



Cultural Rights and Climate Change:

The Inuit Circumpolar Council's submission to the Special Rapporteur in the field of cultural rights

As an Indigenous organization with decades of history, leadership, and ongoing participation within international climate change and human rights fora, the Inuit Circumpolar Council brings both a depth and breadth of experience relevant to the UN Special Rapporteur's mandate. However, we would specifically like to address Question 8 under the 'Measures Taken and Recommendations' section of the Questionnaire - *Are affected persons and groups being consulted and enabled to participate in discussions related to climate policy and climate action?*

The profound relationship that Inuit have to their environment has defined our culture. Our adaptation to the unique Arctic environment and our reliance upon the sea ice, marine mammals, tundra, and all other species throughout Inuit Nunaat are and always have been the defining elements of our culture, language, Indigenous knowledge and ways of life. With the dramatic changes that we are facing, our culture and distinct way of life is threatened. The adverse impacts of climate change are multiple and complex, touching every facet of our lives, especially given that such change is occurring at up to four times the rate of other regions in the world. We cannot stress the significance of these impacts upon our culture. And, these impacts are compounded by other triggers, such as increased vessel traffic due to loss of sea ice, coastal erosion, and changes in marine mammal habitat and birthing.

However, we would like to draw your attention to an even more disturbing matter that complicates the clarity that we gained with the articulation and affirmation of specific human rights in favor of Indigenous peoples.

A significant and ongoing challenge to our full and effective participation in climate policy and action is the consistent grouping of Indigenous peoples and "local communities", whose definition remains unclear, within UN Agencies and numerous other international bodies. For example, this grouping occurs under the UNFCCC with the Local Communities and Indigenous Peoples Platform (LCIPP) and under the CBD who recognizes "Indigenous Peoples and Local Communities" (IPLCs). This grouping perpetuates a false equivalency between Indigenous Peoples and "local communities" and threatens the distinct individual and collective human rights of Indigenous Peoples. Any and all attempts to conflate, merge or equate the distinct status, rights and role of Indigenous peoples with such communities must be arrested. This position is also shared by the International Indigenous Peoples Forum on Climate Change.

There is an urgent need for Parties, UN Agencies, and other stakeholders to understand the interrelated, interdependent and indivisible human rights of Indigenous Peoples affirmed in the comprehensive international human rights instrument entitled *United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration)*, especially in relation to our right of self-determination – the prerequisite to the exercise and enjoyment of all other rights. These rights must be respected and recognized as distinct to us, and not casually ascribed to, and equated with, the uncertain nature of "local communities", whatever they may be. Clarity of how the Declaration on the Right of Peasants, which practically may have greater relevance in its linkage to the Farmers Constituency, is being used to justify "emerging rights of local communities" is urgently needed.

Within the UNFCCC process, we have joined our voice with other Indigenous peoples under the Indigenous Peoples Constituency to safeguard our unique status. To date, because of the problematic lack of clarity, troublesome encroachments, and potential for abuse and diminishment of the human rights of Indigenous peoples we have been steadfast on making this distinction. Those who organize themselves as so-called “local communities” are encouraged to follow appropriate UNFCCC protocol to bring definition to “local communities” to address current uncertainty.

UN treaty bodies have confirmed repeatedly that the right of self-determination, as provided in the international human rights Covenants, applies to the world’s “indigenous peoples” without qualification or limitation. Any qualification or limitation would be a violation of the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Civil and Political Rights. It is well established that, in a wide range of international instruments that the status, rights and role of Indigenous peoples has and continues to have legal effects visibly different from all others.

Clarity on this issue can be found in the deep and growing pool of jurisprudence by the UN human rights treaty bodies and in particular, the Committee on Elimination of Racial Discrimination; the four UN Indigenous peoples’ specific mandates: the Special Rapporteur on the Rights of Indigenous Peoples, the UN Expert Mechanism on the Rights of Indigenous Peoples, the UN Permanent Forum on Indigenous Issues, the UN Voluntary Fund for Indigenous Peoples; the International Labor Organization and their C169 ON Indigenous and Tribal Peoples; the regional Organization of American States and its relevant bodies mandated to address the rights of Indigenous peoples, including the American Declaration on the Rights of Indigenous Peoples, as well as the African Commission on Human and Peoples Rights; the extraordinary body of Indigenous scholarship; and the host of international and other Indigenous peoples Non-Governmental Organizations, to name a few. In addition, domestic or national law, policy and jurisprudence cannot be overlooked in the survey of the distinct rights, status and role of Indigenous peoples.

It is imperative that the rights, aspirations, and capacity of Indigenous Peoples be recognized and respected as separate from those of local communities in all discussion related to climate policy and climate action, and more significantly, the participation of local communities should not in any way undermine, diminish or impact the participation of Indigenous peoples in any intergovernmental climate change forum at the international, national or regional level.