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**Study on the promotion and protection
of the rights of Indigenous Peoples
in natural disaster risk reduction
and prevention and preparedness initiatives**

**Promotion and protection of the rights of Indigenous Peoples in natural
disaster risk reduction and prevention and preparedness initiatives**

In its resolution 24/10, the Human Rights Council requested the Expert Mechanism on the Rights of Indigenous Peoples to prepare a study on the promotion and protection of the rights of Indigenous Peoples on natural disaster risk reduction, prevention and preparedness initiatives, including consultation and cooperation with the Indigenous Peoples concerned in the elaboration of national plans for natural disaster risk reduction, and to present it to the Human Rights Council at its twenty-seventh session. The Human Rights Council also decided to convene, at the same session, a half-day discussion on the promotion and protection of the rights of Indigenous Peoples in natural disaster risk reduction, prevention and preparedness initiatives.

The Expert Mechanism called for submissions from States, Indigenous Peoples, non-state actors, national human rights institutions and other stakeholders to assist in the study.

It behoves me, on behalf of the Expert Mechanism to express gratitude to all those who contributed to the Study, and as well as those involved in the preparation of the Report. Recognizing the invaluable services of the Secretariat of the Expert Mechanism.

The Study set out to find out if, and under what circumstances are the rights of Indigenous Peoples impacted upon, the nature of the impacts, and the remedies thereof; focusing on:

- Promotion of the rights of Indigenous Peoples in disaster risk reduction and prevention and preparedness initiatives.
- Protection of the rights of Indigenous Peoples in disaster risk reduction and prevention and preparedness initiatives.

The study recognizes a disaster as “a serious disruption of the functioning of a community which involves widespread human, material, economic or environmental losses and impacts that exceeds the ability of the affected community to cope using its own resources; often the result of the combination of the exposure to a hazard, the conditions of vulnerability that are present, and insufficient capacity or measures to reduce or cope with the potential negative consequences.”¹

Such a definition and other disaster terminology defined by the United Nations Office for Disaster Risk Reduction promote a common understanding in the implementation of disaster risk reduction practices. However, it is necessary to ensure that the perspectives of Indigenous Peoples are adequately integrated into the implementation of all practices and at all stages of the design and implementation of risk reduction projects and activities.

International legal and policy framework

The United Nations Declaration on the Rights of Indigenous Peoples is the most comprehensive instrument elaborating the rights of Indigenous Peoples, and several of its provisions have implications for the promotion and protection of the rights of Indigenous Peoples in this area, and can provide guidance for the design and implementation of sound disaster risk reduction strategies and interventions.

For example, Article 4 states that in exercising their right to self-determination, Indigenous Peoples have “the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.” On the right to participate in decision-making (Article 18), and (articles 19 and 32), which address free, prior and informed consent, can also provide guidance in the context of disaster risk reduction.

Indigenous Peoples are entitled to participate in disaster risk reduction processes and that States have the obligation to consult with them and to seek to obtain their free, prior and informed consent concerning risk reduction measures that may affect them. Risk reduction is more likely to be successful if indigenous decision-making processes and traditional knowledge are respected.

Article 31 affirms the right of Indigenous Peoples to maintain and protect their traditional knowledge and the manifestations of their sciences and technologies, as well as providing safeguards for the protection of this right. Traditional knowledge has a valuable role to play in disaster risk reduction and it should be recognized and protected accordingly.

Further, article 23 affirms Indigenous Peoples’ right to determine and develop priorities and strategies for exercising their right to development; including, “the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them”. As well as to be actively involved in designing and conducting vulnerability studies and strategies that aim to reduce their risk. In addition, article 32 upholds Indigenous Peoples’ right to determine and develop priorities for the use of their lands and territories, which would include their possible use for disaster risk reduction initiatives.

Given the potential impact of disasters on Indigenous Peoples’ lands and their productive capacity, sound disaster risk reduction strategies, should be developed with the active participation of Indigenous Peoples; having regard to article 29; “Indigenous Peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources.”

