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**Call for input “Promotion and protection of human rights in the context of mitigation, adaptation, and financial actions to address climate change, with particular emphasis on loss and damage”**

**1. What experiences and examples are you aware of that are being faced by particularly individuals and communities in vulnerable situations (as identified above) that have suffered loss and damage due to the adverse impacts of climate change?**

Some examples would include, among others:

The Carteret Islands, located in Papua New Guinea, are disappearing due to climate change-related sea-level rise. These islands are currently home to over 3,000 people who are soon to become some of the world’s first climate refugees, forced to abandon their homes, livelihoods, and traditions.[[1]](#footnote-1)

COVID 19- imposed lockdowns in the Philippines has exacerbated prevailing impacts of climate change on food production including livestock diseases. Indigenous communities affected by impacts of climate change are in dire straits, both in the short and longer term. The Erumanen ne Menuvu in Southern Philippines, express serious concern on a looming food crisis. The drought they experienced in 2019 disrupted the agricultural cycle and their livelihoods. They were waiting for the rains to be able to plant this year, however, rains only came during the strict quarantine period. With the lockdowns, seeds reserved for planting were accessed for consumption. Aside from this, the threats of the African swine fever and poultry disease were also mentioned by the Tedurays and Lambangians of Maguindanao. Mangyans in Mindoro province, on the other hand, are yet to recover from the economic loss caused by typhoon Ursula last year.[[2]](#footnote-2)

The indigenous Tagbanua communities, spread out across the Calamianes, a group of islands in the southwest province of Palawan, were severely impacted when the typhoon Haiyan made its sixth landfall in November 2013. In Coron Island, a popular tourist destination with a population of 45,000 people, Mayor Clara Reyes reports to local media, that nearly all of the community’s houses were destroyed and most of its boats, primary transportation and income source, were washed away. Still no one has a full overview of what has happened to the more isolated islands.[[3]](#footnote-3)

Many conservation initiatives and renewable projects are often justified and supported as part of the solutions to the interrelated issues of climate change and environmental degradation. But the lack of FPIC from Indigenous Peoples directly affected from these initiatives/projects, more often than not, create a hostile environment that threatens their safety and security. Within the context of fortress conservation, human rights violations against Indigenous Peoples and criminalization of their livelihood and traditional practices in these areas are common. Forced displacement and dispossession from their lands and territories are also prevalent. Here are some notable examples:

* (*Kadar tribal families evicted from Anamalai Tiger Reserve in Tamil Nadu)[[4]](#footnote-4)*On December 3, 2021, despite having *patta* or legal document recognizing their ownership of the land, the Forest Department dismantled the huts of 21 Kadar tribal families without any prior notice. The families received *patta* from the Minister for Electricity, Prohibition and Excise on November 7. Each family was allocated 1.5 cents (around 650 ft.2) over the 1.5 acres (around 65,000 ft.2) of total land area of Anamalai Tiger Reserve in Theppakulamedu in Coimbatore district of the state of Tamil Nadu in south India.
* (*eviction in Sahajkhol Reserve Forest, state of Odisha* )[[5]](#footnote-5) On June 30, 2021, 35 families composed of around 200 individuals, majority of whom belonged to tribal community and a few Dalits, were forcibly evicted from Bhatapani and Dumerpani hamlets in Sahajkhol Reserve Forest in Kalahandi district of Odisha. Under the Joint Forest Management System,[ii] the VSS are constituted at the village level by the Government of Odisha for the protection of forest lands, including those considered as reserved, protected, revenue, and others that are not covered under Protected Areas.
* January 1, 2020 to June 24, 2021, there had been 22 incidents of harassment, abuse, and torture within Chitwan National Park. These incidents of human rights violations affected 536 individuals, 35 of them are Dalit while 139 are indigenous men and 397 are indigenous women. All the cases of the women happened while, or because they were found within the perimeters of the park collecting vegetables and ghongi, a kind of snail, which is popular dish particularly significant to Indigenous Tharu Peoples.[[6]](#footnote-6)

2. **What legislation, policies and practices do you think are necessary to provide redress for particularly individuals and communities in vulnerable situations that have suffered and will continue to suffer loss and damage due to the adverse impacts of climate change?**

National Policies on Loss and Damage that is inclusive and ensures full and effective engagement of indigenous peoples both in the decision-making processes and in the access to technical and financial means for implementation. These should include a redress and grievance mechanism that is accessible (you can report in any language, format, methodology), proactive (people can already lodge reports if there is potential harm), and fully funded.

