

Nepali Indigenous Peoples' Perspective on Climate Change and REDD/REDD+



NEFIN

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Climate Change-REDD Partnership Programme

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Background

In comparison to few years back, melting of snow, less snow fall or black patches in the mountains can be noticed. Not only that, media has been covering the news that snow melting has increased the volume of water which is creating risks of bursting the glacier.

The lower belt of Mountainous region, including Mustang, is getting hot and mosquitoes are seen around those areas. The rivers are turning into sandbank. Similarly, the apple trees, rhododendron and bayberries are blooming before the season. Unseasonable/unusual rainfall is causing flood and landslides. These are some of the problems of climate change we are facing these days.

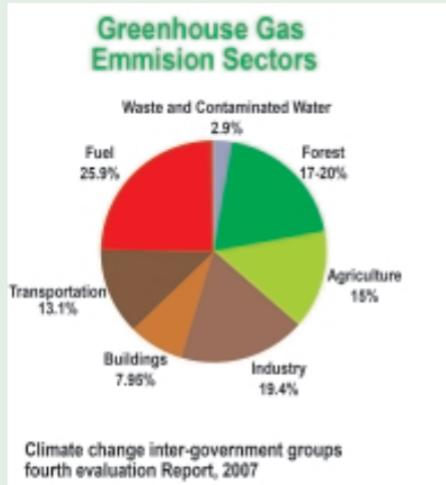
Not only this, various other similar problems have been faced at different parts of the world. Many island countries are in great risks due to rising of the sea level which is the result of melting ice at the earth's poles as the temperature gets warmer.

The scientists have defined such kind of structural change of the weather as climate change. The main cause of climate change is Global Warming which is increased due to different types of human activities that are helping to emission of greenhouse gases.

Greenhouse gas is the combination of gases like carbon-dioxide, methane, nitrous oxide in the atmosphere. Carbon-dioxide is one of the main greenhouse gases. The use of mineral fuels (petroleum, gas, coal) in factories, means of transport and other activities emit more carbon-dioxide.

Some of the heat that comes from the sun is reflected by the greenhouse gases and by the earth and goes back into space. Greenhouse gas allows some of the sun rays reflecting back harmful radiation from the sun and keeping some warmth close to the earth. However, as the layer of Greenhouse gases thickens, that stops heat more than needed which causes increase in global warming resulting the effects of climate changes.

Emission of carbon-dioxide due to deforestation and forest degradation contributes 20 percent in climate change. That's why, some developing nations have considered reducing emissions from



deforestation and forest degradation as one of the mitigation measures of climate change which is known as REDD concept. Of late, the REDD concept has been modified including some measures of sustainable forest management which is also called REDD+. This booklet tries to clarify IPs' perspective and concerns on REDD or REDD+ concept that is prepared for the climate change and mitigating its effects.

Relationship between IPs, REDD and REDD+

About 300 million IPs with their own special and distinct identity, culture, life styles, language, practice and norms and values live in this world. According to the census in 2001, IPs constitutes more than 37 percent of the total population in Nepal. The livelihood of IPs is very much dependent on natural resources including forests.

Indigenous communities emit least carbon-dioxide than other communities. Due to carbon dioxide neutral livelihood practice, Indigenous Peoples' (IPs) have less contribution to climate change. Though, their sustainable and ways of life with less carbon emission has not been recognized at national and international level, forests, water resources and mines are the



means of livelihoods for IPs. These communities have been managing and protecting natural resources in a sustainable manner through their unique knowledge, skills and traditional techniques. They have continuously been protecting highly endangered creatures and plants.

After the development of REDD concept, as a measure of mitigating effects of climate change, IPs have a fear regarding their symbiotic relation with the forests. There is high

possibility that REDD can affect the IPs rights to use land and resources and its ownership and management. Discussions have instigated at national and international level on the issues of IPs' livelihood that can have both negative and positive impacts.

