

# Climate Change and Minorities

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Climate change is attracting ever more attention from the media, academics, politicians and even businesses, as evidence mounts about its scale and seriousness, and the speed at which it is affecting the world. But rarely do its impacts on minorities and indigenous groups get a mention, even though they among the worst affected.

The effects of the changing climate are bad enough in themselves – more frequent hurricanes and droughts, burning temperatures, new plagues of diseases and worse floods, for instance. But the general failure to recognize and respond to minorities' resulting problems greatly exacerbates their suffering. Disadvantage and discrimination affect them at every stage, including in the immediate aftermath of climate-related disasters and during official planning at local, national and international levels for coping with the current and future impacts of climate change.

The close relationship of some indigenous peoples and minorities with their natural environments makes them especially sensitive to the effects of global warming. In some cases, peoples' ways of life and even their very existence are being threatened by climate change, and by the rapidly increasing cultivation of biofuels, which are being touted as part of the 'solution'.

This chapter sets out some of the evidence on how minorities and indigenous people are being affected by climate change. It shows how discrimination against them means that they are not getting the help they need, or influence over governments' plans for combating and adapting to climate change. Finally, it highlights some of the opportunities for change.

The chapter uses the term 'minority' to refer to groups that are normally numerically smaller groups who share a common religious, ethnic or linguistic identity. Examples are the Roma across Europe, Dalits and Muslims in India and Afro-descendants in Colombia. 'Indigenous peoples' refers to groups who have a special connection with the natural environment and who are often seen as the 'first people' to inhabit a particular territory. Examples include the Sami of the Arctic and the Miskitu of Nicaragua.

When we contacted groups working with minorities as part of the research for this chapter, it was striking that, in three countries, they were caught up in weather-related crises. In India, the

National Campaign on Dalit Human Rights was urging greater attention to the plight of Dalits, Muslims and Adivasis in India, following unusually severe monsoon floods in 2007. In Nicaragua, Oxfam staff were tackling the devastation left by Hurricane Felix on the Atlantic coast, while in the Czech Republic, staff at the Roma rights group Life Together feared major floods in the north-east of the country following three days of rain. In the event, the rivers carried the water away safely.

It is impossible to attribute any single instance of extreme weather to climate change, so none of these examples can be blamed on it. However, the world's climate is clearly changing. As the Intergovernmental Panel on Climate Change (IPCC) states in its latest Synthesis report, published in November 2007: 'Warming of the climate system is unequivocal, as is now evident from observations of increases in global average air and ocean temperatures, widespread melting of snow and ice, and rising global average sea level.'<sup>1</sup>

In addition to these relatively gradual changes, climate change also has sudden impacts, in the form of more weather-related disasters. The toll of emergencies caused by hurricanes, floods, droughts and other forms of extreme weather has more than doubled over the last decade, from 175 in 1996 to 391 in 2005, according to the International Federation of the Red Cross and Red Crescent's *World Disasters Report*.<sup>2</sup>

## **Mind the gap: climate change, minorities and indigenous peoples**

Despite consulting with climate change and development specialists within NGOs, academia and intergovernmental organizations, we failed to find any English-language research about how global warming is affecting minority groups and indigenous peoples in different countries around the world. The only exception to this was the recent Tyndall Centre for Climate Change conference report on indigenous peoples (but not minorities) and climate change.<sup>3</sup>

Where minorities are mentioned in reports on climate change, it tends to be incidentally, during studies of particular countries. In addition, some academic, non-governmental organization (NGO) and media reporting of specific disasters has clearly acknowledged that minority communities have fared worse than others. Examples are the reporting of the

Poverty in New Orleans		
People living in poverty, 2000 (%)	New Orleans	United States
Total population	28	12
Children 18 years and younger	38	18
Whites	12	9
African-Americans	35	25

Source: UNDP, HDR 2007

New Orleans floods which followed Hurricane Katrina in August 2005, and of the Indian floods in the summer of 2007, in which African-Americans and Dalits respectively suffered especially badly.<sup>4</sup>

Part of the problem is that climate change research tends to focus on economic sectors – water, infrastructure, agriculture, settlements and so on – rather than human groups, says Rachel Roach, Climate Change Policy Officer at the development agency Tearfund. ‘Often, climate change is thought of sectorally, in terms of agriculture, water and so on, rather than in terms of a people, group or livelihood.’<sup>5</sup> This is evident in major reports on climate change, such as those by the IPCC, as well as in countries’ National Adaptation Programmes of Action (see p. 16 for more details about NAPAs).

