

Summary

The United States government has failed to protect the human rights of Tribal Nations in Louisiana and Alaska, who are being forcibly displaced from their ancestral lands. The five Tribes named in this complaint request immediate intervention and investigation by the UN Special Rapporteurs of the human rights violations in accordance with the UN Guiding Principles on Internal Displacement, the UN Declaration on the Rights of Indigenous Peoples, and other international human rights legal doctrine. The United States government's failure to protect the Tribal Nations named herein has resulted in the loss of sacred ancestral homelands, destruction to sacred burial sites and the endangerment of cultural traditions, heritage, health, life and livelihoods. Furthermore, it has interfered with tribal nation sovereignty and self-determination and is breaking apart communities and families.

The United States government has known for decades that changes to the environment caused by the effects of climate change, as well as human-made disasters, threaten these coastal Tribal Nations in Alaska and Louisiana. Among these threats include rising sea levels, catastrophic storms, and unchecked extraction of oil and gas. When these threats impact citizens of these Tribal Nations, the government has failed to allocate funds, technical assistance and other resources to support the Tribes' right to self-determination to implement community-led adaptation efforts that effectively protect the lives and livelihoods of Tribal citizens. The government's inaction has gone beyond basic negligence where the government has failed to engage, consult, acknowledge and promote the self-determination of these Tribes as they identify and develop adaptation strategies, including resettlement. By failing to act, the U.S. government has placed these Tribes at existential risk.

Recommendations

The Tribes respectfully urge the Special Rapporteurs to find that climate-forced displacement is a human rights crisis. To respond to this crisis and rectify the human rights violations occurring in the United States, the Tribes request that the Special Rapporteurs make the following recommendations to the United States federal government and the State governments of Louisiana and Alaska:

The United States federal government should:

- Recognize the self-determination and inherent sovereignty of all of the Tribes, including those federally recognized and those who have not received federal recognition;
- Grant federal recognition to the Tribal Nations in Louisiana so that these Tribes are able to access federal resources that will support their self-governance of the various climate impacts that affect them;
- Recognize the Tribes' collective rights to the land, subsistence, and cultural identities and their collective right to return to and maintain access to their ancestral homelands;

- Assist the Tribes in protecting and restoring their homelands to the extent possible;
- Create a Federal relocation institutional framework that is based in human rights protections to adequately respond to the threats facing Tribal Nations, including the rapid provision of resources for adaptation efforts that protect the right to culture, health, safe-drinking water, food, and adequate housing;
- Ensure that Tribal Nations are integral to decision-making processes and that all federal government entities obtain their free, prior, and informed consent to all infrastructure developments, coastal resiliency master plans and any agreements pertaining to the underlying use of the land that impacts Tribes or their aboriginal lands;
- Work with the State government of Louisiana to explore and develop models of shared land ownership that would ensure the protection of land and the promotion of healthy ecosystems and land rejuvenation;
- Recognize and protect Tribal Cultural Heritage, including the use, practice, and designation of sacred sites, historical sites, cultural sites, fishing and hunting sites via mechanisms like the National Register of Historic Places;
- Recognize and respect access of the Tribes to their lands, sacred sites, cultural sites, and their aboriginal subsistence lands when Tribes are forcibly displaced or have voluntarily relocated;
- Allocate funding to restore tribal lands and protect sacred sites, village sites, and subsistence hunting and fishing areas, as well as consult with Tribes on restoration projects;
- Allocate funding for adaptation measures for Tribes experiencing increased sea-level rise;
- Respect the inherent sovereignty of the resettlement decisions of the Tribal communities by implementing and upholding their decisions relating to resettlement; and
- Allocate funding to implement the tribal-led relocation process for the Alaska Native Village of Kivalina and Isle de Jean Charles Indian Tribe.

The Louisiana state government should:

- Allocate funding to the Louisiana Tribes listed in this complaint to respond to the humanitarian crisis they are currently experiencing.
- Designate the Louisiana Tribes listed here as entities eligible for assistance directly from federal government agencies, such as, U.S. Housing and Urban Development community development block grants (CDBG), and Federal Emergency Management Agency (FEMA) disaster relief and response funding;

- Require the oil and gas industry to give advanced notice to the Tribes of their intent to conduct oil and gas exploration or drilling that may pose a risk to Tribal cultural heritage, lands, and waters.
- Hold oil and gas corporations responsible for damages they have caused to the Louisiana coast; require mitigation measures and compensation.
- Respect the right to self-determination of the Tribes and ensure that there is free, prior and informed consent prior to the state government's development of projects for the Louisiana Master Plan;
- Amend State laws and policies, including to create a relocation institutional framework, based in human rights protections to ensure that resources are provided to accelerate adaptation efforts to protect the right to culture, health, safe-drinking water and adequate housing; and
- Allocate funding to implement the tribal-led relocation process for Isle de Jean Charles.

The Alaska state government should:

- Amend their laws and policies, including to create a relocation institutional framework based in human rights protections to ensure that resources are provided to accelerate adaptation efforts to protect the right to culture, health, safe-drinking water and adequate housing; and
- Allocate funding to implement the tribal-led relocation process for the Alaska Native Village of Kivalina