REDD concept is in the process of implementation in the developing countries of tropical and sub-tropical regions. Most of those forest areas are the traditional and ancestral land of Indigenous communities. They have been residing in these forests since hundred of years where they have been using and managing forests in a sustainable way. Instead of deforestation, the traditional ways of land utilization and management practices have created diversity in utilization of land and has also protected bio-diversity.



REDD concept has aimed to help in protecting the forests and for this it has been expected to receive huge amount of payment from industrial (developed) countries. There is no contradiction that the protection of forests is in favour of each human being and further more favourable for the IPs. But, there is also possibility that the programs under REDD concept may have high negative impacts on IPs. It might have formulated many laws regarding to the limitations/restrictions within the forest areas. There is also possibility of developing strong rules and regulations regarding agricultural farming, hunting, food stock and medicine, pasture and other uses of the resources.

There may have probability of IPs' rights to natural resources be neglected. IPs have doubt that the problems such as shifting, displacement, landlessness and poverty may arise due to REDD. In fact, this will be a kind of protected areas which will be called carbon protected areas.

However, if IPs' fundamental rights are respected and development and implementation of programs under REDD concept are controlled by IPs, it may provide new opportunities as well. The opinions from IPs' institutions regarding REDD differ a lot from each other. Some groups strongly protest against the views that consider forests as carbon godown. REDD concept has taken stand that if IPs' rights are ensured then they can have their participation in the function of national REDD strategies and its implementation.

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Position Paper of Nepal Federation of Indigenous Peoples on carbon emission due to the climate change and d

By taking into consideration, the ratification of the International Labour Organisation (ILO) Convention, No. 169 on the Indigenous Peoples' rights and the voting on the UN Declaration on the rights of the Indigenous Peoples by the Government of Nepal,

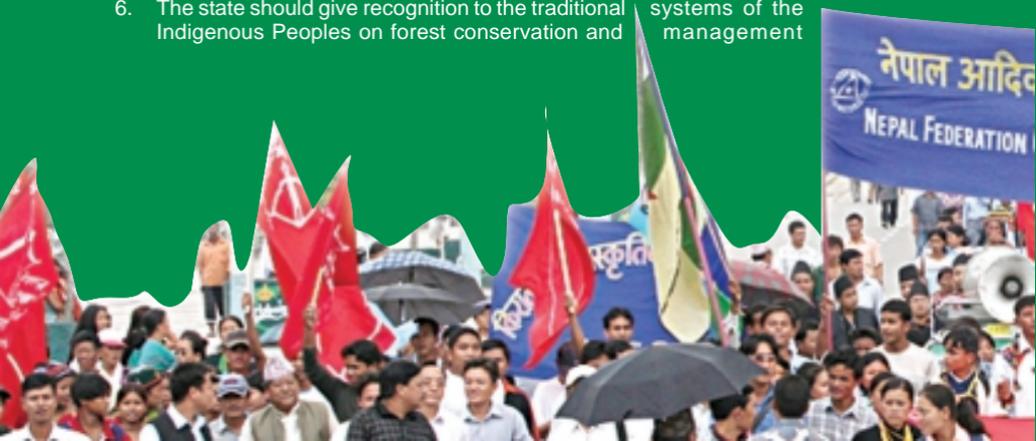
By embracing the Anchorage Declaration on Climate Change issued by the World Convention of the International Indigenous Peoples' Forum on 2009 in Anchorage, US,

By bearing in mind the fact that we Indigenous Peoples are the communities, who depend directly on the nature,

By taking into account of the fact regarding the demands and claims of the Indigenous Peoples of Nepal on the issues being raised during the past and present struggles such as right to self determination, right over the natural resources and means, ownership over the land and its control,

On regarding the issue of reducing carbon emission due to the Climate Change and deforestation or degradation of forest area (REDD), NEFIN declares the following subject matters as minimal approaches:

1. The rights of the Indigenous Peoples endorsed by the ILO Convention No. 169 and UN Declaration regarding the right to ownership and control of the Indigenous Peoples over the water, land, jungle and mines have to be ensured constitutionally, legally and officially in the process of planning, implementing and evaluating any policies, plans and programmes that will be created by the state regarding the Climate Change and REDD.
2. The state should give recognition to the Indigenous Peoples' right to self determination in the process of planning, implementing and evaluating any policies, plans and programmes related to Climate Change and REDD.
3. The state should ensure the free and pre-informed consent made by the Indigenous Peoples in the process of planning, implementing and evaluating any policies, plans and programmes related to Climate Change and REDD.
4. Constitutionally and legally, the state should give recognition to the use of ancestral land, forest and dependency over other natural resources of the Indigenous Peoples including their traditional knowledge, skills, customs, traditional judiciary systems and cultures while developing policies, plans and programmes and their implementation and evaluation programmes related to Climate change and REDD.
5. The state should ensure complete and effective participation of the Indigenous Peoples while developing any policies, plans and programmes including their implementation and monitoring in relation to Climate Change and REDD.
6. The state should give recognition to the traditional systems of the Indigenous Peoples on forest conservation and management



nationalities (NEFIN) regarding the issue of reducing deforestation or degradation of forest area (REDD)

while implementing any policies, plans and programmes in order to control deforestation and degradation of forest area.

7. The utilization of REDD is related with the carbon trade to mitigate and acclimatize the impact on Climate Change, therefore, the right has to lie within the Indigenous Peoples to give decision over what and how or to do or not to do business of carbon stores inside the forest.
8. While developing the policies, plans and programmes and their implementation and evaluation programmes related to Climate Change and REDD the state should preserve, promote and develop means to provide patent rights based on the traditional knowledge and skills of the Indigenous Peoples.
9. As the initial impact of Climate Change is hugely on the traditional lifestyles, livelihood, health care systems etc. of the Indigenous Peoples, the state should make special provisions according to the traditional lifestyles of the Indigenous Peoples in order to address such impacts.
10. The state should initiate special means to stop the location and relocation of Indigenous Peoples, which have been seen as the negative impacts of Climate Change in the identity and lifestyles of the Indigenous Peoples.
11. While developing policies, plans and programmes including their implementation and monitoring in relation to Climate Change and REDD, the state should ensure effective participation of the women and children of the Indigenous Peoples by considering them as the most affected groups.
12. The government should pursue special means to save the residents of the Mountain, Hills and Terai from the effect of natural disasters like disruption of lakes, flood and avalanches and draught caused as the impact of climate changes.
13. By identifying the Indigenous Peoples' communities who are going to be affected by the immediate risks of Climate Change, declare them as the **'First Community to be affected by Climate Change'** and implement special alternative programmes in order to reduce and acclimatize the impacts.
14. Indigenous Peoples of Nepal are the directly affected communities when the glaciers melt, drying of glaciers, disruption of lakes etc. and raise attention of the worldwide communities.





International campaigns of IPs

The IPs representatives have been taking forward its stand regarding REDD concept to climate change and its mitigation since long time even at national and international level. In order to take forward the demands and claims of IPs in common ways, International Indigenous Peoples Forum on Climate Change (IIPFCC) has been formed. This forum helps to create a platform for IPs representatives from different continents to discuss their issues and to prepare common approach.

In this process of developing the concept, IPs' World Conference on Climate Change was held in Anchorage of Alaska, USA in 2009. The conference brought out the basic concept on IPs on climate change which is called Anchorage Declaration.

