

POLICY BRIEF

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PUTTING HUMAN RIGHTS AT THE CENTER OF CLIMATE ACTION

How COP26 can secure the rights of Indigenous Peoples and Local Communities to fight climate change and deforestation

In the lead up to the COP26 UN climate summit in Glasgow, civil society is calling world leaders to end global deforestation and put forests at the top of the climate agenda. Indigenous Peoples and Local Communities (IPLCs) play a key role in the protection of forests and the mitigation of climate change. However, IPLCs also face the worst impacts of climate change as well as violence and land-grabs on their territories.

The Paris Agreement explicitly recognises the rights of IPLCs in the context of climate action, but reports of continued violations of these rights around the world show that more action is needed. Only a small fraction of the land that IPLCs inhabit is formally recognised under national laws or designated for them, limiting their access to livelihoods and their ability to protect forests.

The funding for IPLCs to receive tenure rights and manage forests for climate and biodiversity protection is low. Only a small portion of this funding directly reaches indigenous peoples organisations and local communities.

To protect forests justly and effectively, parties to the UNFCCC should put the rights of IPLCs center-stage during the negotiations at COP26. All commitments made there should integrate the rights of IPLCs so they can play their vital role in protecting the world's forests and mitigating climate change. Funding for climate protection should directly reach IPLCs and fully adhere to international human rights law.

Key recommendations

We recommend that parties to the UNFCCC **put the rights of IPLCs center-stage during the negotiations at COP26 by:**

- Scaling up just and effective climate measures, such as recognition of land rights for IPLCs to justly and effectively protect the world's forests.
- Ensuring that all climate mitigation and adaptation measures that are decided on are in line with human rights (e.g. UNDRIP), especially with the right to Free, Prior and Informed Consent and the right to self-determination.
- Ensuring that grants and funding for climate directly reach IPLCS so they can secure their livelihoods and build resilience.



INTRODUCTION

This policy paper aims to support parties to the United Nations Framework Convention on Climate Change (UNFCCC) in recognising the importance of indigenous peoples and local communities for the protection of forests and the mitigation of climate change. The paper provides insights into the key role of these communities' rights and how states, private sector companies and other parties to the UNFCCC can integrate these into the decisions made at the COP26 UN climate summit in Glasgow.

Ending deforestation key to addressing climate and biodiversity crises

Leading up to the COP26 UN climate summit in Glasgow, many civil society organisations call for world leaders to set ambitious goals to end global deforestation and put forests at the top of the climate agenda (Taylor, 2021). Net tropical deforestation accounts for an estimated 8% of anthropogenic greenhouse gas emissions. Halting climate change is impossible without protecting the world's remaining forests (IPCC, 2019). Additionally, tropical rainforests are home to a vast array of biodiversity and key for the survival of 1.6 billion people, among them many Indigenous Peoples and Local Communities (IPLCs).

Indigenous Peoples and Local Communities: vital and vulnerable

IPLCs are estimated to hold more than half of the world's land in customary, community-based tenure systems, but only a small portion of this land is recognised under national laws or designated for them (Rights and Resources Initiative, 2015). Evidence shows lower deforestation rates and related CO₂ emissions (Stevens et al., 2014) and less biodiversity decline in forests owned and governed by IPLCs (IPBES, 2019). They possess the knowledge and resilience to play a key role in reaching the goals of the Paris Climate Agreement. Many IPLCs are at the frontline of defense for their territories. They increasingly face land grabs and forced evictions, which are often related to deforestation and industrial development. A disproportionate amount of this violence is targeted towards indigenous people (Global Witness, 2021).

Rights at the center of climate negotiations

To protect forests justly and effectively, parties to the UNFCCC should put the rights of IPLCs center-stage during the negotiations at COP26. All commitments made there should integrate the rights of IPLCs so they can play their vital role in protecting the world's forests and mitigating climate change. Funding for climate protection should directly reach IPLCs and fully adhere to international human rights law.

COVID-19: ALARMING EXAMPLE OF THE VIOLATION OF IPLCS' RIGHTS

Climate change, biodiversity loss and deforestation pose a combined threat to human rights, including the right to food, water and sanitation. This is especially true for the 1.6 billion people who depend on forests for their livelihoods, among them many Indigenous Peoples and Local Communities (IPLCs). The COVID-19 pandemic is a recent example of this: land use change and climate change increase the risk of pandemics, as they cause more contact between humans and livestock with wildlife (IPBES, 2020).

Disproportionate consequences of pandemic

The COVID-19 pandemic has had disproportionately severe consequences for indigenous peoples. With their rights and livelihoods already under pressure before the onset of COVID-19, indigenous peoples' health and food security further deteriorated as a result of the pandemic (OHCHR, 2020). The livelihoods, food security and cultural heritage of many indigenous peoples are closely tied to their access to land (Lemke & Delormier, 2017). Thus, the ability of IPLCs to manage their land and resources was central to their response to the pandemic.

Limited land rights



IPLCs are estimated to hold more than half of the world's land in customary, community-based tenure systems, but only 18% of this land (and 31% of forest land (Rights and Resources Initiative, 2012)) is recognised under national laws or designated for them (Rights and Resources Initiative, 2015).

