



A JOINT SUBMISSION FROM ASIA INDIGENOUS PEOPLES PACT AND INTERNATIONAL WORK GROUP FOR INDIGENOUS AFFAIRS

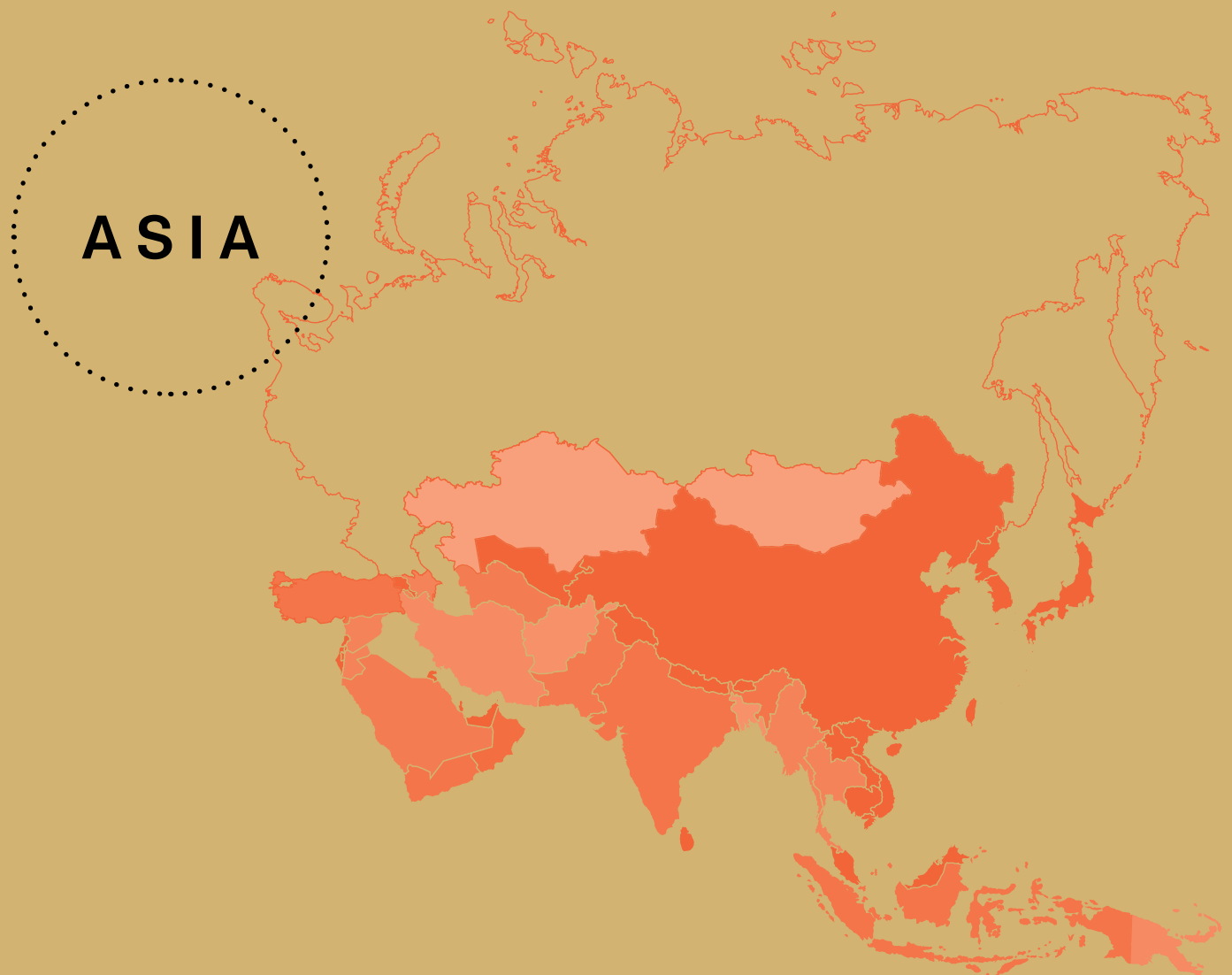


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SEPTEMBER 2020



Call for submissions for the Local Communities and Indigenous Peoples’ Platform of the UNFCCC:

“Views from Parties, Indigenous Peoples Organizations, observers and other stakeholders on existing policies, actions and communications including NDCs, NAPs, and other relevant policies and communications under the UNFCCC, with respect to whether and how they incorporate consideration and engagement of Indigenous Peoples and Local Communities (as part of activity 9 of the LCIPP initial two-year workplan (2020-2021))”





With this submission Asia Indigenous Peoples Pact¹ (AIPP) and International Work Group for Indigenous Affairs² (IWGIA) wish to share views and recommendations on the engagement of Indigenous Peoples in climate policy formulation and implementation at local, national and international level in Asia and beyond. The submission also reflects views and recommendations from Nepal Federation of Indigenous Nationalities³ (NEFIN) and Promotion of Indigenous and Nature Together⁴ (POINT).



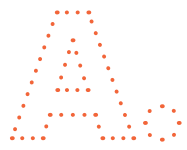
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1. AIPP is a regional umbrella organization of Indigenous Peoples' movements in Asia. AIPP is committed to the cause of promoting and defending Indigenous Peoples' rights and human rights and articulating issues of relevance to Indigenous Peoples. AIPP's thematic work on climate change is funded by Norway's International Climate and Forest Initiative (NICFI).

2. IWGIA is an international human rights organization dedicated to promoting, protecting and defending Indigenous Peoples' rights. Since 1968, IWGIA has cooperated with Indigenous Peoples' organisations and international institutions to promote the recognition and implementation of the rights of Indigenous Peoples. IWGIA's thematic work on climate change is funded by NICFI and Danida.

3. NEFIN is an umbrella organization of Indigenous Peoples' Organizations of Nepal.

4. POINT is an NGO established by Indigenous youth in Myanmar.



BACKGROUND: THE AIPP AND IWGIA PARTNERSHIP ON CLIMATE CHANGE



Through our partnership on climate change, AIPP and IWGIA have since 2009 been carrying out a series of awareness raising and capacity building initiatives with Indigenous Peoples in Asia.⁵ Our policy papers and training manuals for effective engagement and advocacy of Indigenous Peoples, have been published in English, national and Indigenous languages. We are proud to see that these knowledge products developed for Asian region are being contextualized and used by Indigenous Peoples' organizations beyond.⁶ The AIPP and IWGIA partnership has strengthened the capacity of Indigenous Peoples resulting in constructive policy engagement and influence at different levels. We have consistently supported Indigenous Peoples' representatives to participate in UNFCCC meetings, both intersessional and the Conference of the Parties (COPs). This has contributed to the momentum of Indigenous Peoples' engagement in the operationalization of the Local Communities and Indigenous Peoples' Platform (LCIPP).

As Indigenous Knowledge has become a major priority of Indigenous Peoples engaging in the UNFCCC as well as in the UN Convention on Biological Diversity (UNCBD) and the Intergovernmental Science Policy Platform on Biodiversity and Eco-System Services (IPBES), AIPP and IWGIA have since 2019 pioneered the organization of the annual "Asia Conference of Indigenous Peoples on Environmental Processes". The objective of the Conference is for Indigenous Peoples to coordinate and strategize advocacy for their rights across international environmental processes including the UNFCCC, UNCBD and IPBES. In order to provide synergy to the annual Asia Conference, a regional network of Indigenous Knowledge known as Indigenous Knowledge and Peoples of Asia (IKPA) was established by AIPP and its member organizations in 2019 with the financial support of the UNCBD Secretariat and IWGIA. The goal of the IKPA is to advance the recognition, respect and visibility of Indigenous Knowledge and community lead initiatives at all levels. AIPP is going to mobilize IKPA members to facilitate the sharing of ground stories, and initiatives in the annual Asia Conference, LCIPP, UNCBD and IPBES, which are critical for climate, biodiversity, and sustainable development.

With potential to provide synergy to the two-year work plan of the LCIPP adopted in 2019, and as part of the 2020 Asia Conference, AIPP will conduct 11 country studies on Indigenous Peoples' rights in national climate policy formulation and implementation, particularly focused on the Nationally Determined Contributions (NDC). The studies are supported by the United Nations Development Programme (UNDP) with communications support from the UN-REDD Programme. The studies, which will be updated on annual basis, will be a tool for Indigenous Peoples' engagement in the LCIPP in 2021 and beyond and serve as input to future submissions under the LCIPP by AIPP and IWGIA.

