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**PROMOTION AND PROTECTION OF HUMAN RIGHTS:
INFORMATION AND EDUCATION**

**Written statement* submitted by the International Indian Treaty Council (IITC),
a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 January 2004]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Written intervention submitted by the International Indian Treaty Council, and its affiliate the Indigenous Environmental Network (IEN)

Indigenous peoples of the Americas and around the world are witnessing the ecosystems of Mother Earth compounding in change, with devastating impacts on our lands, ecosystems and ways of life. We are in crisis.

Global warming poses significant threats to Indigenous and local communities from the Arctic, the South, the Pacific Islands and every region of the world. Indigenous Peoples are already feeling impacts in the form of heat waves, drought, shrinking water supplies and snow packs, increased rates of asthma, floods and storms, coastal erosion, island land loss, and shrinking numbers of traditional plant, fish, animal and bird communities. Climate imbalance will cause the greatest suffering to the Indigenous Peoples and most pristine ecosystems globally.

Indigenous Peoples have consistently declared in these sessions of the Commission on Human Rights our holistic vision that strongly binds human rights with biological diversity, cultural, linguistic and spiritual identity, and uniting each Peoples with its ancestral territories. These are all now seriously threatened and destroyed by climate change and its consequences

In June 1997, more than 2,000 U.S. scientists, from over 150 countries, including Nobel Laureates, signed the Scientists Statement on Global Climate Disruption which reads, in part, the "accumulation of greenhouse gases commits the sacred earth irreversibly to further global climate change and consequent ecological, economic, social and spiritual disruption" (UN Intergovernmental Panel on Climate Change, December 1995).

A growing body of western scientific evidence now suggests what Indigenous Peoples have expressed for a long time. We can no longer afford to ignore the consequences of this evidence. The western scientific community is very clear in its warning -- we must act now to significantly reduce greenhouse gas emissions below current levels or we will quickly reach a point at which global warming can not be reversed.

The burning of oil, gas, and coal, known as fossil fuels, is the primary source of human-induced climate change. In addition to climate change impacts, mining and drilling for coal, oil, and gas, as well as other mineral extractions result in substantial local environmental consequences, including severe degradation of air, forests, rivers, oceans and lands.

Fossil fuel extraction activities are often located within homeland areas of Indigenous Peoples. Cultural impacts, forced removal, land appropriation, destruction of sacred and historically significant areas, breakdown of Indigenous social and sustainable economic systems, and violence against women and children are too often the outcomes of fossil fuel development on Indigenous Peoples.

The IITC, IEN, other Indigenous NGO's and many Indigenous Peoples view the continued mining, drilling, processing, burning and combustion of oil, gas, and coal, as well as other mineral extractions and deforestation activities as being in direct conflict with

international human rights norms and principles. They are a direct threat to Indigenous Peoples' self-determination, cultural rights, food security, and raise grave concerns regarding issues of religious intolerance.

Attempts to date by the United Nations, state government agencies and even some NGO's to clarify the relationship between the affects of climate change/global warming and human rights have fallen far short of convincing Indigenous Peoples that our rights will be protected and our concerns will be adequately addressed.

For the Inuit, Inupiat, Yupik, Athabascan and other Indigenous tribes of Alaska and Northern Canada, climate change poses an immediate danger to the continuation of their way of life. The Inuit and other Indigenous tribes of the Polar Regions are watching their world melt before their eyes. Glaciers are receding, the ice is thinning, coastlines are eroding, and permafrost is melting, which has destroyed the foundations of houses, eroded the seashore, disrupted traditional subsistence activities and forced communities to move inland. Climate change is not a possible future event, it is happening now and these communities and Nations are already bearing the brunt. Without snow and ice their way of life and culture will disappear. These tribes of the far North, who have lived in harmony with their surroundings for millennia, could face extinction.

The Inuit people of Canada and Alaska are taking action within the Inter-American Commission on Human Rights claiming the U.S. are violating their human rights. The Inuit are claiming they are facing extinction due to actions of the U.S. Bush administration repudiating the Kyoto Protocol and refusing to cut U.S. carbon dioxide emissions, which make up 25% of the world's total.

