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Field of cultural rights**

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report prepared by the Special Rapporteur in the field of cultural rights, Karima Bennoune, in accordance with Human Rights Council resolution 37/12. The Special Rapporteur is submitting the present report together with an annex containing the legal framework and examples, available on the website of the Office of the United Nations High Commissioner for Human Rights.[1]

* A/75/150.

** The present document was submitted after the deadline in order to reflect the most recent developments.

[1] www.ohchr.org/EN/Issues/CulturalRights/Pages/AnnualReports.aspx.

Report of the Special Rapporteur in the field of cultural rights, Karima Bennoune

Summary

In the present report, the Special Rapporteur in the field of cultural rights, Karima Bennoune, addresses the cultural and cultural rights dimensions of the current climate emergency, which have too often been overlooked. She considers the negative impacts of climate change on human cultures and on the enjoyment of cultural rights, and the positive potential of cultures and the exercise of cultural rights to serve as critical tools in responding to the climate emergency.

I. Introduction
Climate change, culture and cultural rights

1. Even during the COVID-19 pandemic, which commands so much international attention, the climate emergency remains one of the greatest threats that humanity has ever faced and must be addressed with urgency.[2] While infection rates climbed around the world, so too did record temperatures.[3] Climate change-related disasters such as locust swarms and floods hit populations already contending with the virus. "We find ourselves living in a time when we must take on two vital tasks simultaneously – battling the acute trauma of COVID-19 while addressing the chronic crisis of climate change."[4] We cannot wait until the pandemic is over. The climate emergency remains an existential threat to life, to human rights and to human cultures. This is why the Special Rapporteur has decided to focus her report on the nexus of climate change, culture and cultural rights.

2. The mandate on cultural rights was established to protect not culture and cultural heritage per se, but rather the conditions allowing all people, without discrimination, to access, participate in and contribute to cultural life through a process of continuous development. These conditions are greatly jeopardized by the climate emergency. "The universality of human rights, including cultural rights, has no meaning today without a liveable environment in which they can be enjoyed."[5] Climate change is having and will continue to have a grave impact on the cultures and cultural heritages of all humankind and hence on the related human rights of billions of people. While most human rights are affected by climate change, cultural rights are particularly drastically affected, in that they risk being simply wiped out in many cases. This reality has not been adequately acknowledged in current climate change initiatives. It must be recognized as a matter of international legal obligation and addressed as a priority.

3. These effects on cultural rights are already visible. During the Special Rapporteur's mission to Maldives, she visited a centuries-old cemetery reportedly containing the graves of those involved in bringing Islam to Maldives. That cemetery is less than 100 metres from the ocean; sea level is rising. Locals fear the site will be gone in 10 years. A 15-year-old Maldivian environmental and cultural heritage activist said to the Special Rapporteur on that site: "I fear for the survival of my country."[6] No one, least of all a young person, should have to face such fears.

4. In Tuvalu, the Special Rapporteur visited the country's only library, 20 metres from the shore and threatened by sea level rise. She met the librarian determined to save its collection. It contains historical documents such as the letter officially recognizing the country's independence, but also meteorological and tide records that are critical tools for climate research. Its loss would impact Tuvaluans most, but would also harm us all. A Tuvaluan official asked: "If we are not here anymore, what will happen to our culture?"

[2] See www.ohchr.org/EN/NewsEvents/Pages/OHCHRanalyticalstudyClimateChange.aspx.
[3] See, e.g. World Weather Attribution, "Prolonged Siberian heat of 2020" (15 July 2020). Available at www.worldweatherattribution.org/wp-content/uploads/WWA-Prolonged-heat-Siberia-2020.pdf.
[4] Joyce Lee, "Earth Day during COVID-19: green tips for closed museums", American Alliance of Museums, 22 April 2020.
[5] A/73/227, para. 38.
[6] A/HRC/43/50/Add.2, para. 79.

5. As the present report was finalized, a quarter of Bangladesh was flooded, devastating the lives of millions of people living in poverty and washing away cultural sites and public spaces.[7]

6. Many of the myriad grave human rights impacts of the climate emergency have been well documented, including by other special rapporteurs.[8] The Special Rapporteur on human rights obligations relating to the enjoyment of the right to a safe, clean and sustainable environment, and many scientific experts, have repeatedly spelled out the facts. These include: warming of 1°C to date, and higher increases in specific locations such as the Arctic, where the rate is double the global average; even more warming to come – its intensity depending on our actions; major impacts on livelihoods and rights; increasing extreme weather events and natural disasters; declining diversity of life on earth; increased disease and threats to health; loss of lives and mass displacement.[9]

7. The impacts hit specific peoples and places disproportionately, posing particular threats to the rights and cultures of populations of low-lying small island developing States, indigenous peoples, rural people, women, persons with disabilities, those living in poverty and others. The Intergovernmental Panel on Climate Change observed that "people who are socially, economically, culturally, politically, institutionally or otherwise marginalized are especially vulnerable to climate change".[10] Those with pronounced cultural connections to land, sea, natural resources and ecosystems, including indigenous, rural and fisher peoples, face disproportionate devastation of their individual and collective cultural lives.

8. Women already face many obstacles to the enjoyment of their cultural rights,[11] and climate change worsens these inequalities. Susceptibility to climate impacts and disasters is gendered, with women facing higher vulnerability to casualties, often due to factors related to culture such as inability to swim, clothing that restricts mobility and culturally assigned gender roles.[12] Climate change magnifies existing gender inequalities between girls and boys, and raises cultural rights-related obstacles for girls, including increased difficulties accessing education.[13] However, women and girls are often also the first responders in their localities, working to protect traditions and ways of life from the negative effects of climate change. Women are catalysts for climate change activism and play a leading role in creating culture anew and driving new ways of life to adapt to the climate crisis.[14]

9. Climate change is "the most significant intergenerational equity issue of our time. Children and future generations are bearing, or will come to bear, the brunt of its impact on a polluted, degraded planet."[15] Youth must be recognized not just as

[7] Somini Sengupta and Julfikar Ali Manik "A quarter of Bangladesh is flooded. Millions have lost everything.," *New York Times* (30 July 2020).

[8] See, e.g., A/74/161; A/HRC/31/52; A/HRC/41/39; and A/HRC/36/46.

[9] See A/74/161 and A/HRC/31/52.

[10] Intergovernmental Panel on Climate Change, *Climate Change 2014: Synthesis Report* (2 November 2014), p. 54. Available at www.ipcc.ch/site/assets/uploads/2018/02/SYR_AR5_FINAL_full.pdf.

[11] See A/67/287.

[12] Md. Sadequr Rahman, "Climate change, disaster and gender vulnerability: a study on two divisions of Bangladesh", *American Journal of Human Ecology*, vol. 2, No. 2 (2013), pp. 72–82 and 75. Gender impacts intersect with other factors, including age and class to make some women especially hard hit. "Climate change is brutal for everyone, but worse for women", *Wired*, 25 November 2019. Available at www.wired.com/story/climate-change-and-gender/.

[13] Sadequr Rahman, "Climate change, disaster and gender vulnerability".

[14] See contribution by International Action Network for Gender Equity and Law. Available at www.ohchr.org/EN/Issues/CulturalRights/Pages/ClimateChange.aspx.

[15] Plan International, "Climate change: focus on girls and young women (September 2019), p. ii. See also A/HRC/37/58.

representatives of the future, but as full participants in making climate policy in the present.[16]

10. The climate emergency also threatens humanity in its entirety and all human cultures and cannot be comprehended purely in sectoral terms.[17] The response therefore needs to manifest both globally and locally, displaying both universality, in the form of a concerted global response, but also diversity, in terms of addressing specific impacts, actors and opportunities.