The recent Tyndall Centre conference report<sup>6</sup> begins by stating that indigenous peoples ‘are only rarely considered in academic, policy and public discourses on climate change’. However, indigenous peoples have won more attention than other minorities for the ways in which climate change is harming them.

One reason for this is that indigenous peoples are relatively well organized at national and international levels, through organizations that represent them to politicians, bureaucrats and journalists. The Inuit, who live in the fast-melting Arctic, have gone so far as to launch a precedent-setting case against the United States in the Inter-American Commission on Human Rights (see pp. 17, 133–4). It is making slow, if any, progress, but has greatly increased awareness of the Inuits’ plight.

The United Nations Permanent Forum on Indigenous Issues will further highlight the issue for all indigenous peoples in 2008, when it holds a session on ‘climate change and the stewardship role

of indigenous people: bio-cultural diversity, livelihoods and new challenges’. In addition to the session, the Forum has also appointed two of its members to produce a report on the ‘impact of climate change mitigation measures on the territories and lands of indigenous peoples’. The activism of the indigenous lobby provides lessons for campaigners for minority rights. They might wonder why – given the host of disadvantages their communities face – they should take on this issue too. The answer is clear: not only is global warming changing our world – but, as we shall see from the following sections, minorities and indigenous people are among the worst off at every stage in the climate change story.

### Minorities tend to live in places that are worst hit by the impacts of climate change – their poverty exacerbates their vulnerability

John Magrath, programme researcher at Oxfam, says:

*‘Minorities tend to live in the more marginal areas, exposed areas, that seem to be seeing more climate changes and are more susceptible to climate impacts because they have got less, and get less, from governments.... It is a characteristic of all the studies that I have seen, that the ethnic communities are the people who suffer most from climate impacts and are the most vulnerable.’*

The IPCC’s latest impacts report also clearly acknowledges that some groups are especially vulnerable, although it rarely uses the term ‘minority’. For example, it states:

*‘Impacts of climate change are like to be felt most acutely not only by the poor, but also by certain*

*segments of the population, such as the elderly, the very young, the powerless, indigenous peoples, and recent immigrants, particularly if they are linguistically isolated, i.e. those most dependent on public support. Impacts will also differ according to gender.’<sup>7</sup>*

One of the most shocking examples of minorities’ greater exposure to climate change is in India, where some 170 million people known as Dalits are physically, socially and economically excluded from the rest of society. As a result they and two other minorities, Adivasis and Muslims, were worst hit by the unusually severe monsoon floods in 2007.

Many Dalits lived in rickety homes in flood-prone areas outside main villages, leaving them especially exposed. They were often last to get emergency relief, if they received it at all, because relief workers did not realize that Dalits live outside the main villages, or because dominant groups took control of distribution or were given priority.

A survey by Dalit organizations of 51 villages on 8–9 August 2007 found, among other things, that 60 per cent of the dead were Dalits, that none of the Dalit colonies (or *tolas*) attached to the main villages had been visited by government relief officials and that Dalits’ housing had suffered the worst damage because most was of poor quality and in low-lying areas. These findings were set out in a letter from N. Paul Divakar, convenor of the National Campaign for Dalit Human Rights, to the Governor of Bihar.<sup>8</sup>

African-Americans living in New Orleans were also disproportionately badly hit by the floods caused by Hurricane Katrina in 2005. A Brookings Institution report on the disaster found that: ‘those areas hit hardest by the flood were disproportionately non-white. Overall, blacks and other minority residents made up 58 percent of those whose neighborhoods were flooded, though they encompassed just 45 percent of the metropolitan population.’<sup>9</sup> Within the city itself, 80 per cent of people who had lived in the flooded areas were non-white. Escaping the stricken city was harder for people in the flooded areas, because one in five of them had no access to a car, compared to one in ten without access in the dry areas.

In Europe, Roma communities’ housing conditions are notoriously unpleasant and unhealthy. That some are at high risk of flooding has been less widely noted, perhaps because of the more obvious hazards they face.

However, a few studies have found that Roma people suffered especially badly during floods. One, in *Making the Case for Environmental Justice in Central and Eastern Europe*, examines events in the Slovakian Roma community of Jarovnice, which suffered the worst floods in its history in June 1998.

