



RESAMA¹ contributions
to the UN Special Rapporteur on Cultural Rights
QUESTIONNAIRE ON CULTURAL RIGHTS AND CLIMATE CHANGE

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Negative impacts of climate change on culture and cultural rights

1. What negative impacts of climate change on culture, heritage and the enjoyment of cultural rights by all have been documented in your context? Are particular groups, such as women, persons with disabilities, indigenous peoples, rural persons or peasants, and youth or future generations, as well as cultural practitioners being impacted in specific and disproportionate ways? What efforts are being undertaken to inventory and monitor such impacts?

According to the United Nations' Report of the Special Rapporteur on the Rights of Indigenous Peoples, indigenous peoples are among those who have least contributed to the problem of climate change, yet they are the ones who suffer most

¹ Founded in 2010, the South American Network for Environmental Migrations (RESAMA) is an independent network of experts and researchers aiming at the production and dissemination of information on environmental migration and related topics, promoting and proposing ways to enhance its inclusion in regional and national agendas. RESAMA seeks the recognition of the interlinkages among human mobility, climate change and disasters, always based on a human rights approach. RESAMA is engaged in giving visibility to communities at risk of displacement and/or trapped in vulnerable situations in the region. The network contributes to develop and present strategies, tools, practices, knowledge and information, contributing not only to the better understanding of the phenomenon, but also reaching legal recognition and effective protection. RESAMA has been dealing with the topic in the region through research, capacity building, policy and advocacy. Currently RESAMA is involved in a new initiative: the *Latin American Observatory on Human Mobility, Climate Change and Disasters*, developed in partnership with the University for Peace (UPEACE) based in Costa Rica. Website: <<https://resama.org>>. Email: <contato.resama@gmail.com>

from its effects². Particular groups, especially those who have a dependency relation with nature, are more physically and culturally affected than others. In this sense, indigenous people have a multicultural heritage, which is attached to the environment and threatened by climate change.

In the northern region of Brazil, the Waujá indigenous people base their entire culture due to the rain cycle, for them rain is the sign that marks the year and, therefore, plantations in the fields and rituals can begin. The appearance of a star (Amawĩtsĩ) indicates the beginning of the drought, a period marked by ceremonies in honour of the dead and the harvest of cassava. Due to climate change, the rain and drought cycles have changed, which means that the community no longer uses the signs of nature³.

In Brazil, indigenous peoples have sought to play a leading role in climate change strategies. An example worth mentioning is the action of the Institute for Environmental Research in the Amazon (IPAM Amazônia, in Portuguese), which has worked together with indigenous peoples, in order to facilitate the alliance between traditional knowledge and scientific research, arising possible solutions to the impacts of climate change. Among the actions of IPAM Amazônia, in collaboration with the Indigenous Committee on Climate Change, is the creation of the Indigenous Amazon Observation System (SOMAI, in Portuguese) and the “Indigenous Climate Alert” mobile app, which sends information on hot spots, deforestation and drought risk for the Brazilian Amazon Indigenous Lands. The development of “Indigenous Climate Alert” counted on the participation of several indigenous groups in its construction and validation. In addition to recording and sharing their own warnings about fire, deforestation, illegal fishing, illegal logging and invasions on their lands, indigenous people are also able to mark their points of interest, such as fishing or hunting areas. The information is stored on cell phones and is shared with whomever they wish and some of this data is made available on the SOMAI platform⁴.

Another consequence of the adverse impacts of climate change is the migration and forced displacement of indigenous men and women. Faced with a scarcity of resources and livelihoods, many indigenous people migrate outside their traditional territories in search of work. Although migration can be considered an adaptation strategy to climate change, it also makes indigenous women and men more vulnerable to discrimination, loss of identity, exploitation, and other social,

² United Nations. Report of the Special Rapporteur on the rights of indigenous peoples. Human Rights Council, Thirty-sixth session, 11-29, A/HRC/36/46, September 2017.