11. Moreover, we must be clear about the sources of this emergency. "The poorest half of the world's population, 3.9 billion people, generate only 10 per cent of global emissions. Conversely, the richest 10 per cent produce half of global emissions."[18] However, the lives and cultures of all have been put at risk, with those having contributed the least to creating the problem often most at risk. Three quarters of global emissions are produced by 20 States.[19] Taking into account historical emissions, some nations are disproportionately responsible for the climate crisis. The United States has produced 25 per cent of global emissions since 1751, followed by China with 12 per cent.[20] These facts have important ramifications for the human rights obligations of developed States, which must reduce emissions more rapidly and pay the lion's share of the costs to assist developing States.[21]

12. "Instability and abnormality are the new normal."[22] The factual case is clear. However, to date, we have collectively failed to take the necessary effective action to protect ourselves. The Secretary-General and the Intergovernmental Panel on Climate Change have indicated that such action is still possible, and many steps are being taken. However, the window of time in which to avoid catastrophic climate change is closing rapidly, likely by the end of the present decade. In this context, the Special Rapporteur wishes to add her voice to the great chorus of youth, scientists, advocates and ordinary people around the world calling for urgent action to ensure a safe climate for humanity and its cultures – now.

13. Such urgent action is the only way to protect human rights, including cultural rights, in 2020 and beyond. Business as usual is not possible, even in the United Nations human rights system.[23] Continuing to consistently focus on this issue during the current pandemic is the only way we can succeed in:

(a) Responding to the health situation;

(b) (Re)constructing in a more rights-protecting manner;

(c) Perhaps even preventing further such outbreaks in future. All relevant actors at the international and national levels must act with determination. No country can do so effectively by itself.

14. While climate change has been exhaustively defined and mapped as a human rights crisis, the cultural and cultural rights dimensions have been too often overlooked by climate and human rights experts, on the one hand, and those in the

[16] Under principle 21 of the Rio Declaration on Environment and Development, "The creativity, ideals and courage of the youth of the world should be mobilized to forge a global partnership in order to achieve sustainable development and ensure a better future for all."

[17] See A/HRC/41/39.

[18] A/74/161, para. 13.

[19] See A/74/161, para. 14.

[20] Our World in Data, "CO_2 and Greenhouse Gas Emissions", sect., Cumulative CO2 emissions (December 2019). Available at https://ourworldindata.org/co2-and-other-greenhouse-gas-emissions#the-long-run-history-cumulative-co2.

[21] See A/74/161, para. 14.

[22] See contribution by Minority Rights Group International.

[23] See A/HRC/41/39, para. 83.

cultural fields on the other. This is a gap that must be filled. The negative impacts of climate change on human cultures and on the enjoyment by all of their internationally guaranteed cultural rights, and the positive potential of our cultures and the exercise of our cultural rights to serve as critical tools in our response to the climate emergency, must both be placed on the international agenda and be subjects of further study.

15. Sweeping cultural change will be necessary to alter the trajectory of catastrophic climate change. The status quo is unsustainable. Since culture is not static,[24] such change – if participatory and carried out in line with human rights standards – is a part of the enjoyment of cultural rights. More attention must be given to fostering the transformational, paradigm-shifting change that experts have stressed is needed to address climate change,[25] to changing rapidly the way we live, produce and consume, and to doing so in a rights-respecting way, as well as to coping with any negative side-effects that may result for cultural rights. The aim of the present report is to contribute towards achieving these priority goals and bring together some important work already undertaken in the field.

16. Even as it is imperilled, culture remains an important key to successful climate adaptation. Traditional knowledge about how to interact with and care for natural systems is indispensable. Indigenous understanding in particular will be pivotal to stabilizing the climate. Contradictory on the surface but often complementary in practice, a rising culture of change pushes for local and global responses that prioritize climate mitigation and adaptation through changed consumer behaviours, new green infrastructure and a just distribution of access to resources. Implementing these pre-emptive changes will be critically important for effectively preserving the climate as humans have known it throughout the history of the species.[26] "Society's response to every dimension of global climate change is mediated by culture."[27]

17. This includes the cultural underpinnings of the causes of climate change, as well as adaptation, mitigation and interpretation of science. "Culture itself is a process that allows us to understand, interpret and transform reality."[28] Culture shapes climate change and in turn climate change transforms culture.

18. Climate change and cultural rights share a clear nexus. Culture is closely connected to ecosystems, especially for indigenous peoples, rural and "traditional" populations. Both cultures and the environment are often place-based.[29] "Culture influences our understanding of the environment and our relationship with it on a deep level. Concern for the welfare of future generations is already explicitly environmental; it should also be cultural."[30]

19. The work of cultural rights defenders, human rights defenders who defend cultural rights in accordance with international standards, is a sine qua non for protecting cultural rights and cultures from climate change, and for developing and

[24] See A/HRC/14/36, paras. 30 and 34.
[25] See A/74/161, para. 16.
[26] Justine Massey, "Climate Change, Culture and Cultural Rights", memorandum, University of California, Davis School of Law, 20 May 2020.
[27] W. Neil Adger and others, "Cultural dimensions of climate change impacts and adaptation", in *Nature Climate Change*, vol. 3 (2013), p. 112.
[28] United Cities and Local Governments, "Culture 21: Actions – commitments on the role of culture in sustainable cities", approved by the Committee on Culture of United Cities and Local Governments at its first culture summit (Bilbao, 18–20 March 2015), para. 2.
[29] Climate Change and Cultural Heritage Working Group of the International Council on Monuments and Sites, *The Future of Our Pasts: Engaging Cultural Heritage in Climate Action* (2019).
[30] United Cities and Local Governments, "Culture 21: Actions", p. 24.

advancing the use of cultural rights and cultural initiatives to combat it.[31] Their work often intersects with the work of indigenous human rights defenders and environmental human rights defenders.[32] It is dangerous and difficult.[33] Environmental human rights defenders are among those most at risk,"[34] so at risk that they were the subject of Human Rights Council resolution 40/11. In that resolution, the Council strongly condemned reprisals and violence against these defenders, including by non-State actors. As one of the best-known examples among many, in Honduras, Berta Cáceres was murdered in 2016 for her role in protesting against the construction of a dam that threatened sacred Lenca land, in an effort to protect both the land and culture of her people.[35] "Increasing the attention and assistance given to cultural rights defenders would increase the realization of the potential of culture and heritage to drive climate action. This in turn would enhance the valorization of the work of cultural rights defenders."[36]

20. Both the protection of human rights, including cultural rights, and of the environment are "indispensable for sustainable development. Each human being depends on ecosystems and the services they provide, such as food, water, disease management, climate regulation, spiritual fulfilment and aesthetic enjoyment. At the same time, all human activities have an impact on the environment."[37]

21. However, many environmental policies do not address culture,[38] while many cultural policies do not refer to the environment. Both sets of policies may fail to incorporate a human rights approach. Submissions also identified a lack of relevant laws that cover this nexus.[39] What is needed is a tripartite integration of environmental, cultural and human rights perspectives on climate change, in policy and expertise, at the international, regional, national and local levels, and the creation of channels of communication and institutionalized cooperation between policymakers, officials, government agencies, international organizations, experts and civil society groups in all three areas. These conversations have begun in some places but "climate change and culture" is only beginning to be recognized as a specific field.[40] It is already a step forward to bring two of these categories together,[41] but essential to combine them with human rights. Only this synthesis can give us the holistic approach essential for responding to the climate emergency, the most significant threat on the human horizon today.

