
KLE MUN 2024

**BACKGROUND
GUIDE**

United Nations Human
Rights Council

Agenda: Protecting the Rights of
Indigenous People in the context
of Climate Change

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Letter from the EB

Dear Delegates,

Greetings from the Executive Board. It gives me great pleasure to welcome you all to the United Nations Human Rights Council at the 2024 edition of KLE MUN. Our agenda, "Protecting the Rights of Indigenous people in the context of Climate change," addresses the critical need for global cooperation and robust strategies to safeguard the rights and livelihoods of indigenous communities who are disproportionately affected by environmental challenges. As delegates, you will examine the impact of climate change on indigenous people, identify gaps in current international frameworks, and propose innovative solutions to ensure their rights to land, culture, and resources are protected in the face of growing environmental threats.

For those of you participating in MUN for the first time, a special welcome. Stepping into the world of MUN is both exciting and challenging, but rest assured, you are embarking on a rewarding journey of learning, collaboration, and diplomacy. Remember, every experienced delegate started where you are now, and your unique contributions will make our sessions dynamic and impactful.

This background guide aims to only provide a starting point to your research. Delegates are expected to delve deeper by exploring additional sources and data to fully prepare for committee sessions. I am looking forward to impactful discussions and deliberations with you. All the very best!

Regards,
Pranathi Hegde,
Chair - United Nations Human Rights Council

Committee Mandate

The Office of the High Commissioner for Human Rights (UN Human Rights) is mandated by the UN General Assembly to promote and protect the enjoyment and full realization, by all people, of all human rights. The Charter of the United Nations, the Universal Declaration of Human Rights, and international human rights laws and treaties established those rights.

UN Human Rights was created by the General Assembly in 1993 through its resolution 48/141 which also details its mandate.

- Promote and protect all human rights for all
- Recommend that bodies of the UN system improve the promotion and protection of all human rights
- Promote and protect the right to development
- Provide technical assistance to States for human rights activities
- Coordinate UN human rights education and public information programmes
- Work actively to remove obstacles to the realization of human rights and to prevent the continuation of human rights violations
- Engage in dialogue with Governments in order to secure respect for all human rights
- Enhance international cooperation for the promotion and protection of all human rights
- Coordinate human rights promotion and protection activities throughout the United Nations system
- Rationalize, adapt, strengthen and streamline the UN human rights machinery

Introduction

Climate change poses one of the most significant threats to the survival and cultural integrity of indigenous people worldwide. These communities, deeply connected to their ancestral lands and ecosystems, face unique challenges as environmental shifts disrupt their traditional ways of life. The impacts of climate change—such as rising sea levels, extreme weather events, and resource scarcity—are not merely environmental issues; they are human rights concerns that jeopardize the rights of indigenous peoples to land, culture, and resources.

Historically, indigenous peoples have been marginalized in global discussions on climate policy and environmental governance. Their invaluable knowledge about sustainable land management and biodiversity preservation is often overlooked. Despite their minimal contribution to greenhouse gas emissions, indigenous communities are disproportionately affected by climate change. For example, in regions like the Arctic and the Amazon, rising temperatures and deforestation threaten their livelihoods and cultural practices.

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted in 2007, serves as a crucial framework for advocating these rights. However, implementation remains inconsistent, with many states failing to uphold their commitments. Legal battles are increasingly common as indigenous groups seek recognition and protection.

Climate change not only threatens the physical survival of indigenous communities but also poses a significant risk to their cultural heritage and identity. As environmental changes disrupt traditional practices, languages, and spiritual connections to the land, indigenous peoples face an existential crisis.

For example, the Kalash community in Pakistan is experiencing accelerated glacial melting that jeopardizes their agricultural practices and cultural festivals tied to seasonal cycles. The loss of these cultural elements can lead to a disintegration of community cohesion and identity, further exacerbating the vulnerabilities they face.

Therefore, it is imperative that climate action strategies not only focus on environmental sustainability but also prioritize the preservation of indigenous cultures and ways of life. By integrating indigenous knowledge and perspectives into climate policies, we can foster resilience and ensure that these communities are empowered to adapt to changing conditions while maintaining their rich cultural heritage.

This background guide aims to explore the intricate relationship between climate change and the rights of indigenous people. It will examine legal frameworks that protect these rights while highlighting specific challenges faced by indigenous communities in this context. By recognizing and addressing these issues, we can work towards a more equitable and sustainable future for all.

Key Indigenous Communities

1. Inuit

The Inuit, indigenous peoples inhabiting the Arctic regions of Canada, Alaska, Greenland, and Russia, are facing unprecedented challenges due to climate change. Their unique cultural heritage and traditional ways of life are intricately tied to the Arctic environment, which is rapidly transforming under the pressures of global warming. As ice melts and ecosystems shift, the Inuit's rights to land, culture, and resources are increasingly jeopardized.

