



Submission of the Unitarian Universalist Service Committee to the
Fourth Cycle of the Universal Periodic Review of the United States
UN Human Rights Council
7 April 2025

I. SUMMARY

1. The climate crisis is an existential problem for the realization of human rights and is already displacing people across the United States. Some of the first communities to be displaced are Indigenous Tribes. This submission outlines the climate forced displacement of five Tribes in the states of Louisiana and Alaska, the United States' government's failure to adequately respond, and the resulting human rights violations. It concludes with five key recommendations for the fourth cycle of the Universal Periodic Review of the United States.

II. SUBMISSION AUTHORS AND METHODOLOGY

2. UUSC is a nonprofit organization that works to advance human rights and social justice throughout the world. UUSC submits this complaint together with five Tribes facing climate-forced displacement and experiencing ongoing human rights violations caused by the United States government. In Louisiana, these Tribes are the Isle de Jean Charles Band of Biloxi-Chitimacha-Choctaw Indians of Louisiana; Pointe-au-Chien Indian Tribe; Grand Caillou/Dulac Band of Biloxi-Chitimacha-Choctaw Tribe; and the Atakapa-Ishak Chawasha Tribe of the Grand Bayou Indian Village. The Alaska Tribe is the Native Village of Kivalina. This submission adapts and updates complaints made by the Tribes to UN mechanisms.¹
3. During the second cycle of the UPR, several relevant recommendations were made to the issues raised in these submissions, including recommendations which were supported by the United States government.² However, as outlined below action remains inadequate.

III. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

A. Climate-forced displacement of Indigenous people in Louisiana

Sea Level Rise and Land Loss

1. In Louisiana, the Tribes have always been stewards of the land and ocean. Historically, the Tribes have sustained themselves by trapping, fishing, hunting and farming. However today, the areas inhabited by the coastal Louisiana Tribes are the

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fastest eroding areas in the United States.³ Sea level rise, extreme weather events and subsidence are causing land to be permanently submerged, impacting the Tribes' subsistence lifestyle, sacred sites, and historical sites.

2. The Louisiana Coastal Restoration and Protection Authority projects sea level rise of 2.85 to 4.85 feet in the Terrebonne Basin over the next 50 years, where several tribal communities reside.⁴
3. Isle de Jean Charles illustrates this crisis. Once spanning 22,000 acres in 1955, by 2016 it had shrunk to just 320 acres—a 98% reduction.⁵ The Tribal Council's most recent calculation is that only 110 livable acres remain. The Terrebonne Basin has lost approximately 502 square miles of wetland since 1932.⁶ Areas once used for cattle, farming, gardens, forests, and residential communities are now underwater.

Oil Extraction and the Levee System

4. Since the discovery of oil in 1901, nearly 250,000 wells have been drilled, causing ecological devastation.⁷ Oil companies carved over 10,000 miles of canals across coastal Louisiana to transport equipment and personnel to offshore platforms.⁸ These canals allow saltwater intrusion, killing vegetation and destabilizing the land, which accelerates erosion and intensifies storm impacts.⁹
5. The 2010 Deepwater Horizon disaster released more than 200 million gallons of crude oil into the Gulf, devastating tribal fishing grounds and livelihoods.¹⁰ Despite billions in restoration funds from settlements, tribal communities have been excluded from restoration projects. Louisiana continues to permit unmitigated oil exploration despite recurring spills.¹¹
6. Existing legal protections like the State and Local Coastal Resources Management Act are poorly enforced. These laws require permits for coastal development and aim to protect coastal resources,¹² but rarely consider impacts on tribal fishing, hunting, and sacred sites. When the Pointe-au-Chien Tribe requested notification of coastal permits in their territory, the state failed to respond. Local officials also hindered attempts to investigate permit violations.
7. The Mississippi River levee system, built by European settlers, diverted the river's natural flow, causing saltwater intrusion, preventing sediment deposition, and eroding barrier islands. These decisions protected some communities while ignoring tribal villages.¹³ For example, in developing the Morganza-to-the-Gulf Flood Protection System, the U.S. Army Corps of Engineers (USACE) excluded Isle de Jean Charles from protection, deeming it not "cost-effective."¹⁴ A smaller ring levee built instead is frequently breached during storms, as happened in 2019 when Hurricane Barry filled the island with 8 feet of water. Grand Bayou remains completely unprotected, while Pointe-au-Chien is only partially included in the levee system. Most of Pointe-au-Chien's ancestral territory, including burial grounds, historic villages, and sacred sites, remains outside protection and is rapidly disappearing.¹⁵