Some 140 Roma homes were affected, compared with 25 non-Roma homes, and of the 47 people who were killed, 45 were Roma. Of those who died, 42 had lived in a shanty town in the valley of the River Svinka, which had flooded, while non-Roma lived in the village above the valley. The report notes: ‘The public, shocked over the fatalities associated with the flood, forced the Government to take action, However, while housing for 20 families was eventually constructed in 2006, the vast majority of the residents still wait for safer housing.’<sup>10</sup>

In the Dominican Republic, Haitian migrants’ poverty leads them to live in the rural areas bordering the capital, Santo Domingo, where they work on sugar plantations. When Hurricane Georges struck in 1998, there were severe delays before they received any help from the civil defence authorities or local Red Cross. Dr Mark Pelling, chair of the Climate Change Research Group at the Royal Geographical Society, outlines how entrenched discrimination means that the unfair treatment is rarely questioned, or even noticed, by mainstream society. He says: ‘It is accepted [by the majority] that Haitians will be living in poorly paid jobs, in difficult conditions, and because they are poor, it’s also accepted that their losses will be higher after any sort of disaster.’

### The close relationship of many indigenous peoples and some minorities to their environments makes them especially sensitive to the impacts of climate change – and also to the cultivation of biofuels, which are being presented as part of the ‘solution’ to global warming

Indigenous peoples tend to live close to nature, in relatively natural environments, rather than in cities, growing and making much of the food and other products that they need to survive. This gives them an extraordinarily intimate knowledge of local weather and plant and animal life. Traditional wisdom on matters such as when to plant crops or where to hunt for food has been accumulated over

many generations, but now that the climate is shifting, some of those understandings are proving to be no longer valid. Climate change, and the rapidly increasing amount of land being converted into plantations of biofuel crops, threatens the very existence of some cultures.

In the Arctic, where the atmosphere is warming twice as quickly as in the rest of the world, there are currently some 400,000 indigenous peoples. They include the Sami people of northern Norway, Sweden, Finland and Russia, who traditionally herd reindeer as a way of life.<sup>11</sup>

Olav Mathis-Eira, a herder and vice-chair of the executive board of the Sami Council, says people first noticed signs of climate change in the mid-1980s, when winter rainfall increased. Now, higher temperatures and increased rainfall are making it harder for reindeer to reach the lichen they eat, which in winter can be covered in ice. 'There are a lot of starving reindeer in some years,' he says.

The thinning of the Arctic ice has also made reindeer herding tracks dangerous, forcing people to find new routes. 'Old people used to tell us how to move the herds and where it was safe to go,' says Mathis-Eira. 'Now they are not sure if they can do that any more ... because conditions are so different.' The loss of their ability has damaged old people's status, he adds: 'Suddenly, they are nothing.'

Many aspects of Sami culture – language, songs, marriage, child-rearing and the treatment of older people, for instance – are intimately linked with reindeer herding, says Mathis-Eira. 'If the reindeer herding disappears it will have a devastating effect on the whole culture of the Sami people.... In that way, I think that climate change is threatening the entire Sami, as a people.'

Climate change has also played havoc with the lives of indigenous people living on Nicaragua's remote North Atlantic coast, where groups such as the Mayangna, Miskitu and Rama peoples live.

Rainfall patterns have changed in line with what climate change scientists are predicting for the region and, as a result, people's traditional knowledge about when to plant crops is no longer reliable. Their ability to correctly identify the rainy season has suffered, leading them to plant crops prematurely. Then, when the rain stops, they lose what they have planted and have to start all over again. Even when the main rainy season does arrive, it is shorter than before, inflicting further economic

and psychological damage. 'To see something growing really nicely is going to make the community optimistic,' says Carlos Ling, a Nicaraguan who is humanitarian officer for Oxfam in the region. 'In the middle of that [rainy] season, they see things rotting away, so collective confidence is being damaged.'

Without surplus crops to exchange with others for goods such as soap and cloth, indigenous peoples have become less prepared to take risks and try new methods, says Ling. 'They are going to be even more prone to extinction because they are not going to survive in a changing environment when they are not changing themselves,' he warns.

As in the Arctic, the increasingly unpredictable weather has also undermined older people's ability to interpret their environment and make decisions such as when to plant crops. This, in turn, has damaged community respect for them, and reduced people's confidence that their community's intimate knowledge of their environment will guarantee their livelihoods. Instead they have become more interested in alternative means of survival, such as helping drug-traffickers or allowing gold prospectors and loggers into the forest.

'They are being pressured, more and more, to give away the forests,' says Ling. While the amounts of money on offer seem small – \$300 for a big tree, say – they are huge to people who might make \$40 in an entire year. According to the Nicaraguan government, people living on the Atlantic coast are among the nation's poorest.<sup>12</sup>

In northern Kenya, increasingly severe and frequent droughts, as well as major floods, have had a devastating impact on pastoralists. Traditionally, they have survived by herding animals, in an already harsh and dry environment. However, the drought of 2005–6 led to a 70 per cent fall in the size of their herds of cattle, goats and camels, leaving some 80 per cent of pastoralists dependent on international food aid, according to Mohamed Adow. He is regional programme manager for Northern Aid, a Muslim organization based in Manderu in north-east Kenya, which does development and advocacy work with pastoralists.

