Climate Justice and Indigenous Peoples
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Introduction

Contributing less greenhouse gas emissions, indigenous peoples have and continue to offer solutions to combat climate change. They have been stewards of the earth protecting and maintaining forests and biodiversity which up to now remain intact.¹ Indigenous peoples around the world are approximately 370 million --- 5 percent of the world’s population but 15 percent of the world’s poorest. At high risk and most vulnerable to climate change impacts and to inappropriate solutions to climate change and development initiatives, indigenous peoples customarily manage over 50 percent of the global land mass but legally own just 10 percent.² Of the earth’s biodiversity, 80 percent are found in indigenous peoples’ lands and territories.³ In Asia, indigenous peoples are two-thirds of the world’s indigenous peoples.⁴ In the Philippines, they are about 12-15 million.

Impacts of Climate Change to Indigenous Peoples

The closeness of indigenous peoples to nature gives them ample knowledge about the waters, soil, plants and animals which makes them understand if changes are happening in their environment. Long before, they have felt and observed signs that global warming is happening. Despite the early warning signs, they have not been spared from experiencing in greater degree, the disastrous effects of climate change.

The majority living in territories and ecosystems that are very fragile and vulnerable to climatic changes,⁵ indigenous peoples bear the brunt of climate change and the impacts of solutions to these changes, some of which are flawed.⁶ The United Nations Permanent Forum on Indigenous Issues (UNPFII) noted that indigenous peoples are the first to feel the dire consequences of

³ Ibid.
climate change, being dependent for their survival to and close relationship with the environment and the resources therein. These impacts include political and economic marginalization, loss of land and resources, human rights violations, discrimination and unemployment. If indigenous peoples are disproportionately impacted, indigenous women and children are particularly more vulnerable and more affected as described below.

Specifically, changing weather conditions have affected indigenous peoples in many ways:

Indigenous peoples have lost lives and properties from drought, typhoons, continuous rains and unpredictable weather systems. Floods and erosions claimed lives of peoples and animals and caused unaccountable damage to crops, farms and paddies, road systems, food sources, irrigation, water sources and many others which are essential to indigenous peoples’ survival. Typhoon Haiyan, which hit the Philippines in 2013, caused loss and damages to thousands of families of indigenous peoples in the island provinces of Panay, Mindoro, Palawan, Capiz, Aklan, Antique and Iloilo and in Luzon. In Coron Island, Palawan, 50 people perished, nearly all of the communities’ houses were destroyed and most of the boats for transport and income were lost.

The planting, growing and harvest seasons and the whole production cycle have changed due to more frequent and stronger hurricanes, longer and drier droughts, which affected the availability of food on the table. Due to declining food harvest, indigenous peoples are forced to adjust their economic activities in order to survive. Some indigenous women in the Kalleri village of Lamjung district in Nepal have started looking for jobs in the urban center and ended up breaking and carrying loads of stones in construction sites with lesser wage. Warmer temperature also caused traditional crops unsuitable as experienced in Chittagong Hill Tracts in Bangladesh.

Indigenous peoples face serious challenges to their health and food security as their traditional food sources such as hunting, fishing and gathering are affected by climate change. In Northeast India, the source of traditional livelihood and the old and rain-dependent cultivation method of the Boro indigenous peoples are affected.

Water for household use, animal drink and irrigation is reduced due to drying up of water sources and increased temperature. In the Himalayas, communities experience more water in the short term and less water in longer term due to glacial melts. Climate change has also increased

7 Ibid.
12 OHCHR, Climate change and indigenous peoples, https://www.ohchr.org/EN/NewsEvents/Pages/ClimateChangeIP.aspx (April 1, 2008)
health risks of indigenous peoples, especially indigenous peoples in voluntary isolation, who are more vulnerable and are less immune to new diseases.

The culture and the basis of social identity of indigenous peoples are also suffering from the impacts of climate change.\textsuperscript{13} Traditional livelihoods such as pastoralism, hunting and gathering, subsistence agriculture, traditional rites of passage, painting, weaving, dyeing, indigenous healing and others are suffering from the changing and unpredictable weather conditions. Culture is lost when its material bases is lost and the next generation of indigenous peoples would have no way of knowing the rich culture of their peoples that make up their identity.