Disaster risk reduction, in extreme cases, might involve removal from areas that are deemed unsafe, due to high risk of landslides or located along the banks of a river that is prone to flooding. Article 10 of the Declaration states

that Indigenous Peoples “shall not be forcibly removed from their lands or territories” and prohibits relocation without the free, prior and informed consent of the peoples concerned, agreement on compensation and, where possible, the option of return.

The United Nations human rights treaty bodies recognize the intrinsic link between the environment and the realization of a range of human rights, such as the right to life, to health, to food, to water, and to housing (A/HRC/10/61). Disaster risk reduction can contribute significantly to the promotion and protection of these human rights.

The Committee on the Elimination of Discrimination against Women, for example, has underlined the importance of integrating a gender perspective and fostering the participation of women in disaster risk reduction initiatives.² The Committee on the Rights of the Child has also addressed the issue in some of its concluding observations, advocating for the inclusion of disaster preparedness in school curricula, for instance.³ The observations of the two Committees refer to indigenous women and indigenous children by implication.

The Special Rapporteur on the right to food recommended, for example, that Nicaragua put in place a rapid alert system in order to “protect Indigenous Peoples from the impacts of weather-related events” and support them in making their food systems more resilient in the face of climate change (A/HRC/13/33/Add.5, para. 83 (h)).

Global frameworks for disaster risk reduction

The United Nations-endorsed Hyogo Framework for Action (HFA)⁴ is a ten-year plan (2005–2015) that sets out a comprehensive approach for reducing disaster risks. It was adopted by the General Assembly of the United Nations in its resolution 60/195 (para. 2). Beyond recognizing the role of traditional knowledge and cultural heritage, the HFA makes no specific reference to Indigenous Peoples. It can be argued that a number of its risk reduction strategies and principles are relevant to Indigenous Peoples. These include the “development and strengthening of institutions, mechanisms and capacities at all levels, in particular at the community level, that can systematically contribute to building resilience to hazards”,⁵ the importance of taking into account “cultural diversity, age, and vulnerable groups” in disaster risk reduction,⁶ and the empowerment of communities and local authorities “to manage and reduce disaster risk by having access to the necessary information, resources and authority to implement actions for disaster risk reduction”.⁷

Although a number of human rights-relevant elements are already explicitly addressed in some form or the other in the HFA, such as gender, age, vulnerable groups, cultural diversity, livelihoods, and socioeconomic structures; a number of others are excluded, such as discrimination and inequalities, economic and social rights in general, and the need for participation by affected communities. The HFA also does not address the situation of Indigenous Peoples explicitly.

2 See, for example, the concluding observations for Indonesia (CEDAW/C/IDN/CO/5, para. 39), Grenada (CEDAW/C/GRD/CO/1-5, para. 36 (b)), Jamaica (CEDAW/C/JAM/CO/6-7, para. 32 (b)) and Tuvalu (CEDAW/C/TUV/CO/2, para. 56).

3 See, for example, the concluding observations for Djibouti (CRC/C/DJI/CO/2, para. 63 (h)).

4 UNISDR, Hyogo Framework For Action 2005–2015: Building the Resilience of Nations and Communities to Disasters (2005). Available from www.unisdr.org/files/1037_hyogoframeworkforactionenglish.pdf (accessed 22 April 2014).

5 Hyogo Framework for Action 2005–2015, para. 12.

6 Ibid., para. 13.

7 Ibid., para. 13.

The mandate of the United Nations Office for Disaster Risk Reduction (UNISDR), formerly the United Nations International Strategy for Disaster Reduction, is to serve as the focal point in the United Nations system for coordinating disaster risk reduction and ensuring synergies among disaster risk reduction activities. Through a system of global partnerships, the UNISDR system provides a vehicle for cooperation among governments, organizations and civil society actors, as well as Indigenous Peoples and their organizations, to implement the HFA.