Droughts force them to travel long distances in search of water and have also sparked deadly conflicts over water. The deaths of so many livestock in 2005–6 reduced pastoralists' food supplies and damaged their health. Around one-third of the

pastoralists of northern Kenya are now 'living on the periphery of their way of life' – in villages and small communities, where they work for money, having given up their small numbers of remaining livestock to family or kinsmen, says Adow.<sup>13</sup>

### The biofuels connection

Across the world, meanwhile, the biofuel crops being championed as part of the solution to climate change are also severely affecting forest-dwelling indigenous peoples and minorities, threatening or destroying their land rights, traditional ways of life and even their survival.

Biofuels are liquid or gas fuels produced from plant (or animal) matter such as corn, oil palm, rapeseed, sugar cane, soya and wheat. The European Union (EU), the UK and other governments are promoting their use, partly because biofuels generally produce lower emissions of carbon dioxide than fossil fuels. The profits to be made from biofuels has led to a rapid increase in the amount of land devoted to their cultivation. Oil palm plantations, for instance, have become one of the fastest growing monocrops in the tropics.

A report produced by two members of the United Nations Permanent Forum on Indigenous Issues (UNPFII) in 2007 warns that the expansion of oil palm and other biofuel plantations is having a devastating effect on indigenous peoples and other forest dwellers.<sup>14</sup> It gives a long list of abuses documented in relation to plantations and logging on indigenous people's lands, which includes forced evictions; the denial of rights to lands and resources; habitat loss which has led to the destruction of livelihoods, cultures and traditional forest-related knowledge; food insecurity; higher incidence of diseases; increases in rates of prostitution and sexually transmitted diseases and the creation of exploitative, corrupt relationships between forestry officials and indigenous peoples.

In Colombia, which has the world's second largest population of internally displaced people (after Sudan), oil palm companies employ armed guards and paramilitaries to drive people off their land using intimidation, violence and murder. A recent report by the Internal Displacement Monitoring Centre paints a shocking picture of two communities Jiguamiandó and Curvaradó in the department of Chocó in the north-west of the country.<sup>15</sup>

By March 2005, more than 90 per cent of the

land planted with oil palms in the two communities belonged to displaced Afro-Colombian communities, according to the report. 'There is sufficient evidence to suggest that the [oil palm] companies have taken advantage of the violent displacements committed by paramilitary groups to encroach on collective land belonging to Afro-Colombian communities,' it states. Furthermore, the authors say there is evidence that judicial authorities have been pressured not to investigate such abuses, while the Colombian government, through its Agrarian Bank and international aid agency, has subsidized one of the major groups of companies charged by the Ombudsman's office with taking advantage of the paramilitary activities and forced displacements in the area.

'A solution to this conflict rests on the clarification of ownership in the collective territories and the political will to suspend support to companies operating on land whose inhabitants were forcibly displaced,' the report argues.

Aparicio Rios, an indigenous activist from Colombia's Nasa people and leader of the Cauca Indigenous Regional Council, believes that the outside world also needs to act. 'This is a critical situation, practically the same as genocide,' he told *SWM*. 'We ask that the international community pressure the Colombian government to provide comprehensive protection for indigenous communities and live up to its promises of buying and setting aside land for indigenous reservations so that we can preserve our traditional way of life.'

Violent evictions from ancestral lands are also taking place in Argentina, to make way for soya plantations. In Brazil, soya bean farmers are hiring gunmen and erecting barbed wire fences to exclude Afro-indigenous and Afro-descendant people from the areas where they have traditionally collected nuts from the babaçú tree.

In Indonesia, another of the world's major palm oil producers, the possibility of a further vast expansion in Kalimantan, on the border with Malaysia, threatens to have grave consequences for indigenous peoples. This government plan prompted activists in July 2007 to apply to the UN Committee on the Elimination of Racial Discrimination (CERD), under its early warning and urgent actions procedure, to get the Committee to institute its urgent action procedures in order to halt the mega-project (see pp. 28–9).<sup>16</sup>

Forest-dwelling minorities and indigenous peoples will also bear the brunt of another plan to combat climate change. Under so-called 'Avoided Deforestation' (AD), rich countries will pay poor countries to reduce forest clearance, again to reduce the rate of climate change. Advocates of AD want the concept enshrined in the next commitment period of the Kyoto Protocol, which governments are currently negotiating. But if this is to happen, then indigenous peoples will need to ensure that it includes explicit safeguards of their rights, because AD – while helping the environment – may erode forest-dwelling peoples' rights even further. This was highlighted in a recent report by the Forest Peoples' Programme, which warns that, 'Such practices may violate people's right to culture and livelihood, weaken food security and undermine their traditional practices.'<sup>17</sup> They also warn that such action on the part of governments would be in contravention of a raft of human rights conventions, including CERD, as well as participating states' obligations 'to protect customary use of biological resources and traditional knowledge under the Convention on Biological Diversity'.