Anchorage Declaration has come out as a common concept of IPs, representing all the continents. It has especially emphasised on the provisions of article 25-30 of United Nations Declaration on Rights to Indigenous Peoples (UNDRIP). While conducting activities related to climate change mitigation and adaptation, it has stressed to recognize IPs' rights to self determination, in a situation, where land, water and forests can be affected. Similarly, it has also emphasises

in the implementation of the provision of free, prior and informed consent, including right to 'rejection'. The Anchorage Declaration has urged to ensure full and effective participation of IPs. The declaration states that the aspiration of UNDRIP should be followed as a minimum basis during the consents in the frameworks of the convention. Similarly, the declaration clearly states that the IPs' rights on land, their cultural, spiritual and fundamental and traditional rights should be respected.

UNDRIP and ILO 169

United Nations Declaration on Rights to Indigenous Peoples (UNDRIP) and International Labour Organization 169 (ILO 169) are the most important documents to establish rights of IPs. Nepal had ratified ILO 169 on 14th September, 2007 and had voted in favour of UNDRIP in the UN Conference in the same year.

Nepal government is the one of the parties of both documents. It is the responsibility of the government to amend and implement the national laws in line with these documents. Since, ILO 169 is a convention and has been ratified, it is obligatory for the Government of Nepal (GoN) to implement it. But, it is moral responsibilities of the GoN to implement UNDRIP, as it is a Declaration. Even some arguments state that the declaration should also be obligatory as it owns all international legal provisions. The IPs all over the world have recognized





and accepted provisions of UNDRIP as their fundamental rights.

Based on these two international documents, the following subjects/ issues should be ensured as fundamental rights while formulating policies and regulations and implementing programs under climate change and REDD:

Right to Self Determination

IPs have the rights to determine the political, economic, social and cultural approach and development freely in a collective manner which is called right to self determination. While formulating any policy and implementing plans concerned to climate change and REDD concept, IPs have right to determine their priority of development in a free manner as they are directly affected from it.

Right to full and effective participation

IPs have rights to full and effective participation in all level of state mechanisms. They have the rights to maintain and strengthen their distinct political, legal, economic, social and cultural institutions. It stresses full and effective participation including identification/recognition in all procedures concerned to climate change and REDD concept.

Rights to land, territory and natural resources

IPs have rights to land, territory and natural resources and have right to control over it. State shall give legal recognition respecting the distinct importance for the customs and tradition of the IPs concerned of their relationship with land and territories. IPs have right to distinct spiritual relationship with land, territories and natural resources and right to transfer it to their future generations. While resolving conflict and disputes concerned to land, territories and resources, state in consultation with concerned IP stakeholders should establish and implement it in a free and transparent process. The impact of climate change is more on IPs than others and REDD concept was developed for its mitigation. The Indigenous Peoples' rights to land and forests should be ensured as forests, which have been protected by them since years, are the basis of REDD concept.

