



DIRECTORATE-GENERAL FOR EXTERNAL POLICIES
POLICY DEPARTMENT



**INDIGENOUS
PEOPLES
AND
CLIMATE
CHANGE**

HUMAN RIGHTS



EUROPEAN PARLIAMENT

DIRECTORATE-GENERAL FOR EXTERNAL POLICIES OF THE UNION

DIRECTORATE B

POLICY DEPARTMENT

STUDY

INDIGENOUS PEOPLES AND CLIMATE CHANGE

Abstract

This study addresses the specific challenges which indigenous peoples face as a consequence of climate change and related policy response measures. Generally, the approach is based on the concept that human vulnerability to the impacts of climate change (and to the potential impacts of climate change mitigation and adaptation measures) depends on a range of factors that so far have not been examined in great detail. In order to reduce the vulnerability of indigenous peoples to climate change impacts, responses need to be rooted in an understanding of indigenous people's rights as human beings and as peoples. This demands coordination with a range of instruments and processes, including the United Nations Permanent Forum on the Rights of Indigenous Peoples. The Forum, together with several inter-governmental and non-governmental processes and institutions, has been active in promoting approaches that take account of the rights of indigenous peoples. The study argues that international climate change policies have not yet been sufficiently responsive to this requirement, although there is admittedly increasing attention to the debate. However, it is crucial that the upcoming steps in designing international climate change policies should clearly incorporate the rights dimensions of climate change.

This study was requested by the European Parliament's Subcommittee on Human rights

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LIST OF ACRONYMS

ACIA	Arctic Council's Arctic Climate Impact Assessment
CBD	Convention on Biological Diversity (UN)
CI	Conservation International
COP	Conference of the Parties
doCip	Indigenous Peoples' Center for Documentation, Research and Information
EC	European Commission
EIDHR	European Instrument for Democracy and Human Rights
EP	European Parliament
EU	European Union
EU ETS	ETS EU Emissions Trading Scheme
FCPF	Forest Carbon Partnership Facility (World Bank)
FIP	Forest Investment Program
FLEGT	Forest law enforcement, governance and trade
FPIC	Free, Prior and Informed Consent
GCCA	Global Climate Change Alliance (EU)
GFP	Global Forest Partnership
GEF	Global Environment Facility
GHGs	Greenhouse gases
HRBA	Human Rights Based Approach
IASG	United Nations Inter-Agency Support Group (for the UNPFII)
IFIPCC	International Forum of Indigenous Peoples and Climate Change
ILO	International Labour Organization
IOM	International Organization for Migration
IPCC	Intergovernmental Panel on Climate Change
IPCCA	Indigenous Peoples Climate Change Assessment
IPOs	Indigenous Peoples' Organizations
IUCN	International Union for Conservation of Nature
MEPs	Members of the European Parliament
NGO	Non-governmental organization
REDD	Reduced emissions from deforestation and forest degradation
UN	United Nations
UNDG	United Nations Development Group
UNDP	United Nations Development Programme
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFCCC	United Nations Framework Convention on Climate Change
UN-OHCHR	United Nations Office of the High Commissioner for Human Rights
UNPFII	United Nations Permanent Forum on Indigenous Issues
USA	United States of America
UNU-IAS	United Nations University – Institute of Advanced Studies

EXECUTIVE SUMMARY

This briefing paper provides an overview of the links between climate change and indigenous peoples, and has been produced at the request of the European Parliament's Human Rights Subcommittee (DROI).

The paper addresses the specific challenges which indigenous peoples face as a consequence of climate change and related policy response measures. Generally, the approach is based on the concept that human vulnerability to the impacts of climate change (and to the potential impacts of climate change mitigation and adaptation measures) depends on a range of factors that so far have not been examined in great detail, but which point to a situation of higher vulnerability of groups such as indigenous and traditional peoples that (i) inhabit lands and use resources of exposed geographic areas, (ii) have been historically marginalized from decision making and public policies, (iii) have insecurity of rights to lands, territories and resources, (iv) are subject to weak governance regimes that do not respect their institutions and customary laws, and that may expose them to unclear and unfair treatment by authorities, (v) do not participate effectively in the current discussions and design of mitigation and adaptation measures even in cases where the areas they inhabit are being considered for application of such measures.

In order to reduce the vulnerability of indigenous peoples to climate change impacts, responses need to be rooted in an understanding of indigenous people's rights as human beings and as peoples. This demands coordination with a range of instruments and processes, including the United Nations Permanent Forum on the Rights of Indigenous Peoples. The Forum, together with several inter-governmental and non-governmental processes and institutions, has been active in promoting approaches that take account of the rights of indigenous peoples. Although international climate change policies have not yet been sufficiently responsive to this requirement, there is increasing attention to the debate, and clearly the upcoming steps in designing international climate change policies will not be able to ignore the rights dimensions of climate change.

The European Union has long been a sensitive and receptive player in relation to indigenous peoples, vulnerable groups and communities in the context of development and assistance. Numerous policy decisions on indigenous peoples, gender, and other related matters have framed a well-informed body of policies on the need to reduce the social vulnerability of peoples and communities. However, the link between vulnerable communities and climate change is not yet explicit and coherent in EU policies and practices. Given the acknowledged role and history of the EU in supporting sensitive social policies related to indigenous peoples and minorities, filling this gap seems urgent and important.

This paper aims to support the design of appropriate responses from EU bodies on the vulnerability of indigenous peoples to climate change, by taking these steps:

- (i) on a general level, surveying the current state of the debate on the situation of indigenous peoples facing climate change,
- (ii) reviewing and analysing international responses in this context,
- (iii) reviewing and analysing the extent to which the situation of indigenous peoples has been integrated within the EU's responses to climate change,
- (iv) formulating specific elements of a rights-based approach to indigenous peoples and climate change,

- (v) making preliminary policy recommendations for the EU in this context and defining possible courses of action in order to influence and move the debate forward both on EU and UN levels.

The recommendations of the paper are based on a consideration of the diversity of opportunities and duties of the European Union's distinct organs, from international climate change negotiations to the support given to partner countries for climate change measures. Generally, the paper recommends the use of the United Nations Declaration on the Rights of Indigenous Peoples as a general reference and guide, with particular attention to the provisions that address key factors of social vulnerability, such as insecurity of rights and conflicts and weaknesses of governance systems regarding indigenous peoples.

It is also recommended that the EU give attention and support to current explorations by the UN Human Rights Council into the links between climate change and human rights, as these are generating valuable reflections and recommendations that the UN system and UN member countries could use to better design climate change mitigation and adaptation measures. Other UN processes and agencies, as well as non-governmental institutions, are also highlighted as potentially useful stakeholders to partner with in order to promote and strengthen a global approach to climate change mitigation and adaptation that is fully cognizant and supportive of human rights in the face of the great challenges posed by climate change.

INTRODUCTION

For about a decade, climate change has captured the attention of the international community and the general public. Besides the 4th Assessment Report of the Intergovernmental Panel on Climate Change (IPCC, 2007), several other reports have contributed to an improved understanding of climate change risks. For example, the Arctic Council's Arctic Climate Impact Assessment (ACIA 2004) and the Stern Review (2006)¹ contribute to the consensus that global warming is unequivocal and continuing, and that it is leading to serious impacts all over the globe. A report of the US National Oceanic and Atmosphere Administration (NOAA 2009) concluded that changes will be largely irreversible, and other recent studies based on new data show that greenhouse gas emissions leading to global warming are increasing far more rapidly than predicted in the last IPCC report (Schwartz 2009).

Among the main observed and projected changes in weather patterns related to global warming, the IPCC mentions:

- gradual changes like melting of snow and ice, thawing of frozen ground, and shrinking of sea ice;
- sea-level rise and higher water temperatures;
- increased frequency of hot extremes and heat waves;
- increased intensity of sudden impacts in the form of weather-related disasters such as tropical cyclones, hurricanes, and floods;
- increases in heavy precipitation events and droughts.

Traditionally, the focus of climate change debates has been on the scientific, environmental and economic aspects. As impacts on human lives have become more evident, the focus has broadened and increasingly included social dimensions of climate change, and recently discussions have started to include a human rights perspective (UN-OHCHR 2009).

In this context, concerns have also emerged about the situation of indigenous peoples. It is now increasingly brought to the attention of the international community that some indigenous peoples may be directly and disproportionately affected by climate change related impacts, as well as potentially by some attempts to mitigate those effects. A prominent example is the debate around the proposed mitigation² mechanism called Reducing Emissions from Deforestation and Degradation (REDD), which may affect indigenous peoples in many parts of the world.

Another aspect of the discussion about indigenous peoples and climate change is the possibility that indigenous peoples can contribute significantly to the design and implementation of sustainable mitigation and adaptation measures, by offering examples and models of effective adaptation based on valuable traditional knowledge. However, there is also agreement that indigenous peoples' capacity to adapt to climate change is compromised by the magnitude of the impacts, as well as by the restrictions imposed by the broader socio-political context. Therefore there is an urgent need for support of indigenous peoples through legal, political, technical, financial and other means.

In this respect, the EU could play a key role. The EU has adopted policies related to indigenous peoples, and is widely regarded as a progressive player in supporting indigenous peoples' rights. The Union's political and economic significance worldwide, both generally and also as the world's largest donor in

¹ The Stern report was commissioned by UK Treasury to assess economic impacts and costs of mitigating climate change.

² Climate change mitigation refers to reducing greenhouse gas emissions and enhancing sinks in order to reduce the extent of global warming.

development cooperation, as well as specifically on matters related to climate change, makes it potentially a leading actor in addressing the particular situation of indigenous peoples in relation to climate change. In addition, some EU member states have direct experience of the issues, as they address the situation of indigenous populations within their own boundaries.

Recent developments at the international level include the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, the contributions of the UN Permanent Forum on Indigenous Issues, and the progress that has been made in discussions about the incorporation of a human rights-based approach in development and environmental policies including climate change. These should inform policy developments in the EU in this field, so that the EU can continue to play a leading role in the complex process of devising and applying appropriate measures for mitigation and adaptation to climate change.

This briefing aims to support the efforts of the European Parliament to address the links between climate change and indigenous peoples, by providing:

- an overview of the current debate on the situation of indigenous peoples facing climate change (chapter I),
- an overview of international responses to indigenous peoples' concerns on climate change (chapter II),
- a review of ways in which the situation of indigenous peoples has been taken into account in the EU response to climate change, with potential elements of a rights-based approach to addressing the situation of indigenous peoples in relation to climate change based on the contributions generated in the UN system, and preliminary policy recommendations that the European Parliament may want to consider in this context (chapter III).

1. THE SITUATION OF INDIGENOUS PEOPLES IN THE FACE OF CLIMATE CHANGE

1.1. Overview

Indigenous peoples globally represent only about four percent of the world's population, yet many of the world's major centres of biodiversity coincide with areas owned, occupied or managed by them: traditional indigenous territories encompass up to 22% of the world's land surface and coincide with areas that hold 80% of the planet's biodiversity (Sobrevila 2008). Several studies highlight that indigenous peoples' effective stewardship over the world's biodiversity has kept significant amounts of carbon in the trees and underground; furthermore, many of them practice carbon-neutral or even carbon-negative lifestyles (Tauli-Corpuz & Lynge 2008).

Until recently indigenous and traditional peoples had been only marginally considered in academic, policy and public discourses on climate change (Salick & Byg 2007, Macchi *et al.* 2008), despite the fact that they are among those most affected by the problem. Some of the few references to indigenous peoples in high level meetings and reports mostly refer to them as helpless victims of changes beyond their control and only mention certain regions (UN 2007b). A report of an international Conference on Indigenous Peoples and Climate Change (Copenhagen, February 2008) summarized their concern: *'International experts seem most often to overlook the rights of indigenous peoples as well as the potentially invaluable contributions from indigenous peoples' traditional knowledge, innovations and practices in the global search for climate change solutions.'* (E/C.19/2008/CPR.3).

In the last few years, this problem has been brought up in a number of policy-making processes and meetings, in particular the United Nations Permanent Forum on Indigenous Issues (UNPFII). Indigenous peoples' vulnerability to climate change is increasingly framed in terms of human rights and specifically the rights of indigenous peoples, given the actual and potential impacts of climate change on them and also the concerns that some policy responses to climate change may infringe on their rights.

Current approaches to climate change see it not only from an environmental or development perspective, but also as a human rights issue. The negative effects of global warming and of some policy responses aimed at reducing and adapting to climate change have human rights dimensions as they affect the realisation of people's human rights, especially those of individuals and groups who are already vulnerable. This is the case for minorities and marginalized populations whose rights are poorly protected and who are often less well equipped to counter those effects.

The United Nations Declaration on the Rights of Indigenous Peoples – UNDRIP (UN 2007a) is a framework that contributes to the understanding of the conditions and factors that underpin the survival and development of indigenous peoples and cultures. As climate change exacerbates the vulnerability of marginalized peoples, in particular indigenous peoples, the UNDRIP provisions become particularly relevant as they help identify elements that can reduce vulnerability and enhance the resilience and adaptive capacity of indigenous peoples, based on the evidence that social vulnerability to adverse natural phenomena grows proportionally with the insecurity of livelihoods and rights of the communities potentially affected. Addressing rights security on matters such as lands, territories, resources, self-determination, traditional institutions, conflict-resolution systems, socio-political organizations, and maintenance of cultural integrity and diversity, is a critical part of building and enhancing resilience to impacts that are likely to be of considerable magnitude and which could endanger the very survival of the peoples at risk.