Solutions to climate change such as current and proposed mitigation measures have also become sources of increased risks and vulnerabilities of indigenous peoples, or have undesirable consequences. There are solutions being adopted which are causing violations of the basic human rights of indigenous peoples. Lands in ancestral domains of indigenous peoples are expropriated without their free, prior and informed consent (FPIC) for less carbon energy sources. With the race to curb petroleum-based energy sources, there is a heightened momentum to adopt supposed less-carbon alternatives such as biofuels, hydroelectric power dams, nuclear power plants and geothermal plants. These are also seen as carbon sinks and forest conservation programs for carbon sequestration.\textsuperscript{14}

Many of the hydroelectric power plants are being built across rivers in indigenous territories, flooding villages, destroying farmlands and hunting grounds, and disrupting fishing.\textsuperscript{15} Across Asia, hydropower plants are being built without genuine consultation with affected indigenous peoples and their communities. Their free, prior and informed consent are not secured, or if obtained, were manipulated. In Borneo, Malaysia, 10,000 indigenous peoples were displaced in 2011 by the Bakun dam that flooded 700 sq. km of land.\textsuperscript{16}

Considered clean energy, biofuels are derived from biofuel crops such as soy and oil palm produced in plantations carved out in indigenous lands and territories. Some 60 million indigenous peoples in Asia are estimated to be affected by biofuel plantations with indigenous peoples in Indonesia and Malaysia having already lost forest lands to expansion of palm oil plantation.\textsuperscript{17} Where indigenous peoples including women are forced to work in biofuel plantations for income, they experience many human rights violations such as less wage for longer hours of work, sexual abuse and continued exposure to harmful chemicals, among others. As more lands are devoted to monocrop biofuel plantations, the food security of indigenous peoples is affected and biodiversity is bound to decline.

\textsuperscript{13} Ibid. UNPFII.
\textsuperscript{14} Ibid. AIPP.
\textsuperscript{16} Ibid. AIPP.
\textsuperscript{17} Ibid. AIPP.
The Cancun Agreement adopted in 2010 recognized the roles of indigenous peoples in responding to climate change. Particularly, it respects the rights and knowledge of indigenous peoples and promotes their full and effective participation in the different mitigation actions. It is also encouraging that the Intergovernmental Panel on Climate Change has affirmed the contribution of indigenous and local knowledge to resilience against climate change. Experiencing the impacts of climate change, indigenous peoples are harnessing the potentials of their traditional knowledge to respond to the impacts of climate change. Indigenous women, in particular, owing to their significant roles in their communities and bearers of traditional knowledge, have potentials to contribute significantly to climate mitigation and adaptation. Being adaptable and resourceful, indigenous peoples are doing a lot of measures to adapt to the impacts of climate change while maintaining their low carbon lifestyles.

To prevent hunger as a looming threat from climate change, there are some adaptation measures indigenous peoples have been doing. Indigenous women in Lamjung district in Nepal adopted new species of rice that needs less water and improved corns seeds that have higher yield than the usual seeds they were planting. They also started to collect rainwater to irrigate their fields.

The indigenous women in CHT have been engaged in forest resource preservation, homestead gardening, traditional food processing, jum seed preservation, among others. Indigenous peoples are also adopting new technologies to be able to adapt and mitigate the impacts of climate change to their environment, to their livelihoods and health, in particular. Different tools are developed and used to improve their community-based monitoring and information systems (CBMIS).

There is a growing recognition at the international arena of indigenous peoples’ contribution to climate change mitigation and adaptation. Both Cancun and the Paris agreements recognize and respect the knowledge and rights of indigenous peoples in mitigation and adaptation actions. The Paris Agreement (Article 7, para 5) particularly acknowledges that adaptation action should be country-driven, gender-responsive, participatory and fully transparent and consider vulnerable groups, including indigenous peoples; and should be based on best available science, including traditional knowledge and knowledge of indigenous peoples. The agreement also envisions these knowledges to be integrated into climate adaptation and relevant socioeconomic and environmental policies and actions.

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20 Ibid. Tebeteba, xv.

21 Ibid. Tsering Sherpa,106-107.

22 Ibid. Senjuti Khisa and Maleya and the Women’s Resource Network, 136-137.
But while indigenous peoples have contributed valuable and critical climate change mitigation and adaptation actions, they continue to face serious problems and threats in their protection of their rights.

**Climate Justice and Indigenous Peoples in the Philippines**

Long before the term climate justice was coined, indigenous peoples around the world have had a lengthy experience of struggle against land dispossession, internal displacement, militarization, pollution and desecration of sacred sites, to name a few, in the name of development. Coupled with these struggles are the indigenous peoples’ movements to resist, if not to correct, the mal-definition of development that is often than not, imposed and forced upon them by no less than the states.

There are a lot of cases of indigenous peoples’ movements that were met with force by state-backed military force outright or by using government agencies to tag indigenous environmental defenders as terrorists.