Recent years have seen severe drought conditions in the regions of the United States, Mexico and Central America. Conflicts surrounding access to existing sources of limited water supplies have been amplified due to drought conditions. This has resulted in Indigenous Peoples being forced to defend their access to and customary uses of water, or else abandoning their homelands and subsistence agricultural economies for work in cities. In times of scarcity, we see governments and private corporations creating commercial interests in water that lead to inequities in water distribution with resulting devastating impacts on traditional farming and other local food systems.

The U.N. World Food Program reports that drought resulting from the "El Nino" weather phenomenon could put 700,000 people, including malnourished children, in Central America at risk of starvation. "El Nino" is the abnormal warming of waters in the Pacific Ocean that develops every two to seven years and can alter weather conditions around the globe. Recent droughts in Honduras, Guatemala, Nicaragua and El Salvador threatened 1.5 million people with famine and caused up to \$189 million in economic damage, largely through the loss of crops and industrial production. A large percentage of the Central America population vulnerable to these climate-related drought conditions are Indigenous Peoples.

Carbon emissions trading is a market-based solutions implemented as a purported mechanism to reduce greenhouse gases by industrialized countries including the US. It is colonialism with a modern face, providing the biggest polluters with a way to evade

responsibility for their emissions, and perpetuating and deepening unequal access to and control of resources. A key element of carbon trading is the "carbon sink", a strategy that could be used to appropriate Indigenous Peoples lands, especially forested regions. These are false solutions widen the gap between rich and poor and create many additional human rights concerns. Carbon emissions trading creates the illusion that southern countries are benefiting, while masking the fact that it is rich countries and corporations that are profiting from access to emissions permits and control of new southern markets.

We call the Commission's attention to the human rights implications concerning the legitimacy of the World Bank's Prototype Carbon Fund (PCF). The PCF is an instrument to commodify the atmosphere, promote privatization and concentrate resources in the hands of a few, taking away the rights of many to live with dignity. The PCF is not a mechanism for mitigating climate change. It legitimizes a market for an indefinable "commodity" which claims to consist of greenhouse gases or pollution, but in fact cannot be reliably described, quantified or verified. It generates further negative impacts on Indigenous Peoples and local communities, particularly in the case of carbon "sink" tree plantations. It is neither "carbon" nor pollution that is being traded, but people's lives and paper certificates claiming to be carbon credits. The carbon offset culture and emissions trading carries with it concerns of human rights violations and must be rejected as a false solution towards addressing climate change and global warming issues.

During the International Decade of the World's Indigenous Peoples (1994-2004), the United Nations has clearly recognized the rights of Indigenous Peoples to participate in UN processes through the establishment of the UN Permanent Forum on Indigenous Issues (UNPFII). The UN Permanent Forum, in its last session, has recommended to the UN Framework Convention on Climate Change (UNFCCC) through ECOSOC to consider the establishment of the Working Group on Indigenous Peoples and Climate Change for the effective participation of Indigenous Peoples [EC.19/2003/32]

The International Indian Treaty Council and its affiliate, the Indigenous Environmental Network, requests that the human rights consequences of climate imbalance for Indigenous Peoples be addressed by urging the 60th Session of the UN Commission on Human Rights to adopt a resolution which:

- a) recognizes the human rights impacts of climate change and global warming;
- b) requests the UN High Commissioner on Human Rights to establish expert consultation on Indigenous Peoples and climate change, with a focus on how UNFCCC, World Bank Prototype Carbon Fund, and other international, regional, national and local activities and policies on climate change and carbon emissions trading which are contrary to the rights of Indigenous Peoples, and fail to make linkages with existing international human rights standards; and

- c) requests the UNFCCC to strongly consider, as a matter of human rights, the creation of an Inter-sessional Ad hoc Working Group on Indigenous Peoples and that this resolution address the need for financial and capacity building mechanisms to be developed for full and effective participation of Indigenous Peoples in all UNFCCC meetings, including Subsidiary Bodies, with specific reference to vulnerability, adaptation, poverty, and other impacts of climate change.
