

PETITION TO THE INTER AMERICAN COMMISSION ON HUMAN RIGHTS
SEEKING RELIEF FROM VIOLATIONS RESULTING FROM GLOBAL WARMING
CAUSED BY ACTS AND OMISSIONS OF THE UNITED STATES

I. SUMMARY OF THE PETITION

In this petition, Sheila Watt-Cloutier, an Inuk woman and Chair of the Inuit Circumpolar Conference, requests the assistance of the Inter-American Commission on Human Rights in obtaining relief from human rights violations resulting from the impacts of global warming and climate change caused by acts and omissions of the United States. Ms. Watt-Cloutier submits this petition on behalf of herself, 62 other named individuals, and all Inuit of the arctic regions of the United States of America and Canada who have been affected by the impacts of climate change described in this petition.

Global warming refers to an average increase in the Earth's temperature, causing changes in climate that lead to a wide range of adverse impacts on plants, wildlife, and humans. There is broad scientific consensus that global warming is caused by the increase in concentrations of greenhouse gases in the atmosphere as a result of human activity. The United States is, by any measure, the world's largest emitter of greenhouse gases, and thus bears the greatest responsibility among nations for causing global warming.

The Inuit, meaning "the people" in their native Inuktitut, are a linguistic and cultural group descended from the Thule people whose traditional range spans four countries – Chukotka in the Federation of Russia, northern and western Alaska in the United States, northern Canada, and Greenland. While there are local characteristics and differences within the broad ethnic category of "Inuit," all Inuit share a common culture characterized by dependence on subsistence harvesting in both the terrestrial and marine environments, sharing of food, travel on snow and ice, a common base of traditional knowledge, and adaptation to similar Arctic conditions. Particularly since the Second World War, the Inuit have adapted their culture to include many western innovations, and have adopted a mixed subsistence- and cash-based economy. Although many Inuit are engaged in wage employment, the Inuit continue to depend heavily on the subsistence harvest for food. Traditional "country food" is far more nutritious than imported "store-bought" food. Subsistence harvesting also provides spiritual and cultural affirmation, and is crucial for passing skills, knowledge and values from one generation to the next, thus ensuring cultural continuity and vibrancy.

Like many indigenous peoples, the Inuit are the product of the physical environment in which they live. The Inuit have fine-tuned tools, techniques and knowledge over thousands of years to adapt to the arctic environment. They have developed an intimate relationship with their surroundings, using their understanding of the arctic environment to develop a complex culture that has enabled them to thrive on scarce resources. The culture, economy and identity of the Inuit as an indigenous people depend upon the ice and snow.

Nowhere on Earth has global warming had a more severe impact than the Arctic. Building on the 2001 findings of the Intergovernmental Panel on Climate Change, the 2004

Arctic Climate Impact Assessment – a comprehensive international evaluation of arctic climate change and its impacts undertaken by hundreds of scientists over four years – concluded that:

The Arctic is extremely vulnerable to observed and projected climate change and its impacts. The Arctic is now experiencing some of the most rapid and severe climate change on Earth. Over the next 100 years, climate change is expected to accelerate, contributing to major physical, ecological, social, and economic changes, many of which have already begun.

Because annual average arctic temperatures are increasing more than twice as fast as temperatures in the rest of the world, climate change has already caused severe impacts in the Arctic, including deterioration in ice conditions, a decrease in the quantity and quality of snow, changes in the weather and weather patterns, and a transfigured landscape as permafrost melts at an alarming rate, causing slumping, landslides, and severe erosion in some coastal areas. Inuit observations and scientific studies consistently document these changes. For the last 15 to 20 years, Inuit, particularly hunters and elders who have intimate knowledge of their environment, have reported climate-related changes within a context of generations of accumulated traditional knowledge.

One of the most significant impacts of warming in the Arctic has been on sea ice. Commonly observed changes include thinner ice, less ice, later freezes and earlier, more sudden thaws. Sea ice is a critical resource for the Inuit, who use it to travel to hunting and harvesting locations, and for communication between communities. Because of the loss in the thickness, extent and duration of the sea ice, these traditional practices have become more dangerous, more difficult or, at times, impossible. In many regions, traditional knowledge regarding the safety of the sea ice has become unreliable. As a result, more hunters and other travelers are falling through the sea ice into the frigid water below. The shorter season for safe sea ice travel has also made some hunting and harvest activities impossible, and curtailed others. For the Inuit, the deterioration in sea ice conditions has made travel, harvest, and everyday life more difficult and dangerous.