At the moment, the UNISDR is coordinating the post-2015 successor mechanism: HFA2.⁸ The HFA2 framework is drawing its input from recommendations made at regional platform meetings, and particularly from the fourth Global Platform for Disaster Risk Reduction, held in 2013. The report of the fourth Global Platform mentions several areas that should be duly noted by both States and Indigenous Peoples: “HFA2 needs to enable and encourage full participation of people disproportionately affected by disasters and should embody the principles of social inclusion and human rights. The perspectives of the most vulnerable should be included in both disaster risk reduction planning and implementation. Their representatives should also play a major role, including leadership, in national disaster risk reduction arrangements. In conjunction with this, the relationship between disaster risk reduction and human rights needs to be explored and practical measures taken to strengthen it.”⁹

Indigenous Peoples are at particular risk

It is a known fact that Indigenous Peoples worldwide face systematic discrimination and exclusion from political and economic power and continue to be overrepresented among the poorest and most vulnerable segments of society; often dispossessed of their traditional lands and territories and deprived of their resources for survival, both physical and cultural, further weakening their capacity to deal with hazards, both natural and man-made (E/C.19/2013/14, para. 2).

Many indigenous communities have faced and continue to face disasters, including earthquakes, floods, landslides, tsunamis, typhoons, *hurricanes*, coastal erosion and drought, which have caused enormous losses including of lives, property and sources of livelihood.

Risk factors

Climate change

In 2008, the Human Rights Council in the preamble to its resolution 7/23 on human rights and climate change, expressed concern that climate change “poses an immediate and far-reaching threat to people and communities around the world,” threatening the right to safe and adequate water and food, the right to health and the right to housing. The human rights perspective emphasizes that climate change is set to hit the poorest countries and communities the hardest, including Indigenous Peoples.

8 UNISDR, Proposed elements for consideration in the post-2015 framework for disaster risk reduction. Available from www.preventionweb.net/files/35888_srsgelements.pdf (accessed 22 April 2014).

9 UNISDR, Post-2015 Framework for Disaster Risk Reduction (HFA2): Report from 2013 Global Platform Consultations, p. 3. Available from www.unisdr.org/files/35070_hfa2consultationsgp2013report.pdf (accessed 22 April 2014).

Indigenous Peoples are among the first to face the direct consequences of climate change, owing to their dependence upon and close relationship with the environment and its resources. Climate change exacerbates the difficulties already faced by vulnerable indigenous communities, which include political and economic marginalization, loss of land and resources, human rights violations, discrimination and unemployment. The following are examples relevant to this discourse:¹⁰

- (a) glacial melts
- (b) deforestation and forest fragmentation, droughts, changes in species, and in the availability of traditional food sources, weather conditions, posing serious challenges to the right to health and the right to food.
- (c) Rising temperatures, dune expansion, increased wind speeds, and loss of vegetation
- (d) sea level rise, ocean acidification and an increase in extreme weather events such as droughts and typhoons *and hurricanes* are placing Indigenous Peoples at added risk.¹¹
- (e) climate change has caused changes to the agricultural calendar, affecting cultural practices that are linked to key activities in the agricultural calendar.

Environmental and geographical factors

Environmental protection and the strengthening of ecosystems is an essential ingredient in building disaster resilience.¹² The close relationship of Indigenous Peoples with their lands and territories makes them extremely vulnerable to changes and damage to the environment. Indigenous Peoples often inhabit lands that are risk-prone (e.g. low-lying coastal areas or steep mountain slopes). Making them even more vulnerable is the fact that infrastructure development and resource extraction frequently take place on or close to their lands and territories, even though the community itself is often not involved in creating the added risk.

Activities such as illegal logging, deforestation for agriculture, the destruction of mangroves, and mining, as well as large-scale plantations and energy projects, contribute to changes in climate patterns, which can threaten the health and livelihoods of Indigenous Peoples and can increase their exposure to disasters.

Resource extraction

The link between unsustainable development practices and disaster risk reduction has been clearly made by the Secretary-General in his report to the General Assembly entitled “Implementation of the International Strategy for Disaster Reduction”, which states that “development cannot be sustainable if the disaster risk reduction approach is not fully integrated into development planning and investments”, and that “development investment that does not consider disaster risk will lead to the accumulation of more risk” (A/68/320, para. 69).

10 Climate change and indigenous peoples (2008). United Nations backgrounder. Available from www.un.org/en/events/indigenousday/pdf/Backgrounder_ClimateChange_FINAL.pdf (accessed 22 April 2014).