22. In preparation for writing the report, the Special Rapporteur participated in person in the "Climate heritage mobilization" held during the Global Climate Action Summit, held in San Francisco in 2018, and by video in the launch of the Climate

[31] See A/HRC/43/50.
[32] Ibid., para. 43.
[33] See A/71/281. Front Line Defenders stated in its annual report that 304 human rights defenders were killed in 2019, of whom 40 per cent worked on land, indigenous rights and environmental issues (Front Line Defenders, "Global Analysis 2019" (January 2020). Available at www.frontlinedefenders.org/sites/default/files/global_analysis_2019_web.pdf).
[34] United Nations Environment Programme (UNEP), "Promoting greater protection for environmental defenders", policy paper (2018), pp. 1 and 2.
[35] JUA HND 2/2016.
[36] See contribution by International Council on Monuments and Sites.
[37] Office of the High Commissioner for Human Rights (OHCHR) and UNEP, "Human rights and the environment: Rio+20: joint report OHCHR and UNEP" (2012), background document for OHCHR-UNEP joint side event on "human rights at the centre of sustainable development – honouring Rio Principle 1", at the United Nations Conference on Sustainable Development, Rio de Janeiro, 2012, p. 6.
[38] See, e.g., contributions by: the Commissioner for Human Rights of Poland; Portugal; and Ukraine.
[39] See, e.g., contributions by Portugal and Ukraine.
[40] See contribution by Greece.
[41] See contribution by Julie's Bicycle.

Heritage Network in Edinburgh in 2019. She carried out missions to countries facing particularly difficult climate impacts, such as Maldives and Tuvalu. She also distributed a related questionnaire in April 2020. She was gratified to receive a number of responses, which are available on the website of the Special Rapporteur.[42] Additionally, she was pleased to consult experts around the world. She thanks all contributors. The report should be read in conjunction with its annex.[43]

II. International legal framework

23. The relevant international legal frameworks are covered in the annex owing to a word limit.

III. Negative impacts of climate change on culture, cultural heritage and cultural rights

24. The climate emergency is the greatest of many contemporary threats to cultures and cultural rights around the world. The damage that it can and will do is fast-growing, widespread, long-term and potentially existential. It can wipe out centuries of human cultural achievement and render ongoing cultural practices virtually impossible in the future. Climate change impacts pose a threat to meaningful spaces for cultural interactions, including natural spaces,[44] and to the continuity of ways of life.

25. Imagine the cultural site or practice most precious to you wiped out by climate change. Consider the prospect of losing nearly all of your people's cultural achievements. Many in the world today face these stark realities. Now, think what it would mean to know that this is happening owing to choices made far away about which you were never consulted and owing to the abject failure of Governments, corporations and your fellow human beings to act when they knew very well that this was likely to happen. That is what we must contemplate. Inventorying ongoing and expected cultural losses should help us better understand what is at stake, further motivate us to change our cultures and take necessary, sometimes difficult, action to mitigate these harms and force us to think now about how we adapt culturally going forward.

26. Taking seriously the climate-cultural rights nexus also requires a transnational approach committed to climate culture justice, as those most affected by climate change and who have often done the least to contribute to it have fewer resources to protect their cultures from its effects. This could result in a terrible climate culture apartheid, and a catastrophic "editing" process, in which much of the history and cultural traces of the biggest victims of climate change are allowed to disappear while the traces of those most responsible for it are more protected and more likely to survive. This is unacceptable and a clear violation of the spirit of the Charter of the United Nations itself. We cannot be passive observers of cultural extinction. International cooperation, information-sharing, solidarity and funding, partnered with local empowerment and participation, are essential to ensure that this does not occur.

27. There are myriad negative impacts across many areas of cultural life, only some of which can be surveyed here, complemented by selected examples in the annex. Particular attention will be paid to cultural heritage, which has been more widely addressed than other aspects, including in submissions. One of the challenges is to

[42] www.ohchr.org/EN/Issues/CulturalRights/Pages/ClimateChange.aspx.
[43] www.ohchr.org/EN/Issues/CulturalRights/Pages/AnnualReports.aspx.
[44] See A/74/255.

ensure a comprehensive approach to all aspects of culture, cultural rights and cultural heritage and to all regions. More progress has been made with regard to considering climate impacts on tangible cultural heritage than any other aspect, though even it remains inadequately recognized as an at-risk item.[45] Adequate analysis and documentation, including a complete mapping of cultural and cultural rights damage, and the development of comprehensive strategies for preventing and responding to it, are essential tasks at the international and national levels going forward.

A. Cultural heritage

28. Climate change is having and will continue to have grave repercussions for the cultural heritage[46] of all humankind[47] and hence for the related human rights of millions of human beings. The climate emergency will affect all of the values associated with heritage, including its intrinsic, touristic and economic values, as a marker of identity and attachment to place and as "an embodiment of accumulated knowledge".[48] Losses are not only physical but also economic, social and cultural. "Some cultural heritage places are the sole providers of work or food, and therefore they are essential to the survival of a community: when such places are at risk, the survival of associated communities is threatened."[49]

29. Cultural heritage is a human rights issue, and many rights – from the right to access and enjoy heritage to the right to education – may be gravely affected. The effects also pass through time. History and past achievements of humanity are lost. In the present, people cannot enjoy their rights, including that of learning that history. Future generations will inherit these losses as their connections to the past, to place and to practices are stolen from them by choices made today. Therefore, an environmentally conscious human rights approach to all aspects of heritage is essential.[50]

30. Tangible heritage sites face threats, including irreversible damage and loss of outstanding universal value, from, inter alia, temperature changes, soil erosion, sea level rise and storms.[51] Natural heritage sites face developments such as increasing fires, ocean acidification, bleaching events and habitat changes. A 2005 survey by the United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage Centre found that climate change was a threat to 72 per cent of the natural and cultural heritage sites about which responses were received from States parties to the World Heritage Convention.[52] In 2014, an academic study found that more than 130 World Heritage cultural sites were at long-term risk from sea level rise, from the archaeological site of Carthage in Tunisia to the Elephanta Caves in India.[53] Archaeological sites may be affected by increasing soil temperature, wind damage

[45] See contribution by Julie's Bicycle.
[46] See A/71/317 and A/HRC/17/38.
[47] A. Markham and others, *World Heritage and Tourism in a Changing Climate* (UNESCO, Union of Concerned Scientists and UNEP, 2016).
[48] Climate Change and Cultural Heritage Working Group of the International Council on Monuments and Sites, *The Future of Our Pasts* (see footnote 29), p. 26.
[49] See contribution by International Council on Monuments and Sites.
[50] Ibid.
[51] Sabine von Schorlemer and Sylvia Maus (eds.), *Climate Change as a Threat to Peace: Impacts on Cultural Heritage and Cultural Diversity* (Frankfurt, Peter Lang, 2014).
[52] UNESCO World Heritage Centre, *Climate Change and World Heritage: Report on Predicting and Managing the Impacts of Climate Change on World Heritage and Strategy to assist States Parties to Implement Appropriate Management Responses*, World Heritage report No. 22 (2007), p. 26.
[53] A. Markham, *World Heritage and Tourism in a Changing Climate* (Nairobi, UNEP and UNESCO 2016), p. 14.

and rising sea levels. Underwater heritage may be harmed by changing sea currents.[54] Globally, archives and libraries, great repositories of human knowledge, culture and history are at risk as well.[55]

31. Through its reactive monitoring process, established under the 1972 UNESCO World Heritage Convention, the World Heritage Centre provides reports to the intergovernmental World Heritage Committee on world heritage sites impacted by climate change, in order to provide the best advice possible to States Parties, and authorities, and establish the most appropriate mitigation measures. The Centre collects data on climate change impacts on World Heritage properties, and reports, together with the advisory bodies, to the World Heritage Committee on the most pressing cases.[56] The World Heritage Committee is currently updating its policy document on the impacts of climate change on World Heritage properties, which will be presented to the forty-fourth session of the Committee.[57] "The relevance of the processes of the World Heritage Convention such as nominations, periodic reporting and reactive monitoring must be reviewed and suitably adjusted."[58] UNESCO should be fully resourced to address these urgent issues; and States parties to the 1972 Convention should do more to comply with its provisions and related guidelines. The project of creating an adequately funded climate vulnerability index for world heritage properties, as proposed by a number of organizations, should be given serious consideration.