Increased Hurricanes and Storms

8. Hurricane frequency and intensity have risen dramatically. From 1900-1947, nine hurricanes hit Louisiana's coast.¹⁶ From 1956-1988, seventeen hurricanes hit the

Louisiana coast.¹⁷ From 2000 to present, the coast has been battered by over twenty-two tropical storms and hurricanes, including devastating hurricanes like Katrina and Rita (2005), Gustav and Ike (2008), Isaac (2012), Barry (2019), and Ida (2021).¹⁸

9. These storms have severely impacted tribal communities. Hurricane Rita in 2005 brought eight-foot floodwaters and damaged 10,000 homes in southern Terrebonne Parish.¹⁹ Months afterward, tribal communities received minimal aid and faced bureaucratic denials from the Federal Emergency Management Agency (FEMA). In Dulac, the population dropped from 2,458 in 2000 to 1,463 in 2010 largely due to hurricane damage and prohibitively expensive flood insurance rates, which can exceed \$25,000 annually in an area where median income is under \$20,000.²⁰

The Isle de Jean Charles Resettlement Plan

10. After being excluded from the Morganza levee system, the Isle de Jean Charles (IDJC) Tribal Council made the difficult decision in 2002 to resettle elsewhere. Despite developing three relocation plans, federal, state, and parish officials failed to implement them.
11. In 2015, the Tribe collaborated with Louisiana on a National Disaster Resilience Competition grant application, securing \$48 million for tribal resettlement.²¹ However, the state fundamentally altered the plans without proper consultation, removing "tribal affiliation" from criteria, including non-tribal individuals in the resettlement, and requiring tribal citizens to relinquish their ancestral properties.²²
12. Despite numerous objections from tribal leadership, including Chief Albert Naquin's open letter stating the program dishonored their ancestors by forcing them to "sign away the legacy from their ancestors,"²³ the state proceeded without tribal consent. The state purchased land for resettlement without consulting or notifying the Tribe and explicitly rejected tribal sovereignty.²⁴
13. At this time, IDJC Tribe-led resettlement plans have been suspended because of the state's refusal to allocate funds to IDJC to implement the Tribe's plan as originally described in the National Disaster Resilience Competition grant application. The state continues its own planning.
14. This ongoing struggle demonstrates how climate change, coupled with systematic exclusion from decision-making processes, threatens not just the land but the cultural survival of Louisiana's coastal tribal communities.

B. Climate-forced displacement of Indigenous people in Kivalina, Alaska

The Native Village of Kivalina

15. The Native Village of Kivalina includes approximately 400 Inupiaq people. The community is located on a barrier reef island between the Chukchi Sea and the mouths of the Wulik and Kivalina Rivers. No roads lead to or from the community, which is only accessible by small planes or boats and is approximately 100 miles north of the Arctic Circle and 1,000 miles northwest of Anchorage, Alaska. Inupiaq communities have resided in this region for thousands of years. Historically, the island where Kivalina sits had been used by Inupiaq people for seasonal hunting and

fishing, not permanent habitation. In 1905, government authorities built a school on the island of Kivalina and informed people in the region that they had to bring children to school or face imprisonment.²⁵ The people of Kivalina noted in the very first years of the permanent settlement that this was not a safe place. To this day, the community has not been able to relocate.