³ JURUNA, Tawaiku. URZEDO, Danilo Ignacio de et al. (Org.). O que será de nossas sementes? – Pesquisa intercultural sobre as mudanças climáticas no Xingu-Araguaia. 1ª ed. São Paulo: Instituto Socioambiental; Canarana, MT: Associação Rede de Sementes do Xingu, 2017.

⁴ More information available on <<http://www.somai.org.br>>.

economic, and environmental risks in their places of destination. Failure to recognize their traditional professional skills, poor training, and disregard for their cultures and livelihoods are some of the obstacles they face in getting a decent job⁵.

It should be noted that the impact of climate change affects certain groups differently. The Inter-American Commission on Human Rights, in its report "Pueblos Indígenas y Tribales de la Panamazonía"⁶, informs that in the American continent, despite the fact that a large part of indigenous peoples is in vulnerability situation and historical social exclusion, the Indigenous women often face more serious discrimination, violence, social and economic exclusion, for reasons of gender, ethnicity, and poverty, which places them in extreme vulnerability. In addition, in many indigenous communities exist historical asymmetric power relations that place women in a subordinate position in relation to men.

The dynamics of this asymmetric relation is mainly expressed in the distribution of work and roles between indigenous men and women. In most cases, job opportunities outside of community activities are offered to men, leaving women in charge of activities related to home and territory care. In this way, many women maintain a close relationship with the land, from which they obtain essential resources for their subsistence. In this scenario, the processes of climate change end up affecting this relationship.

2. Are cultural sites or resources which are critical to participation in cultural life identified as being threatened due to climate change and if so, how? What processes are used to analyse the risk of harm or inaccessibility to these areas and resources? Are records being kept about these risks and impacts?

Some impacts of climate change are linked to the intensification of anthropic processes within indigenous territories. The development of investment projects, whether public or private, involve deterritorialization processes that end up affecting the dynamics of the territories occupied by indigenous peoples and generating impacts on ecosystems. For communities, deterritorialization generates problems in access to their main sources of subsistence such as water, land for agriculture, fishing, etc., affecting their form of social and cultural reproduction. An example of these processes is the deforestation of Amazon forests for transformation into land for large-scale agriculture and/or livestock. In very dry and hot seasons, this deforestation ends up generating large outbreaks of fires that produce more

⁵ Oficina Internacional del Trabajo. Los pueblos indígenas y el cambio climático De víctimas a agentes del cambio por medio del trabajo decente. Available at: <https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_632113.pdf>

⁶ CIDH, Pueblos Indígenas y Tribales de la Panamazonía, OAS/Ser.LV/II. Doc. 176, 2019.

greenhouse gases and the danger of irreversible desertification processes in the Amazon.

A clear example of this was the cases of forest fires reported in Brazil during the month of August 2019, which indicated that the number of alerts of fire outbreaks in the Amazon forests had doubled. States such as Mato Grosso reported 13,641 fire outbreaks, Pará 9,009, Amazonas 6,923, and Rondônia 5,512⁷. Despite the national and international repercussions of this, so far, we are not aware of the existence of any record on the risks and impacts of these processes on the lives of indigenous communities.

3. Please provide examples of specific natural resources, local sites used for cultural practices or seasonal patterns that influence the ability to participate in diverse aspects of cultural life that may be subject to volatility due to climate change. Consider also diffuse geographical features or resources that may be at risk and are definitive or influential in the practice and development of culture on either a collective or individual basis.

In the Andean regions of Latin America, the effects of climate change are manifested mainly by the rapid melting of glaciers; increased frequency of the El Niño and La Niña phenomena; increases in average temperatures; increase in daily thermal amplitude; and more intense and frequent anomalies in the sea surface temperature in the Pacific Ocean. As a consequence of rising temperatures, Andean indigenous peoples are being forced to move and cultivate at higher altitudes. This has a direct cultural impact, since their cultural and ritual sights cannot be moved⁸.

