

Removing Rights for Indigenous Peoples places Forests, Climate Plan at Risk

By Victoria Tauli-Corpuz, UN Special Rapporteur on the Rights of Indigenous Peoples

The outcome of a fierce debate in play during negotiations in Paris today will determine whether the world succeeds in slowing the climate change that places all humanity at risk.

I appreciate the inclusion of Preambular Paragraph 10 which emphasizes “... *the importance of promoting, protecting and respecting all human rights, the right to development, the right to health, and the rights of indigenous peoples...when taking action to address climate change*” of Annex 1 of the Draft Paris Agreement. I also note the reference to human right in Article 2.2. in the same document. This says that the Agreement shall be implemented on the basis of equity and science, and in accordance with the principle of equity and common but differentiated responsibilities and respective capabilities... and on the basis of respect for human rights...”

However, I regret that the earlier text which says “including rights of indigenous peoples...” was removed. I strongly believe that having a reference to indigenous peoples’ rights in this section is very important because it lays down the basic principles which should guide the achievement of the purposes of the Agreement. It is very unfortunate that countries known for promoting human rights and advancing democratic ideals globally—are reportedly leading a block of nations that would remove from the negotiating text language that commits countries to respect human rights, including those of indigenous peoples in the implementation of plans for addressing climate change. I appeal to these countries to heed the cry of indigenous peoples and other civil society organizations to return the references to Indigenous peoples rights.

I also note that Article 4, paragraph 5 refers to indigenous peoples' knowledge in adaptation. and there is a reference to human rights, although this is in brackets. The Draft COP Decision, Article 30 in the section "Decisions to Give Effect to the Agreement" states that the CMA shall consider development of principles and guidelines which " (b) Respect customary and sustainable land-use systems and the security of indigenous peoples' and local communities' land tenure." Article 39 under the same section says the Agreement should (c) Involve and facilitate the participation of relevant stakeholders, in particular women[, local communities] and indigenous peoples, in planning, decision-making and monitoring and evaluation..."

I am strongly appealing to the State Parties to unbracket the references mentioned above and put back the phrase "rights of indigenous peoples" in Article 2.2.

Failure to protect indigenous peoples' rights in a final agreement will fuel destruction of the forests and other ecosystems managed since time immemorial by indigenous peoples. This will weaken the contributions of indigenous peoples to the solutions to climate change. A new study released this week at the COP21 by a collaboration of indigenous peoples' groups from Africa, Latin America and Asia, and the Woods Hole Research Center reports that forests on indigenous territories store at least 20 percent of the carbon in tropical forests worldwide. The authors acknowledge that this estimate is conservative. Other studies over the last year have shown that indigenous peoples outperform every other owner, public or private entities on forest conservation.

Should human rights for indigenous peoples be struck from the final agreement, negotiators will have destroyed any pretense of their intention to mitigate climate change. If our rights are violated, we will be unable to protect the forests. This is the direct link between human rights and climate change.

I thank the Philippines, Mexico, the AILAC countries, such as Costa Rica, Peru, Chile,

Guatemala and other Pacific countries like Tonga and Vanuatu and other countries within the Climate Vulnerable Forum which are the ones championing the human rights language against some of the world's most powerful countries. We call on the US, the UK and Norway, all of which have extended their hand to indigenous peoples in the past, to stand up for human rights and principles of democracy and inclusion.

The social conflict that will erupt in the forests, should our peoples have no rights to defend themselves, will exact tremendous economic harm, as our forests are our homes, our lives, our culture, and the heart of our spirituality. We will not go quietly, and neither should you.

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