The quality, quantity and timing of snowfall have also changed. Snow generally falls later in the year, and the average snow cover over the region has decreased ten percent over the last three decades. The spring thaw comes earlier and is more sudden than in the past. As with decreased ice, the shorter snow season has made travel more difficult. In addition, the deep, dense snow required for igloo building has become scarce in some areas, forcing many travelers to rely on tents, which are less safe, much colder and more cumbersome than igloos. The lack of igloo-quality snow can be life threatening for travelers stranded by unforeseen storms or other emergencies. These changes have also contributed to the loss of traditional igloo building knowledge, an important component of Inuit culture.

Permafrost, which holds together unstable underground gravel and inhibits water drainage, is melting at an alarming rate, causing slumping, landslides, severe erosion and loss of ground moisture, wetlands and lakes. The loss of sea ice, which dampens the impact of storms

on coastal areas, has resulted in increasingly violent storms hitting the coastline, exacerbating erosion and flooding. Erosion in turn exposes coastal permafrost to warmer air and water, resulting in faster permafrost melts. These transformations have had a devastating impact on some coastal communities, particularly in Alaska and the Canadian Beaufort Sea region. Erosion, storms, flooding and slumping harm homes, infrastructure, and communities, and have damaged Inuit property, forcing relocation in some cases and requiring many communities to develop relocation contingency plans. In addition, these impacts have contributed to decreased water levels in rivers and lakes, affecting natural sources of drinking water, and habitat for fish, plants, and game on which Inuit depend.

Other factors have also affected water levels. Changes in precipitation and temperature have led to sudden spring thaws that release unusually large amounts of water, flooding rivers and eroding their streambeds. Yet, after spring floods, rivers and lakes are left with unusually low levels of water further diminished by increased evaporation during the longer summer. These changes affect the availability and quality of natural drinking water sources. The fish stocks upon which Inuit rely are profoundly affected by changing water levels. Fish sometimes can not reach their spawning grounds, their eggs are exposed or washed ashore, or northward moving species compete with the native stocks for ecological niches.

The weather has become increasingly unpredictable. In the past, Inuit elders could accurately predict the weather for coming days based on cloud formations and wind patterns, allowing the Inuit to schedule safe travel. The changing climate has made clouds and wind increasingly erratic and less useful for predicting weather. Accurate forecasting is crucial to planning safe travel and hunting. The inability to forecast has resulted in hunters being stranded by sudden storms, trip cancellations, and increased anxiety about formerly commonplace activities.

Observers have also noted changes in the location, characteristics, number, and health of plant and animal species caused by changes in climate conditions. Some species are less healthy. In the words of the Arctic Climate Impact Assessment, “[m]arine species dependent on sea ice, including polar bears, ice-living seals, walrus, and some marine birds, are very likely to decline, with some facing extinction.”

Other species are becoming less accessible to the Inuit because the animals are moving to new locations, exacerbating the travel problems resulting from climate change. Still others cannot complete their annual migrations because the ice they travel on no longer exists, or because they cannot cross rivers swollen by sudden floods. More frequent autumn freeze-thaw cycles have created layers of solid ice under the snow that makes winter foraging more difficult for some game animals, including caribou, decreasing their numbers and health. These impacts on animals have impaired the Inuit’s ability to subsist.

Increased temperatures and sun intensity have heightened the risk of previously rare health problems such as sunburn, skin cancer, cataracts, immune system disorders and heat-related health problems. Warmer weather has increased the mortality and decreased the health of

some harvested species, impacting important sources of protein for the Inuit. Traditional methods of food and hide storage and preservation are less safe because of increased daytime temperatures and melting permafrost.

The current impacts in the Arctic of climate change are severe, but projected impacts are expected to be much worse. Using moderate – not worst case – greenhouse gas emission scenarios, the Arctic Climate Impact Assessment finds that:

- “Increasing global concentrations of carbon dioxide and other greenhouse gases due to human activities, primarily fossil fuel burning, are projected to contribute to additional arctic warming of about 4-7°C, about twice the global average rise, over the next 100 years.”
- “Increasing precipitation, shorter and warmer winters, and substantial decreases in snow and ice cover are among the projected changes that are very likely to persist for centuries.”
- “Unexpected and even larger shifts and fluctuations in climate are also possible.”
- “Reductions in sea ice will drastically shrink marine habitat for polar bears, ice-inhabiting seals, and some seabirds, pushing some species toward extinction.”
- “Caribou/reindeer and other animals on land are likely to be increasingly stressed as climate warming alters their access to food sources, breeding grounds, and historic migration routes.”
- “Species ranges are projected to shift northward on both land and sea, bringing new species into the Arctic while severely limiting some species currently present.”
- “As new species move in, animal diseases that can be transmitted to humans, such as West Nile Virus, are likely to pose increasing health risks.”
- “Severe coastal erosion will be a growing problem as rising sea level and a reduction in sea ice allow higher waves and storm surges to reach shore.”
- “Along some Arctic coastlines, thawing permafrost weakens coastal lands, adding to their vulnerability.”
- “The risk of flooding in coastal wetlands is projected to increase, with impacts on society and natural ecosystems.”
- “In some cases, communities and industrial facilities in coastal zones are already threatened or being forced to relocate, while others face increasing risks and costs.”
- “Many Indigenous Peoples depend on hunting polar bear, walrus, seals, and caribou, herding reindeer, fishing, and gathering, not only for food and to support the local economy, but also as the basis for cultural and social identity.”
- “Changes in species’ ranges and availability, access to these species, a perceived reduction in weather predictability, and travel safety in changing ice and weather conditions present serious challenges to human health and food security, and possibly even the survival of many cultures.”

Noting the particular impact these changes will have on the Inuit, the ACIA states: “For Inuit, warming is likely to disrupt or even destroy their hunting and food sharing culture as

reduced sea ice causes the animals on which they depend on to decline become less accessible, and possibly become extinct.”

Several principles of international law guide the application of the human rights issues in this case. Most directly, the United States is obligated by its membership in the Organization of American States and its acceptance of the American Declaration of the Rights and Duties of Man to protect the rights of the Inuit described above. Other international human rights instruments give meaning to the United States’ obligations under the Declaration. For example, as a party to the International Convention on Civil and Political Rights (“ICCPR”), the United States is bound by the principles therein. As a signatory to the International Convention on Economic, Social, and Cultural Rights (“ICESCR”), the United States must act consistently with the principles of that agreement.

The United States also has international environmental law obligations that are relevant to this petition. For instance, the United States also has an obligation to ensure that activities within its territory do not cause transboundary harm or violate other treaties to which it is a party. As a party to the UN Framework Convention on Climate Change, the United States has committed to developing and implementing policies aimed at returning its greenhouse gas emissions to 1990 levels. All of these international obligations are relevant to the application of the rights in the American Declaration because, in the words of the Inter-American Commission, the Declaration “should be interpreted and applied in context of developments in the field of international human rights law ... and with due regard to other relevant rules of international law applicable to [OAS] member states.”

The impacts of climate change, caused by acts and omissions by the United States, violate the Inuit’s fundamental human rights protected by the American Declaration of the Rights and Duties of Man and other international instruments. These include their rights to the benefits of culture, to property, to the preservation of health, life, physical integrity, security, and a means of subsistence, and to residence, movement, and inviolability of the home.

Because Inuit culture is inseparable from the condition of their physical surroundings, the widespread environmental upheaval resulting from climate change violates the Inuit’s right to practice and enjoy the benefits of their culture. The subsistence culture central to Inuit cultural identity has been damaged by climate change, and may cease to exist if action is not taken by the United States in concert with the community of nations

The Inuit’s fundamental right to use and enjoy their traditional lands is violated as a result of the impacts of climate change because large tracks of Inuit traditional lands are fundamentally changing, and still other areas are becoming inaccessible. Summer sea ice, a critical extension of traditional Inuit land, is literally ceasing to exist. Winter sea ice is thinner and unsafe in some areas. Slumping, erosion, landslides, drainage, and more violent sea storms have destroyed coastal land, wetlands, and lakes, and have detrimentally changed the characteristics of the landscape upon which the Inuit depend. The inability to travel to lands

traditionally used for subsistence and the reduced harvest have diminished the value of the Inuit's right of access to these lands.

The Inuit's fundamental right to enjoy their personal property is violated because climate change has reduced the value of the Inuit's personal effects, decreasing the quality of food and hides, and damaging snowmobiles, dog sleds and other tools. Their right to cultural intellectual property is also violated, because much of the Inuit's traditional knowledge, a formerly priceless asset, has become frequently unreliable or inaccurate as a result of climate change.

