



## **BRIEFING PAPER**

# **INDIGENOUS PEOPLES' RIGHTS IN CLIMATE ACTION IN NEPAL**



**NEFIN**

**Nepal Federation of Indigenous Nationalities (NEFIN)  
Climate Change Partnership Program**

2020

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**There is an urgent need for the government and private business companies to obtain Free, Prior and Informed Consent (FPIC) of Indigenous Peoples so that their rights, including meaningful participation and representation in decision making at all levels, are ensured.**

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Briefing Paper

**Indigenous Peoples'  
Rights in Climate Action in Nepal**

**There is an urgent need for the government and private business companies to obtain Free, Prior and Informed Consent (FPIC) of Indigenous Peoples so that their rights, including meaningful participation and representation in decision making at all levels, are ensured.**

Dr. Krishna B. Bhattachan  
and  
Tunga B. Rai

## **1.0. INTRODUCTION**

Promulgation of the racist Constitution of Nepal, 2015, which reinforces Khas Arya supremacy and establishes secularism compromised by Hindu religion, has led the government to develop new policies and measures (PAMs) for various sectors that continue to violate human rights and fundamental freedoms of Indigenous Peoples. It should be noted that although Indigenous Peoples comprise more than half the population of Nepal, the government's census data of 2011 shows that the Indigenous Peoples comprise only 35.2% of the total population, which stands at 30 million. Indigenous Peoples of Nepal, 59 of them formally recognized by the government, have contributed least to global warming and climate change. However, as one of the countries most vulnerable to climate change effects, it is with all readiness taking climate action to

access climate finance by ignoring Indigenous Peoples' rights and concerns. PAMs related to climate change, forestry and natural resources have critical implications for indigenous peoples of Nepal. As Nepal has ratified ILO Convention on Indigenous and Tribal Peoples (Convention No. 169) and adopted the United Nations Declaration on the rights of Indigenous Peoples (UNDRIP) in 2007 it is the obligation of Nepal government to take climate action in line with these and other international instruments and laws.

ILO in its publication '**Indigenous peoples and climate change: from victims to change agents through decent work**' has listed six threats from climate change facing Indigenous Peoples. These are poverty and inequality, erosion of natural resource-based livelihoods, residence in geographical areas exposed to climate change, migration and forced displacement, gender inequality, lack of recognition, rights, institutional support and inclusion in public policies (ILO, 2017, pages 7-21).<sup>1</sup> Nepal's Indigenous Peoples also face these threats. ILO has recognized that economy based on the principles of sustainability, unique knowledge and skills makes indigenous peoples agents of change (ILO, 2017, pages 23-29). AIPP has identified three climate change adaptation issues and concerns related to Indigenous Peoples. These are livelihood and well-being of Indigenous Peoples, Indigenous knowledge and full and effective engagement in policies, strategies related to climate change adaptation and access to resources (AIPP, 2012, pages 4-5).<sup>2</sup>

## **2.0. SOME OF THE MAJOR CLIMATE ACTIONS IN NEPAL**

Among several climate actions initiated by the Nepal government, matters related to Green Climate Fund (GCF), formulation of National Adaptation Plan (NAP) and Forestry and REDD+ are of primary concern to Indigenous Peoples in Nepal.

## ***2.1. Nepal and Green Climate Fund (GCF)***

As agreed by the Parties to United Nations Framework Convention on Climate Change (UNFCCC), Annex-1 countries provide support to countries with economies in transition (EIT) and non-Annex 1 countries through different climate finance mechanisms.<sup>1</sup> The Green Climate Fund (GCF) is one of such climate finance mechanisms that channel funding to developing countries. The GCF's Readiness and Preparatory Support Program supports country-driven initiatives by developing countries to strengthen their institutional capacities, governance mechanisms, and planning and programming frameworks towards a transformational long-term climate action agenda. The Readiness Program provides grants and technical assistance to National Designated Authorities (NDAs) and/or focal points. Readiness funding can also be deployed to strengthen Direct Access Entities (DAEs). The objective is to enhance the capacity of national institutions to efficiently engage with GCF. Dedicated readiness funding may also assist countries in undertaking adaptation planning and developing strategic frameworks to build their programming with GCF<sup>2</sup>.

