

**SUBMISSION OF THE INTERNATIONAL INDIAN TREATY COUNCIL**

**PURSUANT TO HRC RESOLUTION 29/15 REGARDING THE IMPACTS OF  
CLIMATE CHANGE ON THE RIGHT OF INDIGENOUS EPOPLES TO THE  
ENJOYMENT OF THE HIGHEST ATTAINABLE STANDARD OF HEALTH**

**SUBMITTED TO THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN  
RIGHTS VIA EMAIL TO: [registry@ohchr.org](mailto:registry@ohchr.org) WITH COPY TO:  
[bschachter@ohchr.org](mailto:bschachter@ohchr.org)**

**OCTOBER 31, 2015**

CONTACT : Danika Littlechild, Consulting Legal Counsel  
International Indian Treaty Council  
Email : [danika@treatycouncil.org](mailto:danika@treatycouncil.org)  
Tel : +1-780-312-0246

**Introduction**

International Indian Treaty Council (IITC) is pleased to provide this short submission further to the call for submissions by the Office of the High Commissioner for Human Rights (OHCHR).

IITC is an organization of Indigenous Peoples from North, Central and South America, the Caribbean and the Pacific working for self-determination and the recognition and protection of human rights, treaties, health including reproductive and environmental health, traditional cultures and sacred lands. IITC was founded in 1974 to serve as an international voice and advocate for Indigenous Peoples. In 1977 IITC became the first Indigenous organization to receive Consultative Status with the United Nations Economic and Social Council. In 2011 IITC was the first Indigenous organization to be upgraded to General Consultative Status in recognition of its wide range of work within the United Nations system and beyond.

We understand that pursuant to paragraph 4 of HRC [Resolution 29/15](#) on human rights and climate change, the OHCHR is preparing, in consultation with Member States and other relevant stakeholders, a detailed analytical study on the impacts of climate change on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

It is of urgent concern that Indigenous health be addressed in the context of this consultation. This submission, dated 31 October 2015 provides our response to the short questionnaire on this subject.

While there are considerable resources and research available respecting "Indigenous peoples and climate change" on the one hand and "health and climate change" on the other hand, there is a significant gap or vacuum in the area of

"Indigenous health and climate change." As such, this submission attempts to provide appropriate information and resources, as well as taking a syncretic approach in articulating a strategy that recognizes the vulnerabilities of Indigenous health and the key roles that Indigenous Peoples might take in respecting climate change. The substantive and procedural challenges respecting Indigenous health will be examined through this brief answer and references to the work and knowledge of Indigenous organizations and individuals.

## Questionnaire

Indigenous peoples' health status is severely affected by their living conditions, income levels, employment rates, access to safe water, sanitation, health services and food availability. Indigenous peoples are facing destruction to their lands, territories and resources, which are essential to their very survival. Other threats include climate change and environmental contamination (heavy metals, industrial gases and effluent wastes).<sup>1</sup>

So far, the evolution of the climate change dialogue has been shaped by three basic components: science, technology and the capitalist economy. The intersection of these components has operated to effectively inhibit the ability of world actors (states, in particular) to achieve a substantial, progressive, and enforceable agreement on climate change.

This is due to a built-in tendency in the dominant society to develop *without limits*, which finds its authority in the assumption that the world is *infinite* in terms of resources and renewability. This approach also prioritizes human beings over the natural environment in terms of rights and recourse – effectively creating a hierarchy that falsely implies a singular value to the natural environment. This value may be characterized as an economic one, or one which views the natural environment as being there “for” human beings, of “utility” to human consumption or development.

A foundational element of this submission is a category of human rights which was recently articulated by IITC and accepted by a United Nations treaty monitoring body (the Committee on the Rights of the Child) – is centered around violations of **environmental health**.<sup>2</sup> This new human rights category adopted by the Committee on the Rights of the Child in relation to protection of child and maternal health, is an attempt to understand the inter-linkages and interdependencies of

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<sup>1</sup> United Nations, Economic & Social Affairs **State of the Worlds Indigenous Peoples Vol 2: Indigenous Peoples' Access to Health Services**, Advance Copy, available online (2015) at page IV

<sup>2</sup> See **Annex A** for detailed excerpt of the findings of the Committee on the Rights of the Child regarding “violations of environmental health” in the context of a country review of Mexico this year. We further discuss these findings in other sections of this submission.

people, culture, identity, the environment and health in a way that has not been widely promoted throughout the decades of dialogue around climate change.