In the United States, a petition made by five indigenous tribes in Louisiana and Alaska highlights the negative impacts of climate change. Indigenous communities are experiencing forced displacement and claim that the American government is violating the human rights of indigenous peoples by failing to take measures to protect communities from climate change. In the document forwarded to the UN, the tribes of Louisiana say that rising sea levels and extreme weather events are causing the coastal region, where indigenous communities live, to be submerged, resulting in the loss of sacred ancestral homelands, destruction to sacred burial sites and the endangerment of cultural traditions, heritage, health, life and livelihoods⁹.

⁷ Como as queimadas na Amazônia impactam a migração e os refugiados. Available at: <<http://www.justificando.com/2019/08/27/como-as-queimadas-na-amazonia-impactam-a-migracao-e-os-refugiados/>>

⁸ TAULI-CORPUZ, Victoria et al. Guide on climate change and indigenous peoples. Second edition. Tebtebba Foundation, Baguio City, Philippines, 2009.

⁹ Rights of Indigenous People in Addressing Climate-Forced Displacement. Available at <<https://assets.documentcloud.org/documents/6656724/Louisiana-Tribes-Complaint-to-UN.pdf>>

Due to the processes of climate change, various indigenous communities in the regions of Central America, South America, and the Caribbean are moving their settlements and agricultural activities to new locations, less susceptible to adverse weather conditions. An example of this is the case of the indigenous peoples of Guyana who are leaving their homes in the savannah to move to forest areas in times of drought and have started to plant manioc, their staple food, on floodplains that are normally too humid for others crops¹⁰.

Another case, which involved the loss of territory and resettlement, is the Nova Enseada Community – previously Enseada da Baleia community - on Cardoso Island, Brazil, which had to be relocated due to the impact of sea hangovers on its territory. The observations and forecasts of a community leader allowed them to perceive the progressive reduction of her territory due to soil erosion since the 1980s¹¹.

Positive potential of culture and cultural rights to enhance responses to climate change

4. What are ways in which culture and cultural resources, such as traditional knowledge, are being used to mitigate and/or adapt in the face of climate change? Where available, please share examples of best practices for applying traditional knowledge and cultural practices, such as those of indigenous peoples, peasants and fisher people, including traditional fire management and agricultural techniques that should be considered in developing mitigation and adaptation responses. What is being done to inventory and preserve such cultural resources that could be useful to addressing climate change?

The indigenous people's cosmovision evidences the existence of other positions in the face of climate change, which present different logics in relation to nature, generating unique processes of use and appropriation of resources. Indigenous peoples believe that, through the consolidation of their territorial control and management, and the continuation of ancestral processes of relationship with nature, they promote the renewal of biodiversity. Based on environmentally sustainable practices, climate change can be balanced, promoting strategies that rethink ways of relating to nature¹².

¹⁰ El cambio climático y los pueblos indígenas. United Nations Permanent Forum on Indigenous Issues. s.d. <https://www.un.org/es/events/indigenous/2009/pdf/backgrounder_climate_ESP.pdf>

¹¹ Migração Ambiental – a realidade brasileira, Available at: <<https://br.boell.org/pt-br/2020/02/19/migracao-ambiental-realidade-brasileira>>. Tomorrow has come: a documentary about the drama of brazilians impacted by climate change. <<https://oamanhae hoje.com.br/eng/>>, 2018.

¹² ULLOA, Astrid. Implicaciones ambientales y culturales del cambio climático para los pueblos indígenas. IN: Ulloa, Astrid, Elsa Matilde Escobar, Luz Marina Donato y Pía Escobar. (editoras). 2008.

In her study published in the book “Indigenous women and climate change, Latin American perspectives”, the indigenous Olga Yana, of the Aymara ethnic group, presents a case study on gender differences in the perception of climatic indicators in the Bolivian highlands. The analysis of climate indicators is a fundamental tool for the adaptation of communities to climate change and its effects, always in harmony with nature and in the search for Bien-Vivir. The traditional knowledge of indigenous women allows the generation of prevention strategies against possible disasters and, therefore, they are fundamental for the material and cultural survival of communities¹³.