In this regard, Nepal has received readiness support from the GCF for the development of its National Adaptation Plan (NAP) and for country readiness. Further, the GCF has approved two funding proposals for projects in Nepal, one through Food and Agriculture Organization (FAO) and the other through International Union for the Conservation of Nature (IUCN). They were approved in 2019 during the 24<sup>th</sup> and in 2020 during the 26<sup>th</sup> Board Meeting of the Fund, respectively. The Ministry of Finance, which is the NDA to the GCF, is in the process of developing other three funding proposals.

In order to enhance direct access to the Fund, Alternative

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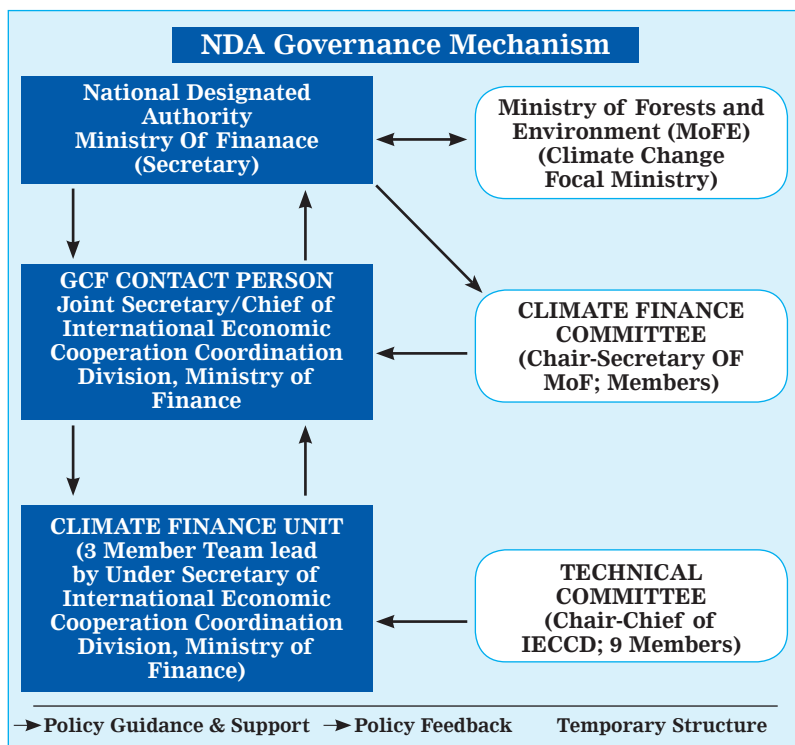
1. <https://unfccc.int/parties-observers>

2. <https://www.greenclimate.fund/readiness>

Energy Promotion Center (AEPC) was accredited as DAE of Nepal by the GCF Board during its 22<sup>nd</sup> meeting in 2019. National Trust for Nature Conservation (NTNC) was also accredited as DAE during the 27<sup>th</sup> Board Meeting in 2020. Town Development Fund (TDF) and Nepal Investment Bank Limited (NIBL) have submitted their application to the GCF for accreditation as DAE and are awaiting approval (see Figure 2).

Besides preparation of the Funding Proposals and DAE applications, Nepal is setting up a mechanism to implement climate actions (see Figure 1) supported by the GCF. The NDA has already issued five No-Objection-Letters (NoLs) to the Accredited Entities (AEs) for them to develop and submit concept notes and funding proposal to the GCF (See Figure:2).

Figure 1: GCF Readiness Mechanism within NDA



## Figure

1: NDA's Governance Structure. Source: NDA, Nepal, 2020.