The Inuit rely on stable ice conditions for hunting, gathering food, and travel. Thinning ice shelves and shorter freeze periods hinder their ability to navigate traditional routes essential for survival. The decline in populations of key species such as polar bears, seals, and walruses further threatens their food security and cultural practices. These changes not only disrupt their daily lives but also pose existential threats to their cultural identity, as traditional practices become increasingly difficult to maintain.

In 2005, Sheila Watt-Cloutier, an Inuk leader, presented a petition to the Inter-American Commission on Human Rights (IACHR) asserting that global warming caused by U.S. carbon emissions violated the human rights of Inuit populations. While the IACHR did not proceed with the petition, it highlighted the critical link between climate change and human rights violations. This case helped broaden the discourse around climate change to include human rights considerations, emphasizing that environmental degradation directly impacts cultural survival.

The Inuit Circumpolar Conference (ICC) has played a pivotal role in bringing the voices of Inuit peoples to the forefront of the global climate debate.

Established in 1977, the ICC serves as a forum for Inuit from Canada, Alaska, Greenland, and Russia to collaborate on issues affecting their communities, particularly those related to environmental changes and human rights. The Inuit Circumpolar Conference (ICC) has significantly influenced the United Nations Framework Convention on Climate Change (UNFCCC) by advocating for the rights and perspectives of Inuit peoples in climate discussions. One of the ICC's notable contributions was during the formulation of the Local Communities and Indigenous Peoples Platform (LCIPP), established at COP21 in 2015.

Despite these challenges, the Inuit have demonstrated resilience and adaptability in response to changing conditions. They have organized initiatives such as the Inuit Circumpolar Conference to advocate for their rights on international platforms. However, adaptation efforts are often hindered by systemic barriers, including inadequate government support and limited access to decision-making processes that affect their lands.

2. Amazonian Indigenous People

Amazonian Indigenous people play a crucial role in the global climate debate, particularly in the context of protecting their territories against the impacts of climate change. These communities, including groups such as the Shuar, Huaorani, and Kichwa, are not only the stewards of vast areas of rainforest but also possess invaluable traditional knowledge that can contribute to effective climate mitigation strategies.

Indigenous territories in the Amazon are vital for biodiversity conservation and carbon storage. Approximately 30% of the Amazon rainforest is managed by Indigenous people, who typically practice sustainable land management through agroforestry and low-impact agriculture. Deforestation rates in these territories are significantly lower—about half—compared to surrounding areas where Indigenous rights are not recognized. This stewardship is essential for maintaining ecosystem integrity and combating climate change, as healthy forests play a critical role in regulating local and global climates.

Despite their contributions to environmental conservation, Amazonian Indigenous peoples face severe threats from deforestation, illegal land invasions, and extractive industries such as oil drilling and mining. These activities not only violate their territorial rights but also lead to significant environmental degradation. For instance, recent developments in Ecuador have seen Indigenous communities successfully advocate for a ban on oil drilling in Yasuni National Park, a biodiverse region home to isolated Indigenous groups. However, such victories are often met with resistance and ongoing threats from corporate interests.

Amazonian Indigenous leaders have increasingly sought recognition and inclusion in international climate negotiations. Since the adoption of the United Nations Framework Convention on Climate Change (UNFCCC), they have actively participated in global forums to advocate for their rights and highlight their role in climate action.

3. Wet'suwet'en Nation

The Wet'suwet'en Nation, located in British Columbia, Canada, has been at the forefront of the struggle to protect Indigenous rights in the context of climate change. Their territory, rich in natural resources and cultural significance, is increasingly threatened by climate impacts and industrial activities, particularly the construction of the Coastal GasLink (CGL) pipeline.

As climate change accelerates, the Wet'suwet'en Nation faces significant challenges. The region has experienced a rise in wildfires, insect infestations, and changing weather patterns that threaten local ecosystems. These environmental changes jeopardize traditional practices such as hunting and fishing, which are essential for food security and cultural identity. Chief Dsta'hyl has articulated concerns that unchecked climate change could devastate local fish stocks and accelerate the decline of game animals like moose, further endangering their way of life.

In response to these threats, the Wet'suwet'en have taken legal action against the Canadian government. In 2020, two hereditary chiefs from the Likhts'amisyu Clan initiated a lawsuit aimed at holding Canada accountable for its greenhouse gas emissions and failure to meet international climate commitments under agreements like the Paris Agreement. They argue that the government's actions contribute to climate change, threatening their cultural identity, food security, and overall well-being.

The case is groundbreaking as it intertwines Indigenous law with constitutional rights, asserting that climate change impacts violate their rights to life, liberty, and security as guaranteed under Canadian law. Although initially dismissed on technical grounds, the Wet'suwet'en appealed this decision, emphasizing that their claims are justiciable and deserve a thorough examination in court. The Wet'suwet'en struggle has garnered national and international attention, inspiring solidarity movements across Canada.