It is important to stress that exclusion of Indigenous Peoples from decision making processes in the design of response measures have resulted to decisions that led to mal-mitigations and maladaptation, which has further enhanced vulnerability of IPs to Loss and Damage.

3**. Please provide examples of policies and practices (including legal remedies) and concepts of how States, business enterprises, civil society and intergovernmental organisations can provide redress and remedies for individual and communities in vulnerable situations who have suffered loss and damage to the adverse impacts of climate change.**

Some examples worth looking into the following:

* Asian Development Bank Indigenous Peoples Policy: <https://www.adb.org/documents/policy-indigenous-peoples>
* World Bank: <https://web.worldbank.org/archive/website00524/WEB/PDF/IPPOLICY.PDF>
* Green Climate Fund Indigenous Peoples’ Policy: <https://www.greenclimate.fund/document/indigenous-peoples-policy>

**4. Please provide examples of ways in which States, the business enterprises, civil society and intergovernmental organisations have provided redress and remedies for individuals and communities in vulnerable situations who have suffered loss and damage due to the adverse effects of climate change.**

Occasionally, after typhoons devastated vegetable fields and crops, some local government units in the northern region in the Philippines provide seeds, fertilizers and basic farm implements to affected rural farmers. However, not everyone who suffered loss and damage benefited from this usually inadequate, short-term or one-time support. There are also examples of how funds from the National Disaster Risk Reduction and Management are used to provide temporary shelter and food packs are provided immediately to families affected by typhoon and other calamities. But too often, these are intermittent, short term and location -specific.

A comprehensive policy, plan and resource allocation from the national and the local government units could cushion small rural farmers against loss and damage.

**5. What international, regional and national policies and legal approaches are necessary to protect current and future generations and achieve intergenerational justice for particularly for individuals and communities, from the adverse impacts of climate change?**

* Stronger enforcement of the Paris Agreement, including through disaggregated data in the Global Stock Take reporting of parties, with particular indicator on indigenous peoples.
* National Policies on just transition that does not only look at how to gradually end dependence of industries to carbon but also ensures that initiatives to do so will not disenfranchise indigenous peoples from their lands, territories and resources.
* National policies that incentivize investments on non to low-carbon initiatives and support/strengthen existing initiatives, including those of Indigenous peoples’ low carbon livelihoods and innovations

**6. In 2021 at 26th session of the UN Climate Change Conference (COP26), some Parties and civil society organisations proposed a new financial facility to support loss and damage.**

1. **Please provide ideas and concepts on how a new financial facility for loss and damage could provide redress and remedies for individuals and communities in vulnerable situations who have suffered loss and damage due to the adverse impacts of climate change.**

The financial facility should take into account past damages (retroactive), non-economic damages and cultural damages. It should also include climate change initiatives (i.e. hydroelectric dams that displaced IPs, fortress conservations that criminalize indigenous peoples, etc.) that caused harm to indigenous peoples.

It is also critical that Indigenous Peoples have direct access to dedicated Loss and Damage financial mechanisms to support the maintenance, restoration, protection of our lands and waters, and to enhance our resiliency based on our priorities, systems of governance, and our knowledge. This financial resources should be made available to all seven IP socio-cultural regions.

The transparency of financial flows must be improved. This means that both providers and recipients of funds must ensure access to information on climate finance. In other words, disclosure and distribution of data must be improved, and data must be disaggregated in such a way that it is possible to identify the sector and sub-sector of the national budgets to which the funds have been allocated, and they must also indicate geographically where and to whom these funds have been allocated.

Indigenous peoples should be included in the processes of the UNFCCC in defining climate finance, specifically in the setting up of a financial mechanism on Loss and Damage.  In addition, building and enhancing capacities of indigenous peoples to take advantage of a financial mechanism on Loss and Damage must be supported.

1. **What actions are necessary to enhance actions by States, business enterprises, civil society and intergovernmental organisations to dramatically increase efforts to reduce emissions of greenhouse gases, including through support to developing countries, in particular small island developing States, least developed countries and landlocked developing States, to limit the human rights impacts on particularly individuals and communities in vulnerable situations to the adverse impacts of climate change?**

Support land tenure rights of indigenous peoples. We want to highlight IPCC’s report for the COP Presidency and the countries in Asia and Pacific that “Land policies (including recognition of customary tenure, community mapping, redistribution, decentralisation, co-management, regulation of rental markets) can provide both security and flexibility response to climate change. Supporting actions to secure lands and territories of indigenous peoples is key in making huge impacts in climate actions.”