11 Submission: Foundation of the Peoples of the South Pacific International.

12 UNISDR *How to Make Cities More Resilient, A Handbook for Local Government Leaders*. Available from www.unisdr.org/files/26462_handbookfinalonlineversion.pdf (accessed 22 April 2014).

Health risks

If the health rights of Indigenous Peoples are at risk in “normal” times, it stand to reason that their vulnerability will be exacerbated in disaster situations where underlying disaster risks have not been addressed.

Lack of participation of Indigenous Peoples in decision-making and lack of recognition of community-driven initiatives

Indigenous Peoples have the right to participate in decision-making in matters that affect them, and therefore be actively engaged in disaster risk reduction, prevention and preparedness initiatives, particularly if these measures are likely to take place on, or somehow affect, their lands, territories and resources. Indigenous Peoples also have a great deal to contribute to disaster risk reduction, preparedness and prevention, and States *and the international community* should take the opportunity to learn about time-tested indigenous practices that have arisen from a close relationship with the environment, and include these lessons in their planning.

Contributions of Indigenous Peoples to their own and to national resilience

Indigenous communities hold time-tested knowledge and coping practices developed through their intimate connection with their natural surroundings that make them resilient to climate-related natural hazards and disasters. This knowledge is a living practice, which can adapt in response to changing circumstances. Indigenous knowledge “includes an understanding of the relationships between indigenous societies and nature, which have been tested by time and proven to be sustainable and successful in limiting the effects of hazards” (E/C.19/2013/14, para. 39).

There are compelling reasons why such knowledge should be used in disaster management policies formulated by States, because indigenous practices for disaster risk reduction and mitigation can often be adapted for use by other communities in similar situations or environments.

- The use of a community’s traditional practices can encourage participation and empower the community itself to take the lead in disaster risk reduction initiatives.
- Traditional knowledge and practices can provide valuable information about the local context to project implementation partners, including government agencies working on disaster risk reduction; and
- The non-formal dissemination of traditional knowledge provides a model for awareness raising and education on disaster risk reduction.¹³

Improving consultation with and the participation of Indigenous Peoples in natural disaster risk reduction, prevention and preparedness initiatives

The participation of Indigenous Peoples, in addition to being a right to which they are entitled, is critically important for the success of disaster risk reduction, prevention and preparedness initiatives.

Free, prior and informed consent

The United Nations Declaration on the Rights of Indigenous Peoples sets out a series of provisions on free, prior and informed consent, and six of its articles contain explicit requirements in this regard (arts. 10, 11, 19, 28(1), 29(2) and 32). The duty of States to obtain Indigenous Peoples' free, prior and informed consent entitles Indigenous Peoples to effectively determine the outcome of any decision-making that affects them, not merely to a right to be involved in such processes. It should be obtained through genuine consultation and participation.

Partnership between Indigenous Peoples and Governments

Strong partnerships between Indigenous Peoples and government agencies working in disaster risk reduction are essential. For these partnerships to be successful, however, Indigenous Peoples' right to participate in decision-making must be respected. Indigenous Peoples need to be consulted and involved in disaster risk reduction initiatives at all stages.

Strategies to improve the participation of Indigenous Peoples in disaster risk reduction

The relationship between disaster risk reduction and the promotion and protection of the rights of Indigenous Peoples is a relatively new area of exploration. The Expert Mechanism's "Final report of the study on Indigenous Peoples and the right to participate in decision-making" (A/HRC/18/42) suggests a number of good practices by which Indigenous Peoples may participate in decision-making and stresses that their involvement in the design of the practices is important for success. These practices should be applied to disaster risk reduction. For example, through participative assessments (of both capacities and vulnerabilities) and policymaking processes aimed at combining local knowledge with scientific methods, communities can be empowered to take advantage of their own traditional knowledge to develop integrated strategies that are institutionalized and perhaps even transferred to similar contexts elsewhere.

Advantage should be taken of regional and international initiatives and platforms that recognize, highlight and promote Indigenous Peoples' issues, so as to help ensure that Indigenous Peoples have access to best practices and lessons learned and that the experience and knowledge residing in indigenous communities is recognized by the international community as a valuable contribution to disaster risk reduction.