32. The management plans of all sites potentially threatened by climate change should be updated to ensure sustainable conservation. Appropriate monitoring and vulnerability assessment processes must be undertaken. Potential mitigation measures at specific sites, and across the network of world heritage sites, should also be considered. The importance of climate change threats also justifies the implementation of appropriately tailored risk-preparedness measures. Site-specific assessment, mitigation and adaptation, as well as broader regional and transboundary strategies to tackle the vulnerability of all sites within larger landscapes and seascapes are needed.

33. A holistic assessment of heritage impacts is essential. Not only tangible and natural heritage but also "practice and transmission of a host of rich intangible cultural heritage practices – from oral traditions, to performing arts, social practices, rituals, festive events, traditional craftsmanship, and interactions and relationships with nature" are at risk.[59] Extreme weather events will disrupt not just daily life, but also sustained traditions and events, such as Mardi Gras or Lunar New Year festival. Tangible, intangible and natural heritage are largely porous categories, and human beings enjoy their related rights across them, often in a holistic way. The effects should also be assessed holistically.

34. For instance, the changing availability of plant and animal species will lead to the loss of ecological knowledge and related language vital for the transmission of living heritage concerning food and medicinal plants, such as the Andean world view of the Kallawaya, which is on the Representative List of the Intangible Cultural Heritage of Humanity. Indigenous peoples and others living in vulnerable environments, such as small islands, high-altitude zones, desert margins, the Sahel

[54] See UNESCO, *Convention on the Protection of the Underwater Cultural Heritage* (2001).
[55] See contribution by International Council on Archives, section on archives and human rights.
[56] See http://whc.unesco.org/en/soc/?action=list&id_threats=130%2C129%2C128%2C127%2C24-4%2C126%2C131.
[57] See contribution by UNESCO.
[58] *Climate Change and World Heritage*, p. 10.
[59] See contribution by UNESCO.

and the circumpolar Arctic, are often disproportionately affected.[60] Losses reported include the ability to live on ancestral lands; guardianship of sacred sites; folklore, song and dance; traditional medicine; religious rites; and cultural knowledge (including indigenous knowledge and practice).[61] Less documentation, monitoring and analysis of intangible heritage impacts have been undertaken; these are urgently needed. "Identifying knowledge and belief systems at risk must become a priority."[62] Popular engagement, citizen science and appropriate use of traditional and indigenous knowledge in monitoring processes should be encouraged.[63]

35. The documentation for nominations to the lists of the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage is one potential source for understanding threats posed to intangible cultural heritage by climate change. The forms for nomination to the Representative and Urgent Safeguarding Lists should contain specific requests for consideration of the potential impact of climate change as among threats to continued transmission.[64] The 2015 operational directives for the 2003 Convention are focused on fostering grass-roots resilience to natural hazards and climate change. States are encouraged to "fully integrate communities, groups and individuals who are bearers of such knowledge into systems and programmes of disaster risk reduction, disaster recovery and climate change adaptation and mitigation."[65] UNESCO and States parties to the Convention should maximize the use of criterion (v) of the Operational Guidelines for Implementation of the World Heritage Convention, concerning heritage that "has become vulnerable under the impact of irreversible change."[66]

36. Climatic activity has always affected cultural heritage; however, climate change has fast tracked damage, disasters and in some cases disappearance. Climate change fuels the slow, yet progressive eradication of buildings and places of cultural practice and the ability to dedicate time to a full cultural life. Moreover, climate change is a "threat multiplier" which magnifies existing threats to cultural heritage, such as by fuelling poverty, political instability and resource conflicts in which heritage destruction may take place.[67]

37. Small island States and low-lying areas face catastrophic climate-induced destruction of their natural and cultural heritage which is often closely tied to broader destruction. The cultural identities and traces of entire nations may be at risk,[68] facing the threat of cultural extinction, including through the total disappearance of human settlements and related ancestral cultures. This threat was created transnationally and requires a transnational response. Those facing such levels of damage to their cultural lives are entitled to robust international solidarity, support, cooperation and compensation

[60] See also Douglas Nakashima and others, *Weathering Uncertainty: Traditional Knowledge for Climate Change Assessment and Adaptation* (Paris, UNESCO, and Darwin, United Nations University, 2012). Available at http://unesdoc.unesco.org/images/0021/002166/216613e.pdf.

[61] See contribution by Climate TOK project.

[62] See contribution by International Council on Monuments and Sites.

[63] Ibid.

[64] See contribution by UNESCO.

[65] UNESCO, "Operational directives for the implementation of the Convention for the Safeguarding of the Intangible Cultural Heritage", para. 191 (c) (ii). Available at https://ich.unesco.org/doc/src/ICH-Operational_Directives-7.GA-PDF-EN.pdf.

[66] See https://whc.unesco.org/en/criteria/.

[67] Von Schorlemer, *Climate change as a threat to peace* (see footnote 51).

[68] H.E. Kim, (2011) "Changing climate, changing culture: adding the climate change dimension to the protection of intangible cultural heritage" in *International Journal of Cultural Property*, vol. 18, pp. 259–290.

38. Movement away from homelands results in removal from people's tangible cultural heritage (and often damage or disappearance of that heritage), but also threatens the maintenance of cultural practices that may be linked to certain sites or natural resources, such as the land, and the possibility of caring for heritage. The conservation and transmission of such intangible cultural heritage must also be considered. Moreover, analogous to the impact of destruction during armed conflict, the damage and destruction of cultural heritage when those most closely connected to it are suffering from other severe impacts of climate change also takes away a key cultural resource that can build resilience, preserve memory and identities and help these people cope.

39. Sadly, some heritage losses due to climate change are now inevitable. That must be handled in rights-respecting ways. Other losses can and must be prevented. Damage to heritage must be systematically surveyed. Future losses must be predicted and strategies developed to prevent and respond to them in a participatory and inclusive manner.

40. Heritage losses should be commemorated in ways that preserve memory and knowledge, make creative use of culture, create memory reservoirs and anchor points[69] and spur preventive action.[70] Possibilities include farewell ceremonies and opportunities for visiting submerged sites. It will also be essential to find creative, appropriate methods for maintaining certain traditions and living heritage, as well as creating new traditions aiming at maintaining memory, including in diasporas, especially in the face of large-scale losses. This can also help overcome discrimination, including in the cultural sphere, and loss of identity, that migrants may face.[71] A participatory, inclusive human rights approach will be essential, "ensuring that decisions to accept loss are transparent and take a people-centred approach and that local communities have a voice in deciding which sites should be prioritized and which losses are acceptable."[72]

41. The following considerations must be carefully borne in mind: "climate change requires difficult choices. The sheer scale of loss and damage threatened… must be considered in the context of climate justice and equity. For example, priorities must be established to determine which sites can be saved or protected and those in which documentation or archaeological salvage and research can be carried out. There is a danger that climate action may be undertaken in ways that perpetuate existing inequalities, including in the context of heritage."[73]

B. Cultural diversity and cultural survival

42. In addition to the effects on cultural heritage, "climate change is likely to affect cultural diversity and socio-cultural interactions by forcing communities to change their work habits and ways of life, to compete for resources or to migrate elsewhere."[74] According to the UNESCO Universal Declaration on Cultural Diversity, "A source of exchange, innovation and creativity, cultural diversity is as necessary for humankind as biodiversity is for nature."[75] Nonetheless, the impact of climate change on the diversity of cultural expressions is under-assessed.[76]

[69] *The Future of Our Pasts* (see footnote 29), p. 41.
[70] See A/HRC/25/49.
[71] See contribution by South American Network for Environmental Migrations (Resama).
[72] *The Future of Our Pasts*, p. 42.
[73] Ibid., p. 20.
[74] *Climate Change as a Threat to Peace*, p. 13.
[75] UNESCO, Universal Declaration on Cultural Diversity, art. 1.
[76] See contribution by UNESCO.