Through our partnership on climate change, AIPP and IWGIA have since 2009 been carrying out a series of awareness raising and capacity building initiatives with Indigenous Peoples in Asia.

5. AIPP and IWGIA also provide support to Indigenous Peoples Human Rights Defenders (IPHDRs) and regularly write joint submissions to the UN human rights mechanisms and bodies such as the Human Rights Council, the UN Permanent Forum on Indigenous Issues (UNPFII) and the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) as well as to the UN Special Rapporteur on the Rights of Indigenous Peoples.

6. IWGIA is also the publisher of the annual "Indigenous World" report which each year includes a chapter on the UNFCCC: <https://www.iwgia.org/en/ip-i-iv/3661-iw-2020-unfccc.html>.



INDIGENOUS PEOPLES' ENGAGEMENT IN CLIMATE POLICY



Indigenous Peoples' of the seven sociocultural regions, namely, Asia, Africa, Arctic, Latin America, North America, the Pacific, and Russia engage with the UNFCCC Parties at international level through the International Indigenous Peoples Forum on Climate Change (IIPFCC). The IIPFCC provides a common platform for Indigenous Peoples to discuss and decide their positions and recommendations to the UNFCCC and the Parties. Indigenous Peoples are given space to make formal interventions like other constituencies of the UNFCCC. In addition to this, for the past six years or more, a good practice of having informal dialogues between Indigenous Peoples and the Parties either before or during meetings has been in place. As explained in our submission to the UNFCCC in March 2019⁷, the establishment of the Facilitative Working Group (FWG) in 2018 in which representatives of Indigenous Peoples and Parties have equal status, is promising start for building and strengthening partnership between Indigenous Peoples and the Parties. Currently, Ms. Pasang Dolma Sherpa from Asia (Nepal) is the Indigenous co-chair of the FWG.

7. https://www4.unfccc.int/sites/SubmissionsStaging/Documents/201903031641---AIPP_IWGIA_Submission.pdf

The participation of Indigenous Peoples in the international meetings of the UNFCCC, have facilitated a space for them to meet with their respective government delegates and network for partnership. This has in some cases paved a path for Indigenous Peoples' engagement in climate action at national level. For example, today Indigenous Peoples' representatives have been given some space for representation and participation in different countries in Asia that are engaging in REDD+⁸. NEFIN is a member of the REDD+ Apex Body (the ministerial level advisory body for REDD+), REDD+ Working Groups and Technical Committee of the National Adaptation Plan (NAP) in Nepal. Similarly, POINT represents Indigenous Peoples in the Programme Executive Board of the UN-REDD Programme in Myanmar. At regional level, AIPP is also collaborating with UN Agencies to create spaces for dialogue between Indigenous Peoples and government agencies. For example, in 2014 AIPP jointly collaborated with the UN-REDD Programme in Bangladesh, Myanmar and Viet Nam to identify concrete measures that will promote closer collaboration and cooperation among Indigenous Peoples, the government implementing REDD+ in these three countries, and the UN-REDD Programme⁹.

In some countries, there are also national level forums established to have regular engagement of non-state actors with policy makers. The Government of Myanmar is planning to establish a REDD+ multi-stakeholder platform in the future and in doing this they must ensure the full and effective participation of Indigenous Peoples including their representation in the management committee.

Despite some good practices evolving for engagement of Indigenous Peoples at national and international levels, Indigenous Peoples in Asia and beyond still face a number of issues and challenges, amongst other:

- ▶ **There is a lack of recognition of Indigenous Peoples' rights to their land, territories and resources, and non-compliance with national and international obligations, in climate action. Further to this, stereotypical mind-set by decision makers towards Indigenous Peoples and their way of life lead to exclusion of Indigenous Peoples' issues and participation in policy, program, and actions.**

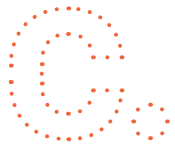
- ▶ **Amongst Indigenous Peoples there are limited awareness and capacity to assert their rights in policies and programs. Understanding the nature and terms of laws and policies are a challenge for them to engage effectively with policy makers. Further to this, participation in meetings organized either in the national language or in English is a challenge as those languages are not their mother tongue. Also, there are many technical terms used which are difficult to understand. This limits their ability to influence policy makers at national and sub-national levels.**

- ▶ **Virtual meetings of the UN, governments, and privileged power holders amid COVID-19 restrictions (or limited movements) of public, has severely hindered the participation of Indigenous Peoples at all levels (local, province, federal, regional, and global levels). Indigenous Peoples are challenged by limited access to internet and information technologies including limited knowledge of how to access online information. For physical meetings, they are challenged by limited financial resources to ensure regular and consistent engagement in consultation processes.**

- ▶ **Finally, some government agencies are using the COVID-19 pandemic and 'stay-at-home orders' as an opportunity for them to continue, and to increase, their atrocities against Indigenous Peoples including in so-called climate action initiatives which fail to safeguard Indigenous Peoples' rights.**

8. Reducing Emissions from Deforestation and Forest Degradation, Conservation, Enhancement of carbon stocks, and sustainable management of forests

9. <https://www.unredd.net/documents/un-redd-partner-countries-181/asia-the-pacific-333/a-p-knowledge-management-a-resources/regional-reports/15196-regional-report-of-the-partnership-between-asia-indigenous-peoples-pact-and-the-un-redd-programme-in-bangladesh-myanmar-and-viet-nam.html>



INDIGENOUS PEOPLES' RIGHTS IN THE CLIMATE POLICIES, ACTIONS AND COMMUNICATIONS



The Preamble of the Paris Agreement explicitly recommends Parties to respect human rights and the rights of Indigenous Peoples when taking action to address climate change. However, while all Asian countries have ratified the Paris Agreement, the first Nationally Determined Contributions (NDCs) submitted by Bangladesh, Cambodia, China, India, Japan, Lao PDR, Malaysia, Myanmar, Thailand, and Vietnam, respectively, do not explicitly mention either rights of Indigenous Peoples or human rights.¹⁰ On the other hand, the first NDC or Intended Nationally Determined Contributions (INDC) of Nepal has two references to Indigenous People. Currently, Nepal is in the process of formulating its NDC and NAP and Indigenous Peoples are struggling to engage in the process to ensure that their rights, issues and knowledge are reflected in the policy documents.

Similarly, the first NDC of Indonesia explicitly mentions that Indonesia respects, promotes, and considers its obligation on human rights and the rights of their “Adat Communities”. It further clarifies that “Masyarakat Hukum Adat” is internationally known as “Indigenous Peoples”. However, government representatives engaging in the LCIPP have been vocal in stressing that Indonesia does not have Indigenous Peoples, which is inconsistent with the statement in their NDC.

Myanmar submitted its INDC in September 2015 and is currently in the process of reviewing it to develop the NDC. The current draft mentions that Myanmar will share Indigenous technologies relating to floating garden and stilt housing of the “Inn-tharr Indigenous Peoples” of Shan State. The draft NDC includes the term “Indigenous Peoples” under the vulnerable groups and specifies to protect the livelihood of Indigenous Peoples. On the other hand, Myanmar’s National Adaptation Plan of Action (NAPA) (2012) mentions that the traditional livelihoods of Indigenous Peoples (shifting cultivation) causes climate change, a position which Indigenous Peoples strongly dispute.¹¹ Despite the fact that shifting cultivation is providing livelihoods and ensuring food diversity and food security to Indigenous communities throughout Asia, there are restrictive policies in place to prohibit this traditional practice. This is facilitating the erosion of Indigenous Knowledge, culture, and belief systems. Therefore, evidence-based policy advocacy in partnership with INGOs and UN agencies is important.¹²

These examples show a gap between international commitments and climate policy formulation and implementation at national level when it comes to safeguarding Indigenous Peoples’ rights. As the NDCs determine national climate policy at the highest level, omission of reference to Indigenous Peoples’ rights are likely to lead to omission elsewhere in other policy documents and ultimately in climate action.

While all Asian countries have ratified the Paris Agreement, the first Nationally Determined Contributions (NDCs) submitted by Bangladesh, Cambodia, China, India, Japan, Lao PDR, Malaysia, Myanmar, Thailand, and Vietnam, respectively, do not explicitly mention either rights of Indigenous Peoples or human rights.

10. <https://www4.unfccc.int/sites/NDCStaging/Pages/All.aspx>

11. <https://unfccc.int/resource/docs/napa/mmr01.pdf>

12. For example, in 2015 AIPP partnered with IWGIA and the Food and Agriculture Organization (FAO) to undertake case studies on rotational agriculture / shifting cultivation in Bangladesh, Cambodia, India, Indonesia, Lao PDR, Nepal, and Thailand to support the policy advocacy work of Indigenous Peoples at different levels.

RECOMMENDATIONS FOR ACTION

Human rights, Indigenous Knowledge, and rights of Indigenous Peoples to their land, territories and natural resources are critical and indispensable elements of action to save the planet and peoples from climate emergency. We wish to present the following recommendations for action for UNFCCC Parties and the UNFCCC Secretariat, respectively:

I. WE URGE UNFCCC PARTIES TO:

- 1.** Implement all UNFCCC decisions and agreements related to Indigenous Peoples in particular the Preamble of the Paris Agreement which calls for Parties, "...when taking action to address climate change, respect, promote and consider their respective obligations on human rights... including the rights of Indigenous Peoples..", Article 7.5 of the Paris Agreement on the knowledge of Indigenous Peoples, Article 5.2 on the inclusion of non-carbon benefits, and UNFCCC Decision 1/ CP. 21 (V) on Non-Party Stakeholders.
- 2.** Ensure compliance in all climate policies, programs and actions with the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), the International Labor Organization Convention No. 169 (ILO C-169) and other international human rights instruments.
- 3.** Recognize Indigenous Peoples as conservation partners and develop partnerships in the protection, management, and sustainable use of customary forests and land. This includes protecting and promoting the local actions, good practices and customary laws of Indigenous Peoples on resource management. This also includes comprehending the cultural and spiritual values, as well as the environmental and economic benefits of traditional livelihoods and practices of Indigenous Peoples, such as rotational agriculture.
- 4.** Establish and/or strengthen mechanisms to engage with Indigenous Peoples on climate change adaptation and mitigation at national, sub-national and local levels. This can be in the form of local communities and Indigenous Peoples' platforms or by integrating LCIPP priorities in existing government mechanisms at different levels.
- 5.** Revise INDCs/NDCs with the full and effective participation of Indigenous Peoples including Indigenous Women, Youth and Persons with Disabilities.
- 6.** Ensure inclusion of Indigenous Knowledge, customary land rights and governance systems of Indigenous Peoples as key elements in the revised NDCs and prioritize these in the implementation, monitoring and reporting of the revised NDC, NAP, and NAPA, among others, in partnership with Indigenous Peoples.
- 7.** Develop robust monitoring mechanism for NDCs with the participation of Indigenous Peoples including Indigenous Women, Youth and Person with Disabilities.
- 8.** Include Indigenous Peoples including Indigenous Women in country delegations at the international climate negotiations.



II. WE URGE THE UNFCCC SECRETARIAT TO:

1. Encourage UNFCCC Parties to develop a mechanism for the local communities and Indigenous Peoples' platforms at national and sub-national level or integrate the LCIPP priorities in existing mechanisms.
2. Develop partnerships with regional organizations of Indigenous Peoples, such as the AIPP for the annual Asia Conference on Environmental Processes.
3. Analyze and report annually on how UNFCCC Parties are implementing, monitoring, and reporting their obligations on human rights and rights of Indigenous Peoples.
4. Establish a fund for the full and effective implementation of the LCIPP and to support the participation of Indigenous Peoples' representatives (beyond members of the LCIPP) at UNFCCC meetings.
5. Establish a senior position within the UNFCCC Secretariat for a focal person on Indigenous Peoples' issues. This would follow the best practice of other bodies, such as the Green Climate Fund and the UNCBD.
6. Develop more information, publications and documentation on the good practices of Indigenous Peoples in partnership with Indigenous Peoples Organizations and their partner organizations.



Photos on pages 1, 3 and 8 (Lakpa Nuri Sherpa / AIPP), photos on page 4, 6 (Adivasi Navajeevan Gathan Navajyoti Agua), photo on page 11 (Stefan Thorsell / IWGIA), photo on page 12 (Nakharin Manaboon / Indigenous Media Network).



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Supported by Norway's International Forest and Climate Initiative