In Peru, indigenous people from the rural communities of Atocata, Miraflores, Patachana, Yauca and Tucuta began to recover their ancestors’ techniques in selecting and conserving traditional seeds and cultivating the land, after seeing their plantations dry up or rot by excessive rainfall and frosts. Using ancestral and pesticide-free methods, indigenous women select healthy seeds and promote crop rotation, which is more nutritious and resistant to cold and drought. The improvement in production has resulted in an improvement in the economy and health of families in the region¹⁴.

In Brazil, a movement led exclusively by women Yarang, in a community in the center-west region, indigenous women do a collective and incessant work: they collect thousands of seeds to reforest degraded areas. The Yarang Women’s Movement has already collected and produced more than 3.2 tons of forest seeds and managed to plant more than 1 million trees in the region of the headwaters of the Xingu and Araguaia rivers, in the State of Mato Grosso¹⁵.

Another important example is the practice of the Quezungal people, in Honduras, where there has been an increase in hurricanes and increasingly drastic changes in climate. This community developed an agricultural method that requires planting crops under the trees so that the roots "hold" the crop and reduce damage during natural disasters. Thus, during the devastating Hurricane Mitch that hit

Mujeres indígenas y cambio climático. Perspectivas latinoamericanas. UNAL-Fundación Natura de Colombia-UNODC. Bogotá.

¹³ YANA, Olga. Diferencias de género en las percepciones sobre Indicadores climáticos y el impacto de riesgos climáticos en el altiplano Boliviano: estudio de caso en los municipios de Umala y Ancoraimes, departamento de La Paz. IN: Ulloa, Astrid, Elsa Matilde Escobar, Luz Marina Donato y Pía Escobar. (editoras). Mujeres indígenas y cambio climático. Perspectivas latinoamericanas. UNAL-Fundación Natura de Colombia-UNODC. Bogotá, 2008.

¹⁴ UN WOMEN. Indigenous women in Peru combat climate change and boost economy. Available at <<https://www.unwomen.org/en/news/stories/2016/8/indigenous-women-in-peru-combat-climate-change-and-boost-economy>>.

¹⁵ ISA – Instituto Socioambiental. Elas nunca vão andar sozinhas. Movimento das Mulheres Yarang, Associação Rede de Sementes do Xingu. 2019. Available at <https://www.youtube.com/watch?time_continue=11&v=V9NjWUTKvho&feature=emb_logo>

Central America in 1998, the only region whose agriculture survived almost intact was in Lempira, in southern Honduras, and the secret was the quezungal method practiced by indigenous communities of the area. This practice applies a technique adapted and more appropriate to the topography of the territory, as an alternative to other more widespread techniques applied in other types of topography and based on the cutting and burning of pastures¹⁶.

5. What are the diverse legal frameworks, trends and practices at the national and international levels that promote intervention from across the cultural ecosystem, including by cultural rights defenders and cultural practitioners, as well as women, persons with disabilities, indigenous peoples, rural people and peasants, and youth, in addressing disparate impacts and influencing decisions around climate change mitigation and adaptation? What are the challenges to such inclusivity and how are they being addressed?

At the international level, in the Latin American region the performance of the Regional Office of Culture for Latin America and the Caribbean (UNESCO), which approved the UNESCO Culture Work Plan for Latin America and the Caribbean 2016-2021¹⁷, is notable. This plan highlights six aspects in which culture contributes directly to achieving sustainable and fair development for people: (1) poverty reduction; (2) education; (3) gender equality and empowerment of women; (4) sustainable cities and urbanization; (5) environment and climate change; and (6) inclusion and reconciliation. Regarding climate change, this plan contemplates the implementation of pilot projects for the conservation of world heritage properties related to the List of World Heritage in Danger, conflicts, disasters, sustainable tourism, urbanization, and climate change.