Thawing Permafrost and Land Collapse

16. The Arctic is warming at an unprecedented rate, with temperatures along northern Alaska increasing by 3.5 degrees Celsius since the early 1900s—far exceeding the global 1.5°C target.²⁶ This accelerated warming is causing catastrophic environmental changes that threaten Alaska Native communities, particularly the coastal village of Kivalina.
17. Arctic seas now remain ice-free approximately three weeks longer in autumn compared to historical records.²⁷ This loss of land-fast sea ice—the natural storm barrier for coastal communities—exposes villages like Kivalina to stronger wave impacts, flooding, and storm surges during extreme weather events.²⁸
18. Simultaneously, permafrost thaw has reached depths scientists predicted wouldn't occur until century's end.²⁹ When ice-rich permafrost thaws, the resulting ground collapse increases flood risk and threatens infrastructure.³⁰ Coastal bluffs once "cemented" by permafrost are more vulnerable to erosion from wave action.³¹ These combined hazards—flooding, erosion, and permafrost thaw—can lead to usteq, or catastrophic land collapse.³²
19. In 1953, Kivalina Island measured 55 acres, but by 2003, it had shrunk to just 27 acres of livable space.³³ The U.S. Government Accountability Office identified Kivalina among 31 Alaska Native villages facing "imminent threats" due to rising temperatures affecting protective shore ice formation.³⁴
20. The village sits on thawing permafrost, causing the riverbank to wash into the Wulik River. Even the community's only year-round access point—its airstrip—remains exposed to erosion and flooding during storms, as it isn't protected by the seawall.

Kivalina's Relocation Efforts

21. As early as 1910, residents wanted to move due to erosion threats. In 1992, the community formally voted to relocate after years of consideration.³⁵ In 1998, residents selected Igrugaivik as their relocation site, but the USACE rejected this choice.³⁶ In 2000, residents selected another site, Kiniktuuraq, which elders noted hadn't flooded historically, but the USACE deemed it not cost-effective to protect against climate impacts.³⁷
22. After devastating 2005 storms, Kivalina secured federal assistance through Section 117 of the Consolidated Appropriations Act, allowing USACE to implement storm protection projects for Alaska Native villages at federal expense. However, subsequent protective measures proved inadequate—a seawall built in 2006 washed away almost immediately,³⁸ and a rock revetment completed in 2009-2010 received only partial funding.³⁹

23. By 2011, community leaders shifted focus to securing an evacuation road. In 2012, Kivalina won a lawsuit regarding discriminatory school funding allocation, allowing them to plan a new school seven miles inland at Kisimigiiqtuq Hill.⁴⁰ This facilitated coordination with government agencies, eventually securing \$55 million from Alaska for an evacuation road, which began construction in 2019.

Failed Federal Response

24. Despite both federal and state governments recognizing for over a decade the need for a relocation governance framework, little progress has been made. In 2009, the GAO reported "Little Progress" on relocating threatened villages and recommended assigning a lead entity.⁴¹ Multiple federal task forces acknowledged this governance gap and the unprecedented challenges of climate-induced displacement.⁴²
25. While President Obama designated the Denali Commission as coordinator for Alaska climate resilience efforts, no additional funding was designated. The Department of Interior was then leading the effort to address relocation governance challenges for tribal communities throughout the United States. Joel Clement was the senior policy analyst working on these issues was reassigned and subsequently resigned, becoming a whistleblower about the Trump administration's failure to address climate change impacts on tribal communities in Alaska.⁴³
26. Despite decades of awareness, government agencies still lack both statutory mandate and funding to facilitate community relocation. Kivalina continues leading its own relocation efforts amid inadequate funding and support, while residents face life-threatening conditions with each new storm.
27. The Trump administration's recent cuts to federal initiatives remove critical resources needed to protect the rights of those being displaced by the climate crisis. These include the freezing of Environmental Protection Agency community change grants,⁴⁴ and planned cuts to the National Weather Service and NOAA Hurricane Center,⁴⁵ the Housing and Urban Development Authority community development block grants and FEMA disaster relief funds.⁴⁶

Rights Violated

28. **Right to life:** Governments have failed to protect tribal people from foreseeable climate threats that endanger their lives. The Tribes in Alaska and Louisiana face regular flooding and storms that threaten basic safety.
29. **Right to self-determination:** In Alaska, the government has failed to complete protective infrastructure and relocation plans. In Louisiana, authorities failed to recognize several of the Tribes, excluded tribal leadership from relocation decision-making and failed to obtain free, prior, and informed consent for resettlement plans.
30. **Right to protection of cultural heritage:** Sacred sites, cemeteries, and traditional ecological knowledge are disappearing due to rising seas and land subsidence. In Kivalina, burial sites risk washing away, while Louisiana's coastal restoration plan explicitly excluded tribal communities as "too expensive and not sustainable."⁴⁷