Table 1. Concept notes and funding proposal of Nepal to the GCF

*Status of concept notes and funding proposal of Nepal to the GCF.*

Concept/ Proposal Title	Entity	Theme	Project time	Total financing in USD	Budget break down		Status
					GCF	Others	
Climate Risks in Nepal's Mountains from Glacial Lake Outburst Floods, Flash Floods and Landslide Hazards.	AE: UNDP EE: MoFE	Adaptation	5 years	63 Mil	23 Mil (Grant)	40 Mil  GEF- LDCF: 7 Mil  GoN/ MoFE:23 Mil	FP Submission: October 2019
Promoting Transformative and Climate Resilient Agriculture for Sustainable Livelihoods and Food Security in Nepal.	AE: FAO EE: MoALD	Cross-cutting	7 years	46.5 Mil	37.2 Mil (Grant)	9.3 Mil  MoALD: 9.3 Mil	FP Submission: March 2019
Resilient sub-watersheds generating mitigation co-benefits in the West Seti Basin	AE: WWF EE: MoFAGA	Cross-cutting	5 years	40.0 Mil	25.0 Mil (Grant)	15.0 Mil  GoN/ MoFAGA: 15.) Mil	FP Submission:  Concept Note: June 2018
Adaptive Capacity and Resiliency of the Climate Vulnerable Communities and Ecosystems in Gandaki	AE: IUCN EE: MoFE & NTNC	Adaptation	6 years	32.175 Mil	27.4 Mil  (Grant)	5.32 Mil  NTNC:3.6 Mil,  MoFE: 1.145 Mil,  IUCN: 565,029	FP Submitted: June 22, 2018., comments shared with the GCF end of May 2019. Approved by the Board in its B26 in 2020.

Building a Resilient Churia Region in Nepal.	AE: FAO EE: MoFE	Cross-cutting	7 years	48.7 Mil	40.7 Mil (Grant)	8.0 Mil MoFE: 7.0 Mil, MoALS: 1 Mil	FP Submission: October, 2018, comments received from GCF and approved by the Board in its B24 in 2019.
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Source: NDA, Nepal, 2020.

2.2. National Adaptation Plan (NAP) formulation in Nepal

With GCF’s support, the Ministry of Forest and Environment (MoFE), in coordination with other ministries, has started formulation of National Adaptation Plan (NAP). It has

The NAP is critical due to the fact that indigenous peoples demand adaptation action to take account of the customary laws, institutions, lifeways, knowledge and worldviews of indigenous peoples.



formed thematic working groups, such as ‘Forest and Biodiversity’, ‘Tourism’ and ‘Cultural Heritage’ for the National Adaptation Plan NAP formulation. The NAP process was established under the Cancun Adaptation Framework (CAF). It enables Parties to formulate and implement national adaptation plans (NAPs) as a means of identifying medium- and long-term

adaptation needs and developing and implementing strategies and programs to address those needs. It is a continuous, progressive and iterative process which should follow a country-driven, gender-sensitive, participatory and fully transparent approach<sup>3</sup>. The NAP is critical due to the fact that

3. <https://unfccc.int/topics/adaptation-and-resilience/work-streams/national-adaptation-plans>





indigenous peoples demand adaptation action to take account of the customary laws, institutions, lifeways, knowledge and worldviews of indigenous peoples. Recognition of indigenous peoples' rights to land, territories and resources is equally important in climate adaption.

### ***2.3. Forestry and REDD+ in Nepal***

Forty-three per cent of Nepal's total geographical area was under forest cover in 1979, but by 2014 Nepal had lost a third of its forests. A recent government survey shows that 45% of Nepal's area is currently under forest cover, which indicates that forest cover is rising in recent years. Nepal in its second Nationally Determined Contribution (NDC)-2020 sets the target of keeping 45% of its geographical area under forest cover forever. However, significant questions remain on how forests can be conserved without violating the rights of indigenous peoples to their land.

Nepal has developed its REDD+ Strategy focusing on reducing emissions reduction and carbon sequestration in the forestry sector. The strategy envisages participation of indigenous peoples in REDD+ mechanism/structure. However, it does not mention how Indigenous Peoples would effectively be engaged in all activities of REDD+. Nepal signed Emission Reduction Payment Agreement (ERPA) with the Carbon Fund of the Forest Carbon Partnership Facility (FCPF) for REDD+ in 13 districts in the lowlands (Tarai) of the country in 2021.

### 3.0. KEY ISSUES OF INDIGENOUS PEOPLES ACROSS CLIMATE ACTION ACTIVITIES

The Green climate fund (GCF) related activities, National Adaptation Plan (NAP) and REDD+ along with many other climate actions, on top of climate change, have direct and multiple impacts on Indigenous Peoples.

The Green climate fund (GCF) related activities, National Adaptation Plan (NAP) and REDD+ along with many other climate actions, on top of climate change, have direct and multiple impacts on Indigenous Peoples. The government's climate actions summarized above are highly problematic from Indigenous Peoples' rights perspective. None of these climate actions take into account the rights of Indigenous Peoples

enshrined in the UNDRIP and ILO Convention No. 169, both adopted and ratified by Nepal in 2007.

#### 3.1. Consultation, Participation, Representation and Consent

*Free, Prior and Informed Consent (FPIC) of Indigenous Peoples:* UNDRIP requires FPIC in all legal and administrative interventions that directly or indirectly affect Indigenous

Peoples. But GCF, NAP and REDD+ still blatantly disregard the need to obtain FPIC from Indigenous Peoples. According to Article 19 of the UNDRIP “States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.” There is neither any policy nor any mechanism to obtain FPIC from Indigenous Peoples.

*Full and effective participation of and collective representation of Indigenous Peoples:* The GCF readiness structure mentioned above (see Figure:1), NAP and REDD+ do not have proper mechanism or procedure for meaningful participation and direct collective representation of Indigenous Peoples at all levels of its decision making and implementation. Consultation with Indigenous Peoples in development of Funding Proposals is very limited and the issues and concerns raised are never incorporated in the funding proposal.

Activities related to GCF, NAP and REDD+ being a part of the government activities, has posed risk to indigenous peoples' ownership and control over such domains. Concerning Indigenous Peoples' right to lands, Article 14 of the ILO Convention No. 169 states.



According to Article 18 of the UNDRIP, “Indigenous Peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.”



### 3.2. Lands, Territories and Resources

Activities related to GCF, NAP and REDD+ being a part of the government activities, has posed risk to indigenous peoples' ownership and control over such domains.

*Indigenous Peoples' collective ownership and control over rights to land, territories and resources:* Indigenous Peoples' lands, territories and resources have been grabbed by the government through nationalization of forest, and implementation of national parks, protected areas, community forest, eminent

domain and development aggression. Activities related to GCF, NAP and REDD+ being a part of the government activities, has posed risk to indigenous peoples' ownership and control over such domains. Concerning Indigenous Peoples' right to lands, Article 14 of the ILO Convention No. 169 states,

- “1. The rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy shall be recognised. In addition, measures shall be taken in appropriate cases to safeguard the right of the peoples concerned to use lands not exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities. Particular attention shall be paid to the situation of nomadic peoples and shifting cultivators in this respect.
2. Governments shall take steps as necessary to identify the lands which the peoples concerned traditionally occupy, and to guarantee effective protection of their rights of ownership and possession.
3. Adequate procedures shall be established within the national legal system to resolve land claims by the peoples concerned.”

Further, concerning Indigenous Peoples’ rights to natural resources, Article 15(1) of ILO Convention no. 169 states,

The rights of the peoples concerned to the natural resources pertaining to their lands shall be specially safeguarded. These rights include the right of these peoples to participate in the use, management and conservation of these resources.

*Special relationship between indigenous peoples and nature:* Nature and Indigenous Peoples have very special relationship like fish and water or nail and flesh. Nepal is rich in biodiversity and Indigenous Peoples have been its custodians since time immemorial. However, the government’s policies and actions have paid little regard to this special relationship. Climate actions, including GCF, NAP and REDD+ related activities might repeat the same injustice.

*Compensation and benefit sharing:* The government should



provide truthful information about the amount or percentage or types and nature of compensation and benefit sharing during the process of obtaining FPIC from Indigenous Peoples. Indigenous peoples should get the benefits of any of such activity that are related to their land, territories and resources.

### 3.3. Customary Self-government Systems



Nepal has transformed from unitary to federal state and is divided into seven provinces and 753 local bodies, but the way the government is functioning no different now than it used to when Nepal was a unitary state.

*Recognition and continuation of customary self-government systems and customary laws:* Many Indigenous peoples have their own customary self-governance systems and laws. GCF, NAP and REDD+ should recognize them as the government usually implements activities through local governments and NGOs.

*Distinct collective, customary ways of life:* Indigenous Peoples have distinct

collective, customary ways of life but these should be taken into account while carrying out activities of GCF, NAP and REDD+ and taking other climate actions.

*Distinct world views:* Indigenous peoples have distinct world views that differ substantially from non-indigenous world views. Indigenous peoples have cosmovison and see both living and non-living beings as interconnected and interdependent as part of the whole, and fully respect Mother Nature that cannot be sold or purchased or used for making profit. Such a distinct world view has been completely ignored by the government. Climate actions, including GCF, NAP and REDD+ should not repeat this mistake.

*Tangible and intangible heritages:* Indigenous peoples have rich cultural heritage, both tangible and intangible. Language, stories, songs, arts, artifacts, scared sites, indigenous knowledge, skills, technology and practices are disappearing rapidly. Climate actions should include actions for protection, promotion and management of existing and lost cultural heritage.

*Self-determined development:* Colonizer's development models such as modernization of tradition, dependency and sustainable development are predatory development models. Self-determined development is the right of Indigenous Peoples' right, but government's climate action has paid little regard to such rights. Nepal has transformed from unitary to federal state and is divided into seven provinces and 753 local bodies, but the way the government is functioning no different now than it used to when Nepal was a unitary state. Everything is highly centralized. On the contrary, Article 23 of the UNDRIP states, "Indigenous

Climate actions should include actions for protection, promotion and management of existing and lost cultural heritage.



peoples have the right to determine and develop priorities and strategies for exercising their right to development”, and Article 32 states, “Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.”



*Indigenous women and youth:* Indigenous women play a significant role as the custodian of natural resources and have customary knowledge, skills, technology and practices that need to be recognized in the government’s climate

It is an obligation of the government to make them aware of these rights and to do so, the government not only needs to build capacity of Indigenous Peoples’ organizations, but also use its local bodies to raise awareness.

actions. Indigenous youth can play a crucial role in the transformation of customary knowledge, skills, technology and practices. National Indigenous Women’s Federation (NIWF) has released a Position Paper of Indigenous Women’s Land Rights. The total 29 positions taken by NIWF have been completely ignored in the government’s climate actions.



*Capacity building and awareness raising:* Most of the Indigenous Peoples living in their respective communities are not aware of their rights. They have not even heard anything about UNDRIP, ILO Convention no. 169 and other international standards of human rights. It is an obligation of the government to make them aware of these rights and to do so, the government not only needs to build capacity of Indigenous Peoples' organizations, but also use its local bodies to raise awareness.

*Non-carbon value of forest for indigenous peoples:* Forest is usually being treated with carbon value in climate actions. On the contrary, forests have non-carbon value to Indigenous Peoples. For them forest has spiritual, religious, social, cultural, psychological and economic values. *Access to justice, feedback and grievance redress mechanism:* There is no justice, feedback and grievance redress mechanism in the government's climate actions.

*Protection of intellectual property right of indigenous peoples:* There is no protection of intellectual property right of indigenous peoples in government's climate actions.

*Food sovereignty and food security:* There is no recognition of food sovereignty and guarantee of food security with focus on indigenous peoples.

*Follow up and consistent advocacy:* Some climate action related documents e.g. the GCF funding proposals of FAO and IUCN, include some reference to indigenous peoples. However, Indigenous Peoples' organizations (IPOs) need to follow up on those points up to the level of implementation. Local and national IPOs need to follow up on the processes and commitments reflected in already approved Funding Proposals for the AEs to translate their promises into action.

Paragraphs about Indigenous Peoples mentioned in project documents and policy papers need to be materialized on the ground.

#### 4. Why is this important?

Indigenous peoples' issues and rights are important for several reasons. These include the following:

*Prevent violent conflicts:* If Indigenous Peoples' rights are not be ensured, it would result in violent conflict. During the Maoist insurgency from 1996 to 2006, one of the major issues raised by the Maoists was the right to ethnic autonomy with self-determination, and ILO Convention No. 169 was ratified by Nepal as a part of the peace process after end of insurgency.

*Prevent genocide including cultural genocide:* With the government continuing to violate Indigenous Peoples' rights, along with relentless pursuit of development aggression, cultural genocide has been intensified in the ancestral lands of Newa, Yakthung (Limbu), Majhi, Raute, Tharu, Chepang, Bankaria and other Indigenous Peoples. Indigenous Peoples such as Raute and Bnakaria are on the verge of extinction. Intensification of cultural genocide could lead to genocide of many Indigenous Peoples, if their rights are not upheld meaningfully.

*Full enjoyment of human rights and fundamental freedoms by Indigenous Peoples:* If Indigenous Peoples' issues are resolved on the basis of international standards of human rights, they would be able to fully enjoy human rights and fundamental freedoms.

#### 5. LEGAL POLICY FRAMEWORKS TO ADDRESS PROBLEMS

There are plenty of international legal frameworks, but national legal framework is appallingly inadequate.

The international human rights frameworks for addressing these problems in the context of Nepal are GCF Indigenous Peoples Policy, Paris Agreement and UNFCCC decisions, CBD

Article 8(J), ILO Convention No. 169, Convention on Elimination of Racial Discrimination (CERD), United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Convention on Elimination of Discrimination against Women (CEDAW) Concluding Observation and Recommendation to the State Party Nepal of 14 November 2018, the Outcome Document of World Conference of Indigenous Peoples 9WCIP) of 2014.

The Constitution of Nepal, 2015, in its preamble, amongst other points, aims to ensure economic equality, prosperity and social justice, by eliminating all forms of discrimination, and Article 56(5) has a provision for the establishment of autonomous, special and protected regions for Indigenous Peoples. Further, the constitution also states the country's commitment to human rights. The Treaty Act, 1991 states that in case of contradiction of the national and international laws, the later shall prevail. National Foundation for Development of Indigenous Nationalities (NFDIN) Act, 2002 recognizes 59 indigenous nationalities of the country and has the mandate to work for securing the rights of Indigenous Peoples. Indigenous Nationalities Commission and the Tharu Commission have been formed to protect the rights of Indigenous Peoples. All these government institutions are fully controlled by the ruling



political parties that are dominated by leaders belonging to the Bahun-Chettri caste group.

### **What should the government do?**

**Review and revise existing and/or bring new policies on climate action fully in line with UNDRIP and ILO Convention no. 169.** In order to ensure collective rights of Indigenous Peoples, the government should review and revise existing and/or bring new policies on climate action that are fully in line with UNDRIP and ILO Convention no. 169. The focus of such revisions or new legislations should be consultation leading to consent, meaningful participation, direct representation of IPs at all levels of decision making through their representative organizations chosen through their customary processes, full and meaningful legal recognition of customary self-government systems, and stopping forced evictions.

**Obtain Free, Prior, and Informed Consent (FPIC) from Indigenous Peoples:** Consultation with Indigenous Peoples from the very beginning is important and it should lead to obtaining FPIC from them. The government, in close

The government, in close consultation, participation and representation of Indigenous Peoples should develop FPIC mechanism and protocols for obtaining FPIC from Indigenous Peoples.

consultation, participation and representation of Indigenous Peoples should develop FPIC mechanism and protocols for obtaining FPIC from Indigenous Peoples. In mixed communities, the government and private business companies should hold consultation leading to broad negotiation, but such negotiation should be done only after obtaining FPIC from Indigenous Peoples.

**Ensure collective rights of Indigenous Peoples:** The government should ensure collective rights of indigenous peoples in policies, plans, programs, and implementation of projects and programs related to climate action.

**Legal recognition of Indigenous Peoples as custodians of lands and resources:** The Government of Nepal's formal recognition of 59 Indigenous Peoples is highly commendable, but it has yet to legally recognize them as custodians of biodiversity.

**Legal recognition of collective ownership over lands, territories and resources of Indigenous Peoples:** Climate action would be a futile exercise if the government fails to recognize Indigenous Peoples' collective ownership of lands, territories and resources.

**Legal recognition of customary self-government systems:** Many Indigenous Peoples have not lost their customary self-governance systems, such as Kghyamba of Loba, Barghar of the Tharu, Guthi of the Newar, Ghampa of the Thakali, and Majhiorang of the Dhimal. These customary self-government systems must be legally recognized.

**Shift from existing forest or carbon and whole economy centered paradigm to forest or carbon and Indigenous Peoples centered paradigm:** Concerning climate change in general and REDD+ and forest related activities in particular, involved entities working paradigm, including policies, decisions and practices, put forest or carbon at the center and link them with whole economy. Such a paradigm, unfortunately, undermines our collective rights, including rights to our territories, ancestral lands, traditional livelihood, customary practices, language, culture and indigenous knowledge. This is indeed a erroneous paradigm. Therefore, we urge the concerned actors to make a paradigm shift by putting forest or carbon and indigenous peoples at the center.

### **Establishing mechanisms for full, effective and meaningful participation in decision making at all levels:**

At federal, provincial and local levels, Indigenous Peoples' full, effective and meaningful participation in decision-making including in climate actions are yet to be achieved. Indigenous peoples have rights to collective identity, collective ownership and control on ancestral land, territories, forest and other

Sometimes, Indigenous Peoples' representation in decisions-making bodies is merely ritualistic and nominal with no voice and role in making decisions.

natural resources, language, indigenous knowledge, customary practices etc. Indigenous peoples are by and large out of the loop in making decisions on forest and climate change policies, plans, programs and activities at different levels, including the national bodies.

The government needs to develop a time-bound, proactive policies and targeted action plans to ensure full, effective and meaningful participation of indigenous peoples in decision-making on forest and climate change related policies, plans, strategies, programs and activities.

At the national level, there is no provision of participation and/or representation of Indigenous Peoples at the decision-making levels. Sometimes, Indigenous Peoples' representation in decisions-making bodies is merely ritualistic and nominal with no voice and role in making decisions.

**Give highest priority to customary livelihoods of Indigenous Peoples:** Indigenous Peoples have close relationships with their territories, ancestral lands, forest and other natural resources. Climate change impacts Indigenous Peoples disproportionately and severely. Any climate action needs to be fully sensitive to Indigenous Peoples' traditional forest management practices. National bodies should review

and amend discriminatory laws and regulations, policies and programs that are against close relationship of Indigenous Peoples with forests and natural resources. Special attention must be paid to secure indigenous peoples' centurial rights to forest, carbon, lands and other natural resources, and customary laws and practices.

**Shift from Welfare to Rights-based approach:** Climate action is generally dominated by welfare approach. It should rather be based on the rights-based approach. Climate actions and entities involved should unequivocally recognize, respect and implement Indigenous Peoples' rights enshrined in UNDRIP.

**Ensure equitable benefit-sharing:** Equitable benefit-sharing arrangements and schemes must be ensured. Carbon rights, access to livelihood resources and basic socio-economic needs and interests of indigenous peoples must be safeguarded.

***Recognize indigenous peoples as Indigenous Peoples, not as Local Community:*** Indigenous Peoples should be recognized as Indigenous People, not as indigenous people or local community or a minority. It means targeted laws, policies, plans, programs and activities are required to do justice to Indigenous Peoples.

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