43. Climate displacement threatens cultural survival itself and jeopardizes traditional livelihoods. “Mobility in relation to climate change is taking place on a continuum between forced and voluntary migration, and the distinction between the two is rather blurred.”[77] “Some may be unable to depart, others practising ‘voluntary immobility,’ ‘an important coping device, helping to strengthen cultural and spiritual agency among those facing the loss of their homeland’.”[78] However, the cost for this in human rights terms may become unbearably high, leaving people with terrible choices between remaining with the cultures which sustain them and departing to protect their lives and livelihoods. Cultural losses related to migration will be especially serious for those living in entirely unique landscapes. As one expert asked, where can the Inuit find another Arctic environment? It is essential to engage in educational, participatory and consultative processes at the earliest opportunity with populations facing such situations, to consider options.

44. Creative ways to respect, protect, ensure and fulfil the cultural rights of persons who become displaced in the context of disasters and climate change must be developed.[79] Cultural rights are a primordial component of “migration with dignity.”[80] This will also require innovative approaches to recognizing, and allowing space for expression and preservation of, the collective identities and shared cultures of large groups which may be displaced, including entire national populations.

C. Traditional knowledge and ways of life

45. Climate change negatively affects the practice of traditional knowledge in many places, including the very know-how and techniques needed to respond to such change. This is due to unpredictable weather and changing seasons which impair and may render increasingly obsolete such things as knowledge around navigation, calendars, meteorology, wind patterns, movements of sand, planting and harvests, fishing and food.[81]

46. Impacts on food are gendered given the particular nutritional needs of breastfeeding or pregnant women and cultural norms regarding the partitioning of food.[82] When traditional agriculture or fishing is no longer feasible, or is impacted by climate change, women who participate in these practices can feel the loss of cultural ties, as well as food or income.[83]

47. Nomadic pastoralism as a way of life may be entirely at risk in some areas. Ways of life that are in harmony with the natural environment, from which we need to learn to deal with climate change, are themselves being eroded, as an environmental human rights defender told the Special Rapporteur in Maldives. Migration and concentration into urban areas resulting from climate change will have further impacts on every aspect of cultural life.

[77] Minority Rights Group International, *Minority and Indigenous Trends 2019: Focus on Climate Justice*, p. 57.

[78] Ibid., p. 64, citing Carol Farbotko, “‘Voluntary immobility: indigenous voices in the Pacific”, *Forced Migration Review* No. 57, (February 2018), p. 82.

[79] UNHCR, Climate change and disaster displacement. Available at www.unhcr.org/en-us/climate-change-and-disasters.html.

[80] See www.sierraclub.org/sierra/2016-6-november-december/feature/kiribati-former-catholic-nun-has-become-sort-paul-revere-for.

[81] See contribution by Indonesia.

[82] World Health Organization (WHO), *Gender, Climate Change and Health* (Geneva, 2014), p. 17.

[83] See contribution by International Action Network for Gender Equity and Law.

D. Harmful cultural practices

48. Climate change has been reported to play a role in increasing harmful practices against women such as child marriage of girls and female genital mutilation.[84] Humanitarian assistance such as in disasters attendant on climate change tends to ignore caste dynamics and caste-related power structures, thus exacerbating existing caste-based exclusion.[85]

E. Cultural rights of women

49. The gendered impacts of climate change, resource scarcity and disasters, which may result for women in increased caretaking responsibilities[86] and time poverty,[87] may create further obstacles to their ability to participate in cultural life and access educational opportunities. The resulting increased poverty makes it harder for women to continue education, to have time to participate in cultural life, and to have resources (such as money or transportation) to engage in cultural events and activities. Cultural restrictions on women's mobility can limit their access to environmentally friendly methods of transportation such as cycling.[88] Climate change and poverty together increase the barriers to access and enjoyment of cultural rights.[89] Work towards gender equality, including with regard to culture, is vital for improving climate change response.

F. Impact on cultural rights of indigenous peoples

50. Climate change-induced damage and destruction of culture and cultural heritage can have a particularly significant effect on indigenous peoples, for whom connections to place, land and landscape and relationships with culturally important animals, plants, habitats and ecosystems play such an important role in shaping heritage, laws, worldviews, practices and identity.[90] The Special Rapporteur was grateful to receive numerous submissions regarding effects on indigenous peoples' cultural rights. Some submissions stressed both commonalities in the experiences of indigenous peoples and their diversities.

51. Lack of respect for land rights and rights to natural resources exacerbates the vulnerabilities of indigenous peoples to grave cultural losses due to climate change. As explained in one submission: "There has been no life for us since we moved out of the forest."[91] Structural causes of the disproportionate impacts of climate change must be addressed.

52. The implications of climate change for food, agricultural practices and land tenure security, such as limited ability to harvest culturally relevant foods, are also of

[84] Minority Rights Group International, *Minority and Indigenous Trends 2019* (see footnote 77), pp. 84 and 85.
[85] International Dalit Solidarity Network, "Equality in aid: addressing caste discrimination in humanitarian response" (September 2013), p. 3.
[86] Climate change, disaster and gender vulnerability (see footnote 12), 72–82.
[87] Women's Earth and Climate Action Network, International (WECAN), "Unleashing the power of women in climate solutions". Available at www.wecaninternational.org/why-women.
[88] WHO, *Gender, Climate Change and Health*, p. 23.
[89] See contribution by International Action Network for Gender Equity and Law.
[90] Kathryn Norton-Smith and others, *Climate Change and Indigenous Peoples: A Synthesis of Current Impacts and Experiences* (United States Department of Agriculture, 2016), pp. 12 and 13; See also contribution by British Columbia Assembly of First Nations.
[91] See contribution by Minority Rights Group International.

particular concern to pastoralist and other indigenous peoples.[92] Where milder winters are an issue, this may lead to a rise in invasive insects that threaten culturally important tree species. Sacred and cultural sites are at times inaccessible, or even lost, owing to a variety of meteorological phenomena, such as excessive snow or flooding. Linguistic diversity and indigenous languages, aspects of which are rooted in water-based and land-based contexts, may also be threatened.[93]

53. All these developments also have a gendered impact. Some indigenous women have particular responsibility for caring for the land, making them especially affected.[94] Indigenous women face specific consequences of the resource scarcity of traditional foods and medicines.

54. Taken together, the results of the climate emergency are significant changes to the social and cultural fabric of entire groups, and put their very cultural survival at risk.[95] As a consequence, they may suffer from eco-grief, eco-paralysis, solastalgia (existential distress caused by climate change) and eco-anxiety,[96] which underscores the intersection of culture, climate and health.

55. Unfortunately, as the Special Rapporteur on the rights of indigenous peoples has warned, mitigation and adaptation measures undertaken in response to climate change without the free, prior and informed consent of affected indigenous peoples or without their participation, may further undermine their cultural rights.[97] This may, in particular, create obstacles for indigenous land ownership[98] and livelihood rights.