The proposed construction of the Chico River Hydroelectric Dams across the Chico River traversing Kalinga and Bontoc indigenous communities in the Philippines was supposed to be funded by the World Bank in the 70’s to early 80’s. This was proposed by the Philippine government covering some 1,400 square-kilometers of indigenous lands, including rice terraces, sacred lands, and villages with around 100,000 population. When the Kalinga and Bontoc indigenous peoples learned of the impending destruction of their ancestral lands, the elders and leaders sent petitions and delegations to then-President Ferdinand Marcos and national government offices in the capital Manila for the cancellation of the proposed hydroelectric dams. They also approached support groups from the academe, church, students and other peoples’ movements across the country and abroad, and held a multilateral *bodong* (peace pact) conference led by the Kalinga and Bontoc elders and leaders in Manila in 1975 with the support groups. Still the government dismissed the peaceful appeals of the indigenous peoples, and in the following years, an upsurge of civil disobedience led by the Kalinga and Bontoc elders and leaders, with the active support of their communities, forged an inter-tribal solidarity pact against the construction of the dams, which was supported by government military troops deployed in the areas. Spontaneous mass actions of the affected communities and their elders and leaders pledged to turn down bribes of money and political positions, and participated in dismantling the engineering camps and survey equipment. Armed conflicts also continued over the years and indigenous leaders and community leaders were jailed, threatened, harassed and killed.

Macli-ing Dulag, who was murdered on April 24, 1980 by the Philippine government military troops, would be among the long list of indigenous environmental defenders who were murdered, tortured or harassed because of their strong collective leadership and consistent opposition to the construction of the proposed hydroelectric power plants that would inundate their villages, rice fields and sacred sites. His leadership with all the other Kalinga and Bontoc elders, leaders and the popular opposition to the proposed dam project was known in and outside the country and sparked widespread outcry and support for indigenous peoples that prompted the World Bank to eventually withdraw the funding.
The Philippines has been named as the most dangerous country in the world for land and environmental defenders in 2019 by the Kalikasan People’s Network for the Environment (Kalikasan PNE), a local non-government organization and the Global Witness. Global Witness reported that the Philippines had the highest number of killings of any country in 2019, with at least 30 defenders murdered. This number is lower than PNE Kalikasan’s report of 46 deaths of which 20 are indigenous peoples. The report further notes that the conflicts driven by agribusiness and other land grabs comprise 70% of the recorded killings in 2019.

On February 21, 2018, the Department of Justice in the Philippines filed a petition seeking to declare some 600 people as terrorists. The petition included the then-UN Special Rapporteur on the Rights of Indigenous Peoples, Victoria Tauli-Corpuz and the co-convener of the Indigenous Peoples’ Major Group on Sustainable Development Joan Carling, together with 30 other indigenous activists. It should be noted that the indigenous leaders included in the list have all been active defenders of indigenous lands and have been critical of government projects that are detrimental to indigenous peoples.

Following a petition in 2019, at least six (6) leaders, including Tauli-Corpuz and Carling, were removed from the list.

Kalikasan PNE has called for an investigation into the link between big projects and the country’s insurgency program on the death toll as the security crackdown has given government agencies and forces a pretext to “vilify, harass, and ultimately ‘neutralize’ activists and defenders they have labeled as enemies of the state.” This has also led civil environmental groups to call for the immediate passage of the Human Rights Defenders Bill, which will grant defenders, including those fighting for their land and environment, freedom from intimidation and reprisals, establish a sanctuary for victims and their families, and be given effective remedy and reparation.

Around the world, reports also show how indigenous peoples experience increasing human rights violations, displacements and conflicts due to expropriation of ancestral lands and forests for biofuel plantations (soya, sugar-cane, jatropha, oil-palm, corn, etc.), as well as for carbon sink and renewable energy projects (hydropower dams, geothermal plants).

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28 Ibid.
without the free, prior and informed consent of indigenous people\(^{29}\) - all supposedly as responses to climate change.

**Key Reflections on Indigenous Peoples and Climate Justice**

The need for climate justice stems from the reality that injustice is being practiced and being experienced on a daily basis by many indigenous peoples, including indigenous women. And this injustice is exacerbated by the preexisting and long history of discrimination and marginalization. And while increasingly, international mechanisms now recognize the contribution of indigenous peoples in climate mitigation and adaptation, their implementation at the national levels and on the ground remain a challenge. Outlined below are some key reflections on climate justice and indigenous peoples:

**Indigenous Peoples are vulnerable to climate change and to adverse government responses.** IPs experience regular climate change-related displacements due to disasters such as more intense typhoons causing floods and land erosions, long droughts and earthquakes. In the Philippines, these challenges have been besetting the more vulnerable IP communities within the various regions in the country over the years. Aggravating such situation are displacements of IP communities because of violent attacks and land grabbing by armed groups (such as by Muslim/Moro splinter groups in southern Philippines) within the ancestral domains of IP communities.

Indigenous peoples, who are also natural stewards and defenders of the environment within their ancestral domains, have consistently defended their rights over their ancestral domains especially from encroachments by large corporations in mining, energy and commercial agriculture projects. Because of this, they are most often labeled as terrorists or communists; and are subjected to harassments or threats from military and paramilitary groups. It should be noted that most, if not all, of the reports of the violation of the rights of indigenous environmental rights defenders are all connected to land and agribusiness, which are also almost always connected to climate change mitigation and adaptation projects.

