

Written Comments: Climate Change and the Rights of Indigenous Peoples

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Introduction:

The Union of BC Indian Chiefs (UBCIC) represents Indigenous Nations from across British Columbia, Canada's westernmost province. For decades we have worked towards the implementation, exercise, and recognition of the Title and Rights of Indigenous Nations. Climate change is a threat not only to our Title and Rights, our lands, territories and resources, but also to our continued existence as peoples. In 2019, the UBCIC Chiefs Council recognized through resolution that the current and projected rise in global temperature constitutes a global climate emergency. The rights of Indigenous peoples and our ability to exercise our rights are integral to the global response to climate change.

Key Comments:

While Indigenous peoples are among those contributing the least to the emissions that drive climate change, we are among the most vulnerable to its effects. We are already witnessing the devastation that climate change has begun to wreak in our territories. We have seen the number and severity of floods and wildfires increase over the past decade, as well as the decline of wild salmon stocks and wildlife populations that we have sustainably managed and relied upon for thousands of years. Shifts in seasonal norms have disrupted our traditional land-based practices. Not only are we experiencing the effects of climate change in our territories, but the ongoing exploitation of our lands directly contributes to the crisis.

Indigenous resistance to the industrial exploitation of our lands – rooted in Indigenous sovereignty, our rights to self-determination, and our responsibility to steward our territories – has often been met with state violence. Indigenous land defenders in Canada who actively oppose industrial developments in their territories that fail to meet the minimum standard of

Free, Prior, and Informed Consent continue to be criminalized and surveilled by the state. This continues despite the governments of both British Columbia and Canada committing to adopt the *United Nations Declaration on the Rights of Indigenous Peoples* in legislation. Globally, Indigenous land defenders and their allies are criminalized, harassed, and murdered because of their opposition to capitalist resource extraction and their protection of the resources within their territories. Mining, oil & gas, agriculture, and forestry are among the sectors driving the upward trend in attacks on land defenders. Indigenous peoples, particularly Indigenous women, are disproportionately at risk of violence from industrial incursions that flout the minimum standard of Free, Prior, and Informed Consent.

Canada's climate action has consistently fallen short of its rhetoric on the issue. The growing public pressure on governments to implement meaningful action on climate has not demonstrably improved the country's climate outlook. Canada has consistently failed to meet any of its self-imposed climate targets for decades, dating back to pledges made at the 1992 Earth Summit in Rio de Janeiro. Federal and provincial governments have failed to separate Canada's economy from its reliance on fossil fuels and they continue to commit significant public resources towards fossil fuel projects and infrastructure. The vast carbon stores of the boreal forest and Great Bear Rainforest are inadequately regulated to prevent extensive deforestation and habitat destruction, further degrading the natural carbon storage capacity within Canada's borders. The urgency of the global climate crisis, and the disproportionate effect that Canadian emissions contribute to it, is not reflected in any government climate solutions.

Conversely, huge quantities of CO₂-equivalent emissions are either excused by or explicitly a part of Canadian climate planning. The nation's ongoing development of fossil fuels ignores the Intergovernmental Panel on Climate Change's recommendation to keep fossil fuels in the ground

to limit rise global temperature rise to 1.5°, and propagates unproven notions that Canadian crude oil and natural gas is “clean” and will displace emissions from coal in the global market.

Hydroelectric megaprojects such as the Site C and Muskrat Falls dams have been approved despite well-founded environmental concerns and their failure to meet the minimum standard of Free, Prior, and Informed Consent for industrial developments affecting Indigenous peoples. The completion of these dams will guarantee the permanent loss of traditional hunting and trapping grounds and downstream contamination by methylmercury in exchange for increasing the country’s capacity for generating energy by 1.5%. These increases in capacity will be outstripped by Canada’s rising demand without extensive demand-side management in the next few decades.

It should be clear that global climate change is not the errant outcome of unknowing actors, but rather the endpoint of a misguided and irresponsible relationship with our lands and resources, and the ongoing failure of state institutions to meaningfully curb emissions or hold emitters accountable. Without mechanisms to meaningfully regulate emissions and enforce penalties on the entities responsible for outsized emissions, the rampant release of greenhouse gases will continue unabated.

For Indigenous peoples, the struggle to protect our lands from the effects of climate change is not a struggle against an abstract concept. It is a fight to ensure the continued viability of the ecosystems that we rely on and have been responsible to for thousands of years. It is a fight against the institutions that have gambled the world’s future for their own benefit. Responding to climate change to prevent the further suffering of countless lives is an urgent moral imperative that all peoples share responsibility for. Empowering Indigenous peoples globally and recognizing their sovereignty over their territories is also a moral imperative, and a key step in rectifying the colossal intergenerational mistakes that have led us to this crisis.

Recommendations

1. Climate actions at the local, regional, national, and global scales must be informed by Indigenous knowledge and ethics.
2. Meeting the demands of our shared climate emergency will require global organization and solidarity between peoples separated by the borders of nation-states.
3. Accountability mechanisms for heavy industrial emitters that reflect the interjurisdictional nature of global greenhouse gas emissions must be developed.
4. Indigenous peoples throughout the world are uniquely positioned to address climate change by leading the management of resources, biodiversity, and ecosystems in their territories. Indigenous peoples' participation in environmental governance flows from their inherent rights, which are recognized in the *United Nations Declaration on the Rights of Indigenous Peoples*.
5. Indigenous land must be returned to Indigenous peoples.