Important Frameworks

The protection of Indigenous peoples' rights in the context of climate change is supported by several important international frameworks that recognize their unique relationship with the environment and the need for their inclusion in climate action discussions. Here are some key frameworks:

1. United Nations Framework Convention on Climate Change (UNFCCC)

The UNFCCC, adopted in 1992, acknowledges the role of Indigenous Peoples as essential stakeholders in combating climate change. The Indigenous Peoples' constituency is organized through the International Indigenous Peoples' Forum on Climate Change (IIPFCC), which facilitates their participation in negotiations. At COP26, significant progress was made with explicit references to human rights and Indigenous Peoples' rights in operative texts, marking a milestone for their recognition within the UNFCCC framework.

2. Paris Agreement

The Paris Agreement, adopted in 2016, explicitly recognizes human rights and the rights of Indigenous Peoples. Its preamble emphasizes that parties should respect and promote these rights while taking climate action. The agreement also calls for integrating traditional knowledge and practices of local communities and Indigenous Peoples into climate adaptation strategies, underscoring their critical role in achieving global climate goals

3. United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

UNDRIP is a foundational document that outlines the rights of Indigenous peoples globally. It emphasizes their right to self-determination, land, resources, and cultural preservation. Article 32 specifically calls for states to obtain free, prior, and informed consent from Indigenous peoples before undertaking projects affecting their lands or resources. This framework is crucial for ensuring that Indigenous voices are heard in climate-related decisions.

4. Convention on Biological Diversity (CBD)

The CBD recognizes the role of Indigenous peoples in biodiversity conservation and sustainable use of natural resources. Article 8(j) specifically addresses the importance of traditional knowledge held by Indigenous communities, advocating for their participation in conservation efforts that are increasingly relevant in the context of climate change.

Challenges

The intersection of climate change and the rights of Indigenous people presents a complex array of challenges. These communities, often among the first to experience the impacts of climate change, face systemic barriers that hinder their ability to protect their rights and livelihoods.

Indigenous people frequently encounter significant legal hurdles when attempting to assert their rights in the context of climate change. Many legal systems do not adequately recognize Indigenous laws or governance structures, leading to challenges in asserting land rights and environmental protections. For instance, cases brought by Indigenous groups, such as the Wet'suwet'en Nation in Canada, have often been dismissed on technical grounds, with courts ruling that claims are non-justiciable or lack sufficient legal standing. This lack of recognition can prevent meaningful engagement in climate-related legal frameworks.

Indigenous communities are often marginalized within national political systems, leading to inadequate representation in decision-making processes that affect their lands and resources. This marginalization extends to climate policy discussions, where their voices are frequently overlooked. The Special Rapporteur on the Rights of Indigenous Peoples has highlighted that even in countries with laws recognizing Indigenous rights, implementation is weak and often contradictory, particularly regarding resource extraction activities like mining and logging. This systemic discrimination exacerbates vulnerabilities to climate impacts.

Activists from Indigenous communities face threats and violence when they stand up for their rights or oppose environmentally destructive projects. Reports indicate that a significant number of environmental defenders, many of whom are Indigenous, have been killed for their activism. The environment of fear can deter individuals from pursuing legal action or advocating for their rights, further entrenching the challenges they face.

Many Indigenous communities lack the financial resources necessary to mount legal challenges against powerful corporations or government entities involved in resource extraction. Legal battles can be lengthy and costly, often requiring expertise that is not readily available within these communities. Without adequate funding and support, Indigenous peoples struggle to defend their rights effectively.

The challenges faced by Indigenous peoples in protecting their rights amid climate change are multifaceted and deeply rooted in historical injustices. Addressing these challenges requires a concerted effort from governments, international bodies, and civil society to ensure that Indigenous voices are included in climate discussions, that their rights are respected, and that they receive the support necessary to adapt to changing environmental conditions. Recognizing the unique contributions of Indigenous peoples is essential for achieving sustainable solutions that benefit both communities and ecosystems globally.

QARMA

These are some of the Questions A Resolution Must Answer. Delegates are encouraged to align their research and deliberations along these lines.

1. What mechanisms can be established to ensure that indigenous communities have control over their ancestral lands and resources, particularly in areas affected by climate change?
2. How can countries address land encroachment, deforestation, and resource extraction in indigenous territories that are exacerbated by climate change?
3. What mechanisms should be put in place to ensure indigenous peoples' free, prior, and informed consent (FPIC) in projects related to climate change mitigation and adaptation?
4. What policies can promote the protection and sharing of indigenous knowledge in ways that respect their intellectual property and ensure fair benefits?
5. How can countries and international bodies address the displacement of indigenous communities caused by climate change?
6. What financial mechanisms should be established to support indigenous communities' adaptation and resilience to climate change?
7. How can indigenous communities access funding and resources for climate resilience and environmental conservation projects?
8. How can governments and international bodies promote awareness about the unique vulnerabilities of indigenous peoples in the context of climate change?
9. How can governments and international bodies be held accountable for ensuring that indigenous rights are upheld in climate action?

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