56. While all of humanity is threatened, many groups are specially affected by climate change. The overall losses and the specific ones must all be addressed. However, there is a tendency to list groups together, such as indigenous and local groups, in ways that may cause confusion. The Special Rapporteur notes the objection of some representatives of indigenous peoples to this approach, and the importance of recognizing the particular international legal status of indigenous peoples, due to the application of the right to self-determination, and the specific legal framework which applies to them under the United Nations Declaration on the Rights of Indigenous Peoples and other relevant standards.

G. Human rights impact of mitigation and adaptation measures

57. Effective measures to mitigate and adapt to climate change are required by international environmental law, and essential to dealing with the climate emergency and to protecting culture and cultural rights from it.[99] However, they may also have negative consequences for culture and cultural rights that must be taken into consideration such as, for example, the displacement of indigenous peoples that might be caused through well-intended ecological or other conservation programmes. To comply with their international human rights obligations, States should apply a rights-

[92] Minority Rights Group International, *Minority and Indigenous Trends 2019*, (see footnote 77), p. 36. See also contributions by Indigenous Climate Action and the Union of British Columbia Indian Chiefs, and A/HRC/45/34/Add.1, para. 102.

[93] See contribution by Indigenous Climate Action and the Union of British Columbia Indian Chiefs.

[94] See contribution by South American Network for Environmental Migrations (Resama).

[95] See A/HRC/36/46, in particular, para. 9.

[96] See contribution by Women of the Métis Nation. These are conditions also experienced by others facing existential climate-related cultural losses.

[97] See A/HRC/36/46.

[98] Ibid., para. 50.

[99] See A/74/161.

based approach to all aspects of climate change and climate action.[100] This approach must include consideration of cultural rights and cultural impacts.

58. Culture has a critical role to play in humanity's reaction to climate change. In this time of forced editing of cultural practices, individuals and their values will be put to the test. What will be preserved? What will be sacrificed? What people decide to prioritize individually, locally, regionally and internationally will determine what change will look like.[101]

59. Many necessary mitigation and adaptation measures, such as those related to kicking our addiction to fossil fuels,[102] may require cultural change, under human rights norms. Human cultures are inherently dynamic. As stressed by the Committee on Economic, Social and Cultural Rights, cultural life "is an explicit reference to culture as a living process, historical, dynamic and evolving", and "the concept of culture must be seen not as a series of isolated manifestations or hermetic compartments, but as an interactive process whereby individuals and communities, while preserving their specificities and purposes, give expression to the culture of humanity."[103]

60. Cultural rights may be subjected to limitations in certain circumstances.[104] As stressed by the Committee on Economic, Social and Cultural Rights, limitations should be a last resort only and should be in accordance with certain conditions as established under international human rights law. Such limitations must be in pursuit of a legitimate aim, be compatible with the nature of the right and be strictly necessary for the promotion of general welfare in a democratic society, in accordance with article 4 of the International Covenant on Economic, Social and Cultural Rights. Any limitations must be proportionate, meaning that, when several types of limitations may be imposed, the least restrictive measures must be taken. Fully participatory and consultative approaches, and the free, prior and informed consent of indigenous peoples, are critical.

61. Social and cultural values can contribute to climate change and will need to evolve. It is also essential to acknowledge that certain objections to climate action in the name of culture, for example related to the automobile or cattle-raising, may also have to be overridden in accordance with human rights norms, to protect the rights of humanity in the face of the climate emergency. Human rights law also contains vital prohibitions which disallow using one's own rights as a sword "aimed at the destruction of any of the rights and freedoms" of others.[105]

62. Nevertheless, it is vital to recognize that real tensions may arise between essential environmental goals and lived cultures and traditions. This requires both a commitment to the imperative of effective climate action and sensitive human rights approaches, including dialogue with all stakeholders, education to help shift mindsets, economic, social and cultural support, documentation of heritage losses and the participation of and engagement with affected populations.[106]

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[100] Ibid., para. 62.

[101] See Intergovernmental Panel on Climate Change, "Global warming of 1.5°C", pp. 51, 52, 72, 73 and 449.

[102] See A/74/161.

[103] Committee on Economic, Social and Cultural Rights, general comment No. 21 (2009) on the right of everyone to take part in cultural life, paras. 11 and 12.

[104] See A/HRC/31/59, paras. 25 and 26.

[105] International Covenant on Civil and Political Rights, art. 5; Universal Declaration of Human Rights, art. 30.

[106] See contribution by WetFutures Ireland.

63. The environment has always shaped human cultures. In the Anthropocene, human cultural practices also shape the environment and can do so for good or ill. Cultural rights are central to the choices we make in this regard.

IV. Positive potential of culture, cultural heritage and cultural rights to enhance responses to climate change

64. Cultures and cultural rights are not only potential casualties of climate change. They are also part of the solution, and offer a set of crucial tools for implementing climate change mitigation and adaptation strategies.[107] Indeed, they are vital for enabling the necessary societal transformation called for by the Intergovernmental Panel on Climate Change to meet the 1.5°C degree target. The Panel defines resilience as "the ability of a social or ecological system to absorb disturbances while retaining the same basic structure and ways of functioning, the capacity of self-organization, and the capacity to adapt to stress and change."[108] The exercise of cultural rights in accordance with international standards is necessary to achieve such resilience in the face of climate change vulnerabilities. Resilience is ingrained in many aspects of cultural life, and in artistic and cultural practice.

65. Culture can help humanity explore the different scenarios previewed by the Intergovernmental Panel on Climate Change in safe ways so as to make the best choices among them. "Culture and climate change: scenarios" was a project launched at the twenty-first session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, held in Paris in 2015.[109] The project uses art to start public conversations about future climate scenarios. According to those involved, "the arts and humanities support a fuller understanding of what it means to craft shared futures with others through 'conscious social transformations', or indeed to 'make and unmake futures that impact on all life on this planet'"[110] "Culture allows us to reimagine the world."[111] Moreover, culture also determines how people respond to adaptation.

66. "Climate change cannot be addressed exclusively through technical and technological measures, but rather requires an approach that encompasses human beliefs, values and behaviour"[112] It requires coordinated and transversal efforts that include the cultural sector along with many others.[113] It is argued in the Culture 21 Actions toolkit, adopted by the United Cities and Local Governments in 2015, that "culture influences our understanding of the environment and our relationship with it on a deep level … People modify the ecosystems around them through cultural practices, values and visions of the world."[114] Hence, the global response to climate change should likewise be inspired by cultural values and strengthened through cultural practices, in close coordination with efforts in other areas.