It is a continuing challenge for the IPs to ensure the respect of their rights over their ancestral domains, including obtaining their genuine free, prior, and informed consent in relation to projects and programs applied for within their ancestral lands. The Philippine government agencies, such as National Commission on Indigenous Peoples (NCIP) and local government units (LGUs), are involved in manipulating the process of FPIC in favor of the private corporations, according to reports from indigenous peoples and support groups. On the one hand, the IPs are consistently preventing the encroachment of their ancestral domains (AD),

particularly to prevent the destruction of forests, watersheds and farms, and the pollution of their rivers and streams by large-scale corporate projects.

The impacts of climate change is magnified for indigenous women, who not only have to provide food for their families but have additional burden as a result of these impacts. Because of decreasing harvest and declining natural resources, women have to look for additional food sources while continuing to provide care for their children and elderly relatives. Likewise, indigenous women environmental defenders often face particularly severe and differentiated threats that are often magnified by their limited access to decision-making, information and participation, both in the family and in the community.

What should climate justice look like for indigenous peoples?

To States or governments/ASEAN: There is a need for the States to legally recognize indigenous peoples as distinct peoples within their countries and to recognize their rights as enshrined in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and other applicable international instruments and standards.

For climate solutions to really work, the rights of indigenous peoples who are keeping the majority of the world’s remaining forests and its rich biodiversity intact, must be respected. Their rights to their land, territories and resources must be ensured at all levels. This should mean they have to right to access, manage and utilize their territories according to their values and cosmo-vision and their priorities.

Full respect and recognition of the right to self-determination. Article 3 of the UNDRIP states that indigenous peoples have the right to self-determination to determine their political status and to freely pursue their economic, social and cultural development. In the realization of this right, they should be supported to pursue their own development initiatives without aggression or harm from any other parties. Instead of criminalizing, governments should promote less carbon agro-forestry-based livelihoods and provide appropriate support to enhance these.

Free, Prior and Informed Consent (FPIC) underpinned by Full and Effective participation. Free, Prior and Informed Consent of indigenous peoples on climate actions and solutions that are implemented in their territories and that shall impact them either negatively or positively, should first be obtained. Indigenous peoples also have the right not to give their consent and this should be respected.

It is also necessary to ensure the participation of indigenous women in decision-making bodies and in the formulation, implementation and evaluation of climate change adaptation and mitigation policies, programs and projects at the local, national and regional levels.

There is a need not only for the recognition but also for support for indigenous peoples’ Traditional Knowledge on climate change adaptation and mitigation towards community resilience. The Paris Agreement recognizes the need to strengthen knowledge, technologies, practices and efforts of local communities and indigenous peoples related to addressing and responding to climate change. It established the Local Communities and Indigenous Peoples
Platform (LCIP) for the exchange of experiences and sharing of best practices on mitigation and adaptation in a holistic and integrated manner. This platform should be supported and be implemented at the national levels by States, in full partnership with indigenous peoples and local communities.

**Capacity building** is necessary to increase resilience to climate change and this have to include indigenous peoples, including women, children and the youth. This would include providing necessary information in the language understood by indigenous communities and through means appropriate and accessible to them. Appropriate disaster risk reduction and management interventions including financial and technological supports for adaptation should also reach indigenous peoples. Disaster relief have to be sensitive to the contexts and culture of indigenous peoples and to specific gender-differentiated needs.

Marginalized and invisible in government data, disaggregation of local to national level data, especially by ethnicity, is crucial for indigenous peoples. Disaggregated data tells the real situation of indigenous peoples, particularly the women, and how they are being impacted by climate change or how they are being reached by climate change mitigation and adaptation support. This would help decision-makers and responders to formulate and provide the appropriate adaptation and mitigation measures to indigenous communities.

**Donors and Funders** should adhere to highest level of human rights standards in funding and implementing climate mitigation and adaptation projects. They should ensure that indigenous peoples, especially the women, have access to such funds and projects. All climate projects shall respect indigenous peoples’ rights to land, territories and resources, to their cultural and spiritual heritage and values, their traditional knowledge and resource management and practices; occupations and livelihoods and customary institutions and overall well-being. There should also be strict mechanisms to measure how donors and funders are adhering to ethical and human rights standards to ensure that indigenous peoples do not suffer further from climate and other environmental projects that are being implemented in their territories, and that they must benefit positively from these projects as well.

This should also include a culturally-appropriate **redress and grievance and benefit-sharing mechanisms** for all climate responses or projects to ensure that they are easily accessed by indigenous peoples and communities should need arise.###