### Discrimination against minorities and indigenous peoples makes it harder for them to cope with the impacts of climate change

As already mentioned, even during the severe monsoon floods of 2007, Dalits were often excluded from emergency shelters and camps, in line with their routine exclusion from the rest of Indian society. As a result, many Dalits died from snake bites.

In his letter to the Governor of the State of Bihar, N. Paul Divakar, convenor of the National Campaign for Dalit Human Rights, described the many ways in which discrimination against Dalits, Adivasis and Muslims continued as usual during and after the disaster:

*'These social dynamics are manifested in failure to identify Dalit communities affected, registering death and loss, not taking cognizance of their situation of hunger, not registering barriers and prohibitions in accessing relief. The non-recognition and under-recognition of the loss and destruction suffered by my Dalit communities in disaster results in scanty relief measures to them and limited provisioning in rehabilitation. This has serious implications for their ability to get back to normal.'*<sup>18</sup>

Discrimination was also overt in New Orleans, following Hurricane Katrina in 2005. African-Americans seeking to rent homes throughout the Gulf Coast suffered clearly worse treatment than their white counterparts, according to a group of advocacy organizations' report *Housing in New Orleans: One Year After Katrina*. 'In phone tests that had white and African American individuals call numerous housing complexes, white home seekers were more likely to be told about apartment availability, rent and discounts. Their African American counterparts were often denied this information.'<sup>19</sup>

In the city of Ostrava in the north-east Czech Republic, which suffered severe flooding in 1997, Roma families were treated very differently from 'white' families. The clearest example of this was that while evacuated white families were given flats outside the flood-affected Hrušov district, Roma families were sent to makeshift cabins of the sort used by construction workers, or back to homes that had been flooded. This was despite the fact that the Main Office of the Architect of the City of Ostrava declared parts of the Hrušov district unfit for habitation. A 2002 report by human rights lawyer Barbora Bukovska states: 'While non-Roma residents of the flooded area were resettled elsewhere, only these flooded apartments were made available to Roma residents. The apartments were in severe disrepair and clearly uninhabitable.'<sup>20</sup>

Campaigners worked with the Czech National Ombudsman to get dozens of families moved out of the area. However, a decade after the 1997 floods, some 65 Roma families are still living in the condemned areas.

While Nicaragua's government has committed itself to helping the indigenous people of the North Atlantic coast to cope with the impacts of climate change, it has done little, says Oxfam officer Carlos Ling: 'Almost nothing has come to reality, not real, concrete support.' So there is a danger that indigenous people will migrate to other, wealthier regions or move into activities such as gold prospecting. Then, says Ling, they will be unable to maintain the current balance between people and nature. Loss of the forests will exacerbate climate change, with consequences for the entire world. Perhaps if foreigners took more interest, he concludes, the Nicaraguan government would do more to help the indigenous peoples.

### Minorities and indigenous people have less influence than other groups over local, national and international decision-making on mitigating and adapting to climate change

This should not be surprising, given their more general political marginalization. However, it will need to be recognized and addressed if minorities and indigenous peoples are to get the support and protection they need in relation to global warming.

The question of influence over decision-makers is highly topical, as the world's governments negotiate new commitments under the Kyoto Protocol – the international treaty on climate change. At the same time, the world's Least Developed Countries are drawing up National Adaptation Programmes of Action (NAPAs), which set out their immediate plans for coping with climate change. Meanwhile biofuel plantations are expanding fast, with official support, and Avoided Deforestation (AD) projects may follow.

Global warming is here and is 'locked in' for decades to come, as a result of past emissions, so adaptation is vital. Adaptation means actions that reduce the actual and expected effects of climate change – a simple example is switching from one crop variety to another that copes better with a shorter rainy season.

Adaptation actually takes place at local level and people are already making the changes they can, independently of government. In the Arctic, for example, Sami reindeer herders are transporting food to the reindeer in winters when the animals cannot reach the lichen. They are also starting to reverse their traditional pattern and take their animals inland during the summer and to the coast in winter, where there is no snow and so grazing is better.

But individuals' and communities' ability to adapt is limited, for instance by lack of financial resources and technical expertise, and by the sheer scale of some of the changes that are needed. There is only so much that they can do without government backing.