67. Cultural heritage, traditional knowledge and creativity are climate assets and should be recognized as such. Arts, culture and heritage are sources of creativity and

[107] Selected examples are included in the annex.
[108] Intergovernmental Panel on Climate Change, *Climate Change 2007: Synthesis Report*, p. 86.
[109] Renata Tyszcuk and Joe Smith, "Culture and climate change scenarios: the role and potential of the arts and humanities in responding to the '1.5 degrees target'", *Current Opinion in Environmental Sustainability*, vol. 31, p. 59.
[110] Ibid., p. 60.
[111] United Cities and Local Governments, "Culture 21: Actions" (see footnote 28), p. 30.
[112] Secretariat of the Committee on Culture of United Cities and Local Governments, "Culture 21 – culture, climate change and sustainable development: briefing", p. 3.
[113] Ibid., p. 2.
[114] Ibid., p. 2.

inspiration that can help shape the acceptability of policy or system change. “Local knowledge supports contemporary mitigation options, from low-carbon, locally adapted approaches to decarbonizing buildings and cultural landscapes to pointing the way to low-carbon settlement patterns for developing peri-urban areas to the role of indigenous science in climate-smart agriculture.”[115]

68. Traditional knowledge can “form the basis of a balanced, sustainable interaction between culture and natural ecosystems”[116] and can inform our understanding of climate impacts and human rights-respecting and appropriate adaptation strategies.[117] Experts suggest that this can provide holistic understandings of a range of issues, such as changes to soil moisture and species migration, that may be unavailable in most scientific data.[118] Traditional knowledge, including that of indigenous peoples, peasants and fisher people, such as traditional fire management and agricultural techniques, should be considered as a complement to science, where appropriate, in developing adaptation responses.[119]

69. Traditional land management and land monitoring systems and traditional construction and planning techniques may also be relevant. Where relevant and appropriate human rights-respecting traditional knowledge systems exist, every effort should be made to integrate these into heritage site disaster management plans.[120]

70. Endogenous, local ways of low-impact resource use connected with tangible heritage and intangible practices include: agriculture (semi-natural habitats, cultural landscapes), traditional fishing, forest use, traditional soil management (no-till farming, mulching, cover cropping, crop rotation), use of native plants, traditional livestock management and animal husbandry approaches that contribute to decarbonization. Examples include traditional fishing and semi-natural habitats management.[121]

71. We must think broadly about the relationship between culture and addressing climate change, including

(a) Through cultural change;

(b) Related to our ways of interacting with nature;

(c) The promotion of green cultures. Such efforts require the marshalling of cultural resources.[122]

72. “The Sustainable Development Goals and the Paris Agreement recognize that cultural heritage can guide choices that promote human action in ways that support resilience and sustainability and by extension climate-resilient development pathways.”[123] “Healthy” World Heritage sites can contribute considerably to “healthy” landscapes and seascapes that are better able to buffer climate change

[115] See contribution by International Council on Monuments and Sites.

[116] “Culture 21 – Culture, climate change and sustainable development: briefing”, p. 3.

[117] Terry Williams and Preston Hardison, “Culture, law, risk and governance: contexts of traditional knowledge in climate change adaptation” in *Climatic Change* Vol. 120, pp. 531–544; and Norton-Smith, *Climate Change and Indigenous Peoples* (see footnote 90), pp. 13 and 14.

[118] See, e.g., Margaret Redsteer, and others “Increasing vulnerability of the Navajo People to drought and climate change in the southwestern United States: accounts from tribal elders”, in Douglas Nakashima, Igor Krupnik, Jennifer T. Rubis, eds., *Indigenous Knowledge for Climate Change Assessment and Adaptation; and Climate Change and Indigenous Peoples*, p. 14.

[119] “Culture 21 – Culture, climate change and sustainable development: briefing”, p. 2.

[120] UNESCO World Heritage Centre, *Managing Disaster Risks for World Heritage* (2010), p. 40.

[121] See contribution by International Council on Monuments and Sites.

[122] Tyszcuk, “Culture and climate change scenarios” (see footnote 109).

[123] *The Future of Our Pasts* (see footnote 29), p. 2.

impacts.[124] In some countries, cultural heritage is increasingly being incorporated into responses to climate change.[125] Such laudable initiatives must look at tangible, intangible and natural heritage; sites and living cultural landscapes; and involve civil society groups, experts and those with particular connections to aspects of heritage. Heritage helps us benefit from lessons learned in the past about coping with environmental changes and about the integration of nature and culture; enables us to focus on multigenerational timescales; and promotes an ethic of stewardship and reuse, as well as modes of non-material well-being. It can also be used to inspire climate action.

73. Arts and culture are also critical fields for the mobilization of climate action, as well as for information-sharing and awareness-raising about climate change. They offer far-reaching educational tools, including through popular theatre, muralism and music. "There is a gap between empirical knowledge that science gathers and the policy and personal action that is demanded in terms of a response. What the arts can do is create the empathy to bridge that gap, create the personal response …'"[126] Artistic and cultural forms "provide space for collective, improvisational and reflexive modes of acting on and thinking about uncertain futures."[127]

74. The Special Rapporteur was pleased to note the convening of the UNESCO reflection group on culture and climate change in February 2020, bringing together experts from across the globe to discuss the role of culture in climate change mitigation and adaptation. The Climate Heritage Network, a global coalition, seeks to mobilize culture and heritage actors around climate change and bridge the gap between climate action and cultural initiative.[128] Such global efforts offer hope, but need support and resources to continue and multiply. Such initiatives are especially laudable for bringing together local voices and international coordination. All international efforts should involve consultation with and the participation of local constituencies and indigenous peoples, including experts, civil society, cultural rights defenders and the diverse populations affected, who, for such efforts to succeed, must be equal partners.

75. Women are change agents for combating the climate crisis. They have smaller carbon footprints than men owing to consumption patterns and lifestyle choices.[129] Women "hold critical local knowledge that can enhance climate adaptations and assist the development of new technologies to address climate variability in areas related to energy, water, food security, agriculture and fisheries, biodiversity services, health and disaster risk management."[130] However, the ability of women to contribute to climate change mitigation and adaptation is too often hindered by gender inequality and gendered power dynamics.[131]

76. Culture and cultural rights have inherent value for human beings and for their enjoyment of many other human rights. However, we must now also recognize their

[124] UNESCO World Heritage Centre, *The Impacts of Climate Change on World Heritage Properties* (WHC-06/30.COM/7.1), annex 4, Predicting and managing the effects of climate change on world heritage (Vilnius, 2006), p. 47, para. 101.

[125] See contributions by Greece and WetFutures Ireland.

[126] Guy Abrahams, quoted in Claire Wilson, *Can artists make a difference in the climate change debate?*. (Asia-Europe Foundation and Culture 360, 2015); and "Culture 21 – Culture, climate change and sustainable development: briefing", p. 4.

[127] Tyszcuk, "Culture and climate change scenarios" (see footnote 109), p. 56.

[128] http://climateheritage.org/.

[129] International Labour Organization, "Green jobs: improving the climate for gender equality too!", p. 5 (January 2009).

[130] Margaret Alston, "Gender mainstreaming and climate change", *Women's Studies International Forum*, vol. 47, Part B (2014), p. 289.

[131] See contribution by International Action Network for Gender Equity and Law.

tremendous utility in our existential fight against catastrophic climate change. This means that all environmental standards and policies should take the cultural dimension into consideration, and that we have yet one more reason to take cultures seriously, to protect cultural heritage and ensure cultural rights. Without them, we are at even greater risk in our warming world.

V. Conclusions and recommendations

A. Conclusion

77. As we emerge from the pandemic, it would be a tragic mistake for the international community and States to prioritize economic growth, without concern for its environmental impact, to the detriment of human rights and desperately needed climate action. This will only lead us straight into another catastrophe. Instead, we can choose holistic, human rights-based strategies that allow us to build back better and enhance climate action. [132] Culture and cultural rights must be core components of such a strategy. Culture and cultural rights are prime casualties in the climate emergency, but also useful tools in our struggle to respond to it. They enable better policy choices and outcomes.

78. We must take a holistic approach to culture, cultural rights and climate change, an approach encompassing all regions, proactively including young people and older persons, thoughtfully bringing together natural, tangible and intangible cultural heritage, which are interlinked, and all forms of cultural expression, emphasizing both education and accountability, and considering the impact of actions by both State and non-State actors. We will not make much progress until there is more accountability. We cannot be selective or be galvanized only by threats to culture and heritage with which we feel a personal connection, but must take a universal approach to protecting the cultures, heritage and cultural rights of all.

