
CLIMATE JUSTICE

Navigating the Discourse

Working Paper Series Number 8: September 2020



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FORUM-ASIA Working Paper Series: Asian Perspectives on International Human Rights Landscapes

Number 8: September 2020

Climate Justice: Navigating the Discourse

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Printing House: KORNKANOK PRINTING LTD., PART.

ISBN: 978-616-7733-28-9

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Preface

Climate change is a reality that we all have to confront, with the sharp rise in extreme weather events and our planet getting warmer as the burning of fossil fuels releases more greenhouse gases into the atmosphere.

Hurricanes, typhoons, floods and droughts boosted by climate change are leading to the worst human rights crisis hitting our planet for many decades to come. As notably highlighted by the former United Nations Special Rapporteur on extreme poverty and human rights, Philip Alston, climate change represents the ultimate challenge to humankind, with those living in poverty destined to be the most negatively affected group across the globe.

Despite nicely crafted speeches and written promises from the world's top leaders and executives, the adverse effects of anthropogenic climate change continue to manifest in the form of land loss, coastal property damage, agricultural soil depletion, water supply contamination, and forced migration, among others, while fundamental freedoms are also at risk with the rise of authoritarian governments and democratic backsliding.

In this complex scenario, the concept of climate justice stands out as a top priority

for the advancement of human rights and sustainable development, and critically addresses inequality and the root causes of climate change. Climate justice essentially identifies climate change as a human rights issue, where the principles of equity and justice as well as the recognition of fundamental freedoms are cornerstone requisites to mitigate and adapt to climate change.

It is in this vein that the Asian Forum for Human Rights and Development (FORUM-ASIA) is presenting its eighth working paper series on climate justice.

This latest series places attention on the role of environmental human rights defenders (EHRDs) and indigenous peoples who have been playing a crucial role in opposing development projects threatening the environment, while also being exposed to ill-informed adaptation and mitigation measures; on national human rights institutions which hold immense potential in linking the human rights and climate change agendas; and on the youth who propel the movement forward in Thailand, combining creativity and knowledge. A separate chapter looks into the interaction of gender-blind international mechanisms and climate change, showcasing how gender inequality is one of the key manifestations of climate injustice.

FORUM-ASIA seeks to contribute to the climate justice discourse as climate change inevitably affects the organisation's human rights and sustainable development research, capacity building and advocacy. By highlighting experiences, trends, lessons learnt, reflections, and ways forward from our experienced members and partners across Asia, this working

paper aims to amplify the voices of the most vulnerable to adverse impacts of climate change, and at the same time contribute towards holistic advocacy on climate justice.

Shamini Darshni Kaliemuthu

Executive Director

Asian Forum for Human Rights and Development (FORUM-ASIA)

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A Human Rights-Based Approach to Climate Change and Climate Justice

*Dominique Calañas, Lorenzo Urbinati**

Abstract

A human rights based approach to climate change – where the fulfilment of human rights is the main objective of policies and programmes – provides a key avenue for integration between human rights treaties and climate change regimes, paving the way to climate justice.

Brief historical background¹

Initial efforts to link climate change and human rights at the international level were in the form of the Male' Declaration on the Human Dimension of Global Climate Change.² One of the key demands contained in this landmark declaration was a request for the Office of the United Nations (UN) High Commissioner for Human Rights (OHCHR) to “conduct a detailed study into the effects of climate change on the full enjoyment of rights”. The request that formalised into the Human Rights Council (HRC) Resolution 7/23,³ gave impetus for the OHCHR's 2009 report on the relationship between climate change and human rights. While outlining the ways climate change threatens salient human rights, the report most importantly establishes the fact that states have duties

to protect their people from human rights threats, this time from the catastrophic effects of climate change.⁴ Post-2009 report, the international discourse on the relationship of human rights and climate change has since evolved to permeate international climate change agreement frameworks. This is evidenced by the Cancún Agreements at the 16th Conference of Parties (COP)⁵ and the Paris Agreement at the 21st COP of the UN Framework Convention on Climate Change (UNFCCC), wherein both include the hard-won recognition of human rights principles, setting precedents in ensuing international climate change agreements.⁶

As these documents convey, the direct physical effect of climate change is significantly impeding the full realisation of human rights. Rising sea levels,

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stronger coastal storms, prolonged droughts, coupled with other extreme weather events, have caused at least 150,000 premature deaths globally every year.⁷ Water-borne diseases, respiratory diseases, malnutrition, and heat strokes, to mention a few, are reportedly on the rise as more and more populations are exposed to extreme weather events.⁸ Higher temperatures and shifting monsoons are also undermining the right to livelihood and food.⁹ Ultimately, ecosystems and human communities risk “multiple inter-related climate risks” even on a 1.5°C global temperature increase scenario,¹⁰ yet reports indicate states’ efforts are far from sufficient to even meet 2°C targets.¹¹

A human rights-based approach to climate change

The above-mentioned documents decisively institutionalise the role of duty-bearers – primarily the state – in taking effective measures to prevent, redress, mitigate, and adapt to the changing climate. Other duty-bearers’ obligations, including enterprises, are starting to take shape on account of their equally high emissions production since the industrial age.¹²

In utilising notions of rights-holders and duty-bearers, a human rights-based approach (HRBA) to climate change narrative emerged that clearly identified climate change as a human rights concern.¹³ Grounded in international human rights law, a HRBA ultimately promotes and protects human rights primarily through rectifying unjust and discriminatory

practices perpetrated by either state or non-state actors.¹⁴ Essential attributes of a HRBA, according to the OHCHR, includes the fulfilment of human rights as an overall objective, identification of both rights-holders and duty-bearers (the former’s entitlement and the latter’s obligations), and the operationalisation of principles and standards derived from international human rights law.¹⁵

The HRBA is understood to bring a much needed sense of urgent and analytical perspective in assessing and responding to global climate change impacts. On the normative level, human rights protection is perceived to be more evolved since such concepts are enshrined in national constitutions, regional conventions and international charters as opposed to other areas of international law.¹⁶ On a practical level, utilising a HRBA provides access to UN human rights institutions calling for accountability outside the frustratingly slow-paced inter-government negotiations on climate change.¹⁷ Key principles underpinning an HRBA include participation, accountability, non-discrimination and equality, empowerment, and legality (PANEL).¹⁸

Support for adopting a HRBA has solidified over the years. On several occasions, UN special procedure mandate holders called – and are still doing so – on states to fully integrate human rights standards and principles in high-level climate change negotiations.¹⁹ Eminent human rights jurists and advocates echo these calls notably through the Oslo Principles

on Global Climate Change Obligations that spell out the scope of the states' legal obligations under various areas of international law.²⁰ The push for non-state obligations is also gaining ground with the articulation of the Climate Principles for Enterprises – a follow up from the Oslo Principles – emphasising the reduction of greenhouse gas (GHG) from enterprises' respective activities in line with the UN Guiding Principles on Business and Human Rights (UNGPs on BHR).²¹

Human rights scholars and practitioners similarly vouch support for a HRBA to climate change, asserting, *inter alia*, that its practical value rests on designing climate change mitigation and adaptation projects that ultimately protect, respect, and fulfill human rights.²² In some cases, it is worth noting that UNFCCC sponsored adaptation and mitigation strategies, such as Reducing Emissions from Deforestation and Degradation (REDD) together with its expanded form REDD+,²³ and the Clean Development Mechanism (CDM), are found to unsuspectingly exacerbate human rights violations in local communities.²⁴

Civil society organisations (CSOs) separately working on civic freedoms and environmental protection – initially those situated in the Global North – soon expanded their mandates to encapsulate human rights violations both in the context of broader climate change and in climate-related policies and agreements.²⁵ In parallel with this growing consensus across UN agencies, academia and civil society for the crucial importance of fulfilling human rights in the face

of climate change, a climate justice movement took shape and proliferated within the discourse.

Climate justice

There is no monolithic definition of climate justice, as diverse interpretations and perspectives are still surfacing and being debated on.

Since the early '90s, scholars and civil society groups mainly connected the concept of climate justice to global justice in addressing climate change, stressing the importance of binding legal obligations under international law to reduce GHG emissions while recognising the countries' different contributions and priorities.²⁶

This concept of climate justice is echoed in key international outcome documents, such as the Rio Declaration, the 1992 UNFCCC, and the Kyoto Protocol.²⁷ The “common but differentiated responsibility” (CBDR) principle stands out in these documents. It acknowledges the countries' varying economic technical capabilities and historical responsibilities in addressing climate change. Based on the CBDR principle, climate justice is then linked to the concept that countries have different responsibilities with regards to climate change, in line with their historical emission records.²⁸

Climate justice is since then associated with two other key issues. The first is the injustice faced by the most vulnerable who bear a disproportionate burden from the impacts of climate change, stemming from poverty, droughts, flooding, energy insecurity, and water and food scarcity.

For this, international law should provide a legal framework that addresses the impacts of climate change, specifically recognising the disproportionate burden placed on poor and small island states. This understanding of climate justice paved the way for proposals to include funding and compensation mechanisms as components of the international climate change regime.²⁹

The second, especially in the developing countries, is linked with the earlier mentioned negative human rights impacts of policy measures and climate mitigation projects. Issues such as mass displacement of communities, lack of their participation in project planning and implementation, of authorities' accountability, and of effective complaint and redress mechanisms, have been extensively documented and highlighted by CSOs and human rights scholars.³⁰ In this scenario, the climate justice discourse focusses on legal frameworks under international law to be able to effectively address such indirect negative impacts on human rights, in line with the notion that states are required to ensure that their responses to climate change are consistent and coherent with their human rights obligations, acknowledged also by the UN.³¹

Further, key points underpinning the concept of climate justice have been identified by CSOs and human rights scholars. Mary Robinson, President of the homonymous Foundation-Climate Justice, reflecting on the contribution of climate justice to the climate change

discourse, highlighted how climate justice added a new narrative centred on “upholding human rights, safeguarding the most vulnerable, and shaping equitable responses to climate change”,³² by “insisting on a shift from a discourse on greenhouse gases and melting ice caps into a civil rights movement with the people and communities most vulnerable to climate impacts at its heart”.³³ It was Professor Tahseen Jafry who highlighted “the focus on equity and justice aspects inherent to both the causes and the effects of climate change”. She concluded that in its various forms, climate justice “recognises humanity’s responsibility for the impacts of greenhouse gas emissions on the poorest and most vulnerable people in society by critically addressing inequality and promoting transformative approaches to address the root causes of climate change”.³⁴

In a similar fashion, the International Bar Association points to the efforts of trying to “combine the climate change discussion with human rights in a way that is equitable for the most climate-vulnerable groups”, considering that a climate justice agenda “embraces a recognition of the development imbalances brought into relief by climate change”.³⁵

The concept of climate justice is strongly linked to environmental justice, if not often overlapping. When in 2002 a broad coalition of civil society and community groups adopted the Bali Principles of Climate Justice, the influence of, and connection to environmental justice became even

more evident, with the Bali Principles clearly referencing to the 1991 Principles of Environmental Justice as blueprint.³⁶

Indeed, from the very early days, environmental justice advocates have expressed concern for the inequitable impacts of climate change on vulnerable communities to the point of framing climate change as “the largest environmental justice issue of all time”.³⁷ For this, academics like Schlosberg and Collins have stressed how the same ideas, demands and principles of environmental justice – such as social justice, democratic accountability and participation, transparency, and ecological sustainability – had a direct influence on the conceptualisation of climate justice.³⁸ Furthermore, the two movements have not only influenced each other, but also fused in many ways. The two scholars further note that rather than actual differences, there are differing emphases and accentuation between the two movements. Climate justice has a specific interest in restorative justice – meant as the transfer of resources from those responsible for the injustice of climate change to those most vulnerable to it – as well as assertive demands to leave fossil fuels responsible for greenhouse gases in the ground, and stronger anticapitalist principles and critique of current economic models and norms.³⁹

There is also a strong correlation between mainstreaming climate justice and the concept of climate action. Reflected in article 6 of the UNFCCC [1992],

article 10 of the Kyoto Protocol to the UNFCCC and article 12 of the Paris Agreement,⁴⁰ climate action is specifically acknowledged by the 2030 Agenda for Sustainable Development and the dedicated Sustainable Development Goal 13 in the form of “taking action to combat climate change and its impacts”.

The UN made it clear how climate justice requires that climate action is consistent with existing human rights agreements, obligations, standards and principles. At the same time, scholars and civil society have identified as key requirements for climate action to be based on community-led solutions, taking into account the well-being of local communities, indigenous peoples, persons living in poverty, as well as biodiversities and ecosystems with fair policies.⁴¹

Climate justice in practice

In 2015, Asghar Leghari sued the national Government of Pakistan on the grounds that it had failed to effectively implement its National Climate Change Policy (2012) and its Framework for the National Climate Change Policy (2014–2030).⁴²

Asghar was then a law student and agriculturalist whose sugarcane farm was severely affected by water scarcity and temperature changes in the South Punjab region. A key point in this precedent-setting litigation was his assertion that Pakistan was a “direct victim of climate change and hence government is to take immediate remedial adaptation

measures to cope with the disruptive climatic patterns”.⁴³ In upholding the petitioner’s claim, Justice Mansoor Ali Shah J made an explicit call to move from environmental justice – “localized and limited to our own ecosystems and biodiversity”⁴⁴ – to climate justice, which “embrace multiple new dimensions” that enable “more urgent and overpowering” government responses.⁴⁵ Asserting the need for effective judicial enforcement, the court mandated the creation of the Climate Change Commission and directed several Government ministries to nominate a “climate change focal person”. In concluding the ruling, the court chiefly upheld the rights of its citizens, condemning the State’s “delay and lethargy” in carrying out effective climate change responses.⁴⁶

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Interlinkages between Gender and Climate Justice: Challenges and Ways Forward

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Abstract

Necessary interlinks between gender and climate justice must be manifest in solutions for adverse climate change impacts. This nexus is widely acknowledged in prevailing intergovernmental negotiations on climate change, yet frameworks borne out of these negotiations float at the macro level, barely providing enough grip with the grassroots experience of local organisations. This chapter reviews key questions around gender and climate justice, assesses the current situation, and pinpoints assumptions to be shed as a way forward.

Introduction: What makes climate change the biggest challenge of this century?

Climate change has been part of our political, economic and developmental discourse for a while now and it is here to stay for years to come. It is, for many reasons, one of the biggest challenges of this century.

First, because a lot of damage is already done. The United Nations Framework Convention on Climate Change (UNFCCC), in its Article 1¹ defines climate change as: “a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to

natural climate variability observed over comparable time periods.” The driver of this change is the increased trajectory of greenhouse gas (GHG) emissions that began as early as the Industrial Revolution, i.e., in the early 19th century. In the last two centuries, human-induced warming has already reached about 1°C above pre-industrial levels.² The Intergovernmental Panel on Climate Change (IPCC) projections show that a 1.5°C rise could be reached by 2040, but many more studies show that this tipping point will be reached much sooner.

Second, what we are doing collectively is certainly not enough. Even if we stop emissions completely, the temperatures will continue to rise for a while because

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of the life of carbon dioxide (CO₂).³ According to the 2019 United Nations Environment Programme (UNEP) emissions gap report,⁴ if the current ambitions from the Paris agreement are followed, the rise will be 3.2°C by the end century. Global emissions must reduce by 7.6% annually in the agreement period to be on the 1.5°C track.⁵

Third, the problem is at a global scale, and therefore, needs global coordination to resolve the issues. There have been some major breakthroughs in the course of the last three decades. For instance, the Montreal Protocol,⁶ the only treaty ratified by all United Nations member states, is a great success story for saving the ozone layer. However, most other treaties and commitments fall short in achieving the climate goals. There is also disagreement on who funds the solutions that in turn limit the ambitions that countries can put forth.

Fourth, the problem is more complex than we understand. This complexity arises from:

1. the physical phenomena level. This means looking at the emissions pathway and translating it into projections for climate variables of temperature, sea level rise, extreme events and downscaling from global to region-specific numbers. The process has uncertainty arising out of the “forcings”⁷ with our limited understanding of the climate system and uncertainties arising out of the models that are used for such assessment.⁸
2. the social-economic level. This is because the impacts of climate change will be experienced differently by different people across different geographies.

Climate justice and the key questions around it

The introduction raises some of the aspects of the climate problem indicating that it is here to stay. The first two points indicate that we are dealing with a giant problem that is right at our doorstep. The tipping points are visible, and we are in for irreparable damage if active action is not taken on all fronts. The next two points indicate the solutions are not easy to work through.

Taking threads from the last two points, climate change is a global problem but its impacts are felt locally. The global surface temperature increase of 1°C is an average number. Locally this figure can be much higher than 1°C. How that location deals with this rise and its consequent impacts depends on the socio-economic-political-environmental set up of the place. The global emissions stock is a build up over two centuries; it is recognised that developed countries have contributed more to the global emissions stock in comparison to the developing countries.⁹ Everybody has contributed to the problem; the issue of justice arises when those who have the least cumulative contribution disproportionately bear the burden of adverse impacts. The impacts are experienced more by the developing world because of the vulnerabilities

of their socio-economic systems even though their historical contribution to the problem is not very high.

The figure that follows shows a three-axis representation of where the climate injustice frontier lies. It stretches from a low adaptive capacity and low contribution to climate change to low-high intensity of climate hazard. At the extreme end where the intensity of climate hazard is high comes the end of extreme marginalisation and climate injustice. The zone with moderate to high adaptive capacity, moderate to low impact potential and moderate to low contribution spectrum shows a sustainable development pathway. The risks retained both by high adaptive capacity developed countries under circumstances of high climate impact potential and by highly vulnerable countries under circumstances of low climate impact potential are the residual risks. Residual risks are risks for

potential losses that are retained even after adaptation and mitigation measures have been adopted. The developed countries are in a better position to manage risks through their adaptation and mitigation measures. They retain residual risks because it is either not possible to manage certain type of risks or managing those risks is more expensive than the potential benefits that would be accrued by avoiding the losses. The countries that are highly vulnerable and experience low intensity climate hazards also retain residual risks. The nature here is different because the potential losses will occur as a result of their vulnerability and not the intensity of impact, i.e., a low intensity impact will cause losses. In practice, no country is left untouched with climate change impacts. This framework should therefore be looked into taking one climate hazard at a time within a defined spatial set, and not necessarily a country.

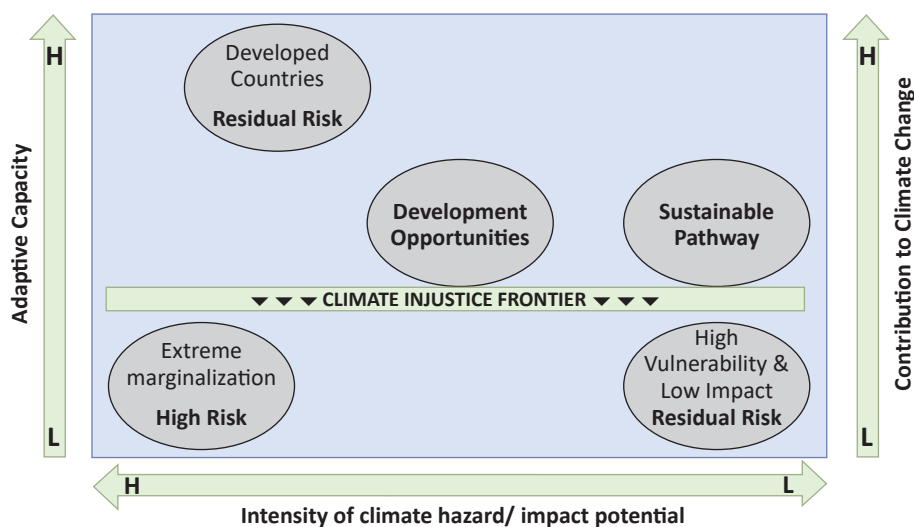


Figure 1: Climate Injustice Frontier*

* Adapted from Downing, Thomas, Patwardhan, Anand, "Assessing Vulnerability for Climate Adaptation", available at <https://www4.unfccc.int/sites/NAPC/Country%20Documents/General/apf%20technical%20paper03.pdf>

Even within countries, these impacts differ from across different socio-economic strata and geography. This makes the poor, the women and girls, indigenous peoples, people with disabilities, people with poor education, people with limited access to technology and other resources, and people residing in hazard prone areas susceptible to adverse impacts of climate change.¹⁰ Their recovery mechanisms post any adverse impact are also poor, leading to increased disparities in the society.

Another issue is the one of inter-generational injustice.¹¹ The source of the climate problem is the current and the previous generations. The worst impacts of climate change are yet to happen, i.e., hazards with return periods more than 300–400 years will occur in the coming years.¹² The impact will be borne by the millennials of this century or the generations who have not contributed to the problem.

The move towards climate justice entails that the problem of climate change is seen from the lens of the marginalisation

of human beings. More often, climate injustice manifests from the drivers of vulnerability. For instance, many indigenous forest communities use forest products for subsistence. Increasing deforestation and degradation of forests have limited their access to forest products or ecosystem services that they were using sustainably. They experience survival issues in such situations while their contribution to the climate problem may be negligible or even negative. Therefore, it is important to understand the factors that drive vulnerability.

The road map for climate justice is also a bumpy one. There is an attribution issue here because one cannot trace how every unit of emission from a country has contributed to a specific magnitude of impact at specific locations. Overall, the collective contribution to emissions has led to an increased likelihood of adverse climate events.¹³ Therefore, at a global level many questions are up for debate. Figure 2 gives an overview of these questions.

Manifestation of Climate Justice/ Injustice	Key questions
Gender	<ol style="list-style-type: none"> Who pays for climate change? What do you pay for? <ul style="list-style-type: none"> – Polluter? – Beneficiary?
Social	<ol style="list-style-type: none"> Ability to pay? Mitigation? Adaptation? Or Both?
Economic	<ol style="list-style-type: none"> Who has the responsibility to reduce? Climate impacts for whom? How do we define and account for loss?
Generational	<ol style="list-style-type: none"> How to distribute the emissions gap between now and 1.5°C? <ul style="list-style-type: none"> – Countries – Population – Generations
Access to resources/means/information/ technology	<ol style="list-style-type: none"> Energy efficiency
Geography	<ol style="list-style-type: none"> Do technological advances put the future generations in a better position to deal with the climate problem? How do we assess the benefits and costs with a discount rate?
Education	<ol style="list-style-type: none"> How do we take decisions now in anticipation of the realisation of future risks?

Figure 2: Author’s assessment on the manifestation of climate justice/injustice and the key questions around them

The fundamental cause of climate injustice is that there are a handful of countries who have contributed to the problem and have reaped benefits of an energy inefficient industrial development without heeding any concerns for the environmental commons shared by all. With this argument comes the ‘polluter pays’ principle.¹⁴ At the same time, there is disagreement because the beneficiaries are spread across and it is impossible to quantify contribution to the problem and benefits accrued at a country level. One argument therefore is that beneficiaries should also make a contribution in solving the climate problem (both mitigation and adaptation).¹⁵ Now the climate problem has reached a level where contribution from every country is needed, irrespective of how much each has contributed. Therefore, the arguments are to account for the current absolute contribution to emissions (not per capita emissions) and the economic capacity of the country while contributing to the resolution of the climate problem.¹⁶ Similarly, whether one should pay only for mitigation or for adaptation or for both, is also up for debate. This debate arises because many issues around adaptive capacity lie in the development domain, and quite a lot of them have remained unaddressed because of inefficient mechanisms of states in the developing world. Many developing countries do not invest wisely, largely because of bad planning, poor prioritisation and corruption. If a developing country made its investment wisely and efficiently without any

pilferages, the development frontier in all likelihood would be different and a donor may want to pay for adaptation measures in line with sustainable development.¹⁷

A related question is: Who should take the lead in cutting the emissions with respect to the baseline? Should it be a state which reaped benefits from the environment commons when the consequences were not known? Or an inefficient state which made decisions knowing the consequences and having a menu of climate compatible technologies to choose from?

Similarly, there are questions around the distribution of the emissions gap between the present levels and target levels. In other words – should every country be assigned a certain quota based on historical emissions, or per capita emissions being the argument from larger countries like China and India; or absolute emissions, as based on countries like China and the United States of America getting lesser emission quotas in proportion to the volume they emit now. How should this gap be shared with the future generations? Should the countries that have locked in their infrastructure system for years get a greater allowance than those who are in the development pathway and hence, can easily adopt energy efficient infrastructure?

In inter-generational justice, the arguments that come up are that of technological advancements; the future

generations would perhaps be able to deal with climate change issues much more effectively than the present generation. The counter argument is based on assessment of these costs and benefits, especially when the value of discount rate used can completely alter the decision.¹⁸ This means that how we assess the benefits from future technological advancements to effectively deal with the climate problem depends on the discount rate that we use, and whatever value we choose can lean us towards either the future generations taking more responsibility or the present generation taking more responsibility of managing the climate problem. Also, amidst uncertainty about the future state of the climate, those who have to pay for ensuring climate justice underestimate the risks for fear of “over-adapting”.¹⁹

Adaptation measures are undertaken in anticipation of future risks. To manage these risks, the typical approach is to cover the plausible risks. If we denote the probability of occurrence of climate events in the form of a normal distribution, then it would mean that risks – in the centre where a majority of the probability mass rests – are covered. The tails of the distribution are ignored either because they are too minor or too extreme. In probabilities, the over adaptation will be the type-I error or alpha, i.e., taking preventive measures in anticipation of extreme events that do not occur. The other contrast here is the type-II error (beta error) in which adaptation measures are adopted with the view that certain extreme events will not happen; but then they occur, leading to under adaptation. This is the adaptation dilemma.²⁰

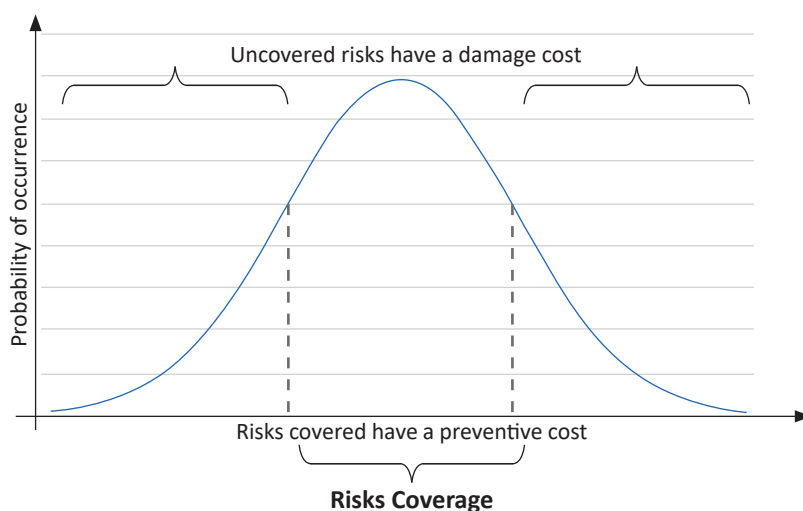


Figure 3: How much to adapt.*

* Adapted from Garg, Amit, Naswa, Prakriti, P. R. Shukla, “Impact assessment and management framework for infrastructure assets: A case study of Konkan Railways”, 2013, New Delhi: Magnum Custom Publishing.

Gender dimension of climate justice

Gender inequality is one of the key manifestations of climate justice/injustice. The inequalities in the adverse impact of climate change that are borne by women and girls is more than just anecdotal now. Evidence shows that women and girls, especially from the Global South, have been and are the hardest hit among different vulnerable communities while their contribution to the climate problem is limited.²¹

This brings us to the key question often raised around climate justice: Impacts for whom?²² This question is important because it directly affects how a country or the world deals with adaptive planning mechanisms. To put it simply, if we view gender differentiated impacts as a manifestation of climate justice/injustice that affects a specific gender, then the way to manage climate-induced risks and any preventive and palliative planning mechanisms will need a gender lens. The climate justice aspect here is not just limited to the imbalance between contribution to the problem and experience of adverse impacts. It is also the fact that climate solutions and processes exclude women and girls.

If we look at the direct adverse impacts, then water, agriculture and forestry are important sectors where adverse impacts of climate change have exacerbated and have disproportionately affected women and girls. In the agriculture sector, climate-

induced crop failures can push women into abject poverty especially considering that there is significant women workforce employed in the agriculture sector with limited control over resources and little decision-making power.²³ The subsequent food shortages are also more likely to hit women and girls where estimates show that among the chronically hungry people, over 60% are women and girls.²⁴ More women and girls rely on biomass for their energy needs because they do not have the means or access to cleaner fuels.²⁵ Worldwide, women and girls are responsible for more than 70% of water-related tasks, including its management and collection.²⁶ Climate change is increasing the issues around water availability, access and its quality.

In extreme disasters, the mortality rate is higher among women and girls.²⁷ Post an extreme event, there is an increase in school dropout rates as well as in early marriages that are often seen as coping mechanisms for those adversely affected.²⁸ Poor socio-economic status of women also increases violence against them after disasters. Talking about post-disaster sexual and reproductive health services, in the Maldives they receive very little priority in the event of a disaster, and often even access to basic reproductive health is compromised.²⁹ In the Philippines, pregnant and lactating women do not get healthy food and nutrition, and often unwanted pregnancies increase after disasters.³⁰ In Pakistan, women have reported an insecure environment in disaster-relief

shelters, lack of privacy, especially for pregnant women, and issues in safely accessing toilets.³¹ Nepal reported more instances of unwanted pregnancy and unsafe abortions.³² Syrian women in refugee camps preferred to stay pregnant because they could not afford sanitary products or have safe access to toilets.³³

These observations are common across the developing world and reinforce the differential impact that climate change has on women and girls. Apart from the differential impact, they also highlight that the magnitude of impact on women is much more than men, with their coping mechanisms being poor and women left behind in the developmental and climate recovery processes. Increased frequency and intensity of climate are exposing more women to adverse impacts and increasing gender inequalities. Therefore, here climate justice has important interlinkages with gender justice, to the extent that achieving climate justice is not possible without making progress on the gender justice front.³⁴

According to the Global Gender Gap report 2020,³⁵ if the current practices continue, then the worldwide gender parity will not be achieved in the next 99.5 years. Assessments like these are an indicator that transformational changes in our approach towards gender considerations in our policies, processes, action plans and strategies are needed parallelly and that gender and gender justice considerations are included as an integral part of the climate agenda.³⁶

Addressing these inherent inequalities that women and girls face entails first, acknowledging these inequalities, and next, taking active steps in enhancing the participation of women and girls in all these processes above.³⁷ Women and girls voices have to be heard, and their needs and priorities have to be supported as a part of climate justice mechanisms.³⁸ Making their voices heard is beyond just empowerment of women and girls; it is also an increase in knowledge base for those making decisions.

International mechanisms and the gender lens

Women are key stakeholders in climate action. Internationally, there is an agreement that gender justice and climate justice cannot operate as independent silos. Overcoming the marginalisation of women and girls and mobilising them as change makers are integral to climate justice and also critical for achieving the climate goals.

This is also reflected in many international mechanisms where targeted steps have been taken to encourage gender equality and to mainstream gender considerations in climate change processes. The Kyoto Protocol was one of the first international treaties to deal with global emissions and also rested in the foundation of “common but differentiated responsibility”. Its successor, the Paris agreement acknowledges climate justice in its Preamble. The Preamble also puts gender equality and empowerment of

women in the fundamental framework of the agreement.

Article 7 on adaptation acknowledges that vulnerability has a gender dimension – women are more vulnerable to adverse climate impact – and emphasises gender-responsiveness in adaptation action. Article 11 emphasises that the capacity needs must keep in mind the baseline in terms of resources, technical skills and capacities is lower for women and that they have different needs. All these provisions set out the guiding principles for countries to determine their climate ambition and their goal for a resilient society while keeping the gender lens. The Gender Action Plan – a result of the enhanced Lima Work Programme³⁹ – has set the framework condition for gender-responsive climate action and its coherent mainstreaming. With its five priority areas and activities within them, the implementation period until 2024 is expected to enhance action on reducing gender-based vulnerabilities, improve access to finance and increase capacities.

However, the agreement merely addresses gender considerations in broad terms in the technology section. Under the convention’s technology mechanism that is operationalised through the Climate Technology Centre and Network, the mandate includes development and transfer of technology, taking into account gender considerations. Similarly, on climate finance, there is no specific mention of gender but it is acknowledged in the governing instrument of the

Green Climate Fund (GCF). The GCF is an operating entity of the UNFCCC’s Financial Mechanism, and it puts gender as a key element of its programming architecture to ensure gender-responsive climate action.⁴⁰

The GCF builds on principles of climate justice. The Fund aims for a resource mobilisation of US\$100 billion annually by 2020 to be generated by contributions from developed countries for supporting climate action in the developing countries; the basis for this being that developed countries must assume larger responsibility in managing the climate challenge. The GCF actively advocates for gender mainstreaming in the projects that it finances. The core indicator of the “total number of direct and indirect beneficiaries” has to be segregated by gender in funding proposals. The funding proposals must be accompanied with a gender assessment report that provides an overview of the current situation of gender disparities in the area, the concerns that are relevant for the proposal and how specific activities linked to the proposal can address these concerns.⁴¹ In addition, a gender action plan indicating gender-responsive activities, gender-based targets, indicators, timeline and budgets has to be prepared and submitted along with the funding proposal to access the GCF funding.

GCF also strives for gender equality and equity; inclusiveness in all activities; and accountability for gender and climate change results. These principles are

embedded in its 2015 Gender Policy and Action Plan.⁴² The Accredited Entities that support GCF in its activities have to undergo a rigorous process to ensure that these entities meet GCF's financial standards, environmental and social safeguards, and standards on gender.

The National Adaptation Plan (NAP) process was established in 2010 at the Conference of Parties (COP) 16. The NAP looks into “identifying medium – and long-term adaptation needs and developing and implementing strategies and programmes to address those needs”.⁴³ The NAP has therefore become integral to a country's planning process to reduce vulnerability to climate change and to integrate adaptation in policies and plans at all levels. The adaptation needs for the developing and the least developed countries are very high in comparison to the developed countries. The socio-economic drivers of vulnerability are more pronounced in developing countries, exposing them to more adverse impacts while having low contribution to the climate problem. These processes are iterative and follow “a country-driven, gender-sensitive, participatory and fully transparent approach”. The NAP processes are seen with very high potential to address gender inequalities.⁴⁴ There are also provisions for accessing finance for NAP processes for the least developed countries through many bilateral and multilateral channels and funds, like the Least Developed Countries Fund (LDCF),

Special Climate Change Fund (SCCF) and through the readiness programme of the GCF.

While not linked directly to climate justice, a noteworthy mention here is the International Finance Corporation's (IFC) performance standards.⁴⁵ Even though the World Bank had already started seeking gender responsiveness in its investments in poverty alleviation and health, a more formal approach on environmental and social considerations was set through these performance standards. These standards establish minimum mandatory safeguards for IFC's investments and define the client's responsibility in managing social and environmental risks. They take a comprehensive approach also in areas of gender, climate change and human rights to appear as cross-cutting considerations. For example, Performance Standard 2 on labour and working conditions makes provisions for equal opportunities and no discrimination against women. The Performance Standard 4 on community health, safety and security recognises that climate change increases the adverse impacts on health and safety of communities. Performance Standard 7 recognises the vulnerability of indigenous people and aims to ensure that the development process creates enough opportunities for them. These performance standards have been adopted by many development finance institutions (DFIs) as guiding principles for their investment activities.

Concluding remarks: Where are we and what more can we do?

It is clear from the examples on international mechanisms that there is recognition of the interlinkages between climate justice and gender justice. At the macro level, these international mechanisms acknowledge the issues, include them in their frameworks and encourage active adoption of the guiding principles.

Despite these, climate policies and programmes do not capture the gender issues effectively. Simply put, the current mainstreaming processes are not transformative enough. Often the role of women and girls in communities is recognised but their rights do not hold much meaning. An assessment of NAP showed that most countries included gender issues in their processes. However, overarching frameworks are where it all stopped. These frameworks did not provide any guidance on prioritising climate action, allocation of resources or implementation of gender-sensitive climate action.⁴⁶ As these frameworks float at the macro level, there are not enough interlinkages with the grassroots experience of local organisations.

Similarly, in the Nationally Determined Contribution, despite the Paris Agreement including gender equality and empowerment in its Preamble, the population narrative dominates in the submissions from the Global South. This

myopic vision of population as the key contributor to climate change puts an over burden on one gender, thereby marginalising the reproductive health rights of women and girls.⁴⁷ Similarly, the GCF processes confine a significant component of their gender inclusiveness processes in indicators. This does not capture the element of empowerment, i.e., Do women and girls have a voice or not? or Are they in positions that matter? or Are there fair opportunities for them?

These international mechanisms are constructive steps but there are systemic roadblocks that need out-of-the box thinking in order to leapfrog towards gender- and climate-just transformative action. As a way forward, the assumption must be shed that having policies or indicators in projects will automatically have a trickle-down effect. These are needed as guiding principles and as the first steps but it is important to use an approach that pushes these international mechanisms to penetrate into the meso level of policies and processes and simultaneously creates pathways for local and grassroots knowledge to come up and guide the policies and processes. The tools and methods that are used for evidence generation also need to be seen in a new light so that empowerment aspects are captured beyond mere numbers. Finally, we have to set the bar high, be uncompromising and reject any potential outcomes that do not come out clean on the gender and climate justice fundamentals.

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Climate Justice and Indigenous Peoples

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Abstract

In the Philippines, indigenous peoples' movements championing climate justice are most often met with state and/or corporate-backed military force. Aside from regularly experiencing climate change-related displacement and property loss, indigenous peoples defending their ancestral domains have and continue to be subjects of harassment, threats, intimidation, and dispossession. In this chapter, the authors reflect on indigenous peoples' efforts in the Philippines, and how climate justice must be envisioned and put to practice.

Introduction

Contributing less greenhouse gas emissions, indigenous peoples have and continue to offer solutions to combat climate change. They have been stewards of the earth protecting and maintaining forests and biodiversity that up to now remain intact.¹ Indigenous peoples around the world are approximately 370 million – 5 per cent of the world's population – but 15 per cent of the world's poorest. At high risk and most vulnerable to climate change impacts and to inappropriate solutions to climate change and development initiatives, indigenous peoples customarily manage over 50 per cent of the global land mass but legally own just 10 per cent.² Of the earth's biodiversity, 80 per cent are

found in indigenous peoples' lands and territories.³ In Asia, indigenous peoples are two-thirds of the world's indigenous peoples.⁴ In the Philippines, they are about 12–15 million.

Impacts of climate change on indigenous peoples

The closeness of indigenous peoples to nature gives them ample knowledge about the waters, soil, plants and animals that makes them understand if changes are happening in their environment. Long before, they have felt and observed signs that global warming is happening. Despite the early warning signs, they have not been spared from experiencing in greater degree, the disastrous effects of climate change.

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With the majority living in territories and ecosystems that are very fragile and vulnerable to climatic changes,⁵ indigenous peoples bear the brunt of climate change and the impacts of solutions to these changes, some of which are flawed.⁶ The United Nations Permanent Forum on Indigenous Issues (UNPFII) noted that indigenous peoples are the first to feel the dire consequences of climate change, being dependent for their survival to and close relationship with the environment and the resources therein. These impacts include political and economic marginalisation, loss of land and resources, human rights violations, discrimination and unemployment.⁷ If indigenous peoples are disproportionately impacted, indigenous women and children are particularly more vulnerable and more affected as described in what follows.

Changing weather conditions have specifically affected indigenous peoples in many ways.

Indigenous peoples have lost lives and properties from drought, typhoons, continuous rains and unpredictable weather systems. Floods and erosions have claimed lives of peoples and animals and caused unaccountable damage to crops, farms and paddies, road systems, food sources, irrigation, water sources and many others that are essential to the indigenous peoples' survival. Typhoon Haiyan which hit the Philippines in 2013, caused loss and damages to thousands of families of indigenous peoples in the island provinces of Panay, Mindoro,

Palawan, Capiz, Aklan, Antique and Iloilo and in Luzon. In Coron Island, Palawan, 50 people perished, nearly all the communities' houses were destroyed and most of the boats for transport and income were lost.⁸

The planting, growing and harvesting seasons and the whole production cycle have changed due to more frequent and stronger hurricanes, and longer and drier droughts – each affecting the availability of food on the table. Due to the declining food harvest, indigenous peoples are forced to adjust their economic activities to survive. Some indigenous women in the Kalleri village of Lamjung district in Nepal have started looking for jobs in the urban centre and ended up breaking and carrying loads of stones in construction sites with lesser wages.⁹ Warmer temperature also caused traditional crops unsuitable as experienced in Chittagong Hill Tracts in Bangladesh.¹⁰

Indigenous peoples face serious challenges to their health and food security as their traditional food sources such as hunting, fishing and gathering are affected by climate change.¹¹ In Northeast India, the source of traditional livelihood and the old and rain-dependent cultivation method of the Boro indigenous peoples are affected.¹²

Water for household use, animal drink and irrigation is reduced due to drying up of water sources and increased temperature. In the Himalayas, communities experience more water in the short term and less water in longer term due to glacial melts.

Climate change has also increased health risks of indigenous peoples, especially indigenous peoples in voluntary isolation who are more vulnerable and are less immune to new diseases.

The culture and the basis of social identity of indigenous peoples are also suffering from the impacts of climate change.¹³ Traditional livelihoods such as pastoralism, hunting and gathering, subsistence agriculture, traditional rites of passage, painting, weaving, dyeing, indigenous healing and others are suffering from the changing and unpredictable weather conditions. Culture is lost when its material basis are lost, and the next generation of indigenous peoples would have no way of knowing the rich culture of their peoples that make up their identity.

Solutions to climate change such as current and proposed mitigation measures have also become sources of increased risks and vulnerabilities of indigenous peoples or have undesirable consequences. Moreover, there are solutions being adopted that are causing human rights violations to indigenous peoples. Lands in ancestral domains of indigenous peoples are expropriated without their free, prior and informed consent (FPIC) for less carbon energy sources. With the race to curb petroleum-based energy sources, there is a heightened momentum to adopt supposed less-carbon alternatives such as biofuels, hydroelectric power dams, nuclear power plants and geothermal plants. These are also seen as carbon sinks and forest conservation programmes for carbon sequestration.¹⁴

Many of the hydroelectric power plants are being built across rivers in indigenous territories, flooding villages, destroying farmlands and hunting grounds, and disrupting fishing.¹⁵ Across Asia, few hydropower plants are being built without genuine consultation with the affected indigenous peoples and their communities. Their FPIC is not secured, or if obtained, has been manipulated. In Borneo, Malaysia, 10,000 indigenous peoples were displaced in 2011 by the Bakun dam that flooded 700sq km of land.¹⁶

Considered clean energy, biofuels are derived from biofuel crops such as soy and palm oil produced in plantations carved out in indigenous lands and territories. Some 60 million indigenous peoples in Asia are estimated to be affected by biofuel plantations with indigenous peoples in Indonesia and Malaysia having already lost forest lands to the expansion of palm oil plantation.¹⁷ Where indigenous peoples including women are forced to work in biofuel plantations for income, they experience several human rights violations such as lesser wages for longer hours of work, sexual abuse and continued exposure to harmful chemicals, among others. As more lands are devoted to monocrop biofuel plantations, the food security of indigenous peoples is affected and biodiversity is bound to decline.

The Cancun Agreement¹⁸ adopted in 2010 recognised the roles of indigenous peoples in responding to climate change. Particularly, it respects the rights and knowledge of indigenous peoples and promotes their full and

effective participation in the different mitigation actions. It is also encouraging that the Intergovernmental Panel on Climate Change (IPCC) has affirmed the contribution of indigenous and local knowledge to resilience against climate change.¹⁹ Experiencing the impacts of climate change, indigenous peoples are harnessing the potentials of their traditional knowledge to respond to it. Indigenous women, in particular, owing to their significant roles in their communities and as bearers of traditional knowledge, have the potential to contribute significantly to climate mitigation and adaptation.²⁰ Being adaptable and resourceful, indigenous peoples are taking a lot of measures to adapt to the impacts of climate change while maintaining their low carbon lifestyles.

To prevent hunger as a looming threat from climate change, there are some adaptation measures indigenous peoples have been implementing. Indigenous women in Lamjung district in Nepal adopted a new species of rice that needs less water, and improved corn's seeds that have higher yield than the usual seeds they were planting.²¹ They also started to collect rainwater to irrigate their fields.

The indigenous women in Chittagong Hill Tracts have been engaged in forest resource preservation, homestead gardening, traditional food processing, and jum seed preservation, among others. Indigenous peoples are also adopting new technologies to be able to adapt and mitigate the impacts of climate change

to their environment, to their livelihoods and health, in particular. Different tools are developed and used to improve their community-based monitoring and information systems (CBMIS).

There is a growing recognition at the international arena of indigenous peoples' contribution to climate change mitigation and adaptation. Both Cancun and the Paris agreements recognise and respect the knowledge and rights of indigenous peoples in mitigation and adaptation actions. The Paris Agreement (Article 7, para 5) particularly acknowledges that adaptation action should be country-driven, gender-responsive, participatory and fully transparent and consider vulnerable groups, including indigenous peoples; and should be based on best available science, including traditional knowledge of indigenous peoples. The agreement also envisions these knowledges to be integrated into climate adaptation and relevant socioeconomic and environmental policies and actions.

But while indigenous peoples have contributed valuable and critical climate change mitigation and adaptation actions, they continue to face serious problems and threats in the protection of their rights.

Climate justice and indigenous peoples in the Philippines

Long before the term climate justice was coined, indigenous peoples around the world have had a lengthy experience

of struggle against land dispossession, internal displacement, militarisation, pollution and desecration of sacred sites, to name a few, in the name of development. Coupled with these struggles are the indigenous peoples' movements to resist, if not to correct, the mal-definition of development that is often than not, imposed and forced upon them by no less than the states.

There are several of cases of indigenous peoples' movements that were met with force by state-backed military force outright or by using government agencies to tag indigenous environmental defenders as terrorists.

The proposed construction of the Chico River Hydroelectric Dams across the Chico River traversing Kalinga and Bontoc indigenous communities in the Philippines was supposed to be funded by the World Bank in the '70s to early '80s. This was proposed by the Philippine Government stretching over some 1,400sq.km of indigenous land, including rice terraces, sacred land, and villages with around 100,000 population. When the Kalinga and Bontoc indigenous peoples learned of the impending destruction of their ancestral land, the elders and leaders sent petitions and delegations to then President Ferdinand Marcos and national government offices in the capital Manila for the cancellation of the proposed hydroelectric dams. They also approached support groups from the academia, church, students and other peoples' movements across the country and

abroad. They held a multilateral *bodong* (peace pact) conference led by the Kalinga and Bontoc elders and leaders in Manila in 1975 with the support groups. Still the Government dismissed the peaceful appeals of the indigenous peoples. In the following years, an upsurge of civil disobedience led by the Kalinga and Bontoc elders and leaders, with the active support of their communities, forged an inter-tribal solidarity pact against the construction of the dams supported by government military troops deployed in the areas. There were spontaneous mass actions of the affected communities and their elders and leaders pledged to turn down bribes of money and political positions, and participated in dismantling the engineering camps and survey equipment. Armed conflict also continued over the years and indigenous leaders and community leaders were jailed, threatened, harassed and killed.

Macli-ing Dulag was murdered on 24 April 1980 by the Philippine Government military troops. His name would be in the long list of indigenous environmental defenders murdered, tortured or harassed because of their strong collective leadership and consistent opposition to the construction of the proposed hydroelectric power plants that would inundate their villages, rice fields and sacred sites. His leadership with all the other Kalinga and Bontoc elders, leaders and the popular opposition to the proposed dam project were known in and outside the country and sparked widespread outcry and support for the

indigenous peoples, prompting the World Bank to eventually withdraw the funding for the project.

The Kalikasan People’s Network for the Environment (Kalikasan PNE), a local non-government organisation and Global Witness have listed the Philippines as the most dangerous country in the world for land and environmental defenders in 2019. Global Witness reported that the Philippines had the highest number of killings of any country in 2019, with at least 30 defenders murdered.²² This number is lower than Kalikasan PNE’s report of 46 deaths of which 20 are indigenous peoples.²³ The report further notes that the conflicts driven by agribusiness and other land grabs comprise 70 per cent of the recorded killings in 2019.²⁴

On 21 February 2018, the Department of Justice in the Philippines filed a petition seeking to declare some 600 people as terrorists. The petition included then UN Special Rapporteur on the Rights of Indigenous Peoples, Victoria Tauli-Corpuz and the co-convenor of the Indigenous Peoples’ Major Group on Sustainable Development, Joan Carling, together with 30 other indigenous activists. It should be noted that the indigenous leaders included in the list have all been active defenders of indigenous lands and have been critical of government projects that are detrimental to indigenous peoples.²⁵

Following a petition in 2019, at least six (6) leaders, including Tauli-Corpuz and Carling, were removed from the list.

Kalikasan PNE has called for an investigation into the link between big projects and the country’s insurgency programme on the death toll as the security crackdown has given government agencies and forces a pretext to “vilify, harass, and ultimately ‘neutralize’ activists and defenders they have labeled as enemies of the state”.²⁶ This has also led civil environmental groups to “call for the immediate passage of the Human Rights Defenders Bill which will grant defenders, including those fighting for their land and environment, freedom from intimidation and reprisals, establish a sanctuary for victims and their families, and be given effective remedy and reparation”.²⁷

Around the world, reports also show how indigenous peoples’ experience increasing human rights violations, displacements and conflicts due to expropriation of ancestral lands and forests for biofuel plantations (soya, sugarcane, jatropha, oil-palm, corn, etc.), as well as for carbon sink and renewable energy projects (hydropower dams, geothermal plants), without the free, prior and informed consent of indigenous people²⁸ – all supposedly as responses to climate change.

Key reflections on indigenous peoples and climate justice

The need for climate justice stems from the reality that injustice is being practised and experienced on a daily basis by many indigenous peoples, including indigenous women. And this injustice is exacerbated

by the pre-existing and long history of discrimination and marginalisation. While increasingly international mechanisms now recognise the contribution of indigenous peoples in climate mitigation and adaptation, their implementation at the national levels and on the ground remains a challenge. What follows are some key reflections on climate justice and indigenous peoples:

Indigenous Peoples are vulnerable to climate change and to adverse government responses.

Indigenous peoples experience regular climate change-related displacements due to disasters such as more intense typhoons causing floods and land erosions, long droughts and earthquakes. In the Philippines, these challenges have, over the years, been besetting the more vulnerable indigenous peoples communities within the various regions in the country. Aggravating such situations are the displacements of indigenous peoples communities because of violent attacks and land grabbing within their ancestral domains by armed groups (Muslim/Moro splinter groups in Mindanao, Philippines).

Indigenous peoples who are also natural stewards and defenders of the environment within their ancestral domains, have consistently defended their rights over them, especially from encroachments by large corporations in mining, energy and commercial agriculture projects. Because of this, they are most often labelled as terrorists or communists,

and are subjected to harassment or threats from military and paramilitary groups. It should be noted that most, if not all, of the reports of the violation of the rights of indigenous environmental rights defenders are connected to land and agribusiness that are also almost always connected to climate change mitigation and adaptation projects.

It is a continuing challenge for the indigenous peoples to ensure the respect of their rights over their ancestral domains, including obtaining their genuine FPIC in relation to projects and programmes applied for within their ancestral lands. The Philippine Government agencies, such as the National Commission on Indigenous Peoples (NCIP) and local government units (LGUs), are involved in manipulating the process of FPIC in favour of the private corporations, according to reports from indigenous peoples and support groups.²⁹ On the one hand, the indigenous peoples are consistently preventing the encroachment of their ancestral domains (AD), particularly against the destruction of forests, watersheds and farms, and the pollution of their rivers and streams by large-scale corporate projects.

The impact of climate change is magnified for indigenous women who have to not only provide food for their families but have to take on the additional burden as a result of these impacts. Because of decreasing harvest and declining natural resources, women have to look for additional food sources while continuing to provide care for their children and elderly

relatives. Likewise, indigenous women environmental defenders repeatedly face particularly severe and differentiated threats that are often magnified by their limited access to decision-making, information and participation, both in the family and in the community.

What should climate justice be for indigenous peoples?

There is a need for states, including at the Association of Southeast Asian Nations (ASEAN) level, to legally recognise indigenous peoples as distinct peoples within their countries and to recognise their rights as enshrined in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and other applicable international instruments and standards. For climate solutions to really work, the rights of indigenous peoples who are keeping most of the world's remaining forests and its rich biodiversity intact, must be respected. Their rights to their land, territories and resources must be ensured at all levels. This should mean they have the right to access, manage and utilise their territories according to their values, cosmology and priorities.

There must be full respect and recognition of the right to self-determination.

Article 3 of the UNDRIP states that indigenous peoples have the right to self-determination regarding their political status and to freely pursue their economic, social and cultural development. In the realisation of this right, they should be supported to pursue their own

development initiatives without aggression or harm from any other parties. Instead of criminalising them, governments should promote less carbon agro-forestry-based livelihoods and provide appropriate support to enhance these.

Free, Prior and Informed Consent (FPIC) underpinned by full and effective participation is key.

FPIC of indigenous peoples on climate actions and solutions that are implemented in their territories and those that shall impact them either negatively or positively, should first be obtained. Indigenous peoples also have the right not to give their consent and this should be respected.

It is also necessary to ensure the participation of indigenous women in decision-making bodies and in the formulation, implementation and evaluation of climate change adaptation and mitigation policies, programmes and projects at the local, national and regional levels.

There is a need not only for recognition but also for support for indigenous peoples' traditional knowledge on climate change adaptation and mitigation towards community resilience. The Paris Agreement recognises the need to strengthen knowledge, technologies, practices and efforts of local communities and indigenous peoples related to addressing and responding to climate change. It established the Local Communities and Indigenous Peoples Platform (LCIP) for the exchange of

experiences and sharing of best practices on mitigation and adaptation in a holistic and integrated manner. This platform should be supported and be implemented at the national levels by states, in full partnership with indigenous peoples and local communities.³⁰

Capacity building is necessary to increase resilience to climate change and this has to include indigenous peoples, including women, children and the youth. This essential information would be communicated in the language understood by indigenous communities and through means appropriate and accessible to them. Appropriate disaster risk reduction and management interventions including financial and technological support for adaptation should also reach indigenous peoples. Disaster relief has to be sensitive to the contexts and culture of indigenous peoples and to specific gender-differentiated needs.

Marginalised and invisible in government data, disaggregation of local to national level data, especially by ethnicity, is crucial for indigenous peoples. Disaggregated data tells the real situation of indigenous peoples, particularly the women, and how they are being impacted by climate change or how they are being reached by climate change mitigation and adaptation support. This would help decision-makers and responders to formulate and provide the appropriate adaptation and mitigation measures to indigenous communities.

Donors and Funders should adhere to the highest level of human rights standards

in funding and implementing climate mitigation and adaptation projects. They should ensure that indigenous peoples, especially women, have access to such funds and projects. All climate projects shall respect indigenous peoples' rights to land, territories and resources, to their cultural and spiritual heritage and values, their traditional knowledge and resource management and practices; occupations and livelihoods and customary institutions and overall well-being. There should also be strict mechanisms to measure how donors and funders are adhering to ethical and human rights standards to ensure that indigenous peoples do not suffer further from climate and other environmental projects that are being implemented in their territories, and that they must benefit positively from these projects as well.

This should also include a culturally appropriate *redress and grievance, and benefit-sharing mechanisms* for all climate responses or projects to ensure that they are easily accessed by indigenous peoples and communities, should need arise.

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Climate Justice and the Human Rights Commission of Sri Lanka

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Abstract

Sri Lanka is a country highly vulnerable to adverse climate change impacts. Even with negligible contribution to greenhouse gas emissions, the island-nation finds itself at the forefront of extreme weather events. The Sri Lankan Constitution mandates the state to protect the environment for the benefit of its people; this is complemented by vested powers and functions of the Human Rights Commission of Sri Lanka. Although the Commission does not explicitly address climate change-induced violations at present, it is argued there is scope for the Commission to do so.

Introduction

In the past two decades, climate change has become a salient subject, globally. In Sri Lanka it is frequently discussed and although it is not adequately researched, people link climate change to the more frequent occurrences of flooding, droughts and changes in the weather pattern. According to the German Climate Risk Index that ranks countries most affected by climate change, in 2017 Sri Lanka was the second most affected country, and in 2018 the same index listed Sri Lanka as the sixth worst affected country worldwide.¹

Sri Lanka is an island nation that has mostly depended on the natural systems. We still mostly depend on agriculture

and home garden systems, although this is not considered as part of the Gross Domestic Product (GDP). Climate change refers to the periodic modification of the Earth's climate and is brought about by many factors. These include changes in the atmosphere as well as interactions between the atmosphere and various other factors (geological, chemical, biological, geographic factors and others) within the Earth system.² Climate change happens mainly due to the increase of greenhouse gases (GHG) in the atmosphere; this carbon dioxide is mainly responsible for the climate change and adverse impact on the natural system. According to the German Climate Index, in 2018, Sri Lanka lost 38 lives and property losses worth US\$3626.72 million.

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Meantime, Sri Lanka has initiated several projects aimed at climate adaptation and resilience with loans secured from the Asian Development Bank (ADB), World Bank (WB), Asian Infrastructure Investment Bank (AIIB), the Green Climate funds, and other sources. Sri Lanka allocated Sri Lanka Rupee (SLR) 300m in 2016, 500m in 2017 and 1500m in 2018 for climate insurance programmes. It is understood that highly developed countries have more anthropogenic (human-made) emissions and every person in the world is contributing to increasing the carbon footprint due to the changing life styles of human civilisations. Thus, Sri Lanka too, is both a victim of, and contributor to, climate change. Climate change has caused a great deal of public suffering and financial burdens to Sri Lanka. Although there have been some compensation packages through the recently established insurance schemes, many people who lost their homes, cultivations or loved ones are never compensated. There was a four-year long drought in the dry zone of Sri Lanka where people had no water for cultivation and many people had to walk several kilometers to access drinking water. Some people had to migrate to the cities for job opportunities and others had to migrate to the Middle East as domestic workers to earn a living.

Although climate justice is a major discussion in the international arena, this issue has not been strongly included in the local discussions when talking about climate change. Climate change as well as

climate policies can have adverse effects on the human rights of certain population groups – and can exacerbate situations of social and personal injustice. As it stands today, the human rights regime is not sufficiently oriented to address these situations of climate injustice. This is especially the case in Sri Lanka. Human rights activists and scholars recognise the need for a systematisation of the normative climate justice literature that can be used as an analytical framework to evaluate current developments in human rights law and policy, and their potential to diminish inter-national, intra-societal and inter-generational climate injustice. They also recognise the need for advancing procedural and substantive human rights obligations and corresponding enforcement mechanisms, as these constitute one important way of establishing climate justice practices.³ This is an arena where human rights commissions can play a substantive role.

Loss of housing, livelihood, and job opportunities and fair compensation for the loss and damage are important issues of concern for those who suffer from climate disasters. Sri Lanka and many other countries in the region did not consider financial recovery from climate-induced disasters as a right. Instead, they framed it as a need to be addressed through relief measures. However, Sri Lanka initiated an insurance scheme in 2014 where loss of cultivation due to climate disasters could be compensated through an insurance scheme. Regarded as a progressive

advance, the climate insurance schemes can provide some compensation to the affected communities.

Climate risks and climate-induced migration

Prolonged droughts cause the greatest climate risks to Sri Lankans. However, flooding and landslides are more visible and therefore get more public attention. Climate risk refers to ‘the combination of the likelihood of the occurrence of a weather or climate event, and the negative consequences of that occurrence’.⁴

As pointed out by the Overseas Development Institute (ODI), climate risk can be intensive or extensive. The ODI stresses that: “Intensive climate risk is associated with sudden-onset, high severity events such as hurricanes and large-scale floods. Extensive climate risk is associated with low severity, high frequency or persistent weather and climate events such as drought and recurrent local flooding. Extensive risk also includes the slow-onset of permanently negative environmental changes associated with climate change, such as changes in rainfall predictability, salt water intrusion, desertification, and sea level rise.” Furthermore, climate change shifts the geography of risk, and creates new environmental risks as well. “The movement of people in response to climate risk is complex, but the distinction between intensive and extensive risks is a useful starting point in characterising the relationship between climate risk and human mobility”, notes the ODI study.⁵

Movements of people in response to intensive risks are very different from those in the context of extensive risks. These different types of movement can be categorised as (1) migration, (2) displacement and (3) planned relocation.⁶

Migration and displacement are often referred to as two distinct categories, but the line between them is too thin to define, particularly when people are moving in response to extensive risk. Compared to climate-induced migration and displacement, the scale is smaller for planned relocation which should also be seen as a distinctive category. Planned relocation can be planned abroad; this would be the case for small island states predicted to be submerged due to sea level rise, unable to proceed with the more common planned relocation within national borders.

The displacement of the population to the rural and urban locations largely depends on the context. However, it is the urban locations that attract a larger number of people who are forced into displacement due to the impact of climate change.

By and large, it is the community as a whole that is impacted quite sharply in the case of both extensive and intensive risks, and not any individual and the family. As noted by Emily Wilkinson, it is in this specific context that people displaced en masse have been mistakenly labelled ‘climate change refugees’.⁷

There is no data about the occurrence of climate migration in Sri Lanka. But there

are other impacts that are supported by some statistics. According to the United Nations (UN), several suicides have been directly attributed to the effects of droughts. As of 19 September 2017, the Disaster Management Centre (DMC) in Sri Lanka has estimated 1.9 million people to be affected by drought across 17 districts. Since late 2016, Sri Lanka has been experiencing a lack of rainfall and this is believed to be the worst drought in 40 years, with significant impacts on the lives and livelihoods of communities.⁸

In drought-impacted Anuradhapura, Sri Lanka, the agricultural production in 2017 was not sufficient for 7 months of household consumption. As a result, over 300,000 households are estimated to be food insecure with many households limiting their food intake and in some cases eating just one meal a day. The inability of farmers to cultivate their lands has also resulted in a decline of agricultural work and consequently, indebtedness is rising in drought-affected communities.

According to the World Food Programme, 50% of the households surveyed in 2017 reported that their debts have almost doubled compared to 2016, due to a decline in agriculture-based income.⁹

People either temporarily migrate to other regions like the Middle East or accept internal displacement. They are not able to earn living wages due to language barriers and a lack of educational qualifications. Women suffer the most in the context of climate change

that increases many financial and other pressures on the family. Women suffer domestic violence, sexual harassment and mental illnesses, watching their children suffer from malnutrition. These are some of the tolls borne by communities in the context of climatic disasters. Thus, these social problems are now attributed to the climate crisis.

Sri Lanka Constitution, National Human Rights Commission and climate justice

The impact of climate change is a social justice issue. Climate justice is the term used to frame the issue of global warming as an ethical and political issue, rather than one that is purely environmental or physical in nature.¹⁰ Climate justice and gender justice go hand in hand when it comes to addressing climate risks.

Under the Constitution of the Socialist Democratic Republic of Sri Lanka, a range of fundamental rights are protected and the constitution also includes a chapter on the Directive Principles of State Policy and Fundamental Duties¹¹ that are not justiciable but nevertheless must inspire the framing of government actions, be it in the realms of legislation or public policy. The chapter on fundamental rights provides the basic framework for both the protection of fundamental freedoms and the entitlement of citizens to a specific right.

Specifically, under the Constitution, all persons are equal before the law and are entitled to equal protection of the law (Article 12(1)); every citizen is entitled to the freedom by himself or in association with others to enjoy and promote his own culture and to use his own language;¹² the freedom to engage by himself or in association with others in any lawful occupation, profession, trade, business or enterprise;¹³ the freedom of movement and of choosing his residence within Sri Lanka;¹⁴ and the freedom to return to Sri Lanka.¹⁵

The Directive Principles of State Policy and Fundamental Duties require the State to support the full realisation of the fundamental rights and freedoms of all persons (Article 27 (2a)), promote public welfare by promoting a social order in which justice (social, economic and political) shall guide all institutions of national life,¹⁶ the realisation of an adequate standard of living for all citizens,¹⁷ and significantly, requires that the State shall protect, preserve and improve the environment for the benefit of the community.¹⁸ The Constitution also recognises the fundamental duties of all persons to protect nature and conserve its riches.¹⁹

When persons or communities are at risk due to climate change, one or more than one of their above rights may be violated. Climate change impacts on culture, livelihood, profession, freedom of movement or even choosing his or her residence. With climate change some

jobs are lost and new jobs are created. But those who lost jobs may not have the qualifications to access the new jobs that are available. Therefore, managing a just transition is important to safeguard the vulnerable communities. In the case of climate migration, the fundamental rights of the migrants are easily violated.

In Sri Lanka, individuals may appeal directly to the courts when their fundamental rights have been violated, or in imminent danger of being violated,²⁰ and the establishment of the Human Rights Commission of Sri Lanka (HRCSL) provides for an additional mechanism.

Under the Human Rights Commission of Sri Lanka Act No. 21 of (1996) – the powers and functions of the HRCSL are to:

- Advise and assist the Government in formulating legislations and administrative directives and procedures in furtherance of the promotion and protection of fundamental rights;
- Make recommendations to the Government regarding measures that should be taken to ensure that national laws and administrative practices are in accordance with international human rights norms and standards;
- Make recommendations to the Government on the need to subscribe or accede to treaties and other international instruments in the field of human rights;

- Promote awareness of, and provide education in relation to human rights (Section 10(f));
- Undertake research into, and disseminate the results of such research (Section 11(f)) and promote awareness of human rights through educational seminars and workshops.

Although the Human Rights Commission of Sri Lanka Act No.21 of 1996 does not specifically deal with climate change-induced deprivations, including the status of the climate refugees, it can be argued that there is scope for it to do so. Although there were some initial discussions between non-governmental organisations and the HRCSL about challenging climate migration, those discussions have not progressed. However, with international agitation taking place and some landmark cases being discussed, there is hope that the HRCSL and the courts too will take a broader view on the subject.

Inspiring practices and lessons to be learnt

In 2013, the Commission on Human Rights of the Philippines (CHRP), has sent 47 “carbon majors” including Shell, BP, Chevron, BHP Billiton and Anglo American, a 60-page document accusing them of breaching people’s fundamental rights to “life, food, water, sanitation, adequate housing, and to self-determination”. In this case the world’s largest oil, coal, cement and mining companies were given 45 days to respond to a complaint that their greenhouse gas emissions have

violated the human rights of millions of people living in the Philippines.²¹

The complaint argues that the 47 companies should be held accountable for the effects of their greenhouse gas emissions in the Philippines and demands that they explain how human rights violations resulting from climate change will be “eliminated, remedied and prevented”. It calls for an official investigation into the human rights implications of climate change and ocean acidification and whether the investor-owned “carbon majors” are in breach of their responsibilities.

Five hearings were held by CHRP in Manila, New York and London over the past two years. The CHRP found that climate change constitutes an emergency situation that demands urgent action. The Commission further concluded that Carbon Major companies played “a clear role in anthropogenic climate change and its attendant impacts”. The CHRP found, based on the evidence, that Carbon Major companies could be found legally and morally liable for human rights violations arising from climate change. While the Commission did not undertake to adjudicate the responsibility of the Carbon Major companies, it concluded that people affected by climate change and whose human rights have been dramatically impaired deserve access to remedy and access to justice. Significantly, the CHRP found that circumstances may exist to hold companies accountable under not only civil but criminal laws.

The petitioners are pushing for strong recommendations including:

1. Establishment of clear mechanisms and processes for redressing human rights victims resulting from climate change;
2. Establishment of standards for corporate reporting on activities involving carbon emissions;
3. Clarification and confirmation of the rights connected with climate justice under regional and international human rights law;
4. Development of a model statute on legal remedies for climate change.²²

In Sri Lanka, environmental human rights defenders had a similar interest to file a case in the Magistrate Court in 2003, making those carbon majors liable for the coastal erosion that was a serious problem at that time. However, there were several legal limitations including identifying the local offices of the carbon majors and linking climate risks to human actions. There was also a similar interest to make a human rights complaint regarding coal power generation in Sri Lanka. However, with environmental pollution still regarded as low priority for Sri Lanka, the worldwide interest generated regarding the carbon major cases have not truly inspired Sri Lanka.

Challenges to realise these initiatives

International experience shows that climate induced migration is also linked to human trafficking. The HRCSL prepared

a comprehensive report in 2005 on trafficking that it made available to relevant agencies. However, the report does not refer to the climate-induced migration as the linkages were not established at that time. Even today there is no sound understanding about climate risks and their relationship to human rights violations. As in the cases of several other human rights violations, no statistics are compiled to establish trends and the gravity of the issues. Generally, in Sri Lanka there is no discussion on the climate issues in line with climate justice and human rights.

Ways forward for NHRIs supporting climate justice

National human rights institutions (NHRIs) around the world have developed several good practices while working on climate change issues. With regard to complaint handling, given their mandate to protect human rights, NHRIs can handle complaints about climate change that lead to human rights violations. For example, in 2015, typhoon survivors in the Philippines submitted a complaint to the CHRP on the responsibility of fossil fuel companies for climate change leading to human rights violations. They were seeking redress from an NHRI with a quasi-jurisdictional mandate.²³

NHRIs are mandated to develop reports to influence legal reforms on matters relating to human rights. Thus, NHRIs can report on matters related to environmental and climate change violations. For example,

their annual and issue-specific reports assessing the human rights situation nationally, are submitted in several cases to the Parliament and therefore can influence bills or even the reform of existing laws. NHRIs can lead advocacy efforts with the parliamentary groups or issue recommendations to change laws that are harmful to the environment. Meanwhile, there are other reporting avenues that NHRIs can use to lobby changes in environment-related laws or public policies. These avenues include parallel reports that NHRIs submit to treaty bodies or the other mechanisms of the Human Rights Council, such as the Universal Periodic Review or the procedures and mandates of special rapporteurs. Recommendations to states to protect environmental rights can be reflected in the outcome of these mechanisms.²⁴

NHRIs can advise governments to adopt human rights-based approaches to climate change. For example, The Scottish Human Rights Commission urged the Government and Parliament to take a series of actions to ensure that a human rights-based approach to climate change is implemented in the national policy.²⁵

Sri Lanka as a middle-income country has grown its carbon emission from 0.5kg to 1.5kg over the last one decade. According to figures published in 2012, Sri Lanka accounts for less than 1% of the global GHG emissions. Transport and electricity are the two sectors largely responsible for emissions in Sri Lanka.

Sri Lanka is a signatory to the Kyoto protocol, United Nations Framework

Convention on Climate Change (UNFCCC) as well as to the Paris Agreement of 2015. The Paris Agreement was signed and ratified by 196 countries that agreed to reduce its emissions. Sri Lanka signed this agreement on 2015 and ratified it on 2016. Under this agreement, every country proposed Nationally Determined Contributions (NDCs). Likewise, Sri Lanka also developed its NDCs through a consultative process and submitted it to the UNFCCC. Although Sri Lanka's emission rate is low by global standards, Sri Lanka is still expected to respect the above agreements.

According to Sri Lanka's NDCs, 4% energy emissions have to be reduced unconditionally and 16% have to be reduced conditionally. Furthermore, emissions from the transport sector must be reduced by 3% by 2020. It is therefore in Sri Lanka's economic and security interests to tackle climate change, especially via climate finance from developed countries, climate-smart investments, and benefit from improved geopolitical relations.²⁶

In line with the Paris Agreement, Sri Lanka initiated a number of emission reduction projects in different sectors that include a one million roof top solar panel project with the support of the ADB. However, it is evident that Sri Lanka does not respect the agreements it signed. One such example of bad faith is the long-term power generation plan proposed by the Ceylon Electricity Board (CEB) that aims for MW500 x 2 coal power plants at Sampur and MW500 x 1 at Noroccholai.

This long-term power generation plan was approved by the Cabinet without giving due recognition to the climate impact and to the human rights of the local people in Noroccholai or the Sri Lankans in broader terms. In the event that they build another coal power plant, the emissions will increase by 25–30% and they will not meet the reduction of 4% proposed under the Paris Agreement. In such an instance, it will be a human rights violation impacting the community's right to a good environment and their right to health; and the communities may reach out to the HRCSL for redress.

Conclusion

Climate change and its impact on human rights are not prioritised in Sri Lanka as yet. However, there are potential projects that the HRCSL can initiate based on international experience and it can blaze the path. HRCSL can engage with the Government to counter its irresponsible planning that increases the greenhouse gases and exposes people to climate risks including displacement. Similar to the case in the Philippines, HRCSL can also hold the carbon majors accountable for historical disadvantages caused by emissions to the health and livelihoods of the Sri Lankan citizens. HRCSL can give directions and advise to the Government of Sri Lanka to make sure there are no human rights violations in their future plans of energy generation, transport and other sectors impacting the climate. They can urge the Government to come up with a long-term plan for ensuring the safety of the

climate-induced migrants and make the country adapted and climate resilient.

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Indigenous Communities in Myanmar Lead the Struggle for Environmental and Climate Justice

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Abstract

Climate change mitigation and adaption is supposed to be a key priority for Myanmar, a country that is already experiencing the consequences of the climate crisis. However, adequate and effective environmental policies are not in place while environmental defenders and indigenous communities are threatened and targeted for promoting environmental and climate justice. Highlighting issues but also ways forward, the chapter reinforces the message that grassroots indigenous communities play a key role in pursuing climate and environmental justice.

The urgency of climate change

Cyclone Nargis slammed against Myanmar's low-lying Irrawaddy delta region on 2 May 2008. The storm ravaged Irrawaddy Division, Yangon Division, Bago Division, Mon State and Karen State with brute force. Delayed response from the Government and blockages to international aid exacerbated casualties leading to millions of people left injured, hungry and homeless.¹ 140,000 people were killed, 38,000 hectares of natural and replanted mangroves were destroyed and over 63 per cent of paddy fields were

submerged in the area.² Livelihoods were devastated. Cyclone Nargis resulted in this level of devastation because of the lack of preparedness, limited resiliency of ecosystems from deforestation, over-exploitation of natural resources including fisheries, and soil erosion. It was an abrupt and clear sign of the immediate and long-term threats people in Myanmar face from climate change.

Since cyclone Nargis, with climate change's impacts being increasingly felt, climate change mitigation and adaptation have been on the national agenda for Myanmar. According to the Global Climate

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Risk Index 2020, Myanmar has had the highest weather-related losses in the past two decades, and is one of the three most vulnerable countries to climate change. Just last year in the 2019 rainy season, over 100,000 people had to be evacuated from their homes because of flooding and a landslide caused by heavy rains in Mon State (Reliefweb, 2019).³ Temperatures in the central dry zone have been creeping upwards, and this year, temperatures around Hpa'an in Karen State climbed extraordinarily higher than that in the dry zone, reaching well over 40°C. Myanmar can expect to suffer from more extreme weather, with mega dam projects and increased deforestation, worsening the impacts of flooding and droughts in a country where 70 per cent of its poor live in rural areas.⁴

Over the past decade, Member States of the Association of Southeast Asian Nations (ASEAN), including Myanmar, have increased their attention on environmental issues. As Myanmar has entered a democratic transition and rapidly liberalised its economy, the politics of climate change has merged with the politics of development and conflict.⁵

Environmentally destructive policy

Since independence from the British in 1948, Myanmar has been the scene of some of the longest ethnic intrastate wars in modern history. Ethnic insurgencies and violence have endured through eras of post-colonial government in Myanmar.

Consequently, political and social life became, and still is, highly militarised.⁶

The Aung San Suu Kyi-led National League for Democracy (NLD) Government, elected in 2015, made promises to focus on addressing the rule of law, inter-ethnic conflict, and changing the 2008 Constitution, as well as claiming they would support ethnic minorities. However, after 50 years of military rule, there are deeply entrenched political and economic legacies including the executive's hold over the judiciary, the depletion of legal administrative capacities and unchecked corruption.⁷ These institutional and judicial legacies are combined with the fact that the military still has 25 per cent of seats in Parliament and substantial powers. Beginning in the Thein Sein era, there have been a slew of legislative developments that have opened the way for foreign trade and investment with no transparency or accountability, and with ethnic and indigenous areas struggling against mines, factories, special economic zones, mega hydropower projects, and agribusiness. A series of land law amendments intended to enable large-scale expropriation of land and natural resources in favour of businesses included the Farmland Law, 2012 Vacant Fallow and Virgin Land Law, including its later amendment in 2018.

The State Government had adopted official documents and formed committees with the intention of sending the message that they are taking climate change seriously.

Myanmar is party to the Paris Climate Agreement. Myanmar’s Environmental Conservation Department (ECD), part of the Ministry of Natural Resources and Environmental Conservation, is tasked with coordinating stakeholders at the local and national levels and implementing global-level decisions nationally. Myanmar has a National climate change policy, and a 2018–2030 national climate change strategy (MCCS) that supposedly aligns with the National Comprehensive Development Plan (NCDP), Myanmar Sustainable Development Plan (MSDP) and National Sustainable Development Strategy. Many of these policies and plans look positive on paper, however, there are failures in implementation. Myanmar’s climate change strategy does not veer away from business as usual; it instead talks about mitigation for climate change through promoting commercial farming and “liberalising investment in the sector”.⁸

The strategy outlines the aim to have 30 per cent of total land area to be reserved forest and five per cent to be protected areas that facilitate state and corporate grabbing of indigenous and ethnic nationality land. The ECD lacks the capacity to implement any meaningful climate change policies, and the Government’s drive for making it easier for foreign investment is strong. Despite various committees and international agreements, Myanmar makes no substantive commitment to sustainable development. On the contrary, the Government has used

climate change discourse as a means to cover up and facilitate state-sponsored military and corporate “green grabs” and water grabs.⁹ This is possible because of a legal structure that provides little to no transparency or accountability, and fails to recognise land and natural resources under customary management. Climate change and environmental policies align with economic policies resulting in the enablement of a destructive neoliberal development model.

One key example of Government using climate change as a mask for socially and environmentally costly development is its plans to move to hydropower energy with the creation of dozens of dams planned along the rivers Salween, Irrawaddy, Chindwin, and others. These dams will have no benefit for local people and much of the electricity is to be sent to neighbouring countries who are the investors.¹⁰ Thanks to the tireless efforts of grassroots community organisations and their advocacy and protests, aided by media coverage, some of these dam projects have been suspended, albeit temporarily. The Myitsone dam in Kachin state was suspended in 2011 after fierce opposition. The project status of the Hatgyi dam in Karen State is uncertain but its construction has so far been delayed because of grassroots organisation and civil society organisations (CSOs) like Karen River Watch and Karen Environmental Social Action Network (KESAN). However, communities remain fearful because decision-making processes are shrouded in secrecy.¹¹

The situation in Karen State

Myanmar is a globally recognised biodiversity hotspot by the International Union for Conservation of Nature (IUCN), and Karen State is of particular significance for its rich biodiversity and natural resources. In 2012, the Myanmar Government and Karen National Union negotiated a preliminary ceasefire agreement. The subsequent economic liberalisation policies led to plans for implementing large cement factories, mega dams, mono-crop plantations, industrial zones and special economic zones in Karen State. The result has been confiscation of millions of acres of farmland and forest owned by local communities. At the time, in Karen State, KESAN was the only organisation of its kind integrating in its work environmental issues with indigenous rights, assisting communities in their pursuit of justice through documentation, awareness raising, launching reports, sending complaint letters to officials, and advocating to the President, investment companies, and banks. It was the collaboration of local communities that led to the temporary suspension of some projects, and increased national and international attention.

Karen State has seen an increase in climate change-induced natural disasters over the past few years. In 2018, KESAN and other Karen women's and youth organisations provided emergency aid for people affected by historic flooding and landslides. Downstream areas of the

Salween such as Kyain and the Ar Htan Yan River were flooded for the first time in 50 years according to locals. Trees were left littering the shore, covered in plastic. Over 100,000 acres of rice paddy were destroyed. The majority of disaster response came from local organisations at the time. Communities felt the Government was largely absent in the disaster response, and failed to make any protection plans for future disasters. Instead, the Government continued to support with a lack of transparency mega projects that only benefit themselves and big businesses.

Targeting of environmental and human rights defenders in Myanmar

Mainstream climate and environmental politics in Myanmar have very little recognition of diverse rural, ethnic and indigenous custodianship of nature, participation in political processes, or distributive equity of environmental risk. Any climate change related policy or measure cannot be just, when conflict and militarism are still so deeply entrenched in politics. Therefore, environmental and climate justice in Myanmar is a struggle from bottom-up, and it is actively suppressed by Myanmar authorities through the exercising of draconian laws. A 2019 Human Rights Watch report noted that freedom of expression declined abruptly in 2019. More than 250 people faced lawsuits including protesters who were often targeted under the Peaceful Assembly and Peaceful Procession Law.¹²

Penal code section 505(b) has also been used.

The Myaing Kalay cement plant is run by the military-owned Myanmar Economic Corporation (MEC) which is a major conglomerate and holding company operated by the Myanmar Army under the Defence Ministry. In recent years, MEC has received growing interest from private investors.¹³ The plant was built in the 1980s and was expanded more than a decade ago to increase its capacity. In 2016, officials from the plant announced plans that would convert the plant to coal power. The communities opposed this change but there was no public consultation process. From around October 2018, coal for the plant was transported from Pho Sho port to the cement factory. There does not appear to have been an Environmental Impact Assessment for the change from a gas-fired to a coal-fired kiln. There have been ongoing air pollution issues for local communities due to the emissions of the plant. Around early October 2019, three villages near the cement plant experienced water sources changing colour, the death of fish, and health issues such as itching skin when they washed. This had never happened in the past. By late October 2019, the water colour changes had spread to almost 30 other villages and in some areas the water had turned black. Initial consultations with international experts suggested that the cause of these findings and of the discoloration is likely to be acid drainage and anaerobic transformation of sulfates, with the cement plant being

the likely source. The State Government did not take the concerns and requests of the villagers seriously.¹⁴ Community organisations pulled together to supply affected communities with emergency clean water for essential needs. Co-author of this chapter, Saw Tha Phoe, is an Indigenous Karen community advocate who supported communities at this difficult time, including supporting on 17 January 2020 a community-led traditional prayer ceremony on the water crisis.

On Friday, 6 March, a group of 10 policemen came to Saw Tha Phoe's house but he was not at home and has not returned home since. Saw Tha Phoe, his family, KESAN staff members and their families were faced with what appeared to be a strategy of harassment and intimidation following this event.¹⁵ Saw Tha Phoe faces a trail that could lead to at least 2 years in prison.

Environmental human rights defenders not only face increased legal challenges, but also physical threats to their safety, particularly in conflict zones. Over the past few years, there have been a number of cases where indigenous environmental activists and community rights advocates have been killed by the Myanmar Army who act with impunity.

On 5 March 2020, the Myanmar Army opened fire on a group of six Karen Forestry Department (KFD) forest rangers, killing a ranger named Saw Maung Aye Than. The rangers were on their way to one of five wildlife sanctuaries that have been established and managed by

the KFD in Karen Indigenous territories. The sanctuaries are patrolled and protected by forest rangers stationed there year-round.

On 31 March 2020, a community leader named Saw Thet Mee involved in the movement to protect the Kaw customary land and community forests, was shot dead by the Myanmar Army after he crossed a Myanmar Army road in Mutraw district. In 2015, the Karen National Union (KNU) signed the Nationwide Ceasefire Agreement (NCA) to end hostilities after six decades of insurgency. However, the Myanmar Army is using and upgrading the road in areas controlled by the Karen National Liberation Army (KNLA). This is well known to be a source of armed conflicts since early 2018, and major hindrance and threat to the lives of local villagers, especially every year in the dry season.¹⁶

In 2018, Saw O Moo, a respected community leader, was murdered by the Myanmar Army on his way back home from a meeting to organise humanitarian assistance for internally displaced persons. Saw O Moo was also one of the most active local community leaders in the Salween Peace Park, a grassroots initiative to create an Indigenous Karen reserve in Mutraw District. Saw O Moo was a member of the Salween Peace Park Committee and firmly believed in its vision for peace, biodiversity conservation, and cultural preservation.¹⁷

Karen community response and sustainability initiatives

Downstream of the proposed Hatgyi dam site, Karen CSOs have been working in collaboration with village communities around the Salween's Daw Lar Lake. The Community Based Water Governance initiative expands civic space for community engagement in resource governance.¹⁸ A Daw Lar Lake committee has been formed among the five villages around the lake that is now documenting the lake watershed's natural resources and seasonal livelihoods, mapping village boundaries and conservation zones, and detailing customary governance institutions. Only in 2013, the State Government had tried to auction Daw Lar Lake as a commercial fishing concession to a private company without informing the communities. This summer, high temperatures have caused the water levels in the lake to drop significantly, a lake with huge livelihood and cultural importance for local people. As a result, fish have died and villagers are struggling to find a way to pump water from elsewhere. Once again, community governance institutions have to respond to an emergency situation, rather than focusing time and resources on strengthening sustainable natural resource governance.

Indigenous communities in Karen State are approaching environmental and climate justice not only through emergency response and advocacy with Government decision makers, but also by strengthening indigenous knowledge

and governance systems to preserve their culture and natural heritage. The Salween Peace Park (SPP) idea originated from discussions between KNU District leaders and Karen civil society leaders in the area, including KESAN. The Salween Peace Park is an area covering 5,485km² in Mutraw District, northern Kawthoolei (Karen homeland).¹⁹ The SPP is built on years of community cooperation in establishing community forests, fish conservation zones, and demarcation of customary lands. The aim is to protect and strengthen indigenous rights to use and sustainably manage their territories, resist top-down militarised development, and build social and ecological peace from the community level up. Since its opening in 2018, there has been progress on strengthening community resilience with continued improvement of SPP democratic processes and public participation in decision-making. Community-based livelihoods have continued to be strengthened through various initiatives such as developing rice bank networks to improve food security and sovereignty, organising indigenous seed sharing events, supporting the livelihoods of internally displaced people (IDPs), improving irrigation and supporting micro-hydro projects providing renewable community-owned energy. Forest restoration has been an important element of the SPP and there has been increased demarcation of customary land, establishment of more community forests and training on monitoring and documenting biodiversity.

It is becoming more widely recognised in international academic and policy circles that recognising and supporting indigenous custodianship of nature is essential in global efforts to curb climate change. The work of communities, activists, and grassroots civil society are pushing forward the movement for environmental and climate justice in Myanmar. However, the targeting of environmental and human rights advocates is a direct and serious threat to environmental integrity, sustainable democracy and the fragile peace process.

ASEAN and the international community

Lack of awareness and integration of climate change into human rights advocacy in Myanmar is a challenge in advancing progress on environmental and climate justice. Many CSOs are reluctant to talk about environmental issues in relation to existing work on peace and youth due to the sensitivity of these issues and lack of awareness and critical understanding. For example, previously, communities around Daw Lar Lake were unaware of how rubber plantations around the lake were impacting the watershed. In the case of the water level dropping this dry season, and the Hpa'an water pollution crisis, communities needed expert support from external, non-biased institutions. CSOs like KESAN and others, need greater alliance building with other CSOs around the country as well as with international activists, organisations, media and experts to tackle such crises, and hold

Government, military and corporate entities to account.

The ECD, under the Ministry of Natural Resources and Environmental Conservation (MoNREC), is responsible for engaging and raising awareness in civil society on environmental and climate change issues, but there are no meaningful efforts towards this, nor any real implementation of climate change policies or efforts to engage civil society in environmentally sustainable development. The Association of South-east Asian Nations (ASEAN) has also not done enough to move forward on climate change mitigation and environmental and climate justice. Advocates for the Salween region have attended the ASEAN Civil Society Conference/ASEAN Peoples' Forum (ACSC/APF), an annual forum of CSOs from ASEAN Member States (AMS) held in parallel with the ASEAN Summit. At last year's meeting, civil society representatives from the Asia-Pacific region agreed in a statement that ASEAN has given priority to "business and investments through the Regional Comprehensive Economic Partnership and other trade agreements...at the same time, ASEAN has not delivered on the promise embedded in the ASEAN Intergovernmental Commission on Human Rights" (APF statement, 2019).²⁰ AMS have repeatedly failed to take responsibility on climate change issues, and many CSOs feel that they are just paying lip service to civil society involvement. This can be clearly seen with the Mekong River and the intergovernmental Mekong River

Commission (MRC) that has not made significant progress on protecting Mekong communities. At present, the Mekong River is straddled by eleven massive dams. Downstream communities have suffered drought and water shortages.

On paper there seems to be no shortage of summits, meetings, agreements and policies regarding environmental issues in ASEAN and in Myanmar, nationally. However, for local communities these are sweet sounding but unfulfilled promises that cover up continuation of state-sponsored environmental destruction and exclude meaningful participation of grassroots organisations. Grassroots indigenous community organising is the main force pushing forward the environmental and climate justice movement in Myanmar and across ASEAN nations.

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Thai Youth Movements for Climate Justice: Context and Challenges

Abstract

In 2019, youth from around the world took the streets in a global strike pushing for climate justice. Thailand was no exception, with youth organising themselves around specific calls for actions and advocacy strategies. Featuring reflections and insights from two key players of the youth climate justice movement in Thailand, this chapter reinforces the idea that awareness raising and knowledge dissemination are essential elements in the struggle for climate justice.

Building a Movement: The Global Climate Strikes in Thailand

Nanticha Ocharoenchai*

In August 2018, a girl called Greta Thunberg skipped school to be the lone protester in front of the Swedish Parliament demanding for climate justice. This continued meticulously every Friday until in March 2019, millions of youth across the globe joined her in the “School Strike for Climate Justice”. I was one of the many – and this was here in Thailand where I started.

The article in *The Guardian* about Greta just before the Global Climate Strike on 15

March inspired me to organise a strike in Bangkok. With no previous experience, I was clueless of what I was doing, but once I set up the event on my Facebook page, my friends began spreading the word. March 15 came. I was overjoyed. I was not alone in holding the Thai government and corporations accountable for their pollution while pressurising them to take action on climate change.

Like me, many young people worldwide have gained an understanding of this looming threat we face, and cannot but feel fearful of our future. This is what has taken us to the streets to demand our basic rights to a liveable planet – one in which fossil fuels and unsustainable development cannot exist.

* Founder, Climate Strike Thailand

As impacts from climate change grow more visible around the world, we are running out of time to limit global warming to 2°C above pre-industrial times. We refuse to accept the current predominant approach to development that continues to create greenhouse gas emissions and pollution while destroying natural resources and resulting in more frequent and intense natural disasters and destruction of ecosystems. The collapse of food systems, water bodies and many other natural feedback loops foresee a pure enormous catastrophe ahead.

In today's world, industrial effluents and city/municipal wastes pollute our water, air and soil. Nature is tremendously exploited for profit and gains, just as much as people are. But with all the environmental and social issues that exist, alternative practices do too – from regenerative agriculture and ocean restoration, to renewable energy and carbon capture technologies. Our entire global living systems need to, and can be drastically transformed to keep living conditions on earth inhabitable.

40 participants showed up at my first strike. While not a big mass compared to strikes in European countries, this was by all means better than standing alone. Most of them were international school students and expats together with their toddlers. It made sense, since my social circle mainly consisted of that demographic. This strike – the first climate strike in Thailand – became a success. My mission was to expand the movement and

include the locals. Ultimately this gave rise to the Climate Strike Thailand.

Growing up attending international schools my entire life, expanding the climate strike movement was the closest I've come to understand the Thai norm, despite being Thai myself. It occurred to me that to engage the general Thai public, I had to first understand them.

By doing research on environmental policy, following trends on social media, keeping up with the news and asking for advice from my expanded network, I started to acquaint myself with the audience I hoped to attract. I began to read more Thai news, follow influencers and environmental pages on social media platforms, and study Thai law and politics.

I then created a Facebook page for Climate Strike Thailand and posted more Thai content, making sure to use emojis and correct spelling.[†] I shared edited photos of the climate strike and Thai environmental news on the page. As people began to re-share my posts, my following grew and more people came to know of me.

The admins of popular Thai environmental pages on Facebook, too, began sharing my content, and soon enough, Climate Strike Thailand was joined by more and more Thais and foreigners alike, and earned more space on the local media. Thai press, environmental NGOs and youth organisations began inviting me to panel discussions, conferences and stages. My voice grew louder and more people listened.

[†] <https://www.facebook.com/climatestrikethailand>

After organising five Global Climate Strikes in Thailand, my understanding of the Thai public and political sphere has deepened greatly. Along the way, I've come to recognise the challenges in building a climate strike movement in Thailand, hanging between awareness and action. Asked why I care so much about the environment, I believe the first memory of it stems back to the environmental science class I took in high school. The subject itself was fascinating, and my teacher was fun and always open to discussion.

Most Thai schools still lack not only a proper environmental curriculum, but also teachers who are adept at passing that knowledge to students. Climate change remains a small part of the updated course material. Like other subjects, it may be difficult for students to apply school lessons to their real lives. This could leave each student unable to connect the dots between the significance of nature to her/his own life and its impact on the ecosystems.

Climate change also seldom appears on traditional news outlets like broadcast television and newspapers — many natural disasters are reported, but no linkage is made between them and global temperature rise. The concept of climate justice is also a novelty to society, lacking a practical vocabulary in the language.

Potentially because of this lack of awareness, a majority of Thais do not

engage in environmental issues. In terms of individual lifestyle, many are unwilling to sacrifice their personal convenience for the negative environmental impacts (e.g., single-use plastic consumption, personal car usage, meat consumption) or even take responsibility for their actions and the pollution they create.

When it comes to public demonstrations, few Thais and Thai youth show up, possibly due to the cultural context. With an already low level of public participation — most likely because channels and platforms for this are hugely unavailable or inaccessible — public demonstrations, for climate justice in this case, may be seen as lacking purpose and effectiveness. In a society of conformity, protests are also deemed aggressive, rather than an expression of individual rights and public demands. Seniority also plays a big role in posing the idea that youth are not supposed to talk back to adults even if the latter is wrong.

Because Thailand is still a developing country — of which the majority of the population is at a low-income level — the seemingly distant threats of climate catastrophe are small compared to the ongoing everyday fears of earning sufficient income.

Lastly, due to the consecutive years of government instability, political drama plays a big role in overshadowing the climate crisis, both on media and policymaking.

However, possibly thanks to viral internet content and discussions, increasingly, more and more public citizens are becoming concerned and involved in environmental issues. Since the Thai audience is more emotional, stories involving animal deaths and drama between those in power and without have effectively stirred up dialogues in the online sphere, fueling responses and changes in government and corporations.

An example is ‘Marium’, a dugong who died from plastic ingestion in 2019. After months of public attention on its heart-melting rehabilitation journey, the death received international coverage and sparked a wave of criticism from environmentalists and animal-lovers, urging the government to address the issue of plastic pollution. On the first day of January, a nationwide plastic bag ban for 75 major retailers came into effect, although enforcement has been extremely lenient and unregulated.

While plastic has been a persisting problem and awareness has grown immensely, individual action remains insufficient and law enforcement lenient. Regardless, and aware of its direct effects on their livelihood, more Thais are following coverage of waste imports and PM2.5 air pollution, both at the national and regional ASEAN level.

As more celebrities hop on to the environmental movement, using their voice and platform to address the issues, Thais — who are greatly influenced by them —

are becoming more inclined to listen and act. In a collective culture as such that is highly receptive to social norms, once a trend ignites, it can grow exponentially in a short amount of time, offering a great chance to raise environmental issues to the national agenda. Recognising the opportunities opening up in the green sector due to the rise of demands for sustainable products and brands, businesses, too, are beginning to shift to a more environmentally-conscious model.

For a few months, I took on the role of 350.org's Climate Strikes Organiser for East Asia and was able to connect with fellow strikers across the region. I realised that a copy-paste strategy wouldn't work — each culture has their own tastes and interests, and if we're trying to get them to listen, we need to speak the same language as them.

To engage the local audience in the climate strike movement, we need a deep and specific grasp of each country's cultural, political, social, development, economic and environmental context. To reach the wider general public, we need to know what the majority of the population likes and agrees with, rather than duplicating repetitive messages about climate change from a western perspective or an environmentalist worldview.

Climate change will destroy all our livelihoods, starting from the most vulnerable. We need to hold polluters accountable. As climate activists, we have messages and demands we have to get across to

every fellow human being who shares the same planet and fate as us. We need to act like marketers, psychologists and designers, because these people seem to know how best to attract the audience and maintain their attentiveness, how to understand and address their issues, and how to shape their mind-set and influence their behaviour.

We need to know what the cultural norms and social media trends are, who the prominent opinion leaders and controversial figures are, how popular opinion has become the way it is, where all the public attention is directed, and why people think, act and consume the way they do. Once we understand how people ingest information and change their habits, then we can begin to understand how we can communicate to them what climate justice is, why it matters to them, and how they can help.

But while it is important to shed light to an alarming threat of climate catastrophe to call for mitigation and adaptation measures, we cannot simply leave people with fear. To be motivated to change and to take action, people need to have hope that whatever they do and become a part of will make an impact. After all, no one goes to the gym if they don't believe it will make them fitter. We need to not only show people what the problem is, but also direct them to the solutions and how they can be part of it.

* Youth Delegation for Environment (YouthEN)

The Role of YouthEN in Demanding Climate Justice

*Punyapha Visavakornvisid**

Introduction

YouthEN (Youth Delegation for Environment) is a youth movement aiming to encourage youth participation in modern global issues relating to climate change. YouthEN's Facebook page¹ enables easy access to information and updates on eco-friendly technologies and trends, events, conferences, and workshops hosted by other like-minded organisations. Facebook also serves to assist in widening our network – including organisations from diverse sectors – and thereby have an impressionable impact at the policy level while pushing for a society where the youth also contribute in the national and global progress on environment.

YouthEN does not only care but takes action through the initiation of projects that encourage youth to raise their voices to adults and parties who are willing to listen. This helps make it possible for a good and effective message to be conveyed to the general public. YouthEN, in initiating these projects, ensures that:

- Facts and information about the environment and its healthy co-existence with human beings are amplified;
- The importance of the environment being every individual's responsibility

and not confined to only one particular group is emphasised;

- Environmental data is easily understood and accessible;
- Youth voices are heard in issues relating to the environment. Thailand has not only a lack of youth participation but also a lack of opportunity for its youth.

Asian youth voices within the global movement

In Asia, the youth, with the increase in platforms for them, are now more active and are heard when expressing their ideas and opinions on occasions such as the Asia-Pacific Climate Week (APCW) hosted by UNFCCC and other parties.² Here, the youth are encouraged to be part of the official discussion and establish their own programmes in collaboration with concerned authorities. Examples include the Action for Climate Empowerment Youth Forum,³ the initiative of the Presidency of the 23rd UN Climate Change Conference (COP23), and YOUNGO (the official Youth Constituency to UN Climate Change), in partnership with and supported by the Government of Canada, the United Nations Development Programme (UNDP), and the UN Climate Change, that show great determination in amplifying youth voices across countries. YouthEN had similarly organised fora such as YouthEN for Climate Change Forum and the Inter-generational Dialogue: Enhancing NDCs and Strengthening Resilience within Asia Pacific, and the

youth parallel event at Asia-Pacific Climate Week in collaboration with international youth-led organisations. These platforms enable youth from Asia to voice their concerns and be part of the global movement.

For Thailand, environmental issues, particularly those on climate change, have been recognised as one of the major concerns⁴ due to their noticeable impact in the form of PM2.5 air pollution.⁵ This noticeable ‘environmental’ issue has led to relevant events such as YouthEN for Climate Change Forum 2019 and the Department of Environmental Quality Promotion (DEQP) which supported dialogue between the youth and authorities. The collaboration enabled Thai youth to voice their concerns at both national and global levels.

Most of the information with technical terminologies and acronyms – such as those contained in the UNFCCC⁶ literature on environment and climate change – is in English. This has proved to be a major barrier for Thai youth whose participation is then very limited, as they do not understand the English language very well. The media too has not been able to simplify the language to the level of the Thai audience, and hence the acknowledgement of the importance of environment conservation and preservation is at a very low level. All these have led to poor awareness and understanding of environmental problems and their major impact on the people. As awareness and understanding are core components in climate action

taken by society, this greatly impacts Thai participation.

This continued increase in Thai youth participation solidifies the Thai youth's role in the environment and climate change discourse in Thailand and at the same time, provides a great opportunity for including youth movements in future regional processes.

Lessons learnt

The experiences gained from the youth projects and activities for climate change has given us an opportunity to learn from the collaboration. Firstly, it reminded us of the true purpose of our initiative, as with long-term projects, it is possible to lose sight of what brings us all together as a team. Additionally, we learnt about the importance of setting milestones to motivate the team. Appreciating small successes keeps us going until we reach bigger goals. Overall, these experiences convinced us even more of the youth's potential.

Recommendations to other young activists

There are solutions and platforms to support young environmental activists. Though it may seem there are diverse goals in order to mitigate climate change, it is extremely important to see commonalities within these goals. Inclusivity and participation are key principles to achieve a common understanding of these goals so as to avoid unclear expectations.

In addition, integrating diverse ideas and information leads to higher and fruitful

dynamics. These differences in the background and interests among the team and participants support the idea that climate change concretely affects different groups of people. This increases the capacity to communicate with wider groups of people other than those who are common to each other.

Ways forward

Following projects and activities, YouthEN emphasises on releasing more approachable and interesting content. This could be weekly vlogs on Living Green; a 1-week challenge of social topics on social media for youth to specifically create a stronger foundation of environmental awareness, particularly in climate change; and collaborating with other well-known Facebook pages and influential persons from diverse fields such as the entertainment industry. This widens communication with various groups, and targets those who are unaware of issues, initiating collaborations with organisations that can help us accomplish our mission and intentions, all the while supporting the youth voices in Thailand.

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About FORUM-ASIA

The Asian Forum for Human Rights and Development (FORUM-ASIA) is the largest membership based human rights and development organisation in Asia with a network of 81 members in 21 countries across Asia. FORUM-ASIA works to promote and protect human rights for all, including the right to development, through collaboration and cooperation among human rights organisations and defenders in Asia and beyond. FORUM-ASIA seeks to strengthen international solidarity in partnership with organisations and networks in the global South.

FORUM-ASIA was founded in 1991, and established its Secretariat in Bangkok in 1992.

Since then, other offices have been opened in Geneva, Jakarta, and Kathmandu.

FORUM-ASIA has consultative status with the UN Economic and Social Council (ECOSOC Status) and a consultative relationship with the ASEAN Intergovernmental Commission on Human Rights (AICHR).

This publication has been made possible with the generous support of the European Union (EU), Swedish International Development Cooperation Agency (Sida) and Bread for the World – Protestant Development Service.

The contents of this publication are the sole responsibility of FORUM-ASIA and can in no way be taken to reflect the views of the EU, Sida and Bread for the World – Protestant Development Service.



“Any climate change related policy or measure cannot be just, when conflict and militarism are still so deeply entrenched in politics.”

– Lotty Carle, Saw Tha Phoe, Karen Environmental and Social Action Network (KESAN)

Climate justice encapsulates two of humanity’s most pressing issues: the protection and realisation of human rights and mitigation and adaption to climate change. Despite a globally recognised goal to limit temperature increase to 1.5°C above pre-industrial levels – day by day slipping out of reach – State and non-State actors are failing in promptly cutting down greenhouse gas emissions and meaningfully acknowledging the emergency through concrete actions.

Essentially, climate justice is centred on the concepts of equity and justice, implying that the recognition of fundamental freedoms, including freedoms of speech, association and assembly, are requisites in crafting sustainable climate solutions at the national, regional, and international levels of governance. Climate justice additionally lends a much-needed critical assessment of current and often top-down climate change mitigation and adaptation strategies.

In the eighth edition of its working paper series, the Asian Forum for Human Rights and Development (FORUM-ASIA) features members and partners expounding on the irreversible impacts of climate change on various sets of rights and stakeholders, highlighting past experiences, current struggles, and ways forward for a holistic advocacy for climate justice.

ISBN: 978-616-7733-28-9



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