31. **Right to food:** Traditional hunting and fishing practices have become dangerous or impossible. In Kivalina, changed ice conditions have eliminated vital food sources like bearded seal, forcing reliance on expensive imported foods. Louisiana Tribes can no longer sustain traditional subsistence fishing practices.
32. **Right to water and highest attainable standard of health:** Both communities suffer from compromised water supplies. Kivalina faces erosion and contamination of their river water source while continuing to use "honey buckets" for waste disposal. Louisiana tribal areas have been affected by brain-eating amoeba in water supplies.⁴⁸
33. **Right to an adequate standard of living:** Housing in both regions is increasingly unsafe and overcrowded.

IV. RECOMMENDATIONS

34. The authors call on the US government to:
 - a) Reverse the steps taken to withdraw from the Paris Agreement;
 - b) Recognize the self-determination and inherent sovereignty of all the Tribes, including those federally recognized and those who have not received federal recognition;
 - c) Ensure the free, prior and informed consent of indigenous peoples in projects that affect them, including projects to adapt to and mitigate the effects of the climate crisis;
 - d) 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;
 - e) Allocate adequate localized funding for adaptation measures for Tribes experiencing increased sea-level rise;
 - f) Reverse cuts made to federal agencies responsible for weather forecasting, emergency response, resettlement support and environmental protection; and
 - g) Respect the inherent sovereignty of the resettlement decisions of the Tribal communities by implementing and upholding their decisions relating to resettlement.

¹ Alaska Institute for Justice et. al, *Rights of Indigenous People in Addressing Climate-Forced Displacement* (Jan. 15, 2020) available at <https://www.uusc.org/wp-content/uploads/2020/01/Complaint.pdf>.

² These are *inter alia*: "26.151 Intensify efforts to develop and strengthen the necessary legislative frameworks that address cross-sectoral environmental challenges, including climate change adaptation and mitigation frameworks (Fiji) (Supported); 26.287 Develop strategies for addressing the housing and sanitary problems of marginalized communities such as indigenous and migrant communities (Azerbaijan)" (Supported); "26.77 Reconsider the withdrawal from the Human Rights Council and the Paris Agreement on climate change (Spain)" (Supported); "26.326 Develop norms that ensure free, prior and informed consultations with indigenous communities in relation to projects with a potential impact on their territories and traditional ways of life, in accordance with Sustainable Development Goals 10 and 16 (Paraguay)" (Supported). UPR United States of America – Third Cycle – Thematic List of Recommendations, March 2021, available at

<https://www.ohchr.org/en/hr-bodies/upr/us-index>.

³ Halle Parker, "Its Sinking Land AND Climate Change," Houma Courier, June 19, 2019, *available at* <https://www.houmatoday.com/news/20190610/its-sinking-land-and-climate-change>; Coastal Protection and Restoration Authority, 2017 Coastal Master Plan, Attachment C2-1, Eustatic Sea Level Rise, *available at* http://coastal.la.gov/wp-content/uploads/2017/04/Attachment-C2-1_FINAL_3.16.2017.pdf; CPRA, Barrier Island Status Report FY 2020 Annual Plan at 22, *available at* <https://coastal.la.gov/wp-content/uploads/2017/04/AppB-FY20-Barrier-Island-Report.pdf>.

⁴ Halle Parker, "Sinking Land."

⁵ State of Louisiana, National Disaster Resilience Competition Phase II Application (October 27, 2015), 105, *available at* http://www.coastalresettlement.org/uploads/7/2/9/7/72979713/ndrc_pii_final_eximg-w_highlights.pdf.

⁶ Habitat Loss, Barataria-Terrebonne National Estuary Program, *available at* <https://btnep.org/estuaryissues/habitat-loss/>.

⁷ Chris Kardish, "Southern Louisiana Picks a Fight with Big Oil to Save the Wetlands," *Governing* (Aug 25, 2015), *available at* <https://www.governing.com/archive/gov-louisiana-wetlands-lawsuits.html>.

⁸ *Id.*

⁹ Shirley Laska et al, "Layering of Natural and Human-Caused Disasters in Context of Sea Level Rise," in Michele Companion, ed., *Disasters Impact on Livelihood and Cultural Survival: Losses, Opportunities, and Mitigation* (CRC Press, 2015), 227.

