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INTER-AMERICAN COMMISSION ON HUMAN RIGHTS TO HOLD HEARING AFTER REJECTING INUIT CLIMATE CHANGE PETITION

by Jessica Gordon*

The Inter-American Commission on Human Rights (“IACHR”) held a hearing to “address matters relating to Global Warming and Human Rights” on March 1, 2007.¹ Weeks before announcing the hearing, the IACHR declined to consider a petition alleging that the United States’ government’s refusal to limit the country’s greenhouse gas emissions constitutes a threat to Inuit human rights.² The Inuit Circumpolar Council (“ICC”), which represents 150,000 people in northern Alaska, Canada, Greenland, and Russia,³ along with nonprofits Earthjustice and the Center for International Environmental Law submitted the petition in December 2005.⁴ The groups asserted that climate change disproportionately affects the Inuit, threatening their lives, health, traditional land rights, personal property, and livelihoods.⁵ The petition asked the IACHR, an international legal body affiliated with the Organization of American States (“OAS”),⁶ for “relief from human rights violations resulting from the impacts of global warming and climate change caused by acts and omissions of the United States,”⁷ which is the world’s largest greenhouse gas producer⁸ and has rejected any mandatory reduction agreements to cut emissions and curtail global warming.⁹

Although the IACHR does not have the authority to compel the United States to restrict its greenhouse gas emissions or compensate the Inuit, the petitioners hoped that such a ruling would increase public awareness of the detrimental effects of climate change and alert governments and corporations to their potential liability for global warming.¹⁰ The petitioners also anticipated that a favorable ruling would establish a future legal basis for holding countries, companies, and industries responsible for their greenhouse gas emissions,¹¹ even inducing a “stream of litigation, somewhat akin to lawsuits against tobacco companies.”¹² In a letter dated November 16, 2006, however, the IACHR informed the petitioners that the Commission would not consider the petition because the information it provided was insufficient for making a determination. Sheila Watt-Cloutier, chair of the ICC when the petition was submitted, asked the IACHR for further explanation of its decision and “invited [C]ommission members to visit the Arctic for a hearing ‘to provide testimony and documentation on these problems which are seriously affecting Inuit survival.’”¹³

On February 1, 2007, the IACHR informed the petitioners that it would hold the March 1 hearing at the OAS in Washington, DC, to address matters raised by the petition without revisiting the petition itself.¹⁴ Despite the disappointment of the

petition’s rejection, Martin Wagner, attorney for Earthjustice, remarks, “We believe that our petition may have helped educate the Commission concerning the relationship between global warming and human rights, and thus may have contributed to the Commission’s desire to investigate the issue. Whatever its genesis, however, this hearing is a very positive step in the direction of recognizing States’ obligations to prevent human rights violations resulting from their contribution to global warming.”¹⁵ The environmental community now waits to learn whether the hearing will achieve any of the goals of the petition it supplants.



Endnotes:

- ¹ Letter from Ariel E. Dulitzky, Assistant Executive Secretary, Inter-American Commission on Human Rights, to Sheila Watt-Cloutier, Petitioner (Feb. 1, 2007), available at http://www.earthjustice.org/library/legal_docs/inter-american-commission-on-human-rights-inuit-invite.pdf (last visited Feb. 13, 2007).
- ² See Andrew C. Revkin, *Americas: Inuit Climate Change Petition Rejected*, N.Y. TIMES, Dec. 16, 2006.
- ³ Revkin, *id.*
- ⁴ Nunatsiq News, *ICC Climate Change Petition Rejected* (Dec. 15, 2006), available at http://www.nunatsiq.com/news/nunavut/61215_02.html (last visited Jan. 29, 2007).
- ⁵ Sheila Watt-Cloutier, *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*, Dec. 7, 2005, at 7, http://www.ciel.org/Publications/ICC_Petition_7Dec05.pdf (last visited Jan. 29, 2007).
- ⁶ Nunatsiq News, *supra* note 4.
- ⁷ Watt-Cloutier, *supra* note 5, at 1.
- ⁸ BBC News, *Climate Change: The Big Emitters* (July 4, 2005), available at <http://news.bbc.co.uk/2/hi/science/nature/3143798.stm> (last visited Jan. 29, 2007).
- ⁹ Nunatsiq News, *supra* note 4.
- ¹⁰ Donald Goldberg & Martin Wagner, *Human Rights Litigation to Protect the Peoples of the Arctic*, 98 AM. SOC’Y INTL L. PROC. 227, 229 (2004).
- ¹¹ Goldberg & Wagner, *id.*
- ¹² Andrew C. Revkin, *Eskimos Seek to Recast Global Warming as a Rights Issue*, N.Y. TIMES, Dec. 15, 2004.
- ¹³ Nunatsiq News, *supra* note 4.
- ¹⁴ Dulitzky, *supra* note 1.
- ¹⁵ E-mail from Martin Wagner, Petitioner, to author (Feb. 14, 2007, 04:20:00 PST) (on file with author).

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