We are not simply espousing a “right to a healthy environment,” as such a right may be premised on a continuation of prioritizing people over environment. As Indigenous Peoples we understand that our relationship with environment is complex, fluid, and reciprocal. There is spirit of life throughout Mother Earth.

Indigenous Peoples’ traditional teachings have long warned that if human beings fail to protect and care for Mother Earth and the natural world, the survival of humanity would be threatened. Today, increasingly severe impacts of climate change threaten ecosystems and food production around the world. In 2009, the United Nations (UN) Special Rapporteur on the Right to Food confirmed that “climate change constitutes the single most important threat to food security in the future.”

There are shocking examples of how the health of Indigenous Peoples is impacted by climate change, in particular by those Indigenous Peoples in vulnerable regions, such as coastal regions. Here is testimony from an Affiliate of IITC in the Terrebonne basin of Louisiana, United States:

- We have experienced a change in diet resulting from lack of plant resources due to increased salinization killing plants, medicine, and trees. We have been trying to collect documentation of all of the plants that no longer exist that were relied on by our people for food, medicine, shelter, etc.;
- We have experienced a change in lifestyle due to increased salinization and coastal erosion resulting in relocation from lower PAC, living in more cramped quarters to accommodate more families, requiring families to elevate their homes as much as 12 feet, which is puts elderly and children at risk of falling and prevents some elderly from being as social because of the risk of falling;
- We have experienced an inability to graze animals as before because of land loss and salt water resulting in reduction of ceremonial sharing of feasts from these animals;
- We have experienced mental and physical stress caused by impacts of climate change--depression, strokes, aneurism when impacted by hurricane or storms;
- There is a lack of fresh water during and after a storm;
- We have experienced a change in diet from relying on agricultural and game because of the change in the land conditions to relying primarily on seafood;
- We have experienced stress caused by the destruction and/or erosion of burial mounds and sacred sites to climate impacts;

- We have experienced the introduction of new species in the water, and have concerns regarding invasive species and impacts on our fisheries.<sup>3</sup>

Of great concern is not only the Indigenous Peoples of coastal regions, but also those located in areas known as “small island states” or similar regions. Our Affiliates from the Solomon Islands have submitted the following testimony for the purposes of this submission:

- Specific examples of the linkage between climate change and Indigenous Health in the Solomon Islands and other pacific island countries are:
  - increases in incidences of disease infections such as dengue fever, malaria, belly run etc;
  - destruction of food gardens due to salt water intrusion therefore reducing communities's capacity on food security, resulting in malnutrition and increase in import of junk food as opposed to freshly produced organic food (which is the traditional way of life in the Solomons). This has given rise to NCDs affecting children, youth and women.
  - Fish is the major protein source for pacific island countries. Irregular weather patterns due to climate change prevent fishermen from going out to sea to fish affecting Indigenous diet and contributing to the increasing rate of NCDs. More Indigenous Peoples and local communities are eating imported canned food due to bad weather and salt water intrusions as a result of climate change. Warming sea temperatures and irregular weather patterns have also affected fish migration patterns contributing to less amount of catch compared to the past.
  - Coconut is the tree of life in many pacific island countries, as all parts of the tree is used for Indigenous Peoples' livelihood, including water, food, etc.. However, many of them are being lost to sea level rise as islands and lands are submerged under salt water.
  - Salt water incursion into freshwater aquifers is affecting freshwater access in low lying pacific island countries. Especially in Tuvalu, where they installed water tanks to catch rain water but it never rained!
  - There are also incidences of flooding and king tides in Aotearoa (New Zealand) leading to an inability for the elderly and children to access health services, at times with a delay of access of up to two weeks.