Despite the important mention and consideration of climate change as an aspect directly related to culture, no other work plan or agenda for action that proposes work objectives on the human dimension of the relationship between culture and climate change has been found. However, it is possible to find documents and recommendations from different work platforms on climate change, which highlight the need for greater participation of indigenous and local communities to face climate change. The Fifth Assessment Report of the Intergovernmental Group of Experts on Climate Change (IPCC)¹⁸, affirms that

¹⁶ Bergkamp, G.; Orlando, B.; Burton, I. Cambio Adaptación de la Gestión de los Recursos Hídricos al Cambio Climático. IUCN, Gland, Switzerland and Cambridge, UK, 2003

¹⁷ UNESCO, PLAN DE TRABAJO DE CULTURA DE LA UNESCO PARA AMÉRICA LATINA Y EL CARIBE 2016 - 2021. Available at: <http://www.lacult.unesco.org/doccc/20151222_Plan_Trabajo_ESP.pdf>

¹⁸ IPCC. Climate Change 2014: Impacts, Adaptation, and Vulnerability. Part A: Global and Sectoral Aspects. Contribution of Working Group II to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change. 2014. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA, 1132 pp

different forms of indigenous knowledge, local and traditional, are important resources for the mitigation of climate change. Similarly, the latest report of the Intergovernmental Platform for Science and Policy on Biodiversity and Ecosystem Services (IPBES)¹⁹, published in 2019, in its chapter 5, highlights as key components of the pathways to sustainability, the recognition of the education and transmission of indigenous local knowledge.

Regarding the adoption of legal frameworks and practices in relation to defenders of cultural rights, cultural professionals, and the participation of specific groups in each country, we did not find any record that systematizes this information in the Latin American region. However, we believe that the implementation of norms or practices in this regard that address the connection between cultural rights and decisions related to climate change mitigation should be recent or disconnected. An example of this can be found in Peru, which in 2018 approved the Framework Law on Climate Change No. 30754²⁰, which is shown as an inclusive law that promotes the participation of indigenous communities in mitigation and adaptation measures. However, when searching for cultural policy, in the Proposal for a National Culture Policy to 2030²¹, prepared by the Ministry of Culture, different cultural aspects of the country are addressed, identifying its diversity and main problems in the exercise of cultural rights, proposing actions to strengthen and exercise these rights. However, throughout the document, no mention was found about actions or processes that demonstrate or address the relationship between cultural rights and climate change.

6. What opportunities are available for people to publicly engage in cultural life in ways that demonstrate contemporary cultural shifts in response to climate change? Are there currently visible signs of cultural change underway? What factors might impede such practice of cultural life?

One of the main problems regarding the public participation of differentiated groups in decision-making processes is the effectiveness and binding of this participation. In many Latin American countries, the procedures for consultation and participation in decision-making that include indigenous communities are deficient or non-existent. The historical existence of social, economic, environmental, and cultural vulnerabilities configures a scenario of inequality and social exclusion that end up weakening their participation in decision-making processes on issues that

¹⁹ Chapter 5 of the IPBES Global Assessment on Biodiversity and Ecosystem Services. Available at: <https://ipbes.net/sites/default/files/ipbes_global_assessment_chapter_5_unedited_31may.pdf>

²⁰ Perú. Ley Marco sobre Cambio Climático No. 30754. Available at: <<https://sinia.minam.gob.pe/documentos/ley-marco-cambio-climatico>>

²¹ Perú. Política Nacional de Cultura al 2030. Available at: <https://cdn.www.gob.pe/uploads/document/file/317373/Propuesta_de_Pol%C3%ADtica_Nacional_de_Cultura_al_2030_-_02.pdf>

affect their territories or the access to natural resources. This pattern is repeated even in more participatory processes, due to the concentration of power in democratic structures²². In this way, there are constant disputes involving local and indigenous communities for the recognition of their right to effective and binding participation in decision-making on their territories, according to their vision of the world, customs, and forms of social reproduction. It is clearly expressed in innumerable socio-environmental conflicts around the world. In the context of climate change, all these vulnerabilities are aggravated, consequently affecting the exercise of their cultural rights and effective participation in decision-making on their territories.