The Inuit's fundamental rights to health and life are violated as climate change exacerbates pressure on the Inuit to change their diet, which for millennia has consisted of wild meat and a few wild plants. Climate change is accelerating a transition by Inuit to a more western store-bought diet with all of its inherent health problems. Life-threatening accidents are increasing because of rapid changes to ice, snow, and land. Traditional food preservation methods are becoming difficult to practice safely. Natural sources of drinking water are disappearing and diminishing in quality. Increased risks of previously rare heat and sun related illnesses also implicate the right to health and life.

The Inuit's fundamental rights to residence and movement, and inviolability of the home are likewise violated as a result of the impacts of climate change because the physical integrity of Inuit homes is threatened. Most Inuit settlements are located in coastal areas, where storm surges, permafrost melt, and erosion are destroying certain coastal Inuit homes and communities. In inland areas, slumping and landslides threaten Inuit homes and infrastructure.

The Inuit's fundamental right to their own means of subsistence has also been violated as a result of the impacts of climate change. The travel problems, lack of wildlife, and diminished quality of harvested game resulting from climate change have deprived the Inuit of the ability to rely on the harvest for year-round sustenance. Traditional Inuit knowledge, passed from Inuit elders in their role as keepers of the Inuit culture, is also becoming outdated because of the rapidly changing environment.

The United States of America, currently the largest contributor to greenhouse emissions in the world, has nevertheless repeatedly declined to take steps to regulate and reduce its emissions of the gases responsible for climate change. As a result of well-documented increases in atmospheric concentrations of greenhouse gases, it is beyond dispute that most of the observed change in global temperatures over the last 50 years is attributable to human actions. This conclusion is supported by a remarkable consensus in the scientific community, including every major US scientific body with expertise on the subject. Even the Government of the United States has accepted this conclusion.

However, and notwithstanding its ratification of the UN Framework Convention on Climate Change, United States has explicitly rejected international overtures and compromises, including the Kyoto Protocol to the U.N. Framework Convention on Climate Change, aimed at securing agreement to curtail destructive greenhouse gas emissions. With full knowledge that

this course of action is radically transforming the arctic environment upon which the Inuit depend for their cultural survival, the United States has persisted in permitting the unregulated emission of greenhouse gases from within its jurisdiction into the atmosphere.

Protecting human rights is the most fundamental responsibility of civilized nations. Because climate change is threatening the lives, health, culture and livelihoods of the Inuit, it is the responsibility of the United States, as the largest source of greenhouse gases, to take immediate and effective action to protect the rights of the Inuit.

Because this petition raises violations of the American Declaration of the Rights and Duties of Man by the United States of America, the Inter-American Commission on Human Rights has jurisdiction to receive and consider it. The petition is timely because the acts and omissions of the United States that form the basis for the petition are ongoing, and the human rights violations they are causing is increasing. Because there are no domestic remedies suitable to address the violations, the requirement that domestic remedies be exhausted does not apply in this case.

The violations detailed in the petition can be remedied. As such, the Petitioner respectfully requests that the Commission:

1. Make an onsite visit to investigate and confirm the harms suffered by the named individuals whose rights have been violated and other affected Inuit;
2. Hold a hearing to investigate the claims raised in this Petition;
3. Prepare a report setting forth all the facts and applicable law, declaring that the United States of America is internationally responsible for violations of rights affirmed in the American Declaration of the Rights and Duties of Man and in other instruments of international law, and recommending that the United States:
 - a. Adopt mandatory measures to limit its emissions of greenhouse gases and cooperate in efforts of the community of nations – as expressed, for example, in activities relating to the United Nations Framework Convention on Climate Change – to limit such emissions at the global level;
 - b. Take into account the impacts of U.S. greenhouse gas emissions on the Arctic and affected Inuit in evaluating and before approving all major government actions;
 - c. Establish and implement, in coordination with Petitioner and the affected Inuit, a plan to protect Inuit culture and resources, including, *inter alia*, the land, water, snow, ice, and plant and animal species used or occupied by the named individuals whose rights have been violated and other affected Inuit;

and mitigate any harm to these resources caused by US greenhouse gas emissions;

- d. Establish and implement, in coordination with Petitioner and the affected Inuit communities, a plan to provide assistance necessary for Inuit to adapt to the impacts of climate change that cannot be avoided;
- e. Provide any other relief that the Commission considers appropriate and just.