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<sup>3</sup> Pointe-au-Chien Indian Community (a state-recognized by non-federally recognized tribe), located in the Terrebonne basin of Louisiana and suffering from coastal erosion, provided by Patty Ferguson-Bohnee: “During the past 100 years, Louisiana has lost more than one million acres of coastal land and wetlands, and is losing approximately 25–40 square miles per year....[t]he State of Louisiana has developed a plan for restoration projects; however, most tribal communities are excluded.” Ferguson-Bohnee, ‘High Water and High Stakes: Cultural Resources and Climate Change’ in: *Forum Journal* Summer 2015 Vo. 29, No.4

Indigenous Peoples have been actively engaged in the UNFCCC process since its inception and have been able to include some rights-based safeguards in the text. However, Indigenous Peoples have protested their lack of a formal decision-making role in the UNFCCC process and have also expressed concerns about market-based “solutions” such as carbon trading and forest offsets. Indigenous Peoples continue to call upon States to reject false solutions and move towards real, sustainable alternatives that significantly reduce emissions and also respect the rights, traditional knowledge and cultural practices of Indigenous Peoples.

Amongst those rights are those enshrined in the **UN Declaration on the Rights of Indigenous Peoples**, (“Declaration”) adopted by the General Assembly on September 13, 2007. The Declaration is the internationally accepted minimum standard for the dignity, survival and well being of Indigenous Peoples.

### **The United Nations Declaration on the Rights of Indigenous Peoples**

The *UN Declaration* contains many provisions that affirm rights related to the causes, impacts and solutions to climate change.

These include Self- Determination; protection from forced assimilation and forcible removal; protection of sacred sites and cultural practices; participation in decision-making that affects them; subsistence and traditional economic activities; health, conservation of vital plants and animals; traditional lands, territories and resources; conservation of the environment and productive capacity of lands; traditional knowledge and cultural heritage including plants, animals and seeds; Treaty rights; and free, prior and informed consent regarding development.

In particular, the following Articles are relevant to the health and well-being of Indigenous Peoples:

#### *Article 21*

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, **health** and social security.
2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

#### *Article 23*

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining **health**, housing and other economic and social programmes affecting them

and, as far as possible, to administer such programmes through their own institutions.

*Article 24*

1. Indigenous peoples have the right to their **traditional medicines and to maintain their health practices**, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the **right to access, without any discrimination, to all social and health services**.

2. **Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health**. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

*Article 29*

1. **Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources**. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.

2. States shall take effective measures to ensure that **no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent**.

3. States shall also take effective measures to ensure, as needed, that **programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented**.

Article 42 also calls upon UN member states, agencies and bodies to **promote the Declaration's full application internationally and at the country level**. This is vital to the process of the consultation which has been undertaken by OHCHR regarding climate change and health. It is imperative that in carrying out the work of understanding the right to health, that this right be understood through the lens of the Declaration with respect to impacts of climate change on the Indigenous right to health.

In 2014, a High Level Plenary was held at the United Nations in New York which was known as the World Conference on Indigenous Peoples. The purpose of this High Level Plenary was, partially, to continue giving life to the *UN Declaration* on the Rights of Indigenous Peoples amongst the UN member states, agencies, and bodies. In the lead up to the High Level Plenary, Indigenous Peoples made significant contributions to the organization and substantive working documents. The Outcome Document adopted by the UN General Assembly at the World Conference on Indigenous Peoples on September 22nd, 2014 affirmed "that indigenous peoples' knowledge and strategies to sustain their environment should be respected and taken into account when we develop national and international approaches to climate change mitigation and adaptation."

For Indigenous Peoples, environment is irrevocably tied to health. The health of Indigenous Peoples is dependent upon a healthy environment, wherein we are able to exercise our sacred, traditional and sustenance relationships with aspects of the environment.