79. The current pandemic has shown that waiting to respond to risk until the risk has materialized fully is a deadly and catastrophic strategy which magnifies unbearable losses. Given the scale of the climate emergency, our cultures must urgently shift to embrace precaution, prevention and evidence-based planning. “A fundamental way to reduce the threats posed by climate change to culture and the exercise of cultural rights is by decreasing global warming.” [133] The threat to humanity and its cultures is much greater for 2°C of global warming than for 1.5°C. [134] We must now make the choices and changes needed to achieve the 1.5°C target, and fully embrace the value of our own human and cultural survival, above profits and short-term convenience. Aspirational resolutions are insufficient. Rapid, effective action is essential.

80. The Special Rapporteur is not sure what she can say that others have not already said to convince the international community to take action while action is still possible to save ourselves and our cultures. Perhaps there is only one word to add, borrowing from children’s author Dr. Seuss. This is the word Seuss’s mythical creature, the Lorax, left for a child along with the last remaining seed for a disappearing tree in his environmentally degraded world: unless.

[132] See Secretary-General, COVID-19 and human rights – we are all in this together (April 2020). Available at www.un.org/sites/un2.un.org/files/un_policy_brief_on_human_rights_and_covid_23_april_2020.pdf.

[133] See contribution by International Council on Monuments and Sites.

[134] Ibid.

B. Recommendations

81. **To implement cultural rights and safeguard culture and cultural heritage in the face of the climate emergency, States and other relevant actors, including international organizations, environmental bodies, businesses and experts should urgently:**

(a) **Adopt a human rights-based global action plan to save the cultures of humanity and protect cultural rights from the climate emergency, a plan that is globally coordinated and resourced, but driven by local priorities and concerns, with adequate funding, monitoring and follow-up;**

(b) **Prioritize the need for an especially urgent, effective and concerted global effort to prevent the cultural extinction of populations facing particular threats from the climate emergency, such as those in polar and coastal regions, including indigenous peoples and those living in small island States;**

(c) **Take cultural rights and cultural impacts into consideration in responding to all aspects of climate change and in climate action;**

(d) **Include harm to culture, cultural heritage and cultural rights in any inventory of harms resulting from or likely to result from climate change, or from mitigation and adaptation actions, as well as in all environmental impact and climate vulnerability assessments and in policy responses at all levels;**

(e) **Conduct more analysis and documentation of past, ongoing and expected damage to cultures, cultural heritage and cultural rights from climate change, including about underexplored topics such as intangible heritage;**

(f) **Embrace and leverage the role of data in measuring climate change-induced destruction of all forms of culture and cultural heritage, and in protecting and restoring culture and cultural heritage following such damage;**

(g) **Design appropriate measures for monitoring the impacts of climate change on cultural heritage and adapting to the adverse consequences thereof; and consider adaptations such as comprehensively recording and digitizing culture and cultural heritage and providing adequate funding and technical cooperation;**

(h) **Develop effective strategies for communicating to the public about climate-related threats to culture, cultural heritage and cultural rights and their importance in effective climate action;**

(i) **Fully explore the potential of culture and cultural heritage and traditional, indigenous and local knowledge to enhance mitigation and adaptation efforts; and promote awareness of and respect for rights-respecting traditional knowledge, including its importance in responding to the climate emergency;**

(j) **Ensure that scientific knowledge about climate change, including its impacts on culture, is made accessible, including in local and indigenous languages and non-verbal modes of communication, and widely available;**

(k) **Promote and support cultural expressions around climate change and its effects;**

(l) **Respect and ensure the rights of cultural rights defenders, indigenous human rights defenders and environmental human rights defenders working on issues related to climate change; and support and promote their work;**

(m) **Ensure an integrated approach to climate change, culture and cultural rights by:**

(i) **Involving cultural institutions, their staffs and directors, and cultural rights defenders and experts in discussions of climate policy; and likewise ensuring that environmental experts are engaged in the development of cultural policy;**

(ii) **Building bridges and institutionalizing networks between cultural and environmental officials, bodies and experts;**

(iii) **Ensuring that cultural and environmental policies and laws embody a human rights approach; and that cultural policies incorporate climate change and environmental concerns, while environmental and climate change-related policies address related cultural dimensions;**

(n) **Promote information-sharing among all relevant stakeholders across the fields of environmental protection, culture and human rights;**

(o) **Ensure adequate funding for all programmes and policies at the intersection of climate, culture and human rights;**

(p) **Integrate the arts, artists, culture and cultural rights defenders into climate efforts through sustainable funding and recognition;**

(q) **Develop remedies, compensation and mechanisms for accountability for climate-related damage to culture, cultural rights and cultural heritage, and for abuses against cultural rights defenders working on these issues;**

(r) **Guarantee that cultural rights defenders and experts, cultural heritage defenders and experts, and cultural practitioners, including representatives of indigenous peoples, women, persons with disabilities, youth and those from zones which are most affected by climate change, are involved in all climate-related policy processes at all levels; and ensure the accessibility of the meeting venues of the United Nations Framework Convention on Climate Change and related negotiations;**[135]

(s) **Assure gender mainstreaming throughout all climate targets and climate actions, prioritizing the education of women and girls, improving gender disaggregated data (including with regard to culture-related climate impacts), and equalizing care burdens**[136] **and recognizing gender differences in adaptation needs, opportunities and capacities in the cultural area;**

(t) **Advocate for strong property rights for women and indigenous peoples in line with relevant international standards;**

(u) **Provide funding and capacity-building to enhance the ability of indigenous people to employ their traditional knowledge to mitigate and adapt to climate change, and to develop inventories of such knowledge where they are unavailable; and ensure that traditional knowledge is used with the free, prior and informed consent of indigenous peoples and in ways that respect their internationally guaranteed rights;**

(v) **Guarantee that all climate action and initiatives are taken in coordination with, and with the participation of, indigenous peoples and directly affected local groups; and that the free, prior and informed consent of indigenous peoples is required before implementation;**

[135] See A/HRC/44/30.

[136] UNDP, *Ensuring Gender Equity in Climate Change Financing* (New York, 2011), pp. 4–6.

(w) **Advocate for conservation and prevention that enables humanity to reimagine the culture of our relationship with nature, inspired by holistic approaches in diverse cultures;**

(x) **Strengthen links between science and policy and rebuild cultural commitments to evidence-based and scientific decision-making and planning; and promote independent science;**

(y) **Ensure science-based climate-change education, incorporating a cultural rights perspective, for all.**

82. **States should:**

(a) **Fully implement their obligations under the Paris Agreement, and remain or become parties to that agreement; and fully implement the relevant recommendations of the Special Rapporteur on human rights and the environment;**

(b) **Ensure disability-inclusive, rights-based mitigation and adaptation;**[137]

(c) **Respect, ensure, fulfil and protect cultural rights for all without discrimination in accordance with international standards;**

(d) **Incorporate cultural rights, culture and cultural heritage into United Nations Framework Convention on Climate Change national adaptation plans;**[138]

(e) **Support the creation of a proposed new mandate on human rights and climate change.**

83. **The United Nations human rights system should consider:**

(a) **Systematically and urgently addressing climate change and its impacts on culture and cultural rights;**

(b) **Ensuring that its own practice is climate-friendly, and explore ways to decrease its carbon footprint;**

(c) **All human rights treaty bodies should consider a joint general comment on the climate emergency and human rights to draw attention to the exceptional nature of the threat that these pose to all rights, including cultural rights.**

84. **Civil society and cultural rights defenders should:**

Engage in capacity-building on environmental issues for cultural rights defenders and on cultural rights issues for environmental human rights defenders and others; and consider further joint initiatives and advocacy campaigns bringing these sectors together.

[137] See A/HRC/44/30.

[138] See contributions by Italy and Greece.