Violence and land grabbing



When forests are cleared for expanding agricultural or mining activities, this often happens at the expense of the territory and rights of local and indigenous communities. In many cases, communities are powerless against the vested interests of companies and authorities who are behind land grabs for industrial development. Many IPLC leaders and environmental activists are subject to arbitrary arrests and assault, retaliatory litigation and even death (Global Witness, 2021).

IPLCs around the world received insufficient support from their governments and the international community to recover from the impacts of COVID-19, undermining their basic human rights and, consequently, their ability to protect the vast biodiversity on their lands.

Community land rights in Bolivia contribute to resilience

A study carried out by IUCN NL in 2021 shows that indigenous communities in Charagua, Bolivia faced threats to their food security during the pandemic, as their income sources and access to food were cut off during lockdowns (See Box 1). Their system of community-based land tenure, however, allowed them to increase their production of food on their own land, showing their resilience to crises.

BOX 1. INDIGENOUS PEOPLES IN CHARAGUA, BOLIVIA

Indigenous peoples make up at least 49% of the population of Bolivia. In 2017, the Indigenous Guaraní, who live in the Charagua region, established the country's first Indigenous autonomous government.

Charagua is located in one of Latin America's most biodiverse ecosystems: the Bolivian Chaco (Brooks, 2019). The ecoregion, called the "Gran Chaco" by the Guaraní, has faced a decrease in water availability due to population growth, decreasing rainfall caused by climate change and increasing water demand for hydrocarbon and agricultural activities (Schilling et al., 2020).

The food produced in Charagua is mostly consumed at the household level and surplus is sold to local markets (Mukhovi et al., 2020). Many Guaraní communities keep and protect a wooded area for non-timber use, such as hunting and gathering, which is part of their economic and subsistence activities. Drought in the area is one of the main challenges for agricultural production and livestock activity. A study carried out by IUCN NL showed that the existing poor and vulnerable situation of Guaraní households lead to food shortages and financial insecurity during the COVID-19 pandemic.

Most of Bolivia's hydrocarbon resources are located in the Chaco. Many communities in the area continue to face denial of their rights to control their territories and to be consulted before extractive activities take place (Anthias, 2018). However, the study carried out by IUCN NL showed that during the COVID-19 pandemic, most communities in Charagua had relatively secure access to land and land titles, with little conflicts occurrences of land conflicts and lack of consultation.

The communities in Charagua were heavily impacted by the pandemic and the imposed lockdowns. Many of the income sources of the indigenous Guaraní households were cut off, as employment in the region decreased. This shock to household income, in turn, made it more difficult for households to access food: many of them lacked the money to buy sufficient food and had to skip meals more often.

More self-production of food in response to shortage

Many households in Charagua have access to their own farmland through a community tenure system. During the pandemic, this enabled them to increase the amount of food they produce on this land in response to the food shortages. Still, the dependency on external food amongst Guaraní communities proved too high to be fully replaced by self-production. Households already faced poverty before the pandemic and extreme droughts in the years before already impacted food production in the region. Thus, land rights on their own are not sufficient to secure IPLCs livelihoods. They need financial resources and government support to survive and effectively manage their lands and forests.

Currently, the funding for IPLCs in tropical countries to receive tenure rights and manage forests for climate and biodiversity protection is low. Only a small fraction of this funding directly reaches Indigenous Peoples organisations and local communities (Rainforest Foundation Norway, 2021).

Secure land rights: a condition for community resilience

Our study highlighted that vulnerable groups like IPLCs need secure rights to develop resilience capacities. We understand these resilience capacities as the ability to respond and adapt to changes caused by short-term shocks and long-term stressors (Green, Gill & Kleiner, 2006). COVID-19 is a recent example of such a shock, but resilience is also crucial for communities to deal with the consequences of the climate and biodiversity crises.

Access to rights and resources, both material and financial, is crucial for communities who want to develop resilience. IPLCs' livelihoods and food security are closely linked to their access and rights to land, especially to forests (Walsh-Dilley et al., 2016). The more access IPLCs have to land tenure rights, the better their ability to adapt to and recover from threats to their livelihoods and environment.



WHAT IS NEEDED?

Existing policy measures have failed to halt climate change, global deforestation and their worsening effects on human rights, especially those of IPLCs. The people who defend many of the world's remaining forests are under continuous threat of violence and land-grabbing, and the situation is getting worse.

We recommend that parties to the UNFCCC **put the rights of IPLCs center-stage during the negotiations at COP26**, acknowledging and protecting their key role in climate change mitigation. This can be achieved by taking a number of measures.

Secure rights of IPLCs to their lands, territories and resources

Parties to the UNFCCC should scale up just and effective climate measures. Many of the forested areas that are effectively managed by IPLCs are not formally recognised, making communities vulnerable to violence, criminalisation and land grabbing. Thus, securing tenure rights for IPLC is crucial for the just and effective protection of the world's forests and their important contribution to climate mitigation.

Integrate human rights and protect defenders

Furthermore, all measures taken to fight climate change should be determined and implemented using a human rights-based approach.