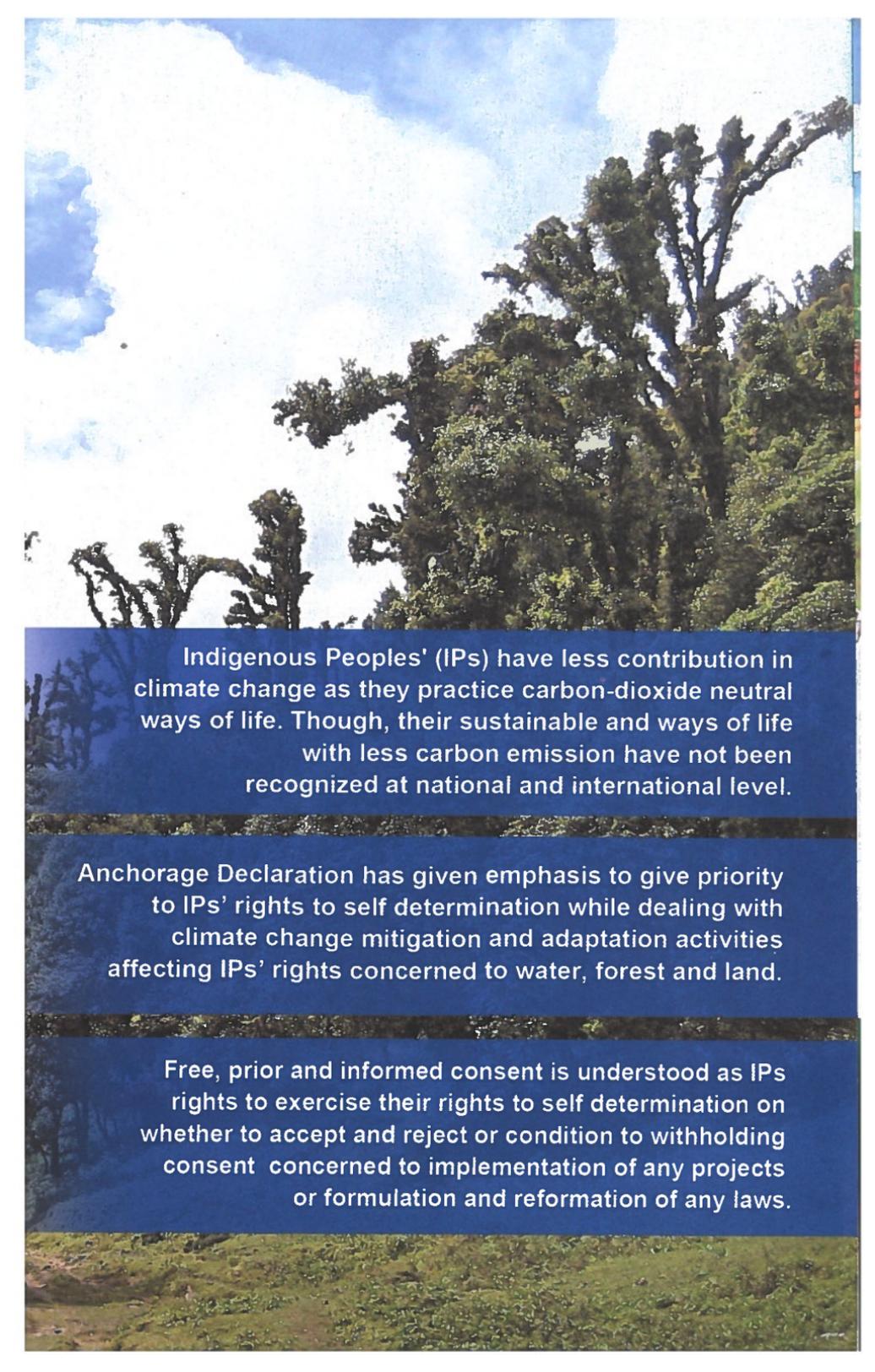




Right to free, prior and informed consent (FPIC)

IPs shall have right to Free, Prior, Informed Consent (FPIC) concerned to activities regarding to their forceful displacement and rehabilitation, any reforms on the laws and formulation of new laws and implementation of any projects for the development of their land and territories affecting them including exploitation of minerals, water and other resources.

