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# Climate change: is Southeast Asia up to the challenge?: civil society engagement in the current negotiation on climate change: mainstreaming a human rights based approach

## Report

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# Civil Society Engagement in the Current Negotiation on Climate Change: Mainstreaming a Human Rights Based Approach

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## The Importance of Human Rights

International human rights standards serve as a guide for measures to tackle climate change, underscoring the fundamental moral and legal obligations to protect and promote full enjoyment of the rights enshrined in the Universal Declaration of Human Rights and in core universal human rights treaties.

In the case of indigenous peoples, the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), is of crucial importance, as it reflects the existing international consensus regarding individual and collective rights of indigenous peoples. There is a widespread misconception that UNDRIP establishes special or new rights for indigenous peoples.

UNDRIP is coherent with, and expands upon, international human rights standards, including the interpretation of human rights instruments by international supervisory bodies and mechanisms. UNDRIP largely reaffirms and applies already existing legally binding human rights standards to the specific historical, cultural, economic and social circumstances of indigenous peoples. Although, the UNDRIP is not legally binding in the same way as an international treaty, it is nevertheless the most authoritative expression of the international consensus regarding individual and collective rights of indigenous peoples.

UNDRIP provides a framework of action aiming for the protection and implementation of the rights of indigenous peoples, including their rights in the context of climate change. The Office of the UN High Commissioner for Human Rights (OHCHR) has recently submitted a report to the UN Human Rights Council – the United Nations principal body for the promotion and protection of all human rights – contained in document A/HRC/10/6115 January 2009. OHCHR concludes that climate change-related impacts, as set out in the assessment reports of the Inter-governmental Panel on Climate Change, have a range of implications for the effective enjoyment of human rights. OHCHR recognizes that within countries, existing vulnerabilities are exacerbated by the effects of climate change. A number of groups, including indigenous peoples, are identified as particularly vulnerable to the adverse effects of climate change on the enjoyment of their human rights.

In its resolution 10/30 (2009), the UN Human Rights Council, recognizes that climate change-related effects have a range of implications, both direct and indirect, for the enjoyment of human rights including, Inter alia, the right to life, the right to adequate food, the right to highest attainable standard of health, the right to adequate housing, the right to self-determination and human rights obligations related to access to drinking water and sanitation. The Council emphasizes that in no case may a people be deprived of its own means of subsistence. The Council recognizes indigenous peoples as specifically vulnerable in the context of climate change.

## **What any agreement on Climate Change should cover**

The relevance and importance of human rights, including the human rights of indigenous peoples, should be adequately emphasized at appropriate places in all agreement on Climate Change.

The text should clearly recognise that climate change-related effects have a range of implications, both direct and indirect, for the enjoyment of human rights including, inter alia, the right to life, the right to adequate food, the right to highest attainable standard of health, the right to adequate housing, the right to self-determination and human rights obligations related to access to drinking water and sanitation.

The text should recognise and respect the rights of indigenous peoples, in particular their rights to lands, territories and resources, in accordance the UNDRIP and other relevant international human rights instruments and obligations, and bearing in mind that UNDRIP article 43 recognises that “the rights recognised herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.”

Any Agreement should recognise indigenous peoples’ right to participate in decision-making which may affect their rights, lands, territories and resources, through representatives chosen by themselves in accordance with their own procedures.

Any Agreement/Action should recognise the principle of free, prior and informed consent is a fundamental criterion under contemporary international human rights law whenever considering legal or administrative measures affecting indigenous peoples’ rights.

The text should reflect that indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands, territories and resources.

## **Protection of Indigenous Peoples’ Rights: The main elements to be covered in Climate Change negotiation**

- The UN Declaration on the Rights of Indigenous Peoples
- The right to Free, Prior and Informed Consent
- The right to Traditional Knowledge and indigenous peoples’ innovations
- Full and Effective Participation in decision making process affecting IPs life.

## Why should ASEAN Countries promote Indigenous Peoples' (IP) Rights?

- Asia is most diverse region in the world
- Asia is the home of 250 million indigenous peoples or about 70% of 350 million world's indigenous peoples
- Indigenous peoples are the poorest among the poor. For example in Malaysia - the poverty pockets are indeed indigenous peoples' territories
- IPs are the most vulnerable from climate crisis, due to their location, culture and lifestyle, THEREFORE, IPs are the most in need of protection
- All ASEAN Countries voted for the Adoption of the UNDRIP at the UN General Assembly, 13 September 2007.

*(Source: World Bank, ADB, UN Permanent Forum on Indigenous Issues)*

## Relevant organisations engaging in the current Climate Change negotiations

Organisations	Area of Engagement
People's Action for Climate Change (hosted by IBON, Philippines)	<ol style="list-style-type: none"> <li>1. A People's Protocol was adopted during the Bali UNFCCC</li> <li>2. Public campaign specially in the EU Countries</li> <li>3. Support from NGOs in EU Countries and North America</li> </ol>
The Third Word Network (Malaysia)	Active Campaign and Lobby (on-going negotiations)
TEBTEBBA (Philippines)	<ol style="list-style-type: none"> <li>1. Active Campaign and Lobby</li> <li>2. Conduct research on Indigenous Peoples' and Climate Change</li> </ol>
Asia Indigenous Peoples' Pact (An organisation of Asia's Indigenous Peoples, based in Chiang Mai, Thailand)	Engaging in CC negotiations and Campaign at international level (current UNFCCC negotiation)
AMAN and Partners NGOs and Network	<ol style="list-style-type: none"> <li>1. Advocacy at National Level</li> <li>2. Advocacy at International Level               <ul style="list-style-type: none"> <li>- Asian Indigenous Peoples' Summit on CC (Bali, February 2009)</li> <li>- Global Indigenous Peoples' Summit on CC (Anchorage, Alaska: April 2009)</li> <li>- Active Lobby at all UNFCCC meeting (including the ongoing one in Barcelona)</li> </ul> </li> <li>3. Multilateral Organisations policy interventions: WB (FIP and FCPF) and UN REDD</li> </ol>