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International human rights law and standards, and especially the UN Declaration on the Rights of Indigenous People, should be included in the design, implementation and assessment of all climate measures. States should provide a safe environment for environmental and human rights defenders and hold the private sector accountable.

As such, states should:

- Ensure that IPLCs can adequately provide Free, Prior and Informed Consent (FPIC) to all projects and interventions that are implemented on their territories.
- Respect indigenous peoples' right to self-determination by allowing them to fully participate in decision-making processes related to their territories.

Ensure that finance reaches IPLCs

Finally, states should make sure that grants and funding for climate directly reach IPLCS so they can secure their livelihoods and build resilience to the consequences of the climate biodiversity crises. Only when financial resources are redirected to the local level can IPLCs continue to play their pivotal role in protecting the world's forests and mitigating climate change. IPLCs knowledge and interests should be included in the development of all new projects affecting their lands and livelihoods.

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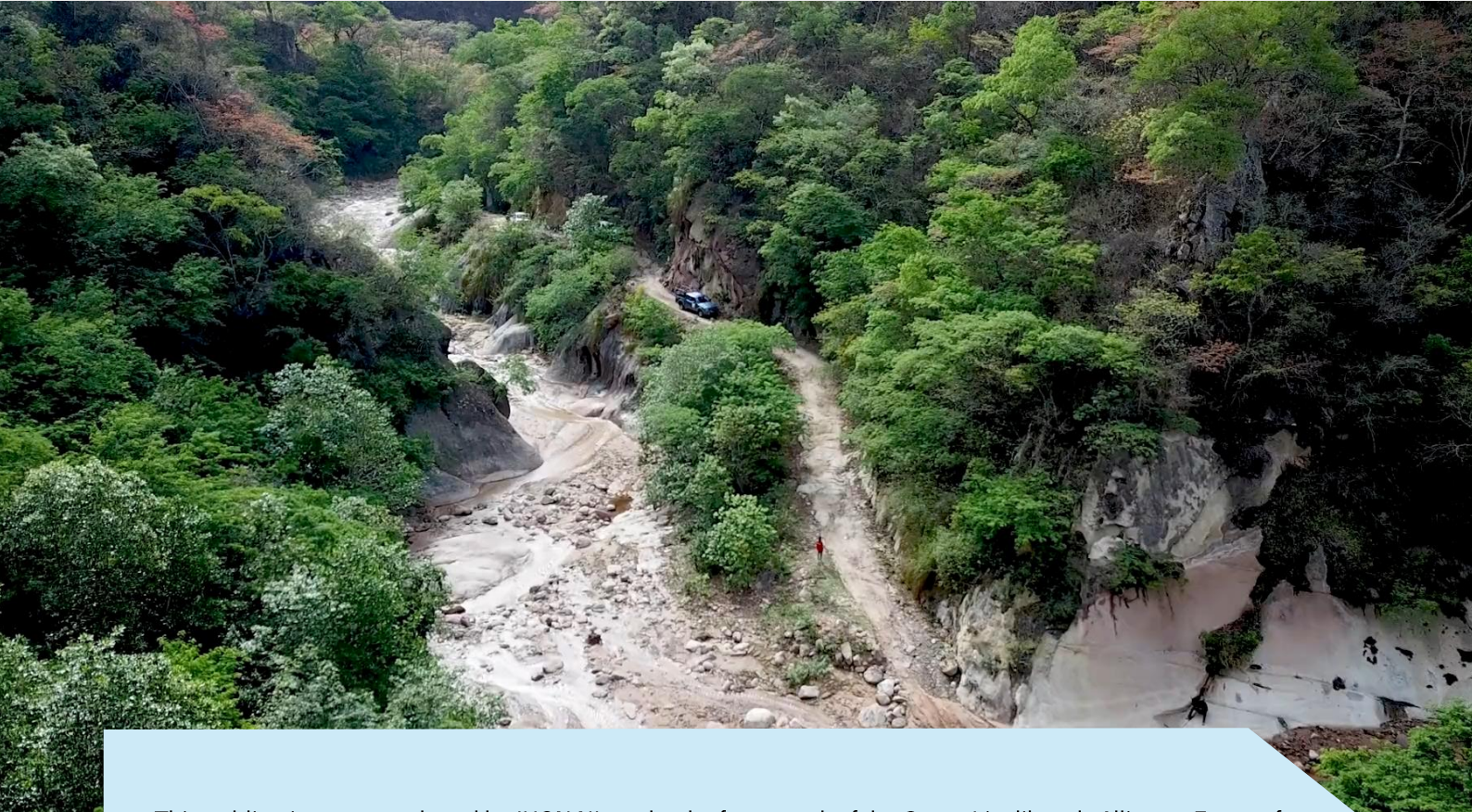
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Authors

Marianne de Beer and Mariel Cabero

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Contact: Marianne de Beer – IUCN NL (marianne.debeer@iucn.nl)
Mariel Cabero – IUCN NL (mariel.cabero@iucn.nl)

Photos: Screen captures from a [video](#) about Charagua, Bolivia produced by Ruud Bisseling for IUCN NL

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