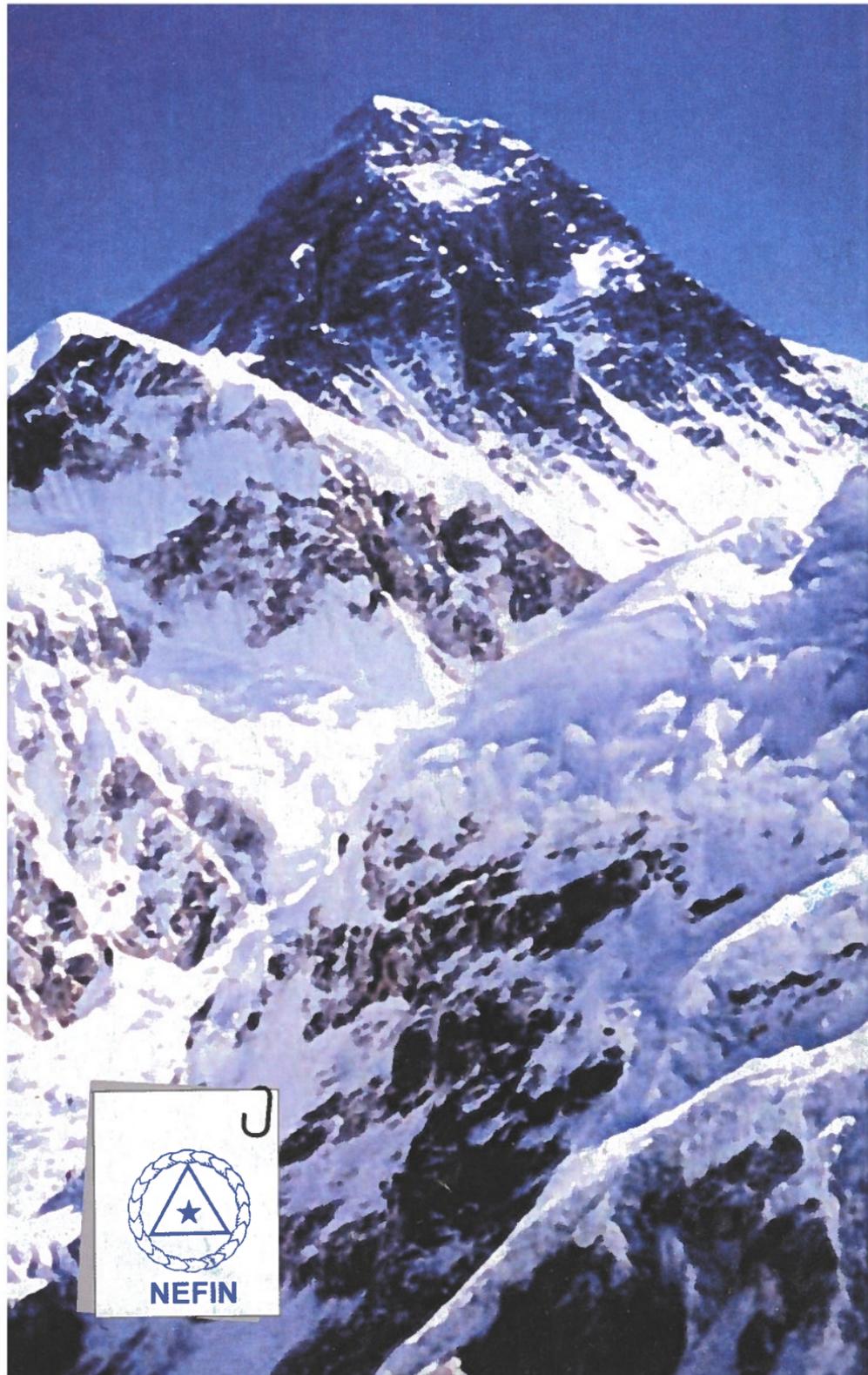
FPIC is understood as IPs rights to exercise their rights to self determination on whether to accept and reject or condition to withholding consent concerned to implementation of any projects or formulation and reformation of any laws. On the basis of this right, the decision of IPs concerning to accept or reject REDD concept (which is developed to mitigate the climate change) is very important.



Indigenous Peoples' (IPs) have less contribution in climate change as they practice carbon-dioxide neutral ways of life. Though, their sustainable and ways of life with less carbon emission have not been recognized at national and international level.

Anchorage Declaration has given emphasis to give priority to IPs' rights to self determination while dealing with climate change mitigation and adaptation activities affecting IPs' rights concerned to water, forest and land.

Free, prior and informed consent is understood as IPs rights to exercise their rights to self determination on whether to accept and reject or condition to withholding consent concerned to implementation of any projects or formulation and reformation of any laws.



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