

# **Position of the International Indigenous Peoples Forum on Climate Change (IIPFCC)\* on current Climate Change negotiations**

**Bonn, Germany, June 2010**

## **GENERAL PRINCIPLES**

**The IIPFCC, gathered in Bonn on the occasion of the sessions of the AWG-LCA, AWG-KP, SBSTA and SBI, urges the international community to rebuild the conditions of confidence and collective responsibility, and to achieve a fair and equitable binding agreement on the reduction of emissions, climate policies and actions at the COP16 in Cancun.**

Any decision or indication undertaken by the Parties will have to be founded on a strong rights-based approach and framework – specifically including the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), Indigenous Tribal Peoples Convention (ILO 169), and other international human rights obligations and instruments - and on the recognition of historical responsibility and ecological debt. Proper consideration should be given to the indigenous peoples' Anchorage Declaration and to the indigenous peoples' declaration adopted at the Cochabamba Peoples' Summit, April 2010.

Accordingly, the following overarching principles will have to be enshrined in any resolution or determination of the UNFCCC bodies:

1. All policies, plans and programmes related to climate change must ensure the collective human rights of indigenous peoples, including securing their rights to their water, lands and territories, carbon, forests and all other resources, in accordance with international human rights obligations and instruments. Indigenous peoples' rights to self-determination must be recognized and respected in all climate change related policies, initiatives and actions.
2. The effective and meaningful participation of indigenous peoples, through representatives of their own choosing, must be ensured in all processes, initiatives and actions related to climate change. All legislation, policies, plans, and programmes should include indigenous men, women and youth equally.
3. Indigenous peoples' right to free, prