

E-SAK KA OU DECLARATION

This declaration was developed at the Asia Regional Conference on Indigenous Peoples' Rights, Biodiversity, and Climate Change, held on November 5-8, 2023 in Krabi, Thailand.

"Life and land are the same. We are the same as the land. We come from the land. We go back to the land."

"We cannot see the land as our possession, because, really, we belong to the land."

"If we understand this, we'll know how to share and give. But if we don't understand, we'll fight and take land to make it ours."

– Joni Odochao, Karen elder

Asia is a region of high biological and cultural diversity, where we, Indigenous Peoples, play a vital role in conserving and managing our land, territories, waters and resources. However, we also face multiple challenges and threats from climate change, deforestation, land degradation, violation of human rights, and so-called development. Therefore, it is essential for governments to support, recognize, and respect our values, practices, land, territories, waters, and resources.

Guided by the wisdom of our ancestors and elders, who have defended our land, territories, waters and resources since time immemorial;

Committed to fulfilling our role as stewards of the land, territories, waters, nature, and our cultural heritage;

Motivated by the desire to continue promoting Indigenous Peoples' values of community solidarity, caring, and sharing, to future generations and to the wider community;

Alarmed by rapid biodiversity loss, uncontrolled global warming, and widespread pollution, all of which are degrading our quality of life and threatening our cultures, predicting a dismal future for current and future generations, and the planet and life on earth;



E-sak Ka Ou Declaration

"E-sak Ka Ou" is a term used by the Urak Lawoi Indigenous Peoples to refer to the place where their ancestors first settled on Lanta Island, Krabi Province, Thailand. It means the gill of the Manta ray.

Conscious that the biodiversity, climate, and pollution crises are rooted in the unjust socio-economic and political structures and relations that violate human and Indigenous Peoples' rights, for which the perpetrators and duty-bearers should be held accountable;

Reiterating that Indigenous Peoples are entitled to our collective rights as stated in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), which all governments must recognize and respect in their legal and policy frameworks. Attempts by governments to dilute the rights of Indigenous Peoples through generalizations and other terminologies that distort our identity and legal rights shall not be tolerated;

Affirming that Indigenous Peoples' active participation in all relevant policy-making and decision-making processes is vital for achieving the vision and objectives of co-existence and well-being of humans and nature;

We, the 47 delegates to the Asia Regional Conference on Indigenous Peoples' Rights, Biodiversity, and Climate Change, held on November 5-8, 2023 in Krabi, Thailand, representing 32 Indigenous Peoples' communities, women, youth, persons with disabilities, and development organizations from 11 countries, concluded the conference with the assertion of our rights and the call for safeguards to protect these rights, as stated in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).

We now forward this Conference Declaration as a statement of our collective position as Indigenous Peoples towards seeking collaborative solutions to the urgent concerns and issues confronting us and the whole of humankind.



Importance and Urgency of the Global Commitments and Whole-of-Society Approach

The urgency to address the biodiversity and climate crisis is extremely evident and being felt on a daily basis in our communities, affecting our culture, lifeways, and Indigenous knowledge in all ecosystems and regions of the world. Climate change and biodiversity loss are a matter of life or death for many of us; our human right to life and to a clean, healthy, and sustainable environment is at stake. This urgency has also been very clearly stated by the United Nations processes, including the Convention on Biological Diversity (CBD) and the Framework Convention on Climate Change (UNFCCC). These processes call for transformative change, highlighting that business as usual is no longer an option. They also call for a whole-of-government and whole-of-society approach, which is of utmost urgency at the national and sub-national levels.

We acknowledge and welcome that our contributions, rights, knowledge, and values have been increasingly recognized and respected in global processes, but we are very concerned that this is not being reflected in national processes, laws and policy frameworks. In many countries national laws are contradictory to international laws and standards, such as UNDRIP, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) General Recommendation No. 39, the UNCBD Kunming-Montreal Global Biodiversity Framework (KMGBF), and the Paris Agreement on Climate Change.

Participation in National Biodiversity Strategies and Action Plans (NBSAPs) and Nationally Determined Contributions (NDCs)

To operationalize the whole-of-society approach, we call on governments to ensure the full and effective participation of Indigenous Peoples, including Indigenous women, youth, and persons with disabilities in decision-making concerning biodiversity and climate change. This is particularly important in the development or review and updating of the National Biodiversity Strategies and Action Plans (NBSAPs) to align them with the Kunming-Montreal Global Biodiversity Framework (KMGBF) and the Nationally Determined Contributions (NDCs) through the establishment of a dedicated space for Indigenous Peoples. Effective participatory mechanisms at all stages of these processes must be urgently established at the national and sub-national levels, or strengthened where they already exist.



NBSAPs and NDCs should not be focused only on top-down conservation, climate mitigation and adaptation action with no Free, Prior and Informed Consent (FPIC) which are already impacting us and violating our rights. NBSAPs and NDCs should be based on the human rights-based approach, including a strong target to secure our collective tenure rights and to ensure FPIC for all biodiversity and climate actions on our lands, territories, waters, and resources. They must also recognize and acknowledge our contributions, values, practices, and perspectives on conservation, sustainable use and restoration of nature, and climate mitigation and adaptation.

Value of Indigenous Knowledge in Climate Change and Biodiversity Conservation

Our knowledge is holistic and sees the interconnection of the world that we live in. It is the cultural and ecological map of our territories. It is the basis of our community's well-being and cultural resilience, and maintains a good relationship with the unseen as expressed in our spirituality, as well as with healthy ecosystems and the environment.

Continuous generation, nurturing, and intergenerational transfer of our knowledge is crucial for our well-being and restoration of the ecological and environmental balance and life on the planet itself. Our knowledge is collectively held by elders, women, youth, and children for the common good of the community and intersectional equity. However, our knowledge is in decline due to external factors such as the destruction of our education systems and the devaluing and erosion of our cultures and worldviews.

We call on the duty-bearers and the world community to recognize the holistic nature of our knowledge systems and their key role in achieving the targets and goals of the UNCBD and UNFCCC, particularly in the National Adaptation Plans (NAPs), NBSAPs and NDCs. We will make efforts to revitalize our knowledge and practices through documentation and dissemination of good practices, and the evidence generated from this will allow us to promote our knowledge system into the national and policy development frameworks. For us to achieve this, resources must be adequately allocated to Indigenous Peoples with direct funding to our organizations and communities.



Recognition of Indigenous Peoples' Rights in Conservation

Target 3 of the KMGBF aims to ensure that by 2030, at least 30% of the lands, territories, waters, and ocean areas are effectively conserved and managed through systems of protected areas and other measures, recognizing Indigenous territories. However, State laws and policy frameworks on protected areas and conservation have continued the colonial legacies of the fortress approach to conservation, which does not recognize Indigenous conservation practices or our collective ownership over land, territories, waters, and resources. This approach further violates our rights, displaces our communities, criminalizes Indigenous Peoples' rights defenders, generates conflicts, and fails to achieve positive biodiversity outcomes.

We call on governments, conservation NGOs, and relevant institutions to reform their conservation law and policy frameworks and revise their strategic plans by recognizing Indigenous Peoples' territories as a third pathway distinct from protected areas and other effective area-based conservation measures (OECMs) in achieving Target 3. Governments, financial institutions, and businesses must put an end to discriminatory stereotyping, criminalization, and murder of Indigenous Peoples and ensure that no human rights are violated in the implementation of climate change and biodiversity conservation programs, projects, and activities. They should support our Indigenous ways of conserving our territories and sustainable use of resources.

Carbon Markets and Biodiversity Credits

Any carbon and biodiversity credit project or program on our lands, territories and waters cannot take place without our Free, Prior, and Informed Consent (FPIC). We require full information and transparency about these markets, how they relate to and impact our customary institutions and cosmologies, and what they imply for our rights to lands, territories, waters, resources, and cultural integrity. Participatory cultural, environmental, and human rights impact assessments must be carried out with the full participation of Indigenous Peoples so that we can make informed decisions collectively and can negotiate fair and equitable benefit-sharing arrangements.



Carbon and biodiversity markets can be a distraction from the main aim of drastically reducing carbon emissions caused by polluters and actors who have a historical responsibility for causing climate change. Offsetting concepts are not the real solution; reduction of greenhouse gases (GHGs) at the source is the key. Community-driven mechanisms and standards are essential to move beyond these carbon and biodiversity markets, which are based on the commodification of nature.

Indigenous Peoples' roles in Planning, Implementing, Monitoring and Reporting

We demand that governments and relevant actors ensure the full, effective and equitable engagement and participation of Indigenous Peoples, including Indigenous women, youth, and persons with disabilities in planning, implementing, monitoring and reporting on biodiversity and climate change, including through the generation of disaggregated data at all stages.

Governments must incorporate support mechanisms (such as technical and financial support) in their planning of any climate and biodiversity activities. Programs and funds must be implemented with safeguard mechanisms in place, such as Free, Prior, and Informed Consent (FPIC) of Indigenous Peoples, in line with UNDRIP.

Governments must also recognize and support, including through direct funding, the contributions of Community-Based Monitoring and Information Systems (CBMIS) on biodiversity and climate change at all levels, particularly at the local level and in national reports, recognizing the contributions of our knowledge systems, indicators and tools, along with scientific and technological innovations.

Loss and Damage

Indigenous Peoples experience severe economic and non-economic loss and damage due to climate change, while contributing minimally to global warming and biodiversity loss. Governments must ensure that the Loss and Damage Fund has its own Indigenous Peoples Policy, Indigenous Peoples Advisory Group, and Indigenous Peoples representatives in the decision-making body of the proposed governance structure of the fund. Furthermore, human rights principles and standards must be at the heart of the Loss and Damage Fund mechanisms and its operationalization.



Moreover, non-economic loss and damage to Indigenous Peoples must be a component of the Loss and Damage fund and should be defined by Indigenous Peoples ourselves.

Capacity Building of Indigenous Peoples, Non-Indigenous Actors, and State Entities

Capacity building of Indigenous Peoples, especially Indigenous women, youth, and persons with disabilities to enable our engagement in the UNCBD and UNFCCC processes is important. It is also necessary to raise the capacity of Parties and other relevant stakeholders to meaningfully engage with Indigenous Peoples, and to seek FPIC from concerned communities in the implementation of all climate and biodiversity actions.

Finance and resource mobilization

Indigenous Peoples' land, territories, waters, and resources host a large portion of the world's remaining biodiversity, and hugely contribute to the objectives of the UNCBD and the UNFCCC. Despite making the least contribution to global warming and biodiversity loss, we are the most affected and excluded from the resources needed to address the climate and biodiversity crisis.

A human rights-based approach must guide investment and mobilization of any finance into Indigenous lands, territories and waters fully complying with UNDRIP, assuring our ownership, leadership, self-determination, and self-governance.

Finance Mechanisms under the Global Biodiversity Framework Fund (GBFF), Green Climate Fund (GCF), and Loss and Damage Fund, among others, must have dedicated facilities with dedicated work programs for Indigenous Peoples, including Indigenous women, youth and persons with disabilities. We demand and call on countries, especially developed countries, to provide accessible, ambitious, and reliable finance from their public sources directly to Indigenous Peoples. Climate and biodiversity finance must not be mobilized in the form of loan or debt but rather as part of a social-environmental accountability and historical responsibility.

