



Climate Justice for Indigenous Women: Urgency and Way Forward

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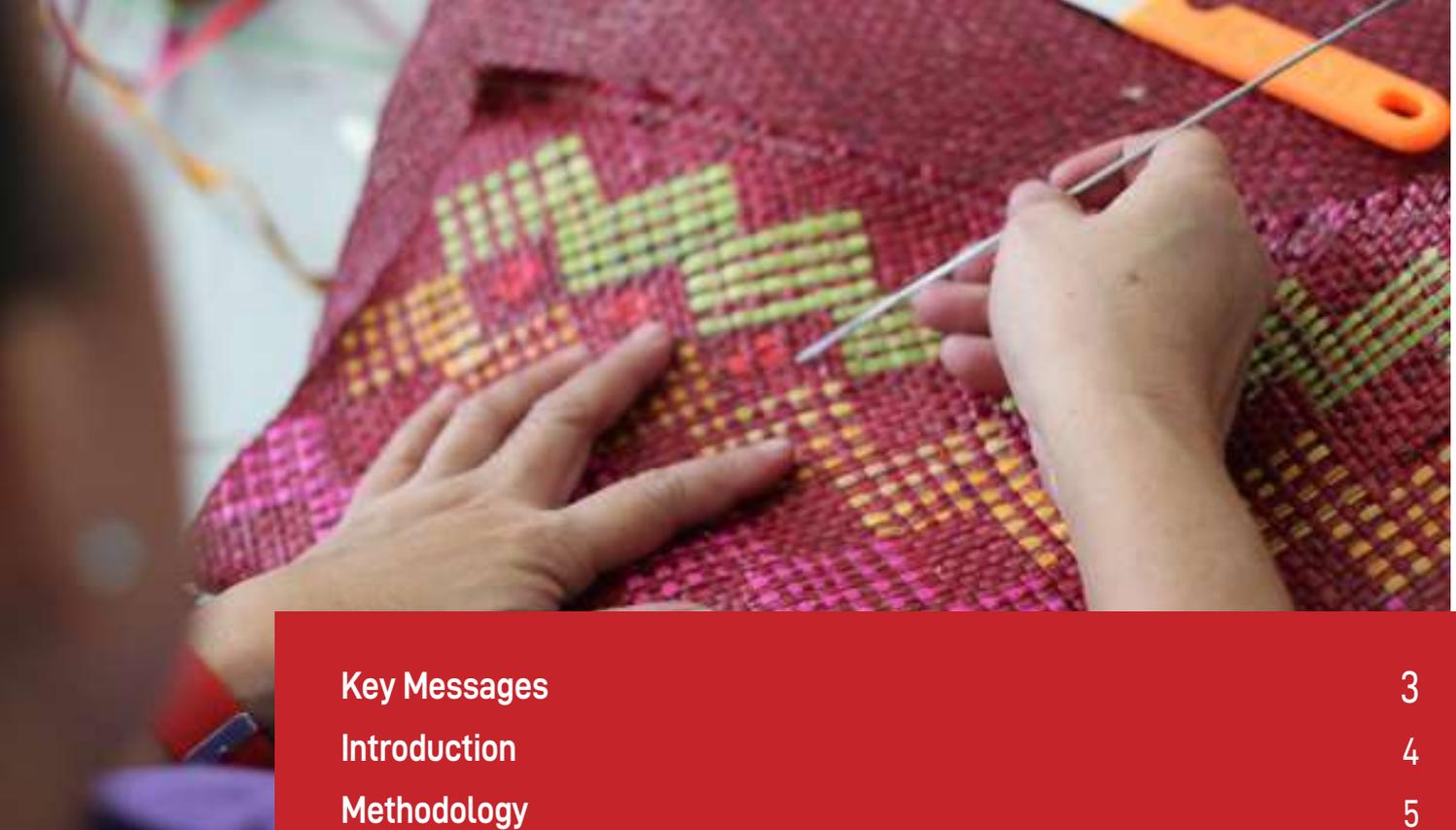