### **The Sustainable Development Goals, Indigenous Peoples and Health**

A key outcome of the 2012 UN Conference on Sustainable Development (Rio +20) was the decision to develop Post-2015 Sustainable Development Goals (SDGs) which have been approved by the UN General Assembly, and are now known as the “Global Goals.” The 1992 Earth Summit identified Indigenous Peoples as one of nine Major Groups whose contributions are vital for sustainable development. The Indigenous Peoples Major Group (IPMG) for the SDG process has called for provisions to reduce carbon-based energy production, sustainable alternatives and safeguard Indigenous Peoples’ rights, livelihoods, food systems, traditional knowledge and practices as well as diverse partnerships to address climate change on all levels. International Indian Treaty Council was a member of the Indigenous Peoples Major Group and has extensive knowledge and resources to offer regarding the development of the Global Goals.

The Global Goals recognize the importance of Indigenous Peoples in the course of the new Agenda:

23. People who are vulnerable must be empowered. Those whose needs are reflected in the Agenda include all children, youth, persons with disabilities (of whom more than 80 per cent live in poverty), people living with HIV/AIDS, older persons, **indigenous peoples**, refugees and internally displaced persons and migrants.

We submit that **all** of the Global Goals are necessary for enjoyment of health in the face of climate change. We also submit that in spite of the fact that Indigenous Peoples are not specifically mentioned in each Global Goal, Article 23 requires that the Global Goals be read to be inclusive of Indigenous Peoples throughout, as well as vulnerable groups within Indigenous Peoples such as Indigenous women and children, Indigenous Elders, Indigenous Peoples with disabilities, Indigenous Peoples living with HIV/AIDS, and displaced Indigenous Peoples.

We submit that Goal 2 to “End hunger, achieve food security and improved nutrition and promote sustainable agriculture,” including the target to: “By 2030, double the agricultural productivity and incomes of small-scale food producers, in particular women, **indigenous peoples**, family farmers, pastoralists and fishers, including through secure and equal access to land, other productive resources and inputs, knowledge, financial services, markets and opportunities for value addition and non-farm employment” is one of the central pillars that will ensure appropriate protections for the health of Indigenous Peoples in the face of climate change.

Indigenous Peoples already have some tools, based in traditional and ecological knowledge, to combat the impacts of climate change. For example, Dr. William Carmen (Yaqui) Wildlife Biologist has found that “[t]ule marshes absorb more than ten times more carbon than a pine forest,” which are located in the state of California (United States) where such tule marshes were formerly abundant and managed traditionally by Indigenous Peoples.

A 2006 report by the UN Food and Agriculture Organization (FAO), “The Long Shadow of Livestock” confirmed that large scale commercial livestock production is one of the major causes of the world's most pressing environmental problems, including global warming, land degradation, air and water pollution, and loss of biodiversity. Using a methodology that considers the entire commodity chain, FAO estimates that livestock are responsible for 18 percent of total greenhouse gas emissions, a bigger share than that of transport.<sup>4</sup> FAO also reported that livestock production produced 37 percent of all human-induced CH<sub>4</sub> (methane) and 65 percent of N<sub>2</sub>O (nitrous oxide) gas. These statistics have not improved in the years since this study.

However, Indigenous Peoples know how to counter such impacts, using traditional “technology” in ecological and livestock management – with for example the buffalo. Mitigation and adaptation are already underway for many Indigenous Peoples, as buffalo are resistant to a wide range of climate conditions, and are known to support the resiliency of native grasslands. This in turn prevents soil erosion. Buffalo are also a healthy and traditional food source, contributing to restoration of traditional economies as well as ecological and grasslands health. Such local food sources have a lower “carbon footprint” than other livestock, and will be central for food sovereignty and good wholistic health for Indigenous Peoples.

IITC has engaged in significant advocacy, training and acted as a convener of Indigenous Peoples over the decades of our work in the area of food sovereignty, food security, nutrition, sustainable livelihoods and life-ways.

The most recent and relevant outcome documents of this work include: the Declaration of the First International Indigenous Corn Conference held in Santo Domingo Tomaltepec of September 30th, 2012 “La Lucha Sigue, El Maiz Vive” (The Struggle Continues, The Corn Lives); the Okmulgee Declaration from the 2nd International Indigenous Corn Conference in Muscogee Creek Nation, September 8th, 2014; the “Declaration of a GMO- and Pesticide-Free Zone, Diné Nation Territory, from the Indigenous Peoples “Corn is Life” Gathering September 19 – 21, 2013; and the Conference Resolution of Southwest Tribal Nations Food Sovereignty Conference at Diné College, Shiprock, New Mexico (Diné Nation, Diné bikeya) August

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<sup>4</sup> UN FAO Spotlight website, citing “[Livestock’s Long Shadow](#)”, November 2006

8 – 9, 2015. All of these Declarations and resolutions have been attached to this submission.