For instance, the Sami want Norway's Reindeer Husbandry Act made more flexible, so that it permits new practices that they need to adopt in the face of climate change. But when *SWM* asked the government of Norway how it is helping the Sami cope, the answer we received suggests that, in terms of practical action, very little has actually happened. This is despite the fact that scientists have been

reporting rapid warming in the Arctic for years. In a statement, the Norwegian Ministry of Labour and Social Inclusion told *SWM*:

*'We have conducted extensive research on the effects of climate change, and how these changes will affect societies. It is now fundamental to transform this knowledge into action. To aid in this process on a national level, we have designated a small task group within the Directorate for Civil Protection and Emergency Planning with special responsibilities to aid the adaptation process. One key task for this new group will be to aid in the process of converting scientific conclusions into useful policy advice.'*

In Kenya, some pastoralists have adapted to climate change by growing livestock fodder crops in wetter areas near rivers, selling some of their livestock rather than allowing them to die during droughts, fencing off areas of rangeland to grow grass for private use or for sale, and using plastic rather than grass to cover worn out parts of huts.

But their inadequate representation in national politics has damaged their ability to cope with the increasingly harsh climate. 'It is primarily politics that explains the increasing inability of many pastoralists to cope with what the climate throws at them,' a group of international development and environment NGOs argued in a 2004 case study of pastoralists in Turkana district in north-west Kenya.<sup>21</sup> In *Africa Up in Smoke 2*, the authors say:

*'If the Kenyan Government makes good on its promises to promote sustainable development in the arid and semi-arid lands, and also creates a national drought contingency fund, pastoralism could still, despite climate change, be not only a viable way of life but a profitable one too.'*<sup>22</sup>

In Bangladesh, minorities were not included in consultations about the country's official plan for coping with climate change – the NAPA. Tom Tanner, research fellow at the Institute of Development Studies Climate Change and Disasters Group, helped prepare the country's NAPA. Asked whether ethnic and religious minorities were involved, he says: 'I think we can safely say that they weren't. They certainly weren't explicitly considered.' Even at a stakeholder consultation meeting held in the Chittagong, Tanner does not

recall the presence of anyone representing the Chittagong Hill Tribes. He points out that developing countries are given only a limited amount of money to spend on NAPA preparation and that 'it is very difficult, in a country so big, to be totally inclusive'. Overall, however, he feels that Bangladesh could have done better.<sup>23</sup>

Speaking about the preparation of NAPAs more generally, he suggests that minorities will tend to be ignored, just as they are in other matters. 'Minority groups are not targeted and it's very likely that they are excluded on the same grounds that they often are from development projects and interventions, just because they are unseen,' he says.

Worse still, some climate change specialists argue that, if carried out naively, then adaptation has the potential to reinforce existing disadvantages. 'Evidence suggests that adaptation decisions and plans do not benefit all stakeholders equally,' say Adger, Mace, Paalova and Razzaque in a paper for the website:

*'Rather, they often benefit those who are not particularly vulnerable and those who are well placed to take advantage of planning and regulatory processes. For example, when recovering from the impacts of weather-related hazards, the status quo in terms of wealth and access to decision making is often reinforced... The political economy of adaptation is, in fact, directly tied to the underlying determinants and drivers of vulnerability. Adaptation to climate change can potentially heap further injustice on past injustice.'* (Our emphasis.)<sup>24</sup>

## Opportunities for minorities and indigenous peoples to be heard

### National Adaptation Programmes of Action and national communications

Despite such warnings, the NAPAs that are being drawn up by some 50 Least Developed Countries also have the potential to benefit the most vulnerable. NAPAs provide: 'an opportunity for applying principles of equity and justice to ensure that the voices and priorities of the communities that are most vulnerable to climate change are incorporated into the UNFCCC process on adaptation.'<sup>25</sup>

NAPAs are being drawn up under the UN Framework Convention on Climate Change (UNFCCC) – the existing international agreement on climate change which entered into force in 1994,

and to which the Kyoto Protocol is linked. The Kyoto Protocol entered into force in 2005. It is very much in the news because governments are now negotiating a second 'commitment period', which will follow on from the current one and which runs up to 2012.

NAPAs are documents which identify countries' most urgently needed adaptation projects. By mid-September 2007, 20 countries had submitted their plans to the Secretariat of the UNFCCC, which places all completed plans on the UNFCCC website.<sup>26</sup>

During the development of their plans, countries are supposed to consult with local communities about how climate change is affecting them and what adaptation activities they consider most vital. As we have seen, this often does not happen in practice, but, officially, the UNFCCC secretariat says that: 'In the NAPA process, prominence is given to community-level input as an important source of information, recognizing that grassroots communities are the main stakeholders.'<sup>27</sup> In addition to NAPAs, the UNFCCC also requires all countries to produce 'national communications' every few years, with more complex and demanding requirements for developed countries. These communications set out what countries are doing to implement the Convention. They also state the expected impacts of climate change and what countries are doing about adaptation.