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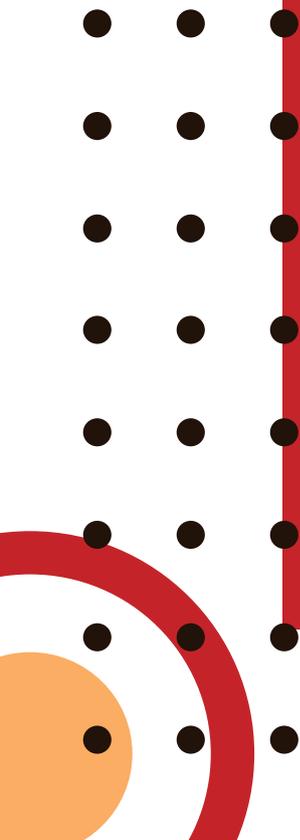


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Key Messages

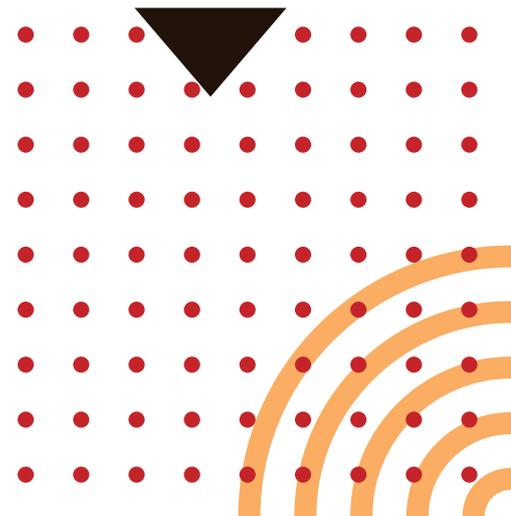
- ▶ Indigenous Women are custodians of lands, territories, and resources, and holders of Indigenous Knowledge which contribute to climate resilience. Their roles and contributions should be widely recognized and promoted.
- ▶ Indigenous Women's low representation and voices in decision making limit their possibilities to contribute and achieve their potential for combating the global climate crisis, eliminating gender inequality and discrimination against Indigenous Peoples. Meaningful representation and participation of Indigenous Women is therefore paramount and should be ensured.
- ▶ Intersectionality and climate change cumulatively escalate Indigenous Women's vulnerability. Demystification of intersectionality of Indigenous Women should be the starting point for integrating reform at all levels.
- ▶ Governments are gradually realizing the potential roles of Indigenous Peoples particularly Indigenous Women to address the global challenges of climate change, yet policies are limiting and inadequate. Policy reform at all levels is urgently required to protect their human rights with their free, prior and informed consent (FPIC) in line with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

Introduction

Globally, Indigenous Peoples population is estimated approximately 476.6 million including 238.4 million and 238.2 million Indigenous women and men respectively (FAO 2019). However, AIPP estimates over 411 million in Asia alone (AIPP 2019). Indigenous Peoples are custodians of 80 percent of the biodiversity in the world (Burke 2019), that are facing a risk of extinction due to accelerated global warming resulting in climate change. Indigenous Peoples contribute least but ironically are the first ones to be affected. Indigenous Women face additional and differential challenges of climate change compounded with discrimination against Indigenous Peoples and women. Non-recognition, violation, interference, denial and noncompliance of Indigenous Peoples' rights by States and business entities have increased vulnerability of Indigenous Women to climate change.

The rights of Indigenous Women are protected by national and international policies and mechanisms. A few safeguarding international mechanisms, on climate change and biodiversity conservation have emerged yet are inadequate. They recognize Indigenous Peoples' significant contribution to climate solutions drawing on their rich Indigenous Knowledge and customary practices. Insufficient policies and ineffective implementation have resulted to environmental injustice, increased poverty, gender inequality and failure to achieve sustainable development.

Indigenous Women's empowerment and recognition of knowledge they behold are key to the success of climate actions. They have a unique understanding of the impact climate change has on the productive assets upon which they depend. Their roles and perspectives must be acknowledged, valued, and incorporated into the development of sustainable approaches to climate change adaptation and mitigation.