1.2. Special vulnerability of indigenous peoples to climate change

It is generally recognized that poor, natural-resource dependent communities including indigenous peoples, particularly in the developing world, are especially vulnerable to the effects of climate change and suffer disproportionate impacts (IPCC 2007). Indigenous peoples are often highly dependent on their lands and natural resources for their livelihoods. Their intricate relationship with their environment, lands, territories and resources is *'the very basis of their economic, social and cultural systems, their ecological knowledge and their identities as distinct peoples'* (E/C.19/2008/10, p. 14). They often live in diverse but fragile ecosystems, and at the same time in economically and politically marginal areas (E/C.19/2008/CRP.3). The environments they choose or are forced to live in are often physically isolated and harsh – often as a consequence of historical, social, political and economic exclusion (Oviedo 2008). This places them among the world's most marginalized, impoverished and vulnerable peoples, having minimal access to resources to cope with the changes (E/C.19/2008/CRP.3).

Consequently, any changes to the ecosystem may impact on their way of life and survival. This makes them particularly vulnerable to the effects of global warming and also to the impacts of some mitigation measures. Direct and indirect impacts of climate change may threaten their very existence (Baird 2008; UN Development Group 2008).

Ironically, at the same time indigenous and other traditional, rural peoples are the least responsible for climate change, having the smallest ecological footprint and contributing the least to emissions of greenhouse gases (UNU-IAS 2008).

Climate change impacts are already a reality for indigenous peoples. As the UN High Commissioner on Human Rights (UN-OHCHR 2008) noted, *'Emerging evidence suggests that the livelihoods and cultural identities of the more than 370 million indigenous peoples of North America, Europe, Latin America, Africa, Asia and the Pacific are already under threat'*.

Climate change therefore adds to the existing challenges for indigenous peoples, such as political and economic marginalization, land and resource encroachments, human rights violations, discrimination, substance abuse and unemployment and brings additional vulnerabilities to indigenous and local communities (E/C.19/2008/CPR.2).

It is important to note that the degree of vulnerability, as well as the capacities to adapt, are unevenly distributed between different indigenous peoples, and can even be asymmetrically distributed within a community, with women often being specifically affected (Macchi *et al.* 2008).

1.3. Overview of observed and potential/predicted impacts

Climate change affects indigenous peoples in multiple ways and these impacts vary according to location and their environmental and socio-economic context. Besides direct impacts, adaptation and mitigation policy responses to climate change may indirectly impact on indigenous peoples and their livelihoods. Their economy and resource use are often threatened, followed by erosion of their social life, culture and traditional knowledge (IWGIA). Loss of their ancestral lands and homes often leads to spiritual suffering because their psychological well-being is frequently connected to the land (The Independent 2009). For these reasons, climate change is not only an environmental issue for indigenous peoples, but also a human rights issue.

Indigenous country representatives from all regions of the world reported recently at a Global Indigenous Peoples Consultation on Reducing Emissions from Deforestation and Forest Degradation led by UNU-IAS, Tebtebba, the UN-REDD-Programme and the CBD, 2008, that *'significant impacts of climate change [are] already being experienced by indigenous peoples and local communities'* – including

'increased weather extremes and variability, prolonged drought, increased floods, strong winds, and delays in the onset of regular weather events including monsoons and dry seasons. Changing weather and climate patterns have impacted both domestic and wild plants and animals, resulting in decreased agricultural yields and loss of hunting opportunities, as well as exacerbated health and disease threats to people and animals, including expanded habitats of vector-borne diseases. This disruption of ecological calendars and traditional planting seasons has led in many cases to increased food insecurity' (UNU-IAS *et al.* 2008, p. 16).

On the other hand, in a few cases, there may arise new opportunities. A report commissioned for the Convention on Biological Diversity (CBD) states that economic changes resulting from climate change may provide opportunities to indigenous peoples based on their traditional knowledge. For example, some traditional fisheries in northern seas have experienced an increase of stocks. There may also be some unique opportunities for indigenous communities to develop some forms of sustainable agriculture, e.g. in the Arctic (UNEP/CBD/COP/9/INF/43), and new economic opportunities such as receiving payments for sustainably managing forests under the future REDD regime. However, it should be stressed that real benefits and sustainable management outcomes are only achievable when rights frameworks are clear and their enforcement is assured.

1.3.1 Summary of some of the main expected/observed direct impacts of climate change in key regions

Although the effects of climate change are being experienced across the globe, both scientific and indigenous observations show particular evidence of severe ecological, social, cultural and economic impacts of climate change in certain areas such as tropical and subtropical forests, drylands, the Arctic, near-sea-level regions such as small islands, and high mountain ecosystems.

– Tropical Forests

Tropical forests are home to at least 1,400 distinct peoples in Asia, Africa and Latin America (Oviedo *et al.* 2000). According to the Stern Review, about 1 million indigenous peoples of 400 different indigenous groups in the Amazon are highly vulnerable and threatened with potentially dramatic impacts.

Climate Change may often result in longer dry seasons for humid forests. Combined with deforestation and forest fragmentation caused by the forestry industry, climate change leads to an increased likelihood of forest fires. Higher temperatures and the loss of ground water in tropical forests will reduce biodiversity, affecting the livelihoods of many indigenous communities. Furthermore, rising temperatures lead to more vector-borne diseases.

Tropical forest areas are also those where most mitigation measures are planned, which may present threats or opportunities for indigenous peoples.

– Drylands/ Semi-arid and arid lands

Drylands cover 40% of the earth's terrestrial surface and are home to over two billion people, including pastoralist groups, hunter-gatherers and other traditional communities. Many of them are amongst the most vulnerable and poorest of the world (MA 2005).

Many areas of drylands are already degraded and climate change is further deteriorating the situation. It is frequently leading to more prolonged droughts resulting in more dust storms, but sometimes also to excessive rainfall with floods. Desertification is progressing at high rates - for example, the Kalahari Desert is expected to double its size and at the same time experience dramatically increasing wind speeds (Salick and Big 2007). The water availability in those areas is expected to decrease by 10-30 % within the next 40 years (IPCC 2007).

These changes result in dramatic damage to vegetation and hence the livestock of pastoralists and nomadic indigenous peoples (E/C.19/2008/10, p.4), leading to food security problems and malnutrition. The area becomes less viable even for indigenous peoples with still vast adaptive capacities, and much more for those whose adaptive capacities have already been eroded, often leading to migration, further marginalization or conflicts (Macchi *et al.* 2008).

The IPCC further predicts that in some African countries rain-fed agriculture will be reduced by half in a little over a decade (IRIN 2009).

Findings of a report published in the Medical Journal of Australia (*The Independent* 2009) show that Australia's Aborigines will be amongst those hardest hit by climate change in that country. Making up about 2% of the population and being an impoverished minority, they are most likely to be hit by elevated temperatures, drier and more extreme weather patterns and higher rates of disease (e.g. dengue fever, bacterial diarrhea); at the same time indigenous medical services have inadequate resources and there is often no access to services. The report points also to the spiritual suffering of the Aborigines when they are forced to see their ancestral lands ravaged.

– **Arctic**

The Arctic has been experiencing some of the most rapid and severe climate change on earth with temperatures rising twice as much as the global average within the past few decades (ACIA 2004). This has led to thawing permafrost, melting mountain snow, glaciers and sea ice, shifting vegetation zones, coastal and riverbank erosion, reduced populations of animal species due to warmer water temperatures, major changes in animal travel and migration, and the arrival of new species (ACIA 2004 / E/C.19/2008/10, p.4). The Sami people are reported to have noticed the first signs of climate change in the mid-1980s (Baird 2008). Indigenous inhabitants have been experiencing major impacts, and these include³: the loss of hunting and food-sharing culture, as reduced sea ice makes the animals on which they depend less accessible; for example, hunting has become much more dangerous for the Inuit people (ACIA 2004). Up to 80% of Alaskan communities, comprised mainly of indigenous peoples, are vulnerable to coastal or river erosion (Cochran in UN 2007b). There is declining food-security and human health concerns (ACIA 2004), as well as wildlife impacts and related socio-cultural impacts; for example, changing migration routes of reindeer herds due to changes in snow and river ice conditions and forage availability are affecting the Sami people, who depend on them and whose culture is intimately linked with reindeer herding (e.g. language, songs, treatment of older people, marriage, child-rearing). There are also socio-cultural consequences, including damage to older people's status as they are no longer able to predict the weather and make decisions based on their traditional knowledge due to the weather having become unpredictable and extreme (Baird 2008: 4). Recently there has been expanding marine shipping due to a decline in sea ice with likely expansion of tourism and marine transport of goods and likely increasing marine access to resources (including oil, gas, minerals). On the positive side, enhanced agriculture and forestry as warmer temperatures occur further north will mean new potential areas for food and wood production (ACIA 2004).

– **Small Islands**

Small islands are especially vulnerable to the impacts of climate change as they will face more flooding and storms due to rising sea levels, and more extreme weather events. Indigenous peoples in the Pacific region are already heavily impacted by rising sea-levels, increasing erosion from intense storms, and

saltwater intrusions into freshwater. The changes affect their livelihood activities including fishing and hunting, infrastructure, access to food, water resources, housing and health.

Some islands like Kiribati will probably disappear within this century (UN 2007b). The small island Tebua, which used to be a landmark for fishermen, is already knee-deep under water (Smallacombe 2008). New Guinea's Cartaret islands have been hit hard by high tides and their inhabitants are now in the process of being permanently resettled as the only remaining adaptation option (Pacnews 2009).

Other islands such as Tuvalu face food and water scarcity as agriculture is becoming increasingly vulnerable due to heat stress on plants and salt water incursions. Coral reefs are affected by coral bleaching as a consequence of higher water temperatures and by higher CO₂ saturation in the water, leading to a decrease in the surrounding biodiversity and in seafood (Smallacombe 2008).

– **High mountain ecosystems**

High mountains are ecosystems in which indigenous peoples are also particularly affected by climate change. Mountain glaciers are melting at an unprecedented fast pace, resulting in the short term in more water, which causes floods and landslides, and in the long term, a potential water crisis. The glacial melts of the Himalayas are affecting millions of people in several countries in this way (IPCC 2007 WG 2). Tourism in high altitudes, which has been a source of income for some indigenous communities, has suffered because of melting glaciers (Tebtebba 2008). The seventh meeting of the UNPFII received reports that in the Andes, loss of ice and snow, as well as rivers drying up, has already led to migration of indigenous people from rural to urban areas, affecting their culture and changing their lifestyles.

Rising temperatures in the Andes also force indigenous communities to farm at higher altitudes, uprooting their cultures. At the same time, extreme and unprecedented cold weather spells have been observed, affecting people's ability to grow vegetables and rear livestock, and causing diseases. The disappearance of high alpine flora, which is a major source of traditional medicines and food, grazing and hunting, will have severe impacts on indigenous peoples' livelihoods (Tebtebba 2008).

1.3.2 Impacts of climate change on indigenous women

Indigenous women are particularly vulnerable to the effects of climate change which may often add to their already marginalized situation. Their disproportionate involvement in reproductive work, their frequently insecure property rights and limited access to resources, as well as their reduced mobility due to caring for children and the elderly in situations of stress, are some of the factors aggravating their particular vulnerability (Macchi *et al.* 2008: 57).

More indigenous women are victims of disasters and emergency situations. For example, in Southeast Asia it has been reported that they often do not receive warnings as notices are posted in public places where women rarely go. And in some communities girls and women are not taught to swim, which has caused higher female mortality during floods. They also often stay behind in emergency situations because of social prohibitions against leaving their home unaccompanied or having to rescue their children and the elderly.

Scarcity of water poses another disproportionate impact on women as water is an essential resource for women's productive and reproductive tasks. Water scarcity increases their chores, as they need to make greater efforts to collect, store, protect and distribute water.

³ There have been more impacts reported from this region than from other regions due to the especially rapid climate change, but also due to an especially strong cooperation between scientists and indigenous peoples (Salick & Big 2007:13).

Climate change related food insecurity may result in especially high health risks for women as they often eat last and least, making them susceptible to illness, with more newborns facing malnutrition.

Longer distances and increased time for women to look for water, food and firewood often lead to girls dropping out of school as their help is needed in their families. The loss of education has lifelong impacts and results in a lower chance of them claiming their rights. Increased violation of women's and girl's rights in the context of climatic variations have also been documented, for example in the case of pastoralist communities trading their daughters at ages as young as eight years old in order to replace livestock loss from drought (Madre 2006, Tebtebba 2008).

1.4. Indigenous peoples and adaptation to climate change

The discussion on adaptation to climate change in international policy has been overshadowed by discussions on mitigation⁴. Lately adaptation is gaining more attention as it is increasingly realized that mitigation is a necessary but insufficient response, since the effects of climate change are unavoidable to a great extent. With climate change already happening, there is an urgent need for measures to adapt to it.

So far, indigenous peoples' own coping and adaptation strategies have hardly been recognized in climate change related documents.⁵ However, indigenous peoples can significantly contribute to finding solutions which may also be of use for the broader society. They are amongst the first ones to have suffered the impacts and have experience with adaptation; and they interpret and respond to climate change in creative ways, drawing on their traditional knowledge and other technologies (Salick & Byg 2007).

Examples of traditional and innovative adaptation of indigenous peoples' practices already being implemented in response to various climate change risks include⁶:

- a diversified resource base, e.g. diversifying crops, field locations and livelihoods,
- a change in varieties and species (e.g. as a consequence of harvest failure due to precipitation changes),
- food security through reinvigorating traditional indigenous food systems,
- change of techniques, e.g. new storage forms, new cultivation practices, creating floating vegetable gardens,
- changing hunting and gathering periods and habits; e.g. taking different and longer routes or taking advantage of new species while trying to manage the population of new species,
- shoreline reinforcement (e.g. planting mangroves as natural barriers),
- improved building technologies,
- change of location, migration,
- rainwater harvesting,
- supplementary irrigation,
- traditional farming techniques to protect watersheds,
- use of new materials,
- continuation of customary obligations,

⁴ Climate change mitigation refers to reducing the extent of global warming by cutting down greenhouse gas emissions and enhancing carbon sinks.

⁵ The UNFCCC is compiling a local coping strategies database - see <http://maindb.unfccc.int/public/adaptation/>

⁶ For further information see UN 2007, pp. 10ff., Tebtebba 2008, pp. 39ff., Macchi et al. 2008: 6, UNEP/CBD/COP/9/INF/43, pp. 10, 19f.

- community-based disaster risk reduction and
- combining traditional and scientific knowledge (e.g. for early weather predictions, crop adaptations or to conserve wildlife).

The adaptive capacity of indigenous peoples depends on many factors such as *'their physical location, entitlements to the use of certain resources and land, and access to various factors including knowledge, technology, power, decision-making, education, health care and food'* (Oviedo 2008, p.2). Adaptive capacity can also be heterogeneous within a community, for example with women often being at a disadvantage as they don't control resources critical for successful adaptation.

Even though indigenous peoples have already developed important adaptation strategies, today, many of them are experiencing that *'their traditional and other coping strategies alone are no longer sufficient to cope with the intensity and frequency of current climate changes and that various legal and institutional barriers prevent them from coping with climate change and the solutions proposed to address it'* (E/C.19/2008/CRP.3, p. 6). For example, traditional knowledge-based methods are becoming increasingly unreliable predictors of the weather due to the large climate variability, and so a combination of scientific data and traditional knowledge is needed to help them adapt (IRIN 2009). Indigenous peoples argue that their capacity to adapt to climate change has also been highly compromised as support from the international community has not been forthcoming (Tauli-Corpuz & Lyne 2008).

Indigenous communities often engage in strategies for immediate and reactive short-term adaptation, as they often face resource and capacity constraints for implementing the necessary adaptation measures; they also need more proactive, anticipatory long-term strategies (UNEP/CBD/COP/9/INF43). Indigenous people often lack basic information about climate change policies, interventions, and technological and financial resources which could help them to respond more adequately to climate change (E/C.19/2008/CPR.3).

Traditional knowledge and practices are needed to successfully enhance adaptive capacity of indigenous communities. They should be integrated with global and national policies and strategies such as disaster risk reduction, land-use planning, environmental conservation and national plans for sustainable development (E./C.19/2008/CRP.2). Community-based adaptation strategies should inform regional and national adaptation strategies, policies and programmes, through processes which ensure the full and effective participation of indigenous communities (E/C.19/2008/CPR.2).

A limiting factor in many cases is that adaptation by indigenous peoples is developed through community discussions, observations and daily consensus-decision-making rather than through formal long-term planning processes, therefore recording and disseminating such practices is difficult.

Capacity building and additional financial resources would help enhance their adaptive capacity. The Secretariat of the CBD points out that mechanisms for funding indigenous community research and adaptation capacity are desirable (E/C.19/2008/CPR.2). An international expert meeting under the CBD also noted a clear role for indigenous people in the monitoring of impacts and vulnerability (UNEP/CBD/COP/9/INF/43).

Besides indigenous peoples' own adaptation measures, there are also some externally driven adaptation activities which can potentially have negative impacts, including a loss of control of traditional knowledge. Expansion of protected areas and corridors could potentially restrict indigenous peoples' rights to use and access natural resources (UNEP/CBD/COP/9/INF/43, p. 7). The UNPFII also reports on cases of 'maladaptation' such as promoting development in risk-prone areas based on short-term considerations (E./C.19/2008/CRP.2 p. 14).

These considerations lead to the conclusion that the socio-economic contexts in which the communities and livelihoods are situated must be taken into account when planning adaptation and mitigation measures to avoid negative side effects on indigenous communities. Assessments of indigenous peoples' adaptive capacity need to take into account differential rights, discrimination, and other social processes that limit access to resources, power and decision-making (E./C.19/2008/CRP.2).

1.5. Indigenous peoples and the UNFCCC

The central international policy framework for addressing global warming is the United Nations Framework Convention on Climate Change (UNFCCC 1992, entered into force in 1994) and its Kyoto Protocol with legally binding measures (adopted in 1997 and entered into force 2005⁷).

The UNFCCC enjoys near universal membership, with 192 countries having ratified it.

An important article from a rights perspective is Article 3.1 which calls upon parties to adhere to the principle of '*common but differentiated responsibilities*', pointing to the special vulnerability of developing countries to the adverse effects of climate change and the greater responsibility of developed country parties.

In contrast to its sister Convention, the Convention on Biological Diversity (CBD), the text of the UNFCCC contains no explicit consideration of indigenous peoples, local communities or similar, although the issue is vitally important to them. The same applies to the Kyoto Protocol. Indigenous peoples' organizations and their spokespeople have complained about a lack of space for participation in the process of the UNFCCC. They state that they have been largely excluded from the climate change negotiations and were not consulted in the creation of the UNFCCC or in the negotiations on the Kyoto Protocol (E./C.19/2008/10).

However, in the last decade opportunities have emerged for greater engagement of indigenous peoples in the UNFCCC process. Indigenous and traditional peoples' representatives have been participating at UNFCCC Conferences of the Parties (COPs) since 1998 (Macchi *et al.* 2008). Since 2001 indigenous peoples' organizations have been acknowledged by the Secretariat as an observer constituency within climate negotiations of the UNFCCC and have been provided with special support such as a direct line of communication with the secretariat, invitation to workshops which are open to observers and provision of an opportunity to make statements to the Plenary under the agenda item for NGOs (UNFCCC 2004a and 2004b). This provides indigenous peoples with some opportunities for articulating their concerns, but they state that it is often difficult to get their perspectives integrated in final conclusions/recommendations (E./C.19/2007/CRP.6, p.8).

Indigenous peoples' organizations have released a number of declarations and statements in which they have expressed their concerns and discontent related to climate change implications on their cultures and livelihoods.⁸ In pursuing their global campaign, they called upon the COPs of the UNFCCC

⁷ The Kyoto Protocol commits industrialized countries and the EC to reduce their greenhouse gas emissions by five percent from 1990 levels in a five year period from 2008 to 2012. So far, three market based mechanisms have been offered by the Kyoto Protocol as additional means for meeting the targets: Emissions trading (known as the 'carbon market'), the Clean Development Mechanism (CDM) and Joint Implementation (JI). Currently targets and mechanisms for beyond 2012 are being negotiated and expected to be decided by the UNFCCC COP 15 in December 2009.

⁸ For example, The Quito Declaration contains recommendations of indigenous peoples and organizations regarding the process of the UNFCCC (<http://www.ciel.org/Publications/QuitoDeclaration.pdf>) and various Declarations of the International Indigenous Forum on Climate Change (Lyon Declaration 2000, The Hague

and the Kyoto Protocol to recognize their role, rights and positions and to include them in decision-making processes. The UNPFII has called for the establishment of an *ad hoc* Working Group on Indigenous Peoples and Climate Change by the UNFCCC, but so far, this has not been approved.

Other references showing some emerging recognition of indigenous peoples and their traditional knowledge within the UNFCCC process are found within the 'Nairobi work programme on impacts, vulnerability and adaptation to climate change' (adopted at COP 12, 2006) which recognizes the importance of local and indigenous knowledge and recommends to collect, analyse and disseminate information on adaptation actions and measures including local and indigenous knowledge. Furthermore the UNFCCC created a database on local coping strategies.⁹

At the UNFCCC COP 14 (December 2008, Poznan), the International Forum of Indigenous Peoples and Climate Change's (IFIPCC) recommendations included:

- To ensure a rights-based approach in the design and implementation of climate change policies, programmes, projects; and particularly to recognize, implement and mainstream the UNDRIP in all of the Convention activities;
- To ensure the right to free prior and informed consent;
- To develop methodologies and tools for impacts and vulnerability assessments in consultation with indigenous peoples;
- To recognize and use traditional knowledge and integrate it with scientific knowledge in assessing impacts and coming up with adaptations;
- To ensure proper capacity building of indigenous peoples in technologies for adaptation;
- To immediately suspend all REDD initiatives in Indigenous territories until Indigenous Peoples' rights are fully recognized and promoted;
- To include indigenous peoples' experts in the implementation of phase II of the Nairobi Programme of Work;
- To set up disaster reduction strategies and means to address loss and damage associated with climate change mitigation projects and policies and their impacts in indigenous peoples territories. (IFIPCC 2008)

1.6. Concerns and opportunities related to climate change mitigation measures

1.6.1 Overview

Mitigation measures are essential to prevent further climate change related impacts which contribute to indigenous communities' vulnerability. However, such measures can have both adverse and beneficial impacts on indigenous peoples.

The UNFCCC (article 4) and its Kyoto Protocol (articles 2, para. 3 and 3, para. 14) commit parties to minimize adverse social, economic and environmental impacts resulting from the implementation of measures taken to mitigate or adapt to climate change impacts (Draft A/HRC/10/61).

But many indigenous peoples and their organizations raise concerns that in addition to being disproportionately impacted by climate change, some of the mitigation strategies widely regarded as

Declaration 2000, The Bonn Declaration 2001). For further information on related Declarations, see for example http://www.ilc.unsw.edu.au/resources/resourcepage_humanrights-implications-of-climatechange-for-indigenoustralian.asp

⁹See <http://maindb.unfccc.int/public/adaptation/> .

solutions to climate change are also negatively impacting on them. Some argue that the threats posed by climate mitigation projects may be even more dangerous to indigenous peoples than climate change itself (IISD 2008). There has often been a failure to consult with indigenous people, even when their land, natural resources and lifestyles are directly impacted (ISHR 2008). Many indigenous organizations complain that they have been largely left out of the development of mitigation measures (E/C.19/2008/CRP.2, p. 7).

A summary of the main concerns and opportunities of indigenous peoples around the most important mitigation measures is presented below, with special attention to biofuels production and the Reducing Emissions from Deforestation and Degradation scheme (REDD), as these two topics are current key areas of indigenous peoples' discussions and concerns.

1.6.2 Renewable wind and solar energy

These options as mitigation measures are generally favoured by indigenous peoples, who see relatively few negative consequences from them and, according to Tauli-Corpuz & Lyngge (2008), such alternatives could be a rather appropriate cultural-economic match for indigenous peoples and could even bring benefits if they are located on their lands with their free, prior and informed consent.

1.6.3 Renewable energy from large, hydroelectric dams

Indigenous peoples are concerned about the massive increase of large hydroelectric dams, often linked to the Clean Development Mechanism (CDM)¹⁰. They may potentially lead to loss of indigenous peoples' traditional territories and other negative effects on their livelihoods (Tauli-Corpuz & Lyngge 2008)

1.6.4 Nuclear power¹¹

Nuclear power is in general strongly contested by indigenous peoples; there have been experiences with nuclear waste stored in areas inhabited by indigenous peoples, without having obtained their free, prior and informed consent (Tauli-Corpuz & Lyngge 2008).

1.6.5 Biofuels

Being a renewable energy source, policies and markets have strongly encouraged biofuel production within the last years. Global ethanol production has increased by four times and biodiesel by ten times between 2000 and 2007 (Gibbs in Young 2009). But actions to develop this energy source have received negative assessments from indigenous peoples and their supporters. While it is argued that the production of biomass for biofuels could potentially provide great economic opportunities, for indigenous organizations, its negative impacts are potentially greater.

The report prepared for the UNPFII by Tauli-Corpuz & Tamang (2007) 'Oil Palm and Other Commercial Tree Plantations, Monocropping; Impacts on Indigenous Peoples' Land Tenure and Resource

¹⁰Through the Clean Development Mechanism, developed countries may finance emissions reduction projects in developing countries that are party to the Kyoto Protocol and then use the resulting 'certified emissions reductions' ('CERs') to offset their own emissions.

¹¹The Contribution of Working Group III to the 4th Assessment Report of the IPCC 2007 lists advanced nuclear energy among 'Key mitigation technologies and practices to be commercialized' (IPCC 2007c).

Management Systems and Livelihoods' gives a comprehensive overview of the problems and warns that the expansion of biofuel plantations for palm oil are having devastating effects on indigenous peoples. The long list of abuses and consequences related to plantations and logging includes: common cases of the denial of rights to lands and resources; forced evictions; destruction of resource management systems, traditional forest-related knowledge, livelihoods and cultures; food insecurity and malnutrition; severe health problems; increase in social conflict between indigenous peoples, the state and private corporations; internal conflicts; and shifts of power over forests away from indigenous peoples for the benefit of the logging and plantation industry and the political and economic elites.

The report 'Losing Ground – The human rights impacts of palm oil plantation expansion in Indonesia' (FoEI, LifeMosaic & Sawit Watch 2008) concludes that the expansion of Indonesia's palm oil industry leaves many indigenous communities without land, water or adequate livelihoods, leaving previously self-sufficient communities in debt or struggling to satisfy basic needs like food or education. It shows that in some communities, human rights including the right to water, health, cultural rights, and the rights to be protected from ill-treatment and arbitrary arrest are being denied. This report puts a strong emphasis on European governments' responsibilities in driving the consumption of biofuels with its consequences. It urges the EU and member states therefore to adopt binding restrictions on investment in and subsidies for palm oil, to ban imports of palm oil for biofuels until comprehensive safeguards can be introduced, to abandon targets for biofuel use in their countries, to support action in the producer countries in order to ensure compliance of companies, and to introduce tighter regulations on companies.

However, there are regional differences; biofuels policies are not everywhere as aggressive as for example palm plantation expansion in Malaysia and Indonesia. And palm oil is also used for other purposes than biofuels, such as producing cooking oil or soap, uses that cannot easily be distinguished from biofuels. In any case, support policies that ensure high prices for biomass for bioenergy such as the European biofuels quota are without doubt an important driver for palm oil plantations, often having severe impacts on indigenous communities in Southeast Asia. A recent study based on satellite images has confirmed that biomass for biofuels is commonly grown in place of forests in certain areas (study of Gibbs, cited in Young 2009). When forests are burned, or peatlands (which are important carbon stores) destroyed to create new plantations, it is calculated that the related greenhouse gases released into the atmosphere contribute considerably to climate change, which has led to questions about the actual value of biofuels as a measure to reduce emissions.

1.6.6 REDD – Reducing Emissions from Deforestation and Forest Degradation

Emissions from deforestation and forest degradation are major drivers of anthropogenic climate change. Around 20% of global anthropogenic greenhouse gas emissions are thought to stem from deforestation and degradation of forests (IPCC, 2007). This has generated a growing interest in reducing emissions from deforestation and forest degradation (REDD) and in creating positive incentives to reduce such emissions, especially in developing countries where they occur most. This is how the new climate change mitigation concept of REDD was born. It is based on the principle of protecting threatened natural forests to achieve a decrease in atmospheric greenhouse gases. The basic idea is to provide funding to developing countries in order to prevent further emissions from deforestation and degradation through the implementation of a range of domestic policies and measures.

This concept was enhanced by the COP 13 to the UNFCCC (2007) in Bali, which gave the go-ahead to continue negotiations about including REDD into a possible post-2012 climate regime. The UNFCCC COP 15 in December 2009 in Copenhagen will be decisive for the future design of REDD. There is an

active process of negotiation leading up to the COP 15 in Copenhagen, and exploration of pilot schemes and funding mechanisms is taking place in that context.¹²

Considerations on the design of REDD and the rights of indigenous peoples were an important feature in the REDD negotiations at the UNFCCC COP 14 in Poznan (December 2008). In preparation for the COP, a group of civil society and indigenous peoples' organizations met at the Accra Caucus on Forests and Climate Change (August 2008) and listed a number of principles and an approach to financing, in a first attempt at getting a joint indigenous peoples' position with regard to REDD.

During the COP 14, many parties and observers voiced their concern for the inadequate consideration of indigenous peoples in the design and implementation of REDD. Although an original draft text included the recognition of "the rights and importance of engaging indigenous peoples and other local communities", the final outcomes did not reflect much progress on the issue. Some parties refused the inclusion of any language recognizing the rights of indigenous peoples, and several amendments to the original draft of the negotiation text resulted in inadequate and insubstantial mention, which was eventually phrased as "the need to promote the full and effective participation of indigenous and local communities"¹³. This has drawn protests from indigenous peoples' representatives and their spokespeople.

Concerns of indigenous peoples linked to REDD

Indigenous organizations are currently requesting to be taken into account in the processes related to REDD, as this approach will have major implications for indigenous peoples, no matter how it is designed, due to the large association of indigenous peoples with forested areas. A great part of the remaining tropical and sub-tropical forests is found in indigenous peoples' territories. The World Bank (2008) estimates that around 60 million indigenous people are almost entirely dependent on forests for their livelihoods - food, building materials, medicines, etc. For indigenous peoples, forests are not just carbon reservoirs, but they have intricate relationships with forests which serve them in multifunctional ways such as habitat, source of livelihood, source of health services, ecosystem services, cultural and spiritual functions and so on (Tebtebba 2008).

The discussions on REDD also refocus attention on key moral and rights related questions – asking to whom the forests belong and who has the rights to negotiate their use (FERN 2008). Overall REDD is, from this angle, a contentious issue for indigenous peoples and there is ongoing debate related to its design.

Many indigenous peoples have previously had rather negative experiences with arrangements and mechanisms related to forest governance. Governments and the private sector have often failed to recognize their rights and interests in forest policies (Peskett et al. 2008). They have often been struggling with conflicting claims over ownership, governance, use, access and control of forests, and even armed conflicts (Tebtebba 2008). Therefore, indigenous peoples and their organizations have become particularly concerned about the social implications of REDD, including fear of further human rights violations.

¹² Key issues under discussions include the drivers of deforestation; policy tools for REDD, including multilateral/bilateral cooperation; ways to provide incentives for REDD, including financial mechanisms; technical issues associated with measuring REDD (Barnsley 2008. p. 34ff.). See Barnsley also for more details on different proposals for market-based, market-linked and non-market financial mechanisms.

¹³ Changing the language from "indigenous peoples" to "indigenous communities" implies not taking into consideration international standards such as the UNDRIP and a lack of recognition of the collective rights of indigenous peoples.

The Chair of the United Nations Permanent Forum on Indigenous Issues (UNPFII) expressed the main concerns of indigenous peoples about REDD in her statement at the 9th COP to the CBD in 2008:

'...the current framework for REDD is not supported by most indigenous peoples. This is because the design of present REDD proposals has not involved indigenous peoples, at all, and it reinforces centralized top down management of forests, undermines indigenous peoples' rights and benefits more the deforesters and loggers, rather than indigenous peoples and therefore can lead to further exclusion of indigenous peoples from their forests and the criminalization of their practice of their traditional livelihoods. [...] According to the right to self-determination and the principle of free, prior and informed consent, indigenous peoples must not be excluded, and should be centrally involved and benefit from forest policies and programs at all levels.'

The UNPFII also emphasized that in order to directly benefit indigenous peoples, new proposals must address the need for global and national policy reforms and be guided by the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) (E/C.19/2008/13, para. 45).

Peskett et al. (2008, p. 14) summarize the main concerns that indigenous peoples have voiced around four issues:

- 'Disappointment that member states of the UNFCCC are still ignoring their demands and contributions;
- Lack of recognition of the role of Indigenous People in the protection of hundreds of millions of hectares of forest, contributing to the reduction of GHG emissions from tropical deforestation, without recognition of, or compensation for this environmental service;
- Lack of information about climate change policies and interventions or provision of technology nor financial resources to adequately respond to climate change;
- Concern that REDD will not benefit Indigenous Peoples, but in fact, it will result in violations of Indigenous Peoples' Rights.'

Of particular concern to indigenous peoples is that without clear tenure rights for forest peoples, the increased carbon-value is likely to cause land-grab, dispossession and conflicts and to lead to further marginalization of indigenous peoples. They also fear that once governments are compensated to protect forests, there may be a risk that the government measures supersede indigenous peoples' sustainable forest utilization systems, potentially preventing them from practising their own traditional forest management practices and to use their forests for agro-forestry activities, ceremonial purposes, shifting cultivation, medicines, etc. (Tebtebba 2008). Many voices caution against rapid expansion of REDD schemes without giving due regards to rights and livelihood issues.

On the other hand, indigenous peoples and their organizations see also opportunities in REDD: if REDD is 'done the right way, [there] might be an opportunity to stop deforestation and reward indigenous peoples and other forest dwellers for conserving their forests' (Tauli-Corpuz & Lynege 2008, p.8). Framing REDD under the UNDRIP is considered to be key to delivering benefits.

Some actual or potential positive aspects include:

- The visibility of indigenous peoples in climate change negotiations has increased since Bali, because they have been mentioned in negotiation texts of REDD discussions.¹⁴

¹⁴ A Preambular paragraph to Decision 2/CP.13 taken on REDD UNFCCC 2007 /FCCC/CP/2007/6/Add.1, p. 8): recognizes "that the needs of local and indigenous communities should be addressed when action is taken to reduce emissions from deforestation and forest degradation in developing countries"

- The negotiations on REDD may provide an opportunity to get the UNDRIP included as a legal framework to guide design and implementation of negotiation and adaptation processes which could indirectly help fulfil a range of indigenous rights as stipulated in UNDRIP; and to establish special spaces and mechanisms for indigenous peoples' participation in the UNFCCC.
- It may also provide an opportunity for a renewed push for reforms of state policies and forest laws dealing with ownership, access and control of forests.
- If indigenous peoples contribute to the REDD design, it may ensure integration of their traditional knowledge, customary laws and practices of forest governance in forest management.
- Indigenous peoples could benefit from funds and technical assistance coming in from REDD; REDD could provide an additional source of income, where payment is directly received, or provides other indirectly received revenue.
- If indigenous peoples' rights are included and indigenous peoples are involved in REDD projects, many see a good chance to achieve both climate change mitigation and sustainable development; it could also contribute to more stability and less conflicts (Tauli-Corpuz in REDD-Monitor and Tebtebba 2008).

Discussions around funding REDD

Another area of major importance is the funding mechanisms proposed for REDD.

A prominent mechanism is the World Bank's Forest Carbon Partnership Facility (FCPF), launched at UNFCCC COP 13 in Bali, and which started operation in June 2008. It has two components:

- Readiness mechanisms – to support government capacities to participate in REDD initiatives
- Carbon Finance Mechanism – to fund specific pilot projects in developing countries.

Indigenous peoples' representatives raised serious objections and criticism to the FCPF, on the grounds of lack of consultation and exclusion from the conceptualization process. At the 7th session of the UNPFII, the World Bank's REDD Scheme was harshly criticized as a 'centralised top-down' framework for the management of forests that 'undermines indigenous peoples' rights' and 'is not supported by most indigenous peoples' (ISHR 2008). In response, the World Bank conducted several regional consultations with indigenous representatives in Africa, Asia and Latin America in 2008. Views commonly expressed in these consultations were:

- The UNDRIP and International Labour Organization (ILO) Convention No. 169 should guide formulation and implementation of projects;
- The right to self-determination, including free, prior and informed consent, has to be respected; if indigenous peoples do not give their consent for such a scheme, it should not be pursued;
- The World Bank's Operational Policy 4.10 on indigenous peoples should be used throughout the process of FCPF-supported projects;
- The final decisions on how to treat the FCPF/REDD should be done by indigenous peoples at community and national levels (Tebtebba 2008).

– **UN-REDD**

UN-REDD is another programme on REDD, launched in September 2008 and collaboratively led by UNDP, FAO and UNEP. It aims to create incentives for reversing deforestation trends, and to provide support to developing countries to build capacity to design and implement REDD measures (Barnsley, p.44). It is intended to support REDD demonstration activities in ten pilot countries, with an explicit aim of promoting market-based REDD and payment for ecosystem services.

The UN-REDD programme is committed to the application of a rights-based approach and to adherence to the United Nations Development Group Guidelines on Indigenous Peoples (September 2008 workshop) on monitoring, assessment and verification for REDD; initial monitoring plans and the 'Road map for REDD' seek to provide training for governments on the UN Declaration on the Rights of Indigenous Peoples, to raise awareness on traditional knowledge and to develop tools for assessing 'co-benefits'. It also includes plans for independent verification on 'national emissions and carbon stocks'. However, so far there are no explicit plans to develop criteria, indicators and tools to monitor and independently verify human rights impacts and governance performance in REDD programmes (Griffiths 2008)

– **Global Indigenous Peoples Consultation on REDD**

Given the importance of REDD for indigenous peoples, the UNU-IAS Traditional Knowledge Initiative, Philippines-based Tebtebba (Indigenous Peoples' International Centre for Policy Research and Education), the UN-REDD Programme (UNDP, UNEP and FAO) and the Secretariat of the Convention on Biological Diversity (CBD) held a Global Indigenous Peoples Consultation on REDD (November 2008, Philippines) preceded by regional consultations.

Participants at this global meeting adopted an Indigenous Peoples and Local Communities' Global Strategy on REDD. The strategy makes reference to a number of overarching principles, including: a human rights-based approach to all REDD activities on the basis of the UNDRIP and the ILO Convention 169 on indigenous and tribal peoples; the free, prior and informed consent of indigenous peoples in REDD activities; and the need to work through legitimate indigenous authorities and organizations, ensuring that there is a broad representation of indigenous peoples, including women and youth. Furthermore it calls for the UN-REDD Programme to develop compliance procedures and accountability mechanisms for its activities and requests UN-REDD and FCPF to incorporate training and awareness on UNDRIP in their consultations and national roundtables on REDD.

In parallel with this, there is a growing interest in developing social standards for REDD, not just in reference to indigenous peoples but more broadly. An example is the work of the CCBA – the Climate, Community & Biodiversity Alliance, which launched in December 2008 the second edition of the Climate, Community & Biodiversity Standards, providing a set of criteria to determine the ability of a project to reduce GHG emissions while delivering lasting benefits for local communities and biodiversity. The standards make specific reference to the protection of the rights of indigenous peoples.

2. INTERNATIONAL RESPONSES TO INDIGENOUS PEOPLES' CONCERNS

International responses to indigenous peoples' climate change related concerns have been steadily growing in the last two years, in the context of intergovernmental policy processes including the humanitarian, development and financial sectors, and also within the international non-governmental conservation community. The most prominent and comprehensive UN body providing a forum for indigenous peoples' concerns about climate change is the UNPFII; but also other UN and intergovernmental institutions, including the World Bank, acknowledge now the disproportionate impact of climate change on indigenous peoples and the critical need to consult with them and support building their capacity. Some make also explicit reference to the minimum standards set out in the UNDRIP.

However, many of the initiatives are still in their early stages and need to be stepped up. The following sections provide highlights of the main discussions, studies, policies, resolutions and other initiatives undertaken by some key organizations at the international level.

2.1. The UNPFII's work on climate change and indigenous rights

The United Nations Permanent Forum on Indigenous Issues, a subsidiary advisory body to the UN Economic and Social Council (ECOSOC), provides a central forum for all issues of concern to indigenous peoples. Within the last two years, climate change and indigenous peoples' rights have featured as a major concern of the UNPFII's work.

In preparation for the 6th session of the UNPFII in 2007, Chairperson Ms Victoria Tauli-Corpuz and member Parshuram Tamang were appointed as special rapporteurs to produce, in cooperation with indigenous peoples' organizations, governments and other relevant institutions, a working paper on *"Oil Palm and Other Commercial Tree Plantations, Monocropping: Impacts on Indigenous Peoples' Land Tenure and Resource Management Systems and Livelihoods"* (E/C.19/2007/CRP.6). Focusing specifically on *'emerging issues: biofuels, carbon sinks and carbon emissions trading'*, the report made a link to the broader climate change framework and mitigation and adaptation measures, showing the often devastating effects of such operations on indigenous peoples.

The 7th session of the UNPFII in 2008 included a special session on the theme *"Climate change, bio-cultural diversity and livelihoods: the stewardship role of indigenous peoples and new challenges"*. In preparation for this, the UNPFII Secretariat issued several papers including a paper called *"Climate Change – An Overview"* (UN 2007B), and the United Nations Inter-Agency Support Group¹⁵ prepared a *"Collated Paper on Indigenous Peoples and Climate Change"* (E/C.19/2008/CRP.2) which provides an overview of the work of the different UN agencies.

Another important report was prepared by the special rapporteurs Victoria Tauli-Corpuz and Aqqauk Lynge on the *"Impacts of Climate Change Mitigation Measures on Indigenous Peoples and on their Lands and Territories"*. It provides a comprehensive overview and emphasizes that *'strategies for mitigation and*

¹⁵The United Nations Inter-Agency Support Group (IASG), with 31 members as of 2008, has the mandate to analyze recommendations made by the UNPFII with a view to facilitating comprehensive and coordinated responses and to support indigenous related mandates throughout the inter-governmental system.

adaptation must take into account not only the ecological dimensions of climate change, but also the dimensions of human rights, equity and environmental justice’.

The 7th session of the Forum identified climate change as ‘*an urgent and immediate threat to human rights*’ with serious implications for the maintenance of international peace and security (ISHR 2008, p.5). The meeting made frequent calls to the States and other actors to ensure that the minimum standards set out in the UNDRIP are met, particularly with regard to indigenous peoples’ right to self-determination, *free, prior and informed consent* to laws and policies affecting them, and support for their priorities and strategies for the development of their lands, territories and resources (ISHR 2008, p. 2).

Recommendations of the Forum included a call on States to provide indigenous peoples who undertake their own mitigation measures with policy support, funding, capacity building and technical assistance, as well as appropriate benefits in recognition of the environmental services derived from their territories and resources. Furthermore it recommended the provision of adaptation funds to indigenous peoples affected by climate change related disasters; and to shift the focus of funding support from highly centralized and large-scale energy-supplies to considerations of increasing support for renewable, low-carbon and decentralized alternative systems that indigenous peoples can manage at the local level (ISHR, p. 7).

Finally, the 7th session of the UNPFII appointed special rapporteurs with the task of preparing a report on models and best practices of mitigation and adaptation measures undertaken by indigenous peoples, and a draft declaration on climate change and indigenous peoples which could include a road map towards the UNFCCC COP in Copenhagen 2009. This will be presented at the 8th session of UNPFII in April 2009.

2.2. The Convention on Biological Diversity

Indigenous peoples’ representatives have a long history of involvement in CBD processes, including through their participation in the activities of the Ad Hoc Open Ended Inter-Sessional Working Group on Article 8(J) and Related Provisions.

Climate change has been an important part of the discussions and decisions of the CBD, which have included specific references to indigenous peoples. In 2006, decision VIII/5 B, para. 6 noted the specific vulnerabilities of indigenous communities and their traditional knowledge to climate change related impacts and requested further research.

Following that request, the CBD Executive Secretary prepared a report on the specific vulnerabilities of indigenous and local communities to climate change, and their responses to it, with a special focus on the Arctic, small island states and high altitudes, but also giving attention to indigenous peoples in general (UNEP/CBD/COP/9/INF/43). The report provides an overview of climate change related impacts and measures, and discusses issues such as opportunities to enhance adaptation, monitoring and indicators.

Final recommendations of the report include equitable partnerships, actions for capacity building, monitoring, use of the ecosystem approach,¹⁶ follow-up actions and guiding principles for monitoring the threats and potential impacts of climate change, including the need for governments to address the political implications of intellectual property rights.

¹⁶The ecosystem approach is a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way (for more information see www.cbd.int/ecosystem).

CBD Decision VIII/30 (2006) on 'Biodiversity and climate change: guidance to promote synergy among activities for biodiversity conservation, mitigating or adapting to climate change and combating land degradation', encourages parties to involve indigenous peoples in related research and include investigation of climate change impacts on indigenous peoples, and invites the Parties to specifically consider the need for additional support to indigenous peoples in the most vulnerable regions.

In the collated paper of the IASG, the Secretariat of the CBD highlights the special vulnerabilities of indigenous peoples, but also their vital role and the importance of their full and effective participation in the context of climate change related impacts and measures. The 9th COP to the CBD (2008) discussed proposals for the integration of climate change activities in the programme of work of the Convention. It also established an Ad Hoc Technical Expert Group (AHTEG) on biodiversity and climate change, including representatives of indigenous and local communities (Decision UNEP/CBD/COP/9/L.36).

2.3. The United Nations Development Programme (UNDP)

In the context of their work in developing countries, the UNDP has highlighted that many local communities and indigenous peoples are often most directly affected by the impacts of climate change. In response to this, in November 2007 UNDP launched a UNDP-GEF Community Based Adaptation (CBA) project for ten pilot countries. Indigenous peoples will also be supported under this facility.

Within their GEF Small Grants Programme and in collaboration with other institutions (TCF, The Mountain Institute, Insight, Indigenous Peoples' Restoration Network), they are also developing new field-based tools with the aim to document and facilitate climate change related traditional ecological knowledge of indigenous peoples (E/C.19/2008/CRP.2).

2.4. The United Nations Development Group (UNDG)

The United Nations Development Group designs system-wide guidance to coordinate, harmonize and align UN development activities. Following the adoption of the UNDRIP, in February 2008 it upgraded its **Guidelines on Indigenous Peoples' Issues** in order to make them consistent with the UNDRIP. The guidelines provide information on the international human rights framework that guides the UN's work on indigenous issues, and also practical advice on designing programmes with a special focus on indigenous issues. They recommended, *inter alia*, that UN operations should recognize indigenous peoples' collective and territorial rights, apply the principle of *free, prior and informed consent* in development planning and programming and recognize the right to self-determination, including supporting of cultural integrity and diversity. The guidelines' checklist of key issues also makes reference to climate change and indigenous peoples.

2.5. The United Nations Office of the High Commission on Human Rights (UN-OHCHR)

In the collated paper of the IASG (E/C.19/2008/CRP.2), the UN-OHCHR states that climate change related impacts are now overwhelmingly recognized, with increasing attention being given to their human dimension. But the High Commissioner notes that even now little is said about the relevance of human rights in this context. The UN's human rights mechanisms have not specifically addressed the linkage between climate change and indigenous peoples' rights, although there is growing understanding about the impacts. The Committee on Economic, Social and Cultural Rights (CESCR) has recognized deleterious effects of activities leading to denial of indigenous peoples' sources of nutrition and also to breaking their symbiotic relationship with their lands, constituting a human rights violation.

In March 2008, the Human Rights Council requested the OHCHR through Council resolution 7/23 to conduct a detailed study of the relationship between climate change and human rights. The resulting *Report of the Office of the United Nations High Commissioner for Human Rights on the relationship between climate change and human rights* (A/HRC/10/61, 15 January 2009) presents an overview of the topic which includes references to indigenous peoples and the relevance of the UNDRIP in this context.

2.6. United Nations University – Institute of Advanced Studies (UNU-IAS)

The United Nations University – Institute of Advanced Studies has established a Research and Training Centre on Traditional Knowledge, with its interim office based since 2006 in Melbourne. Their activities include exploring the links between traditional knowledge and climate change; convening expert meetings such as the International Expert Group Meeting on Indigenous Peoples and Climate Change (Darwin, Australia, April 2008), which was an unofficial preparatory meeting for the 7th meeting of the UNPFII; developing publications including a guide to the carbon markets for indigenous peoples (2008) in order to increase awareness by explaining the market, opportunities and how communities might get involved.

UNU-IAS is also taking a leading role in response to the recommendation of the 7th session of the UNPFII to conduct further studies on the impacts of climate change and responses to climate change. In collaboration with several other institutions and indigenous peoples' organizations, they are currently working on the IPCCCA - Indigenous Peoples Climate Change Assessment.¹⁷

2.7. UNESCO

Most of UNESCO's work in this context focuses on climate science and monitoring. Within a specific programme, *"Local and Indigenous Knowledge Systems – LINKS"*, UNESCO carries out research and assessments based on local-level climate observations and local coping strategies, and seeks to better understand vulnerabilities while drawing attention to the particular role indigenous peoples may play as local observers.

UNESCO has also organized panels and meetings, including an international expert meeting in 2007 on *"Indigenous Knowledge and Changing Environments"*. Another initiative is their Internet Forum *"On the Frontlines of Climate Change"* for indigenous peoples, small islands and vulnerable communities, run in partnership with the UN-OHCHR, CBD and UNPFII.

2.8. The International Organization for Migration (IOM)

The IOM highlights the specifically high vulnerability of indigenous peoples due to their remoteness and relying heavily on territories for their livelihoods. It recognizes that environmental migration/displacement is caused by gradual climate change and by extreme climate change events, and also through certain development related measures. They point out that as indigenous peoples and migrants, they may face double discrimination in host destinations.

From another perspective, the IOM also highlights indigenous peoples' potentially important role in sustainable conservation, and the need to involve them in plans (E/C.19/2008/2).

¹⁷ For further information on the IPCCCA, see: http://www.unutki.org/default.php?doc_id=97

2.9. The World Bank

The World Bank sees climate change as having major impacts on its goals on poverty reduction and achievement of many of the Millennium Development Goals, and has therefore adapted a special agenda addressing climate change. The World Bank is also a major international trader of carbon credits and has created different carbon funds (UN 2007B).

One of their projects which has led to major concerns amongst indigenous peoples is the Forest Carbon Partnership Facility (FCPF) which the World Bank launched at the UNFCCC COP 13 in Bali. As indicated earlier, indigenous spokespeople presented serious objections to this initiative, and as a result of consultations and other developments, the final FCPF Charter contains now some important standards and safeguards related to indigenous peoples. It establishes for example that the operation of the facility shall

... Comply with the World Bank's Operational Policies and Procedures, taking into account the need for effective participation of forest dependent indigenous peoples and forest dwellers in decisions that may affect them, respecting their rights under national law and applicable international obligations (Operating Principles, 3.1(d))

The FCPF Information memorandum affirms that:

[...] the FCPF will adhere to several principles of engagement, including 'inclusiveness and broad stakeholder participation' at the national and international levels. 'At the national level, the relevant stakeholders and right-holders will be consulted and participate in the readiness process [...] it is important that these actors participate early on in the readiness process. Countries will, for example, make special efforts to ensure that forest-dependent indigenous peoples and other forest dwellers meaningfully participate in decisions that may affect them and that their rights are respected consistent with national law and applicable international obligations. (Cited in Griffiths 2008, p. 9f.)

Another important fund led by the World Bank is the Forest Investment Program (FIP), due for launch in early 2009 and aiming to attract between 1 and 2 billion USD to fund a range of activities, including REDD, sustainable forest management and afforestation. The World Bank has publicly committed to establishing a permanent consultation mechanism for forest peoples under the auspices of the FIP (Griffiths 2008).

2.10. Responses of the international non-governmental conservation community

Within the last two decades, the international conservation community has growingly recognized that conservation of biodiversity in the long-term is intimately linked with socio-cultural values and practices, as well as with the rights of all peoples to live in security and dignity. Indigenous peoples have been a central consideration in this context.

Specifically, international conservation NGOs are increasingly addressing indigenous peoples' special vulnerability and role with regard to climate change and proposed mitigation and adaptation measures. Discussions on REDD have been one of the major emerging issues in this context.

Two examples of the latest developments in the programmes of non-governmental conservation organizations are described below.

The International Union for Conservation of Nature (IUCN) has been working on rights issues for some time, including specifically indigenous peoples' rights¹⁸. IUCN's climate change work is particularly focused on equitable benefit-sharing and land rights for the poor under REDD, and working to include gender considerations in the UNFCCC framework. IUCN's 4th World Conservation Congress (October 2008) provided space for discussions on topics such as climate change and justice, climate change adaptation and traditional knowledge and practices, climate change and human rights, and other related issues. The Congress adopted several resolutions providing policy direction to the IUCN programme specifically on the UNDRIP, as well as on ensuring that initiatives providing incentives for REDD are carried out with full social safeguards to protect the interests and rights of indigenous peoples and to pursue policies and mechanisms to secure the land and resource rights of indigenous peoples.

Conservation International (CI) is an international conservation organization focusing on biodiversity conservation and active in more than forty countries. Through its Indigenous and Traditional Peoples Program, CI supports indigenous peoples in areas of participation, policy and implementation of programs/projects with respect to biodiversity conservation and climate change issues. CI is working with regional indigenous organizations to conduct a series of workshops on the science, policy and methodologies related to both mitigation and adaptation. The purpose of the workshops is to familiarize indigenous leaders with the science behind climate change impacts and projections; to review the concepts and themes of negotiations relevant to the post-Kyoto protocol, related agreements and policies of the UNFCCC and relevant commitments under the other Rio Conventions; and to increase focus on the impacts of climate change specific to each region and on indigenous peoples' adaptive methods and competencies in facing the threats brought on by climate change. Participants also include government agencies and multi-lateral organizations, creating an opportunity for discussion and learning on existing and proposed policies and mechanisms to address the impacts of climate change.

2.11. Conclusion

Some conclusions and specific good practices which can be taken from the initiatives explained above include the following points:

- There is an emerging and growing paradigm of linking climate change with human rights, and within that context with the rights of indigenous peoples. This stems not only from the climate change impacts on human beings, but more specifically from the differential vulnerability of human communities, which is to a great extent dependent on the recognition and effective enforcement of rights.
- While climate change impacts are largely the responsibility of well-off communities in developed countries, whose rights are normally well recognized and secured, the impacts concentrate essentially in poor, marginalized communities in developing countries, whose rights are most of the time unclear, unrecognized, contested, ignored, and lacking the appropriate support at the level of legal frameworks, institutions, capacities, and public attention. All this contributes to a situation of fragility of human rights for vulnerable communities in relation to climate change.
- Indigenous peoples are a particularly important subset of such vulnerable communities, in so far as they not only represent a large group of culturally diverse peoples living generally in

¹⁸ Several IUCN World Conservation Congress resolutions emphasize indigenous peoples' rights to lands, territories, and natural resources on which they have traditionally subsisted.

- situations of exclusion, but also that they often inhabit marginal lands and territories where they have been pushed to by dominant groups and classes.
- The situation of vulnerable communities, and specifically of indigenous peoples, is increasingly recognized in international policy-making processes, but coherent responses that address not only the peripheral issues, but also the core factors of vulnerability to climate change, are still missing in formal decision-making on climate change responses.
 - On the side of indigenous and human rights bodies in the UN system and other processes, such as the UNPFII and the Human Rights Council, concern about the human rights aspects of climate change for indigenous peoples is increasingly present and its articulation is making rapid progress. Within the UNFCCC system and related processes, including the IPCC, this concern makes slower progress. In the middle, environmental processes such as the CBD growingly promote a rights-based approach to the situation of indigenous peoples, but they lack decision-making power. Non-governmental institutions and processes, from indigenous bodies to conservation organizations, are actively lobbying for greater acceptance of this approach.
 - A key set of issues being addressed in this context is represented by human and indigenous rights that determine the state of vulnerability of human communities. This is at the core of the UNPFF position, echoed by many institutions within and outside the UN system. Such an approach implies among others the topics of security of tenure and access to lands, territories and resources; decision-making institutions and processes; gender related rights and entitlements; and support to community-owned and community-generated adaptation strategies.
 - There is agreement that indigenous peoples' representatives should be included in relevant international initiatives and processes related to climate change. It is also important that they have their own space for discussions as they do in the UNPFII.
 - The participation of indigenous peoples' representatives in climate change related technical expert groups, like in the CBD process, represents a form of good practice which is important as they have much to contribute, and joint work by scientific and traditional peoples' experts is needed.
 - The United Nations Inter-Agency Support Group on Indigenous Issues (IASG) is providing a beneficial and useful space for coordination, support and promotion of related issues. Coordination among climate change related agencies towards a consistent, shared approach seems critical.
 - The World Bank's process with regard to the creation of the FCPF clearly shows that indigenous peoples' full and effective participation is crucial throughout the process of designing and implementing new climate change related initiatives, and that indigenous peoples should be consulted from the earliest stage. Where this has been neglected previously, it has undermined social support and the likelihood of success.
 - The UNDRIP needs to become more prominent and to be adequately engaged in the context of climate change, as is beginning to happen in some of the initiatives presented above.
 - A necessary step is the provision of updates of system-wide practical guidance on indigenous peoples' issues, consistent with the provisions of the UNDRIP, such as the UNDG guidelines.
 - Capacity building of indigenous peoples, government agencies and multi-lateral organizations, for example through CI's Indigenous and Traditional Peoples Programme, can create good opportunities for discussion and learning about existing and proposed policies. Capacity building is a crucial element which is very much needed as a precondition for the implementation of a Human Rights-Based Approach (HRBA).

- Many initiatives are still in their early stages and need to be stepped up. It is recommended to monitor their progress in the near future in order to assess their effectiveness and to identify good practices relating to the issues above, as well as newly emerging initiatives.

3. TOWARDS INTEGRATION OF INDIGENOUS PEOPLES' ISSUES IN THE EUROPEAN UNION'S RESPONSES TO CLIMATE CHANGE

Specific consideration of indigenous peoples in the climate change context is relatively recent on an international policy level. But indigenous peoples are a cross-cutting issue that is increasingly integrated into policies, programmes and projects in many areas, including those related to climate change.

The sections below review how indigenous peoples' issues figure in important documents of the EU, then examine some climate change related policies and conclude with possible options.

3.1. The European Union's policies and processes related to indigenous peoples

The EU's development of policies on indigenous peoples is relatively recent (EU, External Affairs 2007). Within the last decade, the EU has advanced several specific policies, guidelines, communications and reports, and has provided funding and convened meetings relating to indigenous peoples and their rights.

A brief account of important benchmarks includes:

- In 1998, two related and important policy documents were developed: The **Commission Working Document on support for indigenous peoples in the development cooperation of the Community and Member States**, which was developed in consultation with indigenous peoples and endorsed by the EU Council in May 1998. It recognizes indigenous peoples' rights to determine their own development, emphasizes the fundamental need for full and free participation of indigenous peoples throughout the project cycle and the need to adjust activities to the indigenous notion of time and decision-making, and introduces the concept of '*free and informed consent*' from all communities affected by any projects affecting their lands and livelihoods.
- The EU **Council Resolution on Indigenous Peoples within the Framework of Development Cooperation of the Community and Member States** (November 1998) spells out the basic principles of cooperation with indigenous peoples. It stresses again the importance to contribute to indigenous peoples' right to '*self-development*', implying recognition and respect for their own social, economical and cultural development and their own cultural identities, and notes '*the right to object to projects, in particular in their traditional areas*' which includes '*compensation where projects negatively affect the livelihoods of indigenous peoples*.' It further emphasizes that indigenous peoples need to be integrated as a '*cross-cutting aspect into all levels of development cooperation, including policy dialogue with partner countries*' to enhance their '*full participation in the democratic processes of the country*'.
- Another fundamental EU reference document is the **Council Conclusions of 18 November 2002 on Indigenous Peoples**, which includes important guidance for the EU's work with indigenous peoples. For example, it recommends mainstreaming of indigenous peoples' issues within the EU's policies, practices and work, and states '*where relevant, indigenous peoples should be able to fully and effectively participate at all stages of the project cycle (programming, identification, planning, implementation, and evaluation)*.' As a first step towards mainstreaming these issues as well as for specific programming, it asks to '*include an analysis of the political, social, economic and cultural situation of indigenous peoples within partner countries*', which should '*incorporate an assessment of the impact of EU development co-operation policies, programmes and projects on indigenous peoples*'. It also asks that concerns of indigenous

- peoples are integrated into political dialogue with partner countries as an integral part of the human rights clauses and emphasizes the need to ensure full recognition of gender aspects. Another important aspect is the call to ensure training of indigenous peoples and personnel on issues related to human rights and ways to achieve a more participatory processes.
- The 2005 Joint Statement on EU Development Policy / **European Consensus on Development** stated that it will pursue a strengthened approach to mainstreaming cross-cutting issues, including the rights of indigenous peoples (para. 101). It recognizes: *'The key principle for safeguarding indigenous peoples' rights in development cooperation is to ensure their full participation and the free and prior informed consent of the communities concerned'*. (para 103.)
 - The European Commission's / RELEX's **Programming Fiche - Indigenous Peoples**, a guide for strategy papers (updated in December 2008), refers to the 1998 Council Resolution and the 2002 Council Conclusions as fundamental EU reference documents on indigenous peoples, and it also mentions the UNDRIP. As basic principles it lists:
 1. the importance of *self-development* (as included in the Council Resolution),
 2. the consequent need to ensure the *effective participation* of indigenous peoples at all stages of the project cycle, notably to enhance their right and capacity to achieve self-development and to permit their *free, prior and informed consent*.
 3. Recognition of indigenous peoples' key role in conservation and sustainable use of natural resources, and of their vulnerability, especially with a view to possible risks of negative effects from development programmes.
 4. Acknowledgement that cooperation with indigenous peoples is essential for a number of objectives (such as poverty alleviation, sustainable development, human rights observance, and development of democracy).
 - The **EC Draft Tool – Promoting the Rights and Issues of Indigenous Peoples in the EC Cooperation with ACP countries** provides a potentially useful instrument for integrating indigenous rights and issues into EC technical cooperation programmes. It provides a step-by-step approach from mapping to consultation mechanisms, development paradigms and building partnerships, and makes strong reference to specific indigenous rights, including self-determination, collective rights, self-development and the right to participation, free, prior and informed consent, cultural appropriateness, and gender.
 - An important instrument that supports indigenous peoples is the **European Instrument for Democracy and Human Rights (EIDHR)**. It follows the European Initiative of the same name (doCip 2008).
 - Since 1999, the rights of indigenous peoples have been included as a thematic priority under the EIDHR and in the EU funding programme to support NGOs and cooperation with International Organisations (EU, External Affairs 2007).¹⁹ Different kinds of projects are

¹⁹The EIDHR supports for example the IWGIA (International Work Group for Indigenous Affairs) in a three-year-project with a total grant of EUR 720 000, aimed at improving indigenous peoples' capacity to defend their rights by using international human rights instruments, and strengthening their capability to link international human rights processes with national and local efforts (Council of the EU 2008, p. 118). Another organization which has been supported through the EIDHR is the doCip (Indigenous Peoples' Center for Documentation, Research and Information), which is carrying out important work in supporting indigenous peoples with information, capacity building, and specifically supporting their delegations as they defend their rights within the framework of international organizations. However, the Commission has not included support for doCip in its financing plans for 2009 (letter from Saryusz-Wolski and Flautre, February 2009).

supported, including the High Commissioner of Human Rights in Mexico and Guatemala, notably to support the activities of the Special Rapporteur on the Rights of Indigenous Peoples. Further support goes to an ILO project which promotes indigenous and tribal peoples' rights through the implementation of the principles of ILO convention 169.

- The rights of indigenous peoples are also considered as a thematic funding priority for the EIDHR in 2007-2013. Projects targeted at international organizations, NGOs, and indigenous organizations aim mainly to support indigenous peoples' (and their representatives') participation and their follow-up on UN processes relevant to indigenous peoples and civil society activities aimed at promoting ILO Convention 169 and its principles (EU, External Affairs 2007).
- In the 2007-2010 EIDHR strategy, indigenous peoples are particularly recognized in objective no. 2 whose aims include '*strengthening the role of civil society in promoting human rights and democratic reform, in facilitating the peaceful conciliation of group interests and in consolidating political participation and representation*'. With regard to country-based support schemes, its section on *pursuit for common agendas for human rights and democratic reforms* includes protection of the rights of indigenous peoples and a call to ensure broad-based participation with explicit mainstreaming and monitoring of indigenous peoples' rights. It mentions that specific support can be provided for concerted civil society monitoring action including on international commitments. It also calls for supporting activities and capacity-building or other empowerment of fragile civil society groups including indigenous peoples.

In terms of processes and actions, it is noteworthy that all EU Member States have been supportive of major international decisions regarding indigenous peoples, notably the establishment of the UNPFII and the adoption of the UNDRIP.

The European Parliament is taking a growing interest in the issue of indigenous peoples and climate change. In 2008, the European Parliament was for the first time represented at the UNPFII, precisely at the meeting in which climate change was a major feature. The European Parliament visit concluded that this was an important first step in order to mainstream indigenous peoples' rights in the EU's and European Parliament's political agenda, and noted that the leading role of the EU should be strengthened (European Parliament 2008). Subsequently, the UNPFII chairperson was invited to give a speech to the EP in relation to climate change and the European Parliament's Sub Committee on Human Rights facilitated a '*Joint debate on the impact of climate change to the human rights of indigenous peoples in relation to the implementation of the UN Declaration on the Rights of Indigenous Peoples*', on 13 October 2008.

In summary, important principles already included in general EU policies on indigenous peoples are *inter alia*:

- recognition of the right of indigenous peoples' to self-development and focus on indigenous peoples' own priorities for development;
- recognition of the principle of *free, prior and informed consent* and the right to object;
- the call for effective participation of indigenous peoples throughout project cycles;
- recognition of the need for culturally appropriate consultation;
- non-discrimination of indigenous peoples;
- promoting the integration of indigenous peoples' concerns and human rights into policy dialogues with partner countries;
- integrating the concerns for indigenous peoples as a cross-cutting aspect at all levels of development cooperation (mainstreaming);

- enhancing indigenous peoples' territorial rights and capacity for sustainable management of natural resources.

These principles form an important basis for climate change related policies whenever they are relevant to indigenous peoples. The EU Delegation Report to the UNPFII 2008 notes that, since *'The EU policy paper on development cooperation with indigenous peoples is outdated [...] it should therefore be reviewed'*. There may be a need to update it, making explicit reference to the UNDRIP. As the following section shows, what is missing is an appropriate and overarching articulation of principles and guidance in relation to climate change.

3.2. The European Union's climate change related policies and indigenous peoples

Over the last years the EU has developed a number of policies for addressing climate change. Some major policies are relevant to indigenous peoples issues, although no systematic consideration of such issues has been included.

- The **2003 Communication from the Commission to the Council and the European Parliament – Climate Change in the Context of Development Cooperation (COM(2003) 85 final)** and the **2004 Council conclusions on climate change in the context of development cooperation**, including the Action Plan to accompany the EU Strategy on Climate Change in the Context of Development Cooperation.
- The 2003 Communication highlights indigenous peoples' vulnerability in the Amazon and mentions developing countries as places *'having diverse biological resources and rich indigenous knowledge of how to conserve and use biodiversity in a sustainable way'*.
- The **Action Plan on Climate Change and Development** (2004), under *'2.2 Partner Countries develop research on impacts, vulnerability and adaptation'* includes providing support to research that *'Promotes bottom-up/grassroots/community level participation in research and the incorporation of local and indigenous knowledge'*.
- The **Climate Change and Energy Package** (agreed by the European Parliament and Council in December 2008), whilst mainly focusing on domestic actions, has some aspects with implications on development co-operation and/or developing countries. Important parts of the strategy are strengthening and expanding the Emissions Trading System (EU ETS), production of biofuels (a minimum share for biofuels of 10% in petrol and diesel by 2020), and proposals to support measures against deforestation and forest degradation.
- Article 17 on sustainability criteria for biofuels states: *'Reports shall address the respect of land use rights'*, and lists a number of conventions that the reports shall use for reference, and state whether the third countries and member states have signed them. However, it does not make any specific mention of indigenous peoples' rights or specific Conventions related to indigenous peoples.
- A Commission staff working paper **'Policy Coherence for Development – Climate change/Energy/Biofuels, Migration and Research'** (SEC(2008) 434/2) which accompanies the Communication on *'The EU - a global partner for speeding up progress towards the MDGs'* includes under section 2.4 (p. 14) on *'the way forward'* a point on *Promoting the Implementation of Multilateral Environmental Agreements and Internationally Agreed Labour Convention and Social Standards, including a call to 'mainstreaming of environment and human rights into development assistance to developing countries'*.
- The EC Communication **'Addressing the challenges of deforestation and forest degradation to tackle climate change and biodiversity loss'** (October 2008) addresses in its summary the

importance of forests for the livelihoods of indigenous peoples. Under 5.1 it proposes to establish a Global Forest Carbon Mechanism (GFCM) as an incentive scheme for REDD, and suggests that the GFCM *'should require that effective forest governance structures are in place, and that the **rights of the forest dependent people are respected.**'* (emphasis added).

- The EC's recent communication ***Towards a comprehensive climate change agreement in Copenhagen*** (28.1.2009, COM(2009) 39 final) with regard to *'Financing Reductions from Emissions'* states that *'Investments in reduced deforestation will safeguard global biodiversity and ensure local long-term sustainable development.'*
- Following a Green Paper first put forward in 2007, there is currently a Draft Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee, and the Committee of the Regions for a ***White Paper – Adapting to climate change: Towards a European Framework for Action*** (scheduled to be released in April 2009). It mainly focuses on the EU itself, but also includes a section on external dimensions suggesting that adaptation should be mainstreamed into development cooperation. Its accompanying Impact Assessment Reports mention that bilateral and regional agreements should ensure that they include climate change vulnerability assessments.
- The European Parliament ***resolution of 4 February 2009 on "2050: The future begins today – Recommendations for the EU's future integrated policy on climate change"*** (2008/2105(INI)) includes the guiding policy principle of *'promoting respect for human rights'*, and mentions some general fundamental human rights and some specific vulnerable groups.
- With regard to funding initiatives on climate change, besides supporting some UNFCCC climate funds, and potentially the World Bank's FCPF (Peskett et al. 2009), the EU has been setting up the ***Global Climate Change Alliance (GCCA)***, an international climate change fund spearheaded by the DG Development. It aims to provide a platform for dialogue and co-operation between EU and poor developing countries, as well as financial and technical assistance for mitigation and adaptation measures (including adaptation strategies, REDD, CDM etc) and for the integration of climate change into development strategies.
- A recent document from the EC that includes some references to indigenous peoples in the frame of climate change is the Communication ***The European Union and the Arctic Region***²⁰ (COM (2008) 763 final, November 2008). It sets policy objectives and recommends a series of steps, proposing an integrated response. Under the objective "Protecting and preserving the Arctic in unison with its population" it includes item "2.2 Support to indigenous peoples and local populations". It recognizes that the indigenous peoples living in the Arctic are particularly vulnerable to the increasing pressures of climate change and globalisation, and proposes to engage Arctic indigenous peoples in regular dialogue and provide opportunities for self-driven development and protection of their lifestyle. Furthermore it acknowledges that Arctic indigenous peoples in the EU are protected by special provisions under European Community Law, and that the full participation and the free, informed consent of indigenous peoples are key principles of the Joint Statement on EU development policy. It further recognizes that the rights of indigenous peoples are a thematic priority under the European Initiative for Democracy and Human Rights.

²⁰ Communication from the Commission to the European Parliament and the Council – The European Union and the Arctic Region, Brussels, 20.11.2008, COM(2008) 763 final, <http://www.europa-kommissionen.dk/upload/application/8a4b7e1e/uuu.pdf>

This brief review of EU policy instruments on climate change shows that, although no systematic consideration of indigenous peoples' issues has been included so far, there is a trend to integrate elements of rights and livelihoods, which reflects the concerns of the EU about the wider implications of climate change. This offers the opportunity for a more explicit consideration of indigenous peoples' issues in EU climate change policies.

3.3. Elements of a human rights-based approach to indigenous peoples and climate change

Chapter II illustrates how the impacts of climate change, and also potentially some policy responses designed to advance adaptation and mitigation objectives, put indigenous peoples' human rights at risk. It also shows that emerging international responses increasingly make reference to the need to consider indigenous peoples' rights in the context of climate change. Climate change is just beginning to be articulated as a human rights issue rather than purely as a development issue or environmental crisis (Baird 2008); however related human rights-based initiatives are still in their very early stages.

Human rights refer to basic rights and freedoms to which all humans are entitled. All human beings including indigenous peoples are *right-holders*, and as a matter of law, States are defined as primary *duty-bearers*, bearing the responsibility for the realisation of their rights and the obligation to *respect, protect and fulfill* rights.²¹

Human rights-based approaches with regard to development policies have already been broadly discussed within the UN system. A milestone was the *Common Understanding among UN Agencies on The Human Rights Based Approach to Developing Cooperation*²² in 2003.

Generally, rights-based approaches seek to integrate human rights into policies, projects, or programmes by using processes and generating outcomes that uphold human rights standards, norms and principles (Campese, forthcoming).

²¹ Besides states as critical duty-bearers, it is increasingly recognized that third states and non-state actors like businesses, NGOs or landowners also have significant impacts (Campese, forthcoming). In the context of climate change, there is a challenge in the sense that duty-bearers are widely dispersed in time and space, which makes it basically impossible to trace responsibility for climate change impacts.

²² The 2003 UN Common Understanding on a Human Rights Based Approach to Development Cooperation provides that

1. All programmes of development co-operation, policies and technical assistance should further the realisation of human rights as laid down in the Universal Declaration of Human Rights and other international human rights instruments.
2. Human rights standards contained in, and principles derived from, the Universal Declaration of Human Rights and other international human rights instruments guide all development cooperation and programming in all sectors and in all phases of the programming process.
3. Development cooperation contributes to the development of the capacities of 'duty-bearers' to meet their obligations and/or of 'rights-holders' to claim their rights.

Furthermore it highlights the following 5 principles:

Universality and inalienability

Indivisibility, Interdependence and Inter-relatedness

Equality and non-discrimination

Participation and inclusion

Accountability and rule of law

In the development context, human rights-based approaches are to be understood both as *means* and *goals* of development (IHRN 2008). Rather than just taking a charitable approach to beneficiaries, they aim at empowerment, accountability and meaningful participation, and emphasize that rights and responsibilities go together.

As a basis to build on, there are a large number of international and national instruments containing human rights which cover numerous dimensions of dignity and human well-being. Generally, they may be divided into substantial and procedural rights:

- substantial rights include for example the right to life, to health, to an adequate standard of living including food, water and shelter, rights associated with livelihood and culture, personal security, freedom of assembly/expression, and freedom from all forms of discrimination;
- procedural rights are for example the right to participation in decision-making, information, access to justice, and a fair trial. Procedural rights are often ends in themselves, but provide also important entry points for meeting substantial rights. They may have to play a specific role in rights-based approaches.

Besides those general human rights which apply to all human beings, there are specific rights related to indigenous peoples. A central feature of international law on indigenous rights, and an overarching framework for climate change and other policies relating to indigenous peoples, is the United Nations Declaration on the Rights of Indigenous Peoples (UN 2007a)²³ (UNDRIP), adopted by the UN General Assembly in September 2007. Adoption of the UNDRIP was supported by all EU members.

Though not legally binding under international law, the UNDRIP carries great political weight, and some of the rights recognized in the instrument are in fact already binding under international law as they are taken from a range of other existing legally binding instruments. It carries a strong imperative to ensure that all rights contained within it are fulfilled and recognizes the wide range of basic human rights and fundamental freedoms of indigenous peoples.

In its Article 43, the Declaration sets out that the rights recognized within it constitute the international *“minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.”*

Whereas most international human rights instruments protect the rights of the individual, the UNDRIP includes recognition of specific collective rights which indigenous peoples need for their survival as human groups – including indigenous peoples’ rights to their lands, territories and resources, to maintain their cultures, to recognition of their distinct identities, to self-government and self-determination, and to be asked for their free, prior and informed consent (FPIC) (UNDG 2008, p.9).

The UNDRIP also establishes the right of indigenous peoples to the conservation and protection of the environment of their lands or territories and resources, and states are asked to provide assistance programmes without discrimination (article 29). Many other articles of the UNDRIP are also relevant to addressing the rights of indigenous peoples and the obligations of states in the context of climate change and related measures.

²³ Other international instruments with specific importance to indigenous peoples include:

- The Rio Declaration on Environment and Development (in particular, principle 22)
- Agenda 21 – Chapter 26: recognizing and strengthening indigenous peoples as a major group
- The Program of Action on Sustainable Development (in particular, chapters 11 and 26);
- The CBD (in particular, articles 8 (j) and related provisions)
- The Convention on the Elimination of All Forms of Racial Discrimination;
- The Rio Statement on Forest Principles;
- The Convention 169 of the ILO on Indigenous and Tribal Peoples in Independent Countries

Some specific elements deriving from the UNDRIP that should be taken into consideration for a human rights-based approach to indigenous peoples and climate change are as follows:

1. Collective rights, which relate to the right of indigenous peoples to continue living as distinct collectives. It includes recognition of their distinctive histories, languages, identities and cultures, their collective rights to the lands, territories and natural resources that they have traditionally occupied and used, and their collectively held traditional knowledge (UNDG 2008, p. 13).

2. Right to self-determination, which means the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

3. Respect for the right to free, prior and informed consent (FPIC). This principle implies that there should be an absence of coercion, intimidation or manipulation; that consent should be sought sufficiently in advance of any authorization or commencement of activities; that respect should be shown for time requirements of indigenous consultation/consensus processes; and that full and understandable information on the likely impact should be provided (United Nations Development Group, 2008). It also implies:

- Full and effective participation of indigenous peoples at every stage of any action that may affect them direct or indirectly. The participation of indigenous peoples may be through their traditional authorities or a representative indigenous organization. This participation may also take the form of co-management.
- Consultation with the indigenous peoples concerned prior to any action that may affect them, directly or indirectly. Consultation ensures that their concerns and interests match the objectives of the activity or action that is planned.

4. Formal recognition of indigenous peoples’ traditional institutions, internal justice and conflict-resolution systems, and ways of socio-political organization.

5. Right to maintain their cultural integrity and diversity, which calls for respect for their traditional knowledge and practices and for their culture-based adaptation approaches.

The following table, modified from the International Human Rights Network (IHRN)’s briefing paper *Human Rights-Based Approaches and European Union Development Aid Policies* (IHRN, 2008), provides an overview of what a human rights-based approach to indigenous peoples and climate change could imply, and offers a menu of the likely options to address indigenous peoples’ vulnerability.