During the formation of these new domestic and international plans and standards, it is plainly vital that minorities and indigenous groups are represented. While the main obligation rests with the government to include minorities and indigenous peoples in these processes, it also presents a challenge to international and local NGOs. They will have a vital role to play, raising awareness of this new realm of policy-making at the grassroots, mobilizing support and pressurizing governments. Only by participating in these critical processes, can marginalized communities hope to have their concerns reflected and their livelihoods protected.

### Climate change and human rights

Climate change is just beginning to be articulated as a human rights issue – rather than a purely development or environmental crisis. Yet the effects of global warming described above, go to the heart of minority rights, and the key issues of existence, identity, discrimination and participation. If

marginalized communities experience systemic discrimination, then they are less likely to survive the upheavals of global warming. If a minority's lifestyle is being eroded by environmental changes, then their unique culture and language are also under threat. If they cannot participate in the decisions that will affect the outcomes of global warming, then the chances are that their needs will be ignored or sidelined. These outcomes are violations of a state's obligations to minorities, under international human rights law – a fact already being utilized by some indigenous groups seeking to hold their government to account for climate change-related impacts on their communities.

The most famous attempt to use human rights law so far has been the petition submitted to the Inter-American Commission on Human Rights on behalf of the Inuit in Alaska and Canada. This was submitted by Sheila Watt-Clouthier, supported by the Inuit Circumpolar Council (ICC) against the United States in 2005. Their 175-page petition argued that the Arctic was more severely affected by climate change than any other place on earth and that the US, as the world's largest greenhouse gas emitter, bore more responsibility for this than any other nation.

It asked the Commission to recommend that the US should adopt mandatory measures to limit its greenhouse gas emissions and to cooperate with other countries to limit global emissions (the US has not so far signed the Kyoto Protocol or committed itself to emissions reductions). It also sought recommendations that the US should take into account the impact on the Arctic of all major government actions, implement a plan to protect Inuit culture and natural resources, and help the Inuit to adapt to the unavoidable effects of climate change.

One year on, in December 2006, the Commission said it could not accept the petition, but declined to give specific reasons for doing so. Nevertheless, it granted a thematic hearing in March 2007, where it heard about the issue generally, rather than about the Inuit in particular. Lawyer Donald Goldberg, who worked on the case, says it was evident from the questions at the hearing that the Commission was anxious about assigning responsibility for global warming to any one particular state – especially when the effects of global warming were cumulative, and a collective failure on the part of carbon-producing nations.

However, he also notes that the precedent-setting

nature of the case, may have contributed to the Commission's reluctance. 'They have never had a case of this magnitude before,' he told *SWM*. 'If they were to take it on, they would be changing human rights law [as] it could open the door to thousands of other groups.' He points out, 'If Inuit rights are violated, what about [those] in Bangladesh, [the] Ganges and Pacific Islands?' However, the door is not entirely closed on this route. The information gathered at the thematic hearing, will inform the Commission's thinking on any further cases they receive on climate change. A Commission official also told *SWM* that: 'It is such a new topic for the Commission that they want to go slowly and really when they make a decision they want to be very sure because it will be a precedent.' And of course, from the Inuit point of view, the publicity that accompanied the filing of their petition dramatically drew attention to their plight, even if it did not, in the short term, deliver a legal victory.

The Inuit case centred on a state's responsibility for the direct cause of climate change – namely, the warming gases emitted by carbon-polluting industries – but a submission to CERD in July 2007, challenged a state's responsibility for its policy responses to the climate change. The threat of new oil palm plantations totaling 1.8 million hectares in Kalimantan, Indonesia, prompted 12 NGOs to request action under the CERD's Urgent Action and Early Warning Procedures.<sup>28</sup> Their submission coincided the Geneva-based body's examination of Indonesia's compliance with the International Convention on the Elimination of Racial Discrimination.