Education and awareness rising

One key means of strengthening the participation of Indigenous Peoples in disaster risk reduction is through education and awareness rising. Indigenous Peoples have the right to receive information to reduce their risk and vulnerability and to protect themselves, their property and their livelihoods.

Strengthening the participation of Indigenous Peoples in development of plans for disaster risk reduction

As an example, the Indigenous People (**Bethechilokono**) of Saint Lucia are increasingly engaging the State of Saint Lucia through the National Emergency Management Organization as the country revises its National Emergency Plan. The Bethechilokono are advocating the collection of disaggregated data on the community and its risks, for the plan to consider international obligations to respect their rights when designing and implementing rehabilitation programmes to mitigate the effects of natural disasters. The Bethechilokono are advocating the inclusion of their representatives in all national disaster risk reduction and

emergency management committees and advisory bodies. The Secretariat of the Bethechilokono is working on a database of the traditional knowledge of the Bethechilokono to assist the State in effectively implementing its natural disaster management plans and actions in areas inhabited by the Bethechilokono.

As an example, the

Participation of Indigenous Peoples in the development and implementation of early warning systems

The participation of Indigenous Peoples in the development and implementation of early warning systems is essential to their success. Participation by Indigenous Peoples can help to ensure that these systems are culturally and linguistically relevant and are well adapted to the specific risks and circumstances that they face.

The Study on the Promotion and protection of the rights of Indigenous Peoples in natural disaster risk reduction and prevention and preparedness initiatives concludes with a number of Advices to States, Indigenous Peoples and associated national, regional and international organizations.

States are called upon:

- To integrate indigenous perspectives that reflect the changing climate in the context of disaster risk reduction in national policies
- To create an atmosphere necessary for the full and effective participation of Indigenous Peoples in the design and implementation of early warning systems.
- To adopt measures to promote the participation of Indigenous Peoples in regional and international disaster risk reduction forums, including the global post-2015 framework for disaster risk reduction (HFA2).
- To make improvements in the collection and disaggregation of data on disaster risk reduction in order to develop a clearer picture of Indigenous Peoples' vulnerability to disasters.
- To consult with Indigenous Peoples and seek to obtain their free, prior and informed consent when implementing disaster risk reduction measures that may affect their lands, territories and natural resources.
- To provide easily understandable information on disaster risks and protection options to encourage and enable people to take action to reduce risks and build resilience.¹⁴

Indigenous Peoples are encouraged to:

- Ensure their greater participation in disaster risk reduction initiatives.
- Develop community-level participatory preparedness and risk reduction plans and strategies, and disseminate and promote the elements included in these plans and strategies.
- Invest in training for youth on new technologies that are a part of current early warning and Geographic Information System mapping applications, which may include training by elders on how to adapt traditional knowledge in this contemporary context. (Transmission of traditional/indigenous knowledge).

Traditional indigenous knowledge, values and cultures are, in themselves, important risk reduction tools and should be incorporated into national and international disaster risk reduction strategies, in conformity with the United Nations Declaration on the Rights of Indigenous Peoples. Indigenous

knowledge should be valued and widely shared among the communities of Indigenous Peoples and with States and international institutions.

The Study obliges the global and regional disaster risk reduction initiatives to:

- Exchange good practices and experiences in working with Indigenous Peoples at the regional and international levels.
- Ensure the full and effective participation of Indigenous Peoples and the recognition and promotion of the rights of Indigenous Peoples.
- HFA2 should continue to highlight the inclusion of indigenous perspectives and traditional knowledge of risk reduction, particularly on issues related to climate change, and to advocate for a human rights-based approach to be integrated into disaster risk reduction policies and programmes, as recommended in the report of the fourth Global Platform for Disaster Risk Reduction.
- Address existing gaps in human rights-relevant elements of the Hyogo Framework of Action
- Identify appropriate spaces and opportunities to move forward a productive dialogue that reflects and builds upon potential synergies between disaster risk reduction, human rights and indigenous issues.

International and regional organizations, in cooperation with Indigenous Peoples, should develop training programmes on disaster risk reduction aimed at strengthening the participation of Indigenous Peoples in disaster risk reduction and improving Indigenous Peoples' resilience to disaster risk.

END