An example of this can be seen in the document “¿Y los Pueblos Indígenas en el Perú? Cumplimiento de las obligaciones del Estado peruano a 30 años del Convenio 169 de la OIT”²³, prepared by the Working Group on Indigenous Peoples of the National Coordinator of Human Rights, which reports that for the regulation of the Law on Climate Change No. 30754, various national indigenous organizations were invited to participate in a prior consultation process. For this, rounds of dialogue were held discussing topics such as (i) financing; (ii) Indigenous Climate Platform; and (iii) protection of forests, through the instruments of Amazonian Indigenous REDD - RIA and REDD Andino Costera - RIAC. However, several of the organizations expressed their disagreement with the process because:

“One of the main complaints from indigenous organizations is the prevailing role of the Ministry of Economy and Finance throughout the entire regulation. (...)

Also, at the time, were discussed the expansion of the number of members of the National Commission on Climate Change and the incorporation into it of the seven national indigenous organizations. Their participation is key because it is from this Commission that mitigation and adaptation measures are created to achieve the objectives of the NDCs. However, both the proposal of the “Minga NDC” and the inclusion of indigenous members in the Commission were rejected in the second round of dialogue (...)”(free translation)²⁴

All of these aspects influence the agency’s capabilities of communities to participate and effectively influence the measures adopted by the State in response to climate change. Despite the existence of recommendations, initiatives, and actions trying to achieve an effective exercise of the cultural rights of indigenous

²² LAUDA-RODRIGUEZ, Z. L.; RIBEIRO, W.C. Risco, princípio de precaução e justiça ambiental em conflitos por mineração. *Desenvolvimento e Meio Ambiente*, v. 51, 2019

²³ Coordinación Nacional de Derechos Humanos Perú. ¿Y los Pueblos Indígenas en el Perú? Cumplimiento de las obligaciones del Estado peruano a 30 años del Convenio 169 de la OIT. Available at: <http://derechoshumanos.pe/wp-content/uploads/2019/11/Informe_Alternativo_2019_Peru_Convenio_169.pdf>

²⁴ *ibid.* pp. 69-70.

communities, structural problems of inequality and social exclusion impede the practice of these rights being full and adequate.

7. In what capacities do experts from across the field of culture and climate interact and exchange knowledge at the national or international levels? For example, are experts from various cultural fields involved in relevant climate change policy? Are climate change experts engaging with the cultural sectors, and if so how?

As we indicated above, there are some examples of how indigenous communities interact and exchange knowledge with experts from other areas such as climate change, both nationally and internationally. However, we reinforce that, in most cases, this interaction occurs in unequal power relations, which ends up affecting the capability to influence climate change planning policies.

Another important aspect regarding the participation of communities in the construction of policies on climate change is the limitation of their political incidence, not through climate change and culture normative or instruments directly, but through other development policies such as the economic or productive sectors and the political-institutional structures themselves.

In the case of Peru, for example, although the regulation of the Climate Change Law was prepared in consultation, with the participation of organizations of indigenous communities, they also denounce that the Peruvian State continues to violate their social and cultural rights by not recognizing as binding the prior consultation instrument for the authorization of large investment projects within their territories. In this way, if on the one hand, the State develops a climate change policy that contemplates the recognition and incorporation of the knowledge of indigenous communities in the process of mitigation and adaptation to climate change; at the same time, the State does not recognize this right of effective participation and self-determination of the communities -and therefore of their knowledge-, when authorizing investment projects "consulted", but whose decision-making is restricted to public decision-makers. It is in this way that various public or private investment projects are authorized within the territories of indigenous communities, which ends up generating or aggravating the scenario of environmental degradation that contributes to the processes of climate change.

This was denounced by various organizations of indigenous communities at the presentation event of the report "¿Los pueblos indígenas en el Perú? Cumplimiento de las obligaciones del Estado Peruano a 30 años del Convenio 169

de la OIT”, developed at the Antonio Ruiz de Montoya University (UARM) in November 2019²⁵.

Measures taken and recommendations

8. Are affected persons and groups being consulted and enabled to participate in discussions related to climate policy and climate action?

According to anthropologist Astrid Ulloa, climate change has not only caused environmental changes in Latin America, but also political response actions that produce unequal effects according to territoriality, ethnicity and gender. Global policies on climate change have different effects on indigenous peoples and women, given that they were not invited to participate in decision-making processes, as well as creating these global proposals²⁶.