Protected areas that are either protected by indigenous communities or are co-managed with them have higher levels of biodiversity conservation and better management of climate change issues. In communities and territories where indigenous peoples are able to govern, manage and assert their rights, there are also lower carbon emissions.

Inclusion of indigenous peoples in national climate change processes by allotting a dedicated seat for them and facilitating their participation, including through financial resources. There is a need to ensure that Free, Prior and Informed Consent (FPIC) of indigenous peoples are obtained in all climate mitigation action. A “no” answer must be respected.

Limiting the negative impacts of actions to the human rights of indigenous peoples also entails enhancing capacities of people in the government, CSO, business sector and intergovernmental organizations. There is a need for a continuing education to increase their awareness and appreciation of the distinct situation and the human rights of indigenous peoples as embodied in the UNDRIP. This would ensure that actions are human rights-based, appropriate and sensitive to indigenous peoples.

1. **What actions are necessary to enhance actions by States, business enterprises, civil society and intergovernmental organisation to increase efforts to ensure that actions to adapt to the impacts of climate change contribute to reducing, and not exacerbating, the vulnerabilities of individuals and communities invulnerable situations to the adverse impacts of climate change?**

Ensuring a rights-based approach to climate actions that recognizes, respects and protects indigenous peoples’ rights, and their important role in environmental protection, sustainable development, biodiversity conservation and climate change adaptation and mitigation. This should include putting in place measures that prevent or address violation of indigenous peoples’ rights and crimininalization of indigenous peoples who actively protect their communities and environment from climate actions that impact on their rights, or who practice their low-carbon traditional livelihoods and practices. It is therefore crucial that FPIC of indigenous peoples is undertaken in any climate actions that may potentially affect them, whether these are renewable energy projects or other climate adaptation and mitigation actions.

Establish culturally-adequate complaint and redress mechanisms that will allow for the prompt and effective response in cases of criminalization, violence and any human rights violations affecting indigenous peoples as a result of climate change actions and take measures to actively work to prevent such violations.

Development is a pre-requisite to adaptation and there is no line between these two. There is a need to further enhance capacities of communities and indigenous peoples to strengthen and continue their livelihoods using their knowledge. These should be further strengthened by ensuring that innovations and technologies for climate adaptations are culturally appropriate, have undergone FPIC and based on IP self- determination.

There is a need to streamline access to climate finance mechanisms to be accessible by indigenous peoples. Often climate finance are set up to be consistent with national priorities of countries, which are oftentimes are inconsistent with world views, values, cultures, knowledge, innovations, and governance of Indigenous Peoples. If any, these funds often exclude indigenous peoples priorities on the basis or context of national development as indigenous peoples are often not included in the discussionsor not considered as national priorities.

Enhance disaggregation of data on indigenous peoples. Without such data, indigenous peoples and their priorities will not figure out in national reporting and monitoring and financing systems.

Again, actions are enhanced when instrumentalities of States, business sector, civil society organizations and intergovernmental organizations are better aware or informed and sensitive to the needs, vulnerabilities and human rights of indigenous peoples. Proactive engagements through gender-sensitive and culturally-appropriate ways and tools with indigenous peoples, especially with indigenous women, can help them understand better the solutions or actions that indigenous peoples need.

1. https://www.greengrants.org/2009/08/27/carteret-islanders-the-story-of-the-first-climate-refugees/ [↑](#footnote-ref-1)
2. https://www.tebtebba.org/index.php/covid-19/covid-19-documents/monitoring-and-reporting/quick-assessment-in-indigenous-peoples-ips-communities-on-covid-19-impacts [↑](#footnote-ref-2)
3. https://www.iwgia.org/en/philippines/1920-philippines-indigenous-communities-under-the-radar.html [↑](#footnote-ref-3)
4. <https://www.iprights.org/resources/publications/annual-report-on-criminalization-violence-and-impunity-against-indigenous-peoples> , pp. 26 - 28) [↑](#footnote-ref-4)
5. <https://www.iprights.org/resources/publications/annual-report-on-criminalization-violence-and-impunity-against-indigenous-peoples> [↑](#footnote-ref-5)
6. <https://www.iprights.org/images/resources/downloadables/Nepal_Full_Report_ENG-FINAL.pdf> [↑](#footnote-ref-6)