We also have testimony from our Affiliates in the Arctic regarding the linkages between health, climate change and the rights of Indigenous Peoples. Arctic Indigenous Peoples are among the most contaminated people in the world because the Arctic has become a hemispheric sink for persistent organic pollutants that are transported via atmospheric and oceanic currents from lower latitudes. Traditional foods of Arctic Indigenous Peoples can contain dangerous levels of POPs that bioaccumulate in arctic food webs (AMAP 2009, Welfinger-Smith et al. 2011). These problems are exacerbated with accelerated melting of sea ice, glaciers, and permafrost which release sequestered contaminants into ecologically sensitive coastal and marine areas that are also vital subsistence fishing and hunting areas. The Arctic is warming at more than twice the global average (McKinney et al. 2015), and the mobilization of persistent organic pollutants in the Arctic will likely accelerate (Jenssen 2006), causing combined effects and leading to higher health risks (UNEP/AMAP 2011). Additionally, the Arctic contains thousands of contaminated formerly used defense (FUD) sites dating from the Cold War, many of which are polluting the lands and waters of Indigenous Peoples and this problem is also exacerbated by rapid climate warming which is melting permafrost and sea ice, as well as causing increasing storm surges. In the words of an Indigenous representative from the Arctic:

Climate change has drastically affected our food security and it is getting worse. In one of our St. Lawrence Island (SLI) communities we harvested only 30 walrus, normally this community harvests 300-400 walrus. Our other SLI community walrus harvest was somewhat better however still much lower than what we normally get. Walrus are our main food for the long winters. Due to continued low walrus harvests in recent years, our freezers are empty, our elders and children are hungry. St. Lawrence Island is located in the Northern Bering Sea, our main subsistence foods are marine mammals including bowhead whale, walrus and three species of seals which are ice dependent. With the sea ice shrinking and rapidly changing weather due to climate change, the availability of our main foods have been greatly affected. It is more dangerous to go hunting, our hunters have to go much further to reach the ice to harvest the walrus and seals. Knowledge passed on for many generations is not working any more due to dramatic changes in our weather.<sup>5</sup>

Part of the challenge facing Indigenous Peoples is the inability to quantitatively demonstrate the anecdotal and qualitative impacts of climate change on health and environmental health. Often, national indicators of countries with impacted Indigenous Peoples are not inclusive of Indigenous experiences or related health

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<sup>5</sup> Vi Waghiyi, St. Lawrence Island Grandmother and Program Director with Alaska Community Action on Toxics

outcomes. In fact, the **first international disaggregated data ever released** regarding Indigenous Peoples was by the World Bank in **2011**, regarding poverty and development in particular.<sup>6</sup> The findings were stark, and drew a picture of poverty amongst Indigenous Peoples which is compounded by the rampant pollution, contamination and fundamental climate transformation of their traditional territories and waters. The World Bank only made use of state/country statistics though, which leads us back to the problem of non-inclusivity of national measurements of health in relation to poverty and by extension, determinants of health including climate change.

However, we can offer the OHCHR tangible findings respecting the right to health of Indigenous Peoples and determinants impact that right. These findings include those of the treaty monitoring body of a UN Convention.

In a history-making finding issued on June 8<sup>th</sup>, 2015 the United Nations Committee on the Rights of the Child (CRC) responded to violations of the rights of Yaqui children in Sonora caused by the use of highly restricted and banned pesticides presented by the International Indian Treaty Council (IITC) and its affiliates in Mexico. The CRC, the treaty monitoring body for United Nations *Convention on the Rights of the Child*, reviewed the compliance of Mexico as a State Party to the Convention on May 19 and 20 during its 69<sup>th</sup> session.