Socioeconomic and educational factors prevent these groups from being present in decision-making, and it is necessary for the State to promote minimum and necessary conditions that facilitate the engagement of minorities and vulnerable groups in these spaces.

In 2006, the World Bank sponsored the meeting of the Latin American Network of Indigenous Women for Biodiversity. On the occasion, 20 indigenous women representing Argentina, Bolivia, Chile, Costa Rica, El Salvador, Guatemala, Mexico and Panama discussed the problems and possible actions to strengthen the participation of indigenous women in the conservation of biodiversity and in mitigation and adaptation measures for climate change. Among the recommendations of the meeting, women concluded that it is necessary to improve communication with local and national governments regarding the importance of indigenous peoples, especially women, in the conservation of nature and, for that, it is important to train indigenous women in order to achieve good communication.

Another important recommendation from Latin American indigenous people was on the need to increase the participation of indigenous women, especially young women, in global forums and conferences on biodiversity conservation, as well as the recovery of degraded areas, the formation of seed banks as an adaptation strategy to climate change. Finally, they concluded about the importance of maintaining and safeguarding traditional ancestral knowledge, as it is from them that culture remains alive. In this regard, they asked: “how many projects from

²⁵ Informe sobre la situación de los derechos de los pueblos indígenas en Perú a 30 años del Convenio 169 OIT, a disposición de toda la población. Available at: <<https://www.caaap.org.pe/website/2019/12/01/informe-sobre-la-situacion-de-los-derechos-de-los-pueblos-indigenas-en-peru-a-30-anos-del-convenio-169-oit-a-disposicion-de-toda-la-poblacion/>>

²⁶ ULLOA, Astrid. Justicia climática y mujeres indígenas en América Latina. Universidad Nacional de Colombia. LASA FORUM fall 2016 : volume XLVII : issue 4, pgs. 12-16.

international financiers and from the government have supported the work of indigenous women?”²⁷.

9. Are cultural rights defenders who are working on climate-related harms to culture and cultural rights facing specific challenges in their work, and are they at particular risk of threats, harassment and human rights violations? If so, how should these human rights defenders be better protected and supported?

Issues related to the protection of human rights, cultural rights, and climate change are interconnected due to the indivisible and interdependent nature of human rights. The relationship of climate change with the protection of human rights is based on the understanding that the quality of the environment is a necessary condition for the full enjoyment of a life in dignity and well-being. This is recognized by the United Nations Organization (OAS) through the report on AG / Res. 1819 (XXXI-0/01) Human Rights and the Environment (OEA / Ser.G, CP / CAJP-1898/02), of April 4, 2002, referring that there is a growing body of jurisprudence about humans rights and the protection of the environment, on which it is recognized that environmental degradation affects the enjoyment of established rights²⁸.

In this context, in recent decades, international organizations linked to the protection of human rights, such as the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court of Human Rights (Court IHR) have been receiving an increasing number of complaints about violations of fundamental rights such as life and physical integrity in the exercise of the right to the defense of other fundamental rights such as the right to a healthy environment. Most of these cases are related to vulnerable groups, communities, and indigenous peoples in Latin American countries and whose origin is linked to conflicts generated by the use and disposal of indigenous and rural territories for the extraction of raw materials, food, water, fuels, etc²⁹. In this way, the groups most affected by the deregulated economic exploration of natural resources in these territories have been indigenous people and peasant communities, who are affected not only by their sources of subsistence but also by their forms of social reproduction, also affecting their cultural rights.

²⁷ SOBREVILA, Claudia. The role of indigenous peoples in biodiversity conservation: The natural but often forgotten partners. Washington DC: The World Bank, 2008.

²⁸ Lauda-Rodríguez, Z. L. O Sistema Interamericano de Direitos Humanos em casos de conflitos socioambientais precautórios, In: Neto, J. S.; Lima, R. M.; Aguiar, A. P.; Filho, B. S. (Org). Problema ambiental: naturezas e sujeitos em conflitos. São Luís: Ed. Edufma, 2019.