The document drawn up by the NGOs lays out starkly the impact of the mega-project. In it, they warn that between 1 million and 1.4 million indigenous people would be affected, with some 300,000 required to move from their ancestral territories:

*'They will lose their traditional means of subsistence and become wage labourers and indebted farmers working for the companies that have assumed control of their ancestral lands. In short, they will suffer irreparable harm to their basic rights and well-being, to such an extent that their survival as distinct cultural entities will be severely threatened... It will permanently render their traditional territories unsuitable for anything but cultivation of palm oil and destroy their traditional way of life.'*

They requested that, under the Urgent Action and Early Warning Procedures, the Committee should recommend a number of measures, including that Indonesia not proceed with the mega-project, that Indonesia remedy the massive and ongoing rights violations occurring in existing oil palm plantations, as well as a range of legislative and administrative measures to realize the rights of indigenous peoples. In its concluding observations, CERD did not accede to the NGOs' request to make Indonesia the subject of its Urgent Action Procedures. However, it did recommend that: '[the] State party secure the possession and ownership rights of local communities before proceeding further with this Plan'. It also said that the state should ensure that meaningful consultation with the communities should take place, with a view to obtaining their consent and participation.

While not going as far as the NGOs requested, the Committee's observations nevertheless have given the campaigners ammunition that they can use to argue their case with the government more effectively. The submission also drew valuable publicity to their opposition to the mega-project beyond Indonesia. The Inuit and the Kalimantan examples are both early instances of how human rights law, and the mechanisms for enforcing it, are likely to become increasingly important as the effects of climate change begin to bite, and the real impacts on the livelihoods of minorities and indigenous peoples are seen.

### Standing up for minority rights after disasters

Although states have the primary obligation to protect, respect and fulfil the rights of minorities and indigenous peoples – other agents also have a role to play. New guidelines aimed at international relief organizations, which emphasize the need to protect the rights of minorities and indigenous peoples in the aftermath of disasters, provide a further opportunity to improve the treatment of people affected by climate change.

In June 2006, the Brookings–Bern Project on Internal Displacement published new guidelines called *Protecting Persons Affected by Natural Disasters*.<sup>29</sup> These have been adopted by the Inter-Agency Standing Committee, which coordinates NGOs and UN bodies doing humanitarian work.

They are informed by international human rights

law, existing standards and policies on humanitarian action and human rights guidelines relating to natural disasters. And they acknowledge that, all too often, disaster victims' human rights are neglected.

The special vulnerability of minority groups and indigenous peoples is explicitly and repeatedly recognized. For instance, paragraph B1.3 states:

*'Safe and non-discriminatory access to available humanitarian assistance should be secured for all persons in need. In particular, measures should be taken to grant priority access to such vulnerable groups as minorities, single-headed households, elderly, people with disabilities, and unaccompanied and separated children.'*

In a section on property and possessions, paragraph C2.7 states: 'Specific arrangements should be made to enable and facilitate recognition of claims to land ownership based on prolonged possession, in the absence of formal land titles, especially for indigenous peoples.'

While the laws and principles on which they are based are well established, the guidelines themselves are less than two years old. Yet if even the most minimal effects predicted for climate change are realized, international relief and the agencies which deliver it, are likely to become increasingly important to the survival of many minorities and indigenous people. It is vital therefore, that these guidelines are implemented in practice. A gap in the current guidelines, in fact, relates to the monitoring of their application. Although the guidelines say this should be done, they do not spell out *how* – although the document says vaguely that it would be 'essential to establish effective monitoring mechanisms, benchmarks and indicators'. Nevertheless, awareness among minority and indigenous activists of the existence of these guidelines, may lead to better, more equal treatment, as well as, over time, remind governments, UN agencies and NGOs of their obligations towards all groups, on a non-discriminatory basis.

### Conclusions

It should not be surprising that minority groups and indigenous peoples are especially badly hit by climate change, that they get less help coping with its effects and that they have to fight harder to influence decisions about mitigating and adapting to

climate change. Their needs, problems and voices are all too easily ignored at every stage.

The lack of research into the ways in which minorities and indigenous peoples are being affected by climate change only exacerbates their disadvantage and vulnerability. For them to get the help they need, their situation must first be documented and recognized – by academics, development and environment NGOs, governments and intergovernmental organizations.

Minorities' and indigenous peoples' own organizations can contribute to such a shift in awareness, using all the institutional, media and legal avenues open to them.

One immediate opportunity is governments' ongoing negotiation of a new commitment period under the Kyoto Protocol. This is attracting a vast amount of political, media and academic attention, and provides a good chance to start putting minority and indigenous concerns on the climate change map.

Minorities and indigenous peoples will add weight to their demands if they emphasize their role (where appropriate) as stewards of precious natural environments – notably tropical forests, which are major carbon sinks and biodiversity hotspots that benefit the entire world.

Finally, taking legal action to uphold people's human rights can only reinforce the impact of minorities' and indigenous peoples' efforts in other spheres. Even though the Inuit case against the US floundered, it won massive publicity for their arguments and, conceptually, it prepared the way for more successful actions in future. ■