Paragraphs 51 and 52 of the CRC's Concluding Observations addressing Mexico, presented under the subheading "Environmental Health", expressed concern "*that the State party has not taken sufficient measures to address air, water, soil and electromagnetic pollution, which gravely impact on children and maternal health. The import and use of pesticides or chemicals banned or restricted for use in third countries, which particularly affect indigenous children in the state of Sonora, is also a reason of deep concern.*"

The CRC specifically recommended that Mexico:

*(a) Assess the impact of air, water, soil and electromagnetic pollution on children and maternal health as a basis to design a well-resourced strategy at federal, state and local levels, in consultation with all communities and especially indigenous peoples, to remedy the situation and drastically decrease the exposure to pollutants;*

*(b) Prohibit the import and use of any pesticides or chemicals that have been banned or restricted for use in exporting countries;*

*(c) Further examine and adapt its legislative framework to ensure the legal accountability of business enterprises involved in activities having a negative*

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<sup>6</sup> Available online at: <http://documents.worldbank.org/curated/en/2011/10/15198880/still-among-poorest-poor>

*impact on the environment, in the light of its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights.*

The violations presented to the CRC by IITC focused on Mexico's import and use of pesticides which have been banned, unregistered or highly restricted in the United States, the European Union and other exporting countries due to their well-known deadly health impacts. These include reproductive abnormalities, childhood cancers and severe birth defects. Since 2001, IITC has worked with Yaqui community members and the Yaqui Traditional Authorities to collect over 80 testimonies documenting disease, disabilities, injuries and over 25 deaths tied to pesticide exposure. IITC's written submission to the CRC included 39 testimonies specific to children and mothers. IITC's submission also called the attention of the Committee to Article 29 of the UN *Declaration* which stipulates that States shall "take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of Indigenous Peoples without their Free Prior and Informed Consent" and ensure the implementation of "programmes for monitoring, maintaining and restoring the health" of the affected Indigenous Peoples.

This submission attempted to provide appropriate examples, information and resources, as well as analysis to highlight the vulnerabilities of Indigenous health and the key roles that Indigenous Peoples might take in respecting climate change. The substantive and procedural challenges respecting Indigenous health in the context of climate change are far more numerous than that which has been enumerated herein. However, it is our hope that this submission provides a relevant and timely contribution to the work of the OHCHR.

Thank you, Hai Hai.

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## Annex A

**CRC/C/MEX/CO/4-5**  
**Convention on the Rights of the Child**  
**Distr.: General**  
**8 June 2015**  
**Original: English**  
**ADVANCE UNEDITED VERSION**

### **Committee on the Rights of the Child Concluding observations on the combined fourth and fifth periodic reports of Mexico\***

#### 51. Environmental Health

The Committee is concerned that the State party has not taken sufficient measures to address air, water, soil and electromagnetic pollution, which gravely impact on children and maternal health. The import and use of pesticides or chemicals banned or restricted for use in third countries, which particularly affect indigenous children in the state of Sonora, is also a reason of deep concern.

#### 52. The Committee recommends that the State party:

(a) Assess the impact of air, water, soil and electromagnetic pollution on children and maternal health as a basis to design a well-resourced strategy at federal, state and local levels, in consultation with all communities and especially indigenous peoples, to remedy the situation and drastically decrease the exposure to pollutants;

(b) Prohibit the import and use of any pesticides or chemicals that have been banned or restricted for use in exporting countries;

(c) Further examine and adapt its legislative framework to ensure the legal accountability of business enterprises involved in activities having a negative impact on the environment, in the light of its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights.