²⁹ Mazzuoli, V.; Teixeira, G. Protección jurídica del medio ambiente en la jurisprudencia de la corte interamericana de derechos humanos. Revista Internacional de Derechos Humanos. Año V – n. 5, p. 19-50, 2015.

In this sense, the identification or creation of mechanisms to protect human rights defenders is of special attention. A defense mechanism at the international level, already used by groups and communities, are complaints to the IACHR and the Inter-American Court. However, to access these instances, it is necessary to exhaust the internal justice mechanisms in different countries. This hinders the effectiveness of the protection of rights, since it demands, in many cases, several years of litigation and the resistance of the States to assume effective commitments for the protection of human rights defenders.

10. Has your country adopted specific regulations or measures to address the negative impacts of climate change on culture and cultural rights? If so, please specify the content of such regulation and measures. Is a human rights approach taken to these questions?

Currently, we have no report or information about it.

11. Are the impacts of climate policy and climate action on culture, cultural rights and human rights more broadly being assessed? What should be undertaken in future in this regard?

As we indicated previously, we do not have systematized information on the implementation of policies, norms, or practices that articulate climate action in culture, cultural rights, and human rights in Latin America; however, we believe that policies in this regard began to be discussed and planned, especially driven by the publication of action plans by international bodies such as UNESCO.

We believe that the development and application of policies that articulate issues related to human rights, the right to a healthy environment, the right to self-determination of indigenous and tribal communities, and cultural rights, among others, should continue to be promoted in the future. However, it is necessary to insist that the non-effectiveness or violation of these rights is related to more structural problems that affect these communities and groups, placing them in social, economic, political, and cultural vulnerability and inequality situations. Thus, any mechanism or action that aims to respect and defend these rights must be designed to eradicate the causes of these structural problems.

12. What opportunities or mechanisms, if any, for remedies and redress are being made available to respond effectively to the harm to culture and cultural rights caused by the climate crisis?

Currently, we have no report or information about it.

13. What national, regional and international initiatives are being undertaken to address the intersections of climate change, culture and cultural rights? How effective have such initiatives been, what primary challenges have they faced, and what additional efforts should be suggested in this regard?

We address some of these issues in questions 5, 6, and 7.

14. What recommendations should be made to States and other stakeholders concerning these topics?

Aware of the impacts brought about by climate change on their ways of life, indigenous movements have increasingly articulated themselves, both nationally and internationally, in order to bring their cosmovision to the world, as well as their role in the fight against climate change, from viable solutions in mitigation and adaptation and more sustainable ways of life.

Considering that the holistic indigenous perspective articulates the impacts arising from climate change, the other pressures and threats to which these peoples are exposed, especially the political context and economic weaknesses, it is necessary and urgent to give voice to indigenous peoples not only in the struggle for their rights, as in climate discussions.

It is observed that the international community is attentive and has been working to seek new ways to face climate change and has been inserting indigenous peoples more and more into the debates, but they have not yet attributed to these peoples the leading role in the theme. Indigenous leaders work in international climate negotiations and make themselves heard in political spaces governed by non-indigenous rules and logic, therefore they face significant limitations in establishing an egalitarian dialogue.

It is essential that indigenous peoples are included in the scope of climate regulations/decision-making and for that, some facilitating measures are necessary.

- First, it is essential to ensure the human rights of these peoples, as well as the right to their traditional territories and the natural resources present in them, guaranteeing the physical and cultural existence of their communities.
- In addition, it is essential to recognize and preserve the traditional knowledge and practices of indigenous peoples, especially in tackling climate change.
- It is also necessary to capacity indigenous peoples, in their native language, so that they are aware of their vulnerability and the important role they play in the climate context; always respecting the right to free, prior and informed consultation.

- Give voice to indigenous peoples in the spaces of power and decision-making, as well as in the formulation of Plans, Policies, Laws, NDCs, NAPs and climate strategies, highlighting their important role in measures to adapt and mitigate climate change; recognizing their vulnerability to climate change.