¹⁰ Terri Hansen, "Drowning in It," *Indian Country Today*, May 4, 2011, at 20.

¹¹ Barry Yeoman, "Reclaiming Native Ground," *SAPIENS*, (Feb. 24, 2017), *available at* <https://www.sapiens.org/culture/louisiana-native-americans-climate-change/>.

¹² State of Louisiana Department of Natural Resources Office of Coastal Management, *available at* <http://www.dnr.louisiana.gov/index.cfm/page/90>.

¹³ Patty Ferguson-Bohnee, "High Water and High Stakes: Cultural Resources and Climate Change," *Forum Journal* 29.4 (Summer 2015), 59; E.I. Cothell, "The Delta of the Mississippi River," *National Geographic* (Dec. 1897), 354.

¹⁴ Letter from Dr. James Johnson, Chief, Planning Division – Office of Deputy Commanding General for Civil Works, U.S. Army Corps of Engineers, to Honorable Albert P. Naquin, Chief, Isle de Jean Charles Band of Biloxi-Chitimacha-Choctaw, Feb. 9, 2000.

¹⁵ Patty Ferguson-Bohnee, "The Impacts of Coastal Erosion on Tribal Cultural Heritage," *Forum Journal* 29.4 (Summer 2015) 61.

¹⁶ Gregory W. Stone, John M. Grymes III, John R. Dingler, and David A. Pepper, "Overview and Significance of Hurricanes on the Louisiana Coast, U.S.A." *Journal of Coastal Research* 13.3 (1997): 656, 660, *available at* www.jstor.org/stable/4298661.

¹⁷ *Id.*

¹⁸ NOAA Historical Hurricane Tracks, *available at* <https://bit.ly/4csAayG>.

¹⁹ Coastal Tribes, Press Release: Louisiana Coastal Tribes Appeal for Help, Jan 5, 2006.

²⁰ Julie K. Maldonado, *Seeking Justice in an Energy Sacrifice Zone: Standing on Vanishing Land in Coastal Louisiana* (Routledge, 2019), 32, 40.

²¹ Julie Dermansky, "Isle de Jean Charles Tribe Turns Down Funds to Relocate First US 'Climate Refugees' as Louisiana Buys Land Anyway," *DeSmog Blog*, Jan. 11, 2019, *available at* <https://www.desmog.com/2019/01/11/isle-de-jean-charles-tribe-turns-down-funds-relocate-climate-refugees-louisiana/>; *see also* National Disaster Resilience Competition, Grantee Profiles, (Jan. 2016), <https://archives.hud.gov/news/2016/pr16-006-NDRCGrantProf.pdf>; Lowlander Center, "About the Project", *Isle de Jean Charles Resettlement and Survival*, *available at* <http://www.coastalresettlement.org/about-the-project.html>.

²² State of Louisiana CDBG-NDR Award Fact Sheet, as cited in Nathan Jessee, "Community Resettlement in Louisiana: Learning from Histories of Horror and Hope," in Shirley Laska, ed., *Louisiana's Response to Extreme Weather: A Coastal State's Adaptation Challenges and Successes* (Springer, 2019), 170.

²³ Chief Albert Naquin to State of Louisiana, September 26, 2018, Chief Albert Naquin IDJC Files.

²⁴ Julie Dermansky, "Critics say Louisiana 'Highjacked' Climate Resettlement Plan From Isle de Jean Charles Tribe," *DeSmog*, Apr 20, 2019; Patrick Forbes of the Louisiana Office of Community Development to Chief Albert Naquin, March 7, 2019, Chief Albert Naquin IDJC Files.

²⁵ Christine Shearer, *Kivalina: A Climate Change Story* (Haymarket Books, 2011), 34.

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- ³³ Shearer, *Kivalina*, 50.
- ³⁴ US General Accounting Office, *Alaska Native Villages: Most are Affected by Flooding and Erosion, but Few Qualify for Federal Assistance* (2003), 17.
- ³⁵ Shearer, *Kivalina*, 102.
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<https://www.cnn.com/2025/04/04/weather/forecasts-worse-trump-cuts/index.html>.

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