## Annex B

The National Congress of American Indians, at their 2015 Annual Meeting, passed a Resolution #SD 15-007 calling on the UNFCCC to adopt an agreement that upholds the rights of Indigenous Peoples. In that Resolution, NCAI outlined the relationship between climate change and the right to health as well as mitigation and adaptation:

**WHEREAS**, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

**WHEREAS**, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

**WHEREAS**, climate change is one of the greatest threat facing the peoples of the world today; and

**WHEREAS**, the United Nations Special Rapporteur on the Right to Food stated in 2010 that Climate Change is the Single biggest threat to global food security in the future; and

**WHEREAS**, the Intergovernmental Panel on Climate Change (IPCC), made up of thousands of scientists from around the world, has found that Indigenous Peoples are among the peoples most vulnerable to climate change and are disproportionately affected by it, and

**WHEREAS**, Indigenous peoples depend upon the health of their ecosystems and natural resources for social, economic, and cultural vitality; and climate change threatens to destroy indigenous ways of life that have been sustainable for thousands of years; and

**WHEREAS**, climate change thus poses a serious threats to the inherent and Treaty rights of Indigenous Peoples as affirmed in the United Nations Declaration on the Rights of Indigenous Peoples, including, *inter alia*, rights to subsistence, traditional lands and resources, health, productive capacity of the environment, cultural heritage, sacred sites and free prior and informed consent; and

**WHEREAS**, Indigenous Nations and Tribal Leaders recognize our sacred responsibilities to the health, well-being and survival of our future generations;

**WHEREAS**, the Outcome Document of the World Conference on Indigenous Peoples adopted by consensus of the UN General Assembly on September 21, 2014 confirms that Indigenous Peoples' knowledge and strategies to sustain their environment should be respected and taken into account in the development of national and international approaches to climate change mitigation and adaptation; and

**WHEREAS**, the Parties to the United Nations Framework Convention on Climate Change (UNFCCC) will meet in Paris at the end of 2015 to reach a universally binding agreement to address climate change, and

**WHEREAS**, the goal of the UNFCCC as stated in its Article 2 is: "to achieve . . . stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. . . ." and

**WHEREAS**, that goal as presently contemplated by States is to keep temperature rise within 2 degrees C, however, Indigenous Peoples and many scientists consider this goal to be inadequate to protect the ways of life of Indigenous Peoples as well as the survival of small island states and Peoples;

**WHEREAS**, in connection with an ongoing review of the adequacy of the 2 degree C goal, the Structured Expert Dialog, (SED) report concludes that at 2 degrees C of warming, "...indigenous people[s] would be at risk of loss of land and cultural and natural heritage, and cultural practices embedded in livelihoods would be disrupted"; therefore Indigenous Peoples are calling for that goal to be lowered to no more than 1.5 degrees C of warming at COP 21.

**NOW THEREFORE BE IT RESOLVED**, that NCAI calls on the Parties to the UNFCCC at the 21<sup>st</sup> Conference of the Parties (COP 21) in Paris to adopt an agreement with a strong human rights based approach reflected in the operative provisions of the agreement and which covers all aspects of the agreement such as mitigation, adaptation, finance, technology transfer, transparency and capacity building, and specifically recognize the rights of Indigenous Peoples;

**BE IT FURTHER RESOLVED**, that NCAI calls on the State Parties to adopt a goal of a temperature rise of no more than 1.5 degrees C of warming, with a review to ascertain if that should be further lowered to no more than 1 degree C of warming, and

**BE IT FURTHER RESOLVED**, that NCAI calls upon the States Parties to recognize in the final agreement respect for and use, with free, prior, and informed consent and full participation, of Indigenous Peoples' traditional ecological knowledge, and

**BE IT FURTHER RESOLVED**, that any Conference Of the Parties (COP) decision at Paris should acknowledge the obligation to guarantee full and effective participation of Indigenous Peoples in all processes, programs and actions at all levels, including *inter alia* access to funding mechanisms, financing, capacity building, monitoring, reporting and verification (MRV) and guaranteed and enforceable safeguards and all other evolving climate change-related mechanisms, and

**BE IT FURTHER RESOLVED**, that any funds created through the United Nations for Indigenous People's for mitigation and adaptation to climate change be available on an equal basis for Indigenous Peoples from all regions, including North America;

**BE IT FINALLY RESOLVED**, that the Intended Nationally Determined Contributions (INDCs) to be submitted prior to Paris as each Party's commitment to address climate change should include, along with commitments to reduce emissions, commitments on adaptation, finance, technology transfer, and capacity building as well as indicators on the extent to which Indigenous Peoples' rights and safeguards are respected, and non-carbon benefits, including cultural, spiritual and subsistence values are ensured.