects of climate change and are on the front lines of a disaster of unprecedented scale. It is crucial to understand Indigenous Peoples' efforts as fundamental to the response to climate change, and it is necessary to support them, because these communities hold deep knowledge of their territories about how conditions were before and how they have changed, knowledge which informs the development of ecologically and culturally appropriate solutions. They provide holistic solutions, based on each community's own decision-making, in accordance with ancestral knowledge adapted to new contexts.

Another major challenge to protecting Indigenous Peoples' rights in the context of climate change is their marginalization in international climate negotiations. Although many international mechanisms recognize Indigenous Peoples' rights, Indigenous communities and leaders are often excluded from climate change discussions, leaving out both their concerns and expertise. Indigenous Peoples also face systemic discrimination within international forums where they are "often delegitimized in forums rooted in western epistemological frameworks."^{xxxv} According to an article published in the journal *Environment: Science and Policy for Sustainable Development*, which analyzed the role of Indigenous Peoples in the

UNFCCC and in COP21, Indigenous Peoples experience three spheres of marginalization within climate change forums: political, economic, and epistemological.^{xxxvi} Political discrimination is rooted in a history of colonization and includes the inability of Indigenous Peoples to obtain credentials and representation as sovereign nations in international fora. This systemic exclusion has led to their categorization as “homogenized observers, undermining the diversity of and individual identity and nationhood of IPs,”^{xxxvii} and excluding their specific needs and concerns regarding climate changes. Economic marginalization, a direct consequence of the systemic discrimination they face on a global scale, can be seen in a lack of financing and access to information and, thus, a lack of capacity to negotiate, participate, and represent themselves in fora that operate within western frameworks.^{xxxviii} The consensus by Indigenous Peoples who attended the recent UNFCCC/COP26 held in Glasgow in November 2021 is that not much has changed since COP21. While Indigenous Peoples represented one of the largest civil society groups at COP26, after oil and gas lobbyists, they were not at the forefront of decision making processes. Despite the challenges to accessing these international spaces, Indigenous Peoples continue to forge forward and to engage as much as possible to have their rights recognized.

It has been increasingly recognized within western science that Indigenous knowledge is crucial in the fight against climate change due to the valuable insight Indigenous Peoples offer on how to adapt to climatic and ecosystem changes. Traditional methods of fire and water management, agroforestry techniques, shoreline reinforcement and seasonal migration^{xxxix} are crucial traditional practices and among the best tools for climate adaptation and mitigation. Despite this, there is still significant epistemological marginalization driven by western/white supremacist perceptions of the legitimacy and validity of Indigenous knowledge systems which is oftentimes viewed as inferior or “anecdotal.”^{xl} Indigenous knowledge is valid and Indigenous Peoples are not just “victims” but fundamental agents of change for achieving effective climate action and sustainable development.^{xli}

Funding Indigenous-led projects is a crucial practice for ensuring Indigenous rights are fulfilled in the context of climate change. Indigenous communities worldwide are undertaking projects related to food and water sovereignty, and this kind of funding is already underway with Indigenous-led funders, such as Cultural Survival. Munduruku, Apiaká, and Kayabi communities in Brazil are organizing seed exchanges and community gardens, while agroecological producers in a Kichwa community in Ecuador are building new food production and water conservation processes. Also in Ecuador, Shuar and Achuar communities are establishing communal seed production, seed banks, seed exchanges and networks, and education on traditional agriculture, as they relocate their gardens outside of flood zones to improve resilience to climate-related disasters. In the US, the Yurok Nation is restoring traditional agricultural knowledge and practices, saving seeds, and conducting cultural controlled burning, which both supports the regeneration of Indigenous nut tree groves and mitigates the danger of massive, uncontrollable wildfires. These projects at the community level are among the most important responses to climate change, as communities hold knowledge of their land, including both the history of the land and more recent changes, and they hold the expertise on their own needs to implement the most culturally and ecologically appropriate solutions that would meet their needs and ensure their rights are respected. Appropriate outside financing is fundamental for communities to undertake such measures, and the impacts of financing Indigenous Peoples’ projects reach well beyond Indigenous communities. Indigenous Peoples steward approximately 24% of aboveground carbon^{xlii} and 80% of global biodiversity worldwide,^{xliii} and their projects often fall into classic categories of climate change mitigation and adaptation and have reverberating effects that serve to protect the environment for all. It is fundamental to encourage direct financing of Indigenous communities’ grassroots climate solutions and Indigenous Community Conserved Areas (ICCAs). In addition to ensuring the right to food, such projects fuel the local economy and diversify income, improving the likelihood of Indigenous Peoples’ resilience in the face of crop failures and their ability to stay in their homelands as opposed to being forced to migrate and

undertake the myriad human rights violations posed by migration, as described above, in response to threats to their homelands.

Recognition of Indigenous Peoples and their rights still remains absent in many countries where they are excluded from legal, policy, or institutional frameworks.^{xliv} In many cases, even in countries that recognize Indigenous Peoples' rights, there continues to be a lack of institutional and financial support, inclusion in public policy, and implementation of rights and "procedures for consultation with and participation of indigenous peoples in decision-making are weak or absent."^{xlv} Indigenous rights, whether substantive, e.g., rights to land, territories, and natural resources or enabling, e.g., rights to access to information, consultation, and participation, should be understood as a climate solution and protected and promoted at all costs through the employment of meaningful policies and mechanisms that integrate Indigenous Peoples at all levels of decision-making.^{xlvi}

Recommendations

Cultural Survival recommends that states take the following actions:

1. Consult with Indigenous Peoples to determine their unique needs and strategies for addressing climate change impacts in their communities.
2. Comply with Indigenous Peoples' right to Free, Prior, and Informed Consent as stipulated in the UNDRIP as it relates to extractive industries and other development projects on Indigenous Peoples' lands and territories as a key climate change mitigation strategy and as essential to Indigenous Peoples' collective rights and Indigenous people's individual human rights. This includes externally imposed climate change mitigation and adaptation projects, such as renewable energy projects, which may violate Indigenous rights.^{xlvii}
3. Honor and implement all existing treaty obligations and respect Indigenous Peoples and Native Nations as the best experts and stewards of their lands, territories, and natural resources.
4. Recognize Indigenous Peoples' land rights and customary land tenure and incorporate this into conservation strategies and practices related to biodiversity protection, climate change, and a just transition.
5. Develop procedures to protect Indigenous Peoples in-place in the face of climate-related disasters and to support relocation as it is self-determined to be necessary by Indigenous Peoples.^{xlviii}
6. Develop processes to recognize Indigenous land title and tenure so that Indigenous Peoples are empowered by the law to make decisions and steward their ancestral lands.
7. Develop culturally appropriate means of involving Indigenous leaders and knowledge-holders in climate change policy and environmental decision-making, as Indigenous knowledge holds solutions for both Indigenous Peoples and for all people.
8. Establish national and intergovernmental funds to finance Indigenous-led climate change adaptation and mitigation solutions, ICCPAs, and projects which sustain Indigenous knowledge, languages, and cultures, which are critical to these efforts.
9. Prosecute perpetrators and put an end to violence against Indigenous human rights and environmental defenders, who are daily threatened, attacked, and killed for their defense of Indigenous collective and human rights and the environment.

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