Methodology

This policy brief is the outcome of the researches on 'Climate and Gender Justice for Indigenous Women' conducted in four countries namely Cambodia, Laos, Myanmar and Vietnam (Mishkin 2019; Sen 2019; SODA 2019; Van 2019; Zin 2019) and Climate Smart Women Connect (CSWC) conference held in Bangkok from 2-4 December 2019. The commissioned researches brought understanding on the climate change impacts specifically on Indigenous Women, their roles in climate adaptation and mitigation, knowledge-sharing system, and participation in policy processes, and common messages declared by CSWC representatives from Indigenous Peoples' Organizations, networks and CSOs.



Indigenous Women's Rights are sliding back: Why?

Multiple gaps in existing policies and implementation: All four countries have adopted the UNDRIP and ratified CEDAW but policy gaps are evident and implementation is very limited. Cambodia's Land Act, 2001 provides land titles to Indigenous Peoples, and the National Policy of Indigenous People of Cambodia recognizes and respects Indigenous Peoples' rights and their role in the sustainable management of natural resources but lacks implementation due to political delays. In Laos, legislation to combat climate change presents a limited gendered or ethnic lens, and also the agriculture and forestry sectors are insensitive towards policy implications. Myanmar's Climate Change Policy 2019 ensures the inclusion of Indigenous Women in combating climate change.

It also recognizes the need to ensure inclusiveness, climate justice and equity, and gender equality and women's empowerment to address the growing concerns of climate change in a sustainable way, but much work is to be done for the policies to have an impact in local contexts. The Vietnamese government attempted gender and Indigenous Peoples inclusion in legislation and development programs to address the issue of intersectionality. Yet they have clearly failed to align it with the UNDRIP and other international commitments. These policies are important steps but not sufficient to ensure Indigenous Women's rights. Hence, policy gaps in addressing the issues of intersectionality in climate change are conspicuous.

Loss of Rights on lands, territories, and resources (LTR): Economic and environmental interests of government and businesses on lands, forests and other natural resources are shaping government policies and development aggressions at the expense of Indigenous Peoples' lands, territories and resources (LTR). CSWC 2019 stated that the proposed solutions, including plantations, conservation areas declarations, and hydro dam constructions, to combat climate change are false, as these have infringed collective rights and customary practices tied with LTR of Indigenous Peoples. Further, Indigenous Women's land ownership is incredibly low. Indigenous Women, who depend on agricultural products for income, lack land ownership and face discrimination in the pursuit of other forms of employment.

If Indigenous Women's collective and individual rights are not ensured, their livelihoods will be jeopardized and they risk being pushed into a vicious cycle of ever-increasing vulnerability to climate change.

Loss of customary self-government systems and lack of representation and voice in the governance

structures: Customary self-government system is one of the key identities, means for social cohesiveness, and self-support Indigenous Peoples. Due to the government policies, Indigenous Peoples are gradually detached and losing their customary self-government systems due to which Indigenous Women are facing more challenges. CSWC 2019 has noted that Indigenous Women have limited access, space and representation in governance structures

"Indigenous Women have limited access, space and representation in governance structures and mechanisms at different levels where climate crisis issues and impacts are discussed, and decisions are made. Their voices and concerns are often excluded and left behind."

and mechanisms at different levels where climate crisis issues and impacts are discussed, and decisions are made. Their voices and concerns are often excluded and left behind. Indigenous Men and Women in Cambodia are rarely involved or visible in the formulation of policies, programs, and measures to mitigate the impact of climate change. Women's participation in decision-making and leadership remains low in Laos. In Myanmar, decision-making power and representation in government and formal institution is lacking. Despite the policies encouraging women's participation in Vietnam, there has been no formal structure of women's involvement in local administration yet.

Loss of customary practices, mother tongues and Indigenous Knowledge:

CSWC 2019 has stated that Indigenous Women offer local and climate resilient solutions through their knowledge systems which are an integral part of basic survival and maintaining Indigenous cultural practices, and that these knowledge and associated practices have not been considered within the base of evidence informing policy. So, Indigenous languages are not, or limitedly promoted, and new generations are losing Indigenous languages and subsequently Indigenous Knowledge. Eventual loss of Indigenous Knowledge and language drives Indigenous Women towards climate change vulnerability. CSWC 2019

indicated that language barriers and weak infrastructure are challenges in disseminating this knowledge. Many indigenous peoples lack access to new information or social media platforms.

Lack of mechanisms for obtaining free, prior and informed consent (FPIC):

The research findings revealed conspicuous lack of a mechanism for obtaining FPIC of Indigenous Women by the State and private sector actors violating UNDRIP article 19. Lack of FPIC encourages development aggression and prevents self-determination by Indigenous Women escalating vulnerability of Indigenous Women.

Reduced livelihood options and increased workloads:

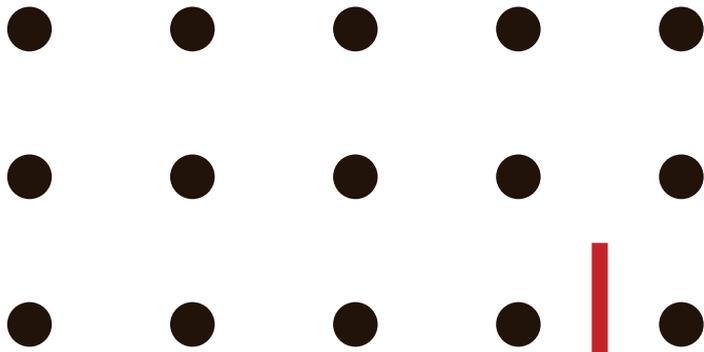
Indigenous Women's livelihoods depend upon either natural resources or wage labor. Their livelihoods are affected by climate change and frequent attacks on their LTR due to economic or environment interests of diverse actors. In Laos, Indigenous Women collect leaves and shoots for their livelihood, but these have been severely impacted by climate change forcing them to find other ways to sustain themselves and their families. In Myanmar, land conflicts are impacting their livelihoods, increasing work load and undermining their socio-economic power in their communities. Indigenous Women's efforts in adapting their livelihoods have been documented. In Vietnam, Indigenous Women do additional work

to mitigate the consequences of climate change. Indigenous Women in Vietnam adapted strategies include hunting and gathering techniques, use of indigenous crop varieties and diversification of crops, and rainwater harvesting. Indigenous Women in Cambodia are working together to reclaim the seed exchange that has been steadily become a market commodity in order to adapt their livelihoods.

Diminishing food security: Food insecurity adversely affects gender relations and the additional pressures of climate change have pushed Indigenous Women to the brink. 82% of the population in the Pu Chhrob, Cambodia experience food insecurity each year. Indigenous Women living in rural areas in Myanmar spend up to 70% of their family income on food and about one third of them borrow money to purchase

food supplies. Increased rates of food insecurity have caused predominantly male migration which is consequently feminizing agricultural production. In Vietnam, Indigenous Women deal with the consequences of climate change, such as higher death and disease rates amongst livestock. Indigenous Women have adapted strategies in various ways for food sufficiency, accessibility, and utilization but still fall short and need wider attention. In Cambodia, Indigenous Women plant diverse crops but food insecurity rates are rising. In Laos, Indigenous Women are relying on cash crop production (chili and eggplant), crafts, and textiles made from forest products. Intergenerational Indigenous Knowledge exchanges are conducted in Myanmar and Cambodia through demonstrations and practice, but gender lenses are lacking in exchanges and networks.





Deteriorating health: Health is one of the key sectors affected by Climate Change impact and thereby health vulnerability of Indigenous Women is intensified due to their limited access to health services and infrastructure. Prevalent food insecurity causing malnutrition, influenza and malaria are becoming more common with rising temperature, river-based ecosystems alteration as salt intrudes on fresh water due to sea level rises in Vietnam which has severe health implications. Deforestation in Laos affect women's mental health as they have a profound physical, spiritual, emotional, and financial connection to these lands.

Violence against Indigenous Women: Impact of climate change is pushing Indigenous Peoples into dire situation. Indigenous Women are facing increased violence within and outside community. Indigenous Women in Laos are more vulnerable as increased rates of gender-

based violence occur during and after natural disasters, especially among displaced women.

Forced migration: The research findings have shown that extreme vulnerability and exposure to climate change sometimes leaves Indigenous Women with little choice other than to migrate in search of more reliable livelihood options. In Laos, Indigenous Women and men seek employment through seasonal or permanent migration outside their ancestral lands. It increases their vulnerability to gender-based violence, in particular human trafficking. With government encouraging migration in Cambodia, new settlers have had a dramatic impact on Indigenous swidden fallow practices. Traditional life in indigenous territories is altering and cultural agricultural practices are almost abandoned which has impacted indigenous women severely.

Recommendations

Indigenous Women are custodians of lands, territories, resources, and holders of Indigenous Knowledge. Globally, some progress has been observed in recognition and safeguarding of Indigenous Peoples, particularly Indigenous Women rights - but not yet sufficient. However, effective implementation and monitoring of these policies needs serious attention. States' policies should provide more space and resources to unleash capacity and knowledge of Indigenous Women, for them to play such roles more effectively and efficiently. Climate change has further called up the necessity to address the issues of gender discrimination and injustice against Indigenous Women. To establish social justice, States should design or amend policies and implement them rigorously.

1 Formulate and amend policies to ensure Free, Prior and Informed Consent (FPIC) to:

- Establish a state mechanism to obtain **FPIC** of Indigenous Women before adopting and implementing legislative or administrative measures, such as laws, rules, regulations, plans, strategies, programs, projects, and working procedures. FPIC should be ensured, from the process of formation to their implementation, and monitoring and evaluation, by the government with Indigenous Women and their representative organizations in line with UNDRIP, (especially Articles 10, 11, 19, 28, 29, 32 and related Articles 18, 27, and 41).
- Support Indigenous Peoples, especially Indigenous Women and their representative organization to develop the protocol for obtaining their FPIC.
- All climate change policies should be fully compatible with the UNDRIP, as it has been adopted by all studied countries and elsewhere in the world. It is the obligation of each state party to ensure its meaningful implementation.
- Implement the Anchorage Declaration of the Indigenous Peoples' Global Summit in Climate Change of 2009.
- Implement and monitor the recommendations of international treaties bodies.



2 Formulate policy related to *Indigenous Knowledge* to

- Preserve, promote, and use Indigenous Women's Knowledge, skills, technology, innovation and customary practices of forest, water and pasture-based livelihoods to transfer in economic activities, and stop criminalization.
- Expand and intensify Indigenous Women's knowledge exchange in multiple formats and across generations through civil society organizations with meaningful representation and participation of Indigenous Women in decision making of such organizations.
- Provide full-fledged support to Indigenous Women to transfer indigenous knowledge of nature-based solutions to climate crisis and forest loss to the next generation.

3 Ensure *Indigenous Peoples'/Indigenous Women's participation and governance*

- Recognize and strengthen customary self-government systems and customary laws of Indigenous Peoples. These are spiritually and intimately connected with the collective way of life of Indigenous Women, management of lands and resources, livelihoods based on Indigenous Knowledge, customary skills technology and practices that are climate friendly.
- Promote mandatory meaningful representation and participation of Indigenous Peoples, especially Indigenous Women at all levels of climate policy and decision-making process.

4 Formulate policy on *Indigenous Women's rights to land, territories, and resources (LTR)*

- Recognize and respect the rights of Indigenous Peoples, and Indigenous Women, to protect and safeguard their LTR fully in line with the UNDRIP.
- Stop development aggression in Indigenous Peoples' ancestral lands and protect from violation of Indigenous Peoples' rights.
- Recognize rights to self-determined development
- Ensure any legal recognition of claims on individual and customary land must include specific measures for better securing the rights of Indigenous Women, especially registration of individual land under the Indigenous Women's name or jointly by wife and husband, clear identification of land entitlement for Indigenous Women, and include Indigenous Women's rights to communal areas in the management rules.
- Establish effective remedy/grievance mechanism



5 Ensure the *researches and data*

- Encourage and support evidence-based research on various aspects of Indigenous Women's experience and knowledge of climate change in relation to recognition, ownership, control and use of customary lands, territories and resources, food security, livelihood and economic empowerment.
- Ensure that data is disaggregated by sex, gender, ethnicity, person with disabilities, age and religion and used to drive equity and social inclusion.

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