

Statement to the Human Rights Council,
Agenda item 2
Thursday March 5, 2008

Joint Indigenous Peoples and NGO Statement on the occasion of the presentation of the Report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) on the relationship between climate change and human rights

Endorsed by:

Asia Indigenous Peoples Pact

Jaringan Orang Asal SeMalaysia (JOAS) <i>Indigenous Peoples Network of Malaysia</i>	Malaysia
Sarawak Dayak Iban Association (SADIA)	Malaysia
Sarawak Dayak National Union (SDNU)	Malaysia
Building Indigenous Initiatives in Heritage (BiiH)	Malaysia
Borneo Institute Malaysia (BRIMAS)	Malaysia
Wanita Desa Sarawak (WADESA)	Malaysia
Tanah Hak Bebas (TAHABAS)	Malaysia
Sinui Pai Nanek Sengik (SPNS)	Malaysia
Center for Orang Asli Concerns (COAC)	Malaysia
Partners of Community Organisations (PACOS)	Malaysia
Bangladesh Indigenous Peoples Forum	Bangladesh
Kapaeeng Foundation	Bangladesh
Chin Human Rights Organisation (CHRO)	Burma
Indigenous Rights Active Member (IRAM)	Cambodia
NGO Forum	Cambodia
Zomi Human Rights Foundation (ZHRF)	India
Peoples Rural Education Movement (PREM)	India

Garo Hills Sentinel For Human Rights (GHSHR)	India
Aliansi Masyarakat Adat Nusantara (AMAN)	Indonesia
Kirat Rodu Nachiring Sakham	Nepal
Newa Dey Daboo	Nepal
Tebtebba	Philippines
Cordillera Peoples Alliance (CPA)	Philippines
Asian Indigenous Women Network (AIWN)	Philippines
Taiwan Bunun Association (TBO)	
Taiwan Indgnoues Makatao Council (TIMC)	
Network of Indigenous Peoples in Thailand (NIPT)	Thailand
Center for Social Development Mountain Areas (CSDM)	Vietnam

We, the undersigned indigenous peoples' organizations and support NGOs, welcome the report of the OHCHR on the relationship between climate change and human rights. It is a major concern for us that the close relationship between indigenous peoples' enjoyment of their human rights and the wellbeing health of the ecosystems in which they live has to a very large extent been neglected in the international debate on climate change and strategies to mitigate and address its effects. Further, todate the crucial relationship between climate change and human rights has not been addressed in the key UN forum tasked with addressing climate change, the UN Framework Convention on Climate Change, despite strong and consistent calls by indigenous peoples for their rights to be respected. Mechanisms for their full and effective participation in the UNFCCC processes are not in place, leaving a gap for their important contributions to the climate negotiations.

The report of the OHCHR is a timely recognition of indigenous peoples' special vulnerability with regards to both the direct effects of climate change on their lands, territories and resources, and the consequences of the climate change mitigation measures being negotiated. As the report highlights, indigenous peoples' fundamental right to self-determination and to preserve their cultural and social identities is at stake when their lands, territories and resources are threatened. The report calls for State action: *"While there is no clear precedence to follow, it is clear that insofar as climate change poses a threat to the right of peoples to self-determination, States have a duty to take positive action, individually and jointly, to address and avert this threat. Equally, States have an obligation to take action to avert climate change impacts which threaten the*

cultural and social identity of indigenous peoples”.

Likewise, their right to self-determined development, and to participate in all levels of decision-making on matters that may impact on their lands, resources and livelihoods, is at stake. As the report recognizes, the rights of indigenous peoples are violated when mitigation measures such as agrofuel plantations and large hydroelectric dams are approved without their involvement, and when such measures are implemented on customary and traditional lands without their free, prior and informed consent.

The report confirms and explains that States have international legal obligations to recognize and protect the rights of indigenous peoples and other vulnerable groups’ in the context of measures taken by States to address climate change. We strongly call on the Human Rights Council to adopt the report and to urge States to follow up on the recommendations presented therein.

Specifically, we call on the Human Rights Council to:

1. Recognise the specific vulnerability of indigenous peoples to the effects of climate change and to the impacts of actions to address climate change
2. Recommend UN human rights mechanisms participate fully in the processes of the UNFCCC to provide immediate and effective advice regarding human rights obligations and impacts for actions designed to address climate change
3. Recommend that State parties ensure the effective participation of indigenous peoples in global and national level policy development for climate change mitigation and adaptation actions
4. Recommend that State parties ensure that the free, prior and informed consent of indigenous peoples is required and gained prior to any climate change adaptation or mitigation action impacting on the traditional lands and resources of indigenous peoples, including impacts on the carbon stores on their lands
5. Recommend that State parties and UN policies and programmes provide indigenous peoples with access to funds, technical advice and support for the self-development of adaptation actions for climate change
6. Recommend the UNFCCC to assist in the full implement of the UN Declaration on the Rights of Indigenous Peoples as required under Articles 41 and 42 of the Declaration
7. Recommend the UNFCCC establish an advisory body to the Convention on the human rights impacts of climate change and of the actions taken to mitigate the effects of climate change
8. Recommend the UNFCCC ensure that rights-holders, including indigenous peoples, are represented in key decision making bodies within the UNFCCC