Table 1

Core Rights Issues	Guidance for climate change related policies
Expressly apply indigenous peoples’ & human rights framework	<p><i>Policies should</i></p> <ul style="list-style-type: none"> • Define all goals in terms of an international human and indigenous peoples’ rights commitment • Explicitly require that the human and indigenous peoples’ rights obligations are taken into account throughout all stages (from identification of needs through policy and programme identification to implementation, monitoring and evaluation) • Use accurate language that addresses the full spectrum of indigenous peoples’ general and specific rights • Ensure that all development and other relevant sectors reflect the framework of human and indigenous peoples’ rights in climate change related polices • Make sure the UNDRIP is being used as a minimum standard

Empowerment	<p><u>Policies should</u></p> <ul style="list-style-type: none"> • Provide a basis for empowerment of indigenous peoples (with special consideration of indigenous women), ensuring that they have the access, power and capabilities needed to engage with relevant policies and related interventions. • Recognize and acknowledge indigenous peoples as active agents and important partners in the battle against climate change • Ensure timely and adequate information sharing and capacity building for indigenous peoples with regard to their rights and understanding of climate change related measures potentially impacting on them. • Be accompanied by building capacity of relevant officials within the EU, developing world counterparts and other relevant partners and personnel, from government to local forest officials and NGOs (e.g. through training, specialized advice and awareness-raising) • Provide support for indigenous peoples who are undertaking their own mitigation and adaptation measures (policy support, funding, capacity building, technical assistance)
Full and effective participation	<p><u>Policies should</u></p> <ul style="list-style-type: none"> • Acknowledge that indigenous peoples have the right to participation in decision-making which would affect their rights, through representatives chosen by themselves • Apply culturally appropriate participation mechanisms • Promote and ensure indigenous peoples' active, free and meaningful participation in all stages of relevant climate change, forest, and development cooperation policy, and in programme and project development and implementation on different levels (local, national, international) • Provide for inclusion of assessments of whether and how meaningfully indigenous peoples are/have been involved in relevant climate change related policy development and implementation and redress gaps • Integrate indigenous peoples' concerns into policy dialogues with partner countries and support their meaningful participation in international processes
Non-discrimination and equality of indigenous peoples	<p><u>Relevant policies should</u></p> <ul style="list-style-type: none"> • Address discrimination against indigenous peoples • Prioritize indigenous peoples as vulnerable groups to climate change and give specific attention to the most potentially affected segments of the communities, especially women • In analytical contexts, integrate disaggregated data by adequate categories of concern (including socioeconomic disadvantages, human rights situation of indigenous peoples, etc.)
Accountability of duty-bearers to rights-holders	<p><u>Policies should</u></p> <ul style="list-style-type: none"> • Provide for indigenous peoples' human rights impact assessment of relevant climate change related impacts • Hold the state and other relevant duty-bearers (such as from the private sector, third countries) answerable for the observance of indigenous peoples' rights and include mechanisms to implement indigenous peoples' right to self-determination

	<ul style="list-style-type: none"> • Accurately identify and provide clarity regarding obligations of duty-bearers (to respect, protect, fulfil) and rights-holders • Promote translation of indigenous peoples and human rights standards into benchmarks and indicators for measuring and enhancing accountability • Ensure that the status of indigenous peoples as peoples with corresponding individual and collective rights is recognized through a consultative process in partnership
<p>Right to self-determination, self-governance, self-management</p>	<p><u>Policies should</u></p> <ul style="list-style-type: none"> • Adopt indigenous peoples’ self-determination as a guiding principle • Respect the right of indigenous peoples to give or withhold their consent to with regard to climate change and mitigation related policy proposals (like REDD, biofuels) that may affect their rights, lands and resources • Impede forced relocation and restrictions on their resource use • Ensure self-determination in the context of climate change related relocation (islands, sea-level change, polar regions)
<p>Free, prior and informed consent</p>	<p><u>Policies should</u></p> <ul style="list-style-type: none"> • Ensure that any policy, programme or project affecting indigenous peoples’ lands and resources requires their free, prior and informed consent
<p>Cultural sensitiveness / Respect for cultural diversity, cultural identity and indigenous knowledge</p>	<p><u>Policies should</u></p> <ul style="list-style-type: none"> • Ensure that climate change related programmes and projects relevant to indigenous peoples be compatible with their cultures, social and economic institutions • Given the diversity of indigenous peoples cultures, avoid blue-print approaches for operational engagement; rather apply step-by-step process-oriented, participatory approaches • Respect indigenous traditional knowledge and forest management practices, including traditional shifting cultivation systems • Acknowledge and support traditional adaptation strategies
<p>Collective rights to traditional lands, territories and natural resources</p>	<p><u>Policies should</u></p> <ul style="list-style-type: none"> • Among priority steps, promote and support policy reforms to recognize indigenous rights to their traditional lands, territories and resources where relevant and not yet in place, and to improve governance in advance of undertaking any REDD related measures. • Strengthen indigenous technical, negotiation and management capacity for processes of mitigation and adaptation planning • Address unresolved land claims and conflicts before proceeding with any projects in the areas in question. • Ensure the self-determination and FPIC of indigenous peoples with regard to activities that take place on their lands and territories
<p>Right to conservation and protection of environment and productive capacity</p>	<ul style="list-style-type: none"> – Establish assistance programmes for indigenous peoples for such conservation and protection

of their lands, territories and resources	
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3.4. Some policy recommendations for consideration by the European Parliament

The EU has already shown commitment in supporting indigenous peoples in processes taking place at the international level as well as in the context of EU and EU member states' policies. There is a significant basis of general policies on indigenous peoples in the EU, with a range of important elements that can be brought together to define a human rights-based approach to the specific situation of indigenous peoples in relation to climate change.

However, considering the recent discussions at international level which point to the need for a more comprehensive and coherent articulation of a HRBA to indigenous peoples and climate change, there remains a need for a more explicit and coherent approach that takes into account the latest developments.

A. Recommendations for the EU's engagement on indigenous peoples and climate change at the international level

A.1. Initiatives regarding global environmental/climate negotiations and the EU's climate policy

⇒ **Indigenous peoples' participation in international processes**

1. Support indigenous peoples' participation in international processes such as the UNFCCC, in particular in instances where they are still underrepresented. Specifically, take a leading role in supporting indigenous peoples' meaningful participation in COP 15 in Copenhagen in 2009, including in preparatory meetings and negotiations.
2. Support the establishment of a formal *ad hoc* open-ended working group or other mechanism in the UNFCCC on indigenous peoples and local communities and climate change, with a primary emphasis on local mitigation and adaptation measures and traditional knowledge, as well as on safeguards and benefit sharing arrangements for mitigation measures.
3. Promote the inclusion of indigenous peoples' experts in the implementation of phase II of the Nairobi Programme of Work.
4. Promote and/or support the creation of a voluntary fund in order to help indigenous peoples representatives' participate in capacity building workshops and other meetings related to international climate change negotiations, and the dissemination of information.
5. Promote stronger reference to indigenous peoples' adaptation and mitigation strategies, consideration of indigenous rights and integration of indigenous peoples' observations, analysis and practices within the IPCC activities.

⇒ **Gender differentiation**

6. Promote a gender-differentiated approach to indigenous peoples and climate change in international negotiations, as indigenous women are often particularly vulnerable in this context.

⇒ **Promote a HRBA and refer to the UNDRIP**

7. Further raise awareness about the rights of indigenous peoples, promote a human rights-based approach, and refer to the UNDRIP as an overarching framework with regard to indigenous peoples and climate change in all relevant discussions and activities where the EU is involved.
8. Promote and support training and capacity building on the UNDRIP in partner countries, as part of strategies to support mitigation and adaptation whenever relevant to indigenous peoples.

⇒ **Indigenous peoples' rights to territories, lands and natural resources**

9. As indicated earlier, indigenous peoples' particular vulnerability to climate change results in part from a lack of recognition of their rights to lands, territories and natural resources, as they are highly dependent on these for their livelihoods. In order to increase indigenous peoples' resilience and in recognition of their collective rights, the EU should promote political, legal and institutional support to uphold indigenous peoples' rights to territory, land and natural resources including support to withstand external and internal agents of pressure. Specific support should include promoting the demarcation and protection of indigenous territories and the recognition of the importance of secure land tenure and community property rights. This is specifically important in the context of potential land grabs which may arise as a consequence of potentially increasing value of the areas through the introduction of REDD.

⇒ **REDD**

10. Specifically promote the UNDRIP as a legal framework and minimum standard to guide design and implementation of the REDD process and urge for upgrading relevant existing policies.
11. Urge for meaningful consultation and participation of indigenous peoples at all stages and levels of design, governance and operation, including in related international forest and climate funds.
12. Promote related actions to increase awareness and capacity building on REDD and indigenous peoples' rights among decision-makers and indigenous peoples.
13. Urge for improving and strengthening democratic forest governance, addressing unresolved land claims and conflicts and for including agreed measures to protect indigenous peoples' rights as a precondition for proceeding with REDD.
14. Promote that funding should be tied to compliance with the UNDRIP and other relevant international standards.

A.1. Initiatives that the EU could take regarding human rights processes in the UN system

15. Request the appointment of a Special Rapporteur to the Human Rights Council on climate change and human rights, with a mandate that includes analyzing specifically the situation of indigenous peoples and reporting on best practices to address their vulnerability;
16. Promote further in depth consideration of the issues within the Human Rights Council, through a Special Rapporteur as suggested above, and within the Expert Mechanism on the Rights of Indigenous Peoples.

B. Recommendations for the Council

⇒ **Enhance awareness of the role of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and its potential value to reduce the vulnerability of indigenous peoples to climate change**

1. As a fairly new instrument, the UNDRIP is generally not well known. Given that it sets the minimum standards for the survival, dignity and well-being of indigenous peoples of the world (UNDRIP, Article 43) and also constitutes the overarching framework for a HRBA to indigenous peoples and climate change as it includes provisions for reducing indigenous peoples' vulnerabilities and enhancing their resilience, the Council should raise awareness about the UNDRIP in the EU context and urge member states to implement relevant EU policies and measures.
2. It should also support EU states to address gaps in national law regarding indigenous peoples' rights and climate change, as relevant domestically as well as in development cooperation policies and strategies.

3. Explicitly integrate UNDRIP as a reference in the development of policies regarding climate change, in particular when issues of social vulnerability are at stake.

⇒ **Guidance on adaptation and mitigation measures including REDD**

4. Explicitly integrate in policy guidance the EU's commitment to support indigenous peoples' involvement at all stages of policy and decision-making about REDD and other mitigation and adaptation measures, from the design to the implementation and at all relevant levels.

C. Recommendations for the European Commission

⇒ **Organizational and programme review**

1. Propose organizational reviews to identify steps to put into effect rights-based approaches to climate change in policy formulation and implementation.
2. Review the options to apply the EC Draft Tool on promoting the rights and issues of indigenous peoples in EC Cooperation with ACP Countries on climate change matters, together with the UNDG Guidelines on Indigenous Peoples' Issues.

⇒ **Mainstreaming specific links between climate change and indigenous peoples' rights**

3. Propose the incorporation of the specific links between climate change and indigenous peoples' rights in relevant areas of the EC's work – e.g. in training programmes, research cooperation, mainstreaming, information sharing and others.

⇒ **Funding**

4. Explore specific funding to advance understanding of indigenous peoples' issues and the ways in which their resilience for climate change can be supported, and support development of enabling policy measures as well as purposely support indigenous peoples' adaptation measures.
5. Adopt measures to specifically support indigenous peoples in policy making regarding climate change, including for example providing further funding to doCip within the EIDHR, which has not been included in the financing plans for 2009, in so far as doCip plays an important role in supporting participation of indigenous peoples in climate change negotiations.

⇒ **Capacity building and empowerment of rights-holders and duty-bearers**

6. EU policies and programming should seek to empower both rights-holders and duty-bearers; build upon lessons learnt from other areas and organizations; assume responsibility for capacity building and providing information to decision-makers about indigenous peoples' rights' and their responsibilities and to indigenous peoples, to help them to reduce vulnerabilities and enhance resilience.

⇒ **Social safeguards in mitigation measures**

7. Pay special attention to the development and application of social safeguards for the EU-wide biofuels policy, as well as for REDD programming. Explore options to actively support processes aimed at the development of the highest standards for REDD.
8. Address loss and damage associated with climate change mitigation projects and policies that have already impacted on indigenous peoples.

⇒ **Integration with other strategies**

9. In order to enhance adaptive capacity, look for opportunities to integrate indigenous issues relevant to climate change with other strategies such as disaster preparation, land-use planning, environmental conservation and national plans for sustainable development.

⇒ **Strategic impact assessments**

10. Integrate specific considerations related to indigenous peoples in strategic impact assessments of climate change plans and measures.

⇒ **Private sector engagement**

11. Explore policy consistency and synergies in relation to the role of the private sector in climate change.

⇒ **Consideration of the diversity of indigenous peoples**

12. Take into account that no blueprint is appropriate for EU operational engagement on indigenous issues, given the diversity of indigenous peoples' cultures, situations and organizations, but rather promote a consistent, coherent culturally sensitive approach in policies and programmes.

D. Recommendations for the European Parliament

⇒ **Inform all relevant bodies for coherence**

1. Issue a communication to all relevant bodies in the EU recommending that they consistently incorporate human and indigenous peoples' rights in all relevant policies, programmes and projects on climate change that are developed and proposed. This communication could include a simple table or checklist based on existing policies on indigenous peoples, as a reminder of some of the main issues requiring policy consistency.

⇒ **Broader consideration of the issue and reports**

2. As this issue is not solely related to specific human rights work, it should be dealt with more broadly in the European Parliament, including in other Committees such as the Foreign Relations Committee, the Committee on Development, the Committee on the Environment, Public Health and Food Safety and the Committee on Agriculture and Rural Development.
3. The indicated Committees could undertake further actions such as the development of their own initiative reports on how effectively indigenous peoples' issues are considered in different mechanisms and levels of the EU, leading to resolutions that support the integration of indigenous peoples' rights in climate change
4. It seems advisable to issue periodic reports so as to permit the monitoring of advances and needs for further follow-up.

⇒ **Policy provisions for new and existing policies**

5. Propose policy decisions that explicitly integrate relevant provisions of the UNDRIP as required in new policies as well as in existing policies, which may have to be revisited and improved in certain cases.

⇒ **Delegation meetings**

6. MEPs should take up the issue in delegation meetings with third country Parliamentarians, for which purpose a brief on the current European Parliament position on climate change and indigenous peoples should be prepared.

D. Diplomatic Tools

1. Indigenous peoples' rights should be considered by the EU and its Member States in diplomatic procedures and steps relevant to climate change.
2. Indigenous peoples' rights concerning climate change related measures and impacts should be taken up more prominently in the formal human rights dialogue between the EU and third countries.
3. Reference to human rights clauses should be made in the EU's trade agreements and association treaties with third countries and should include references to the UNDRIP as appropriate, as well as to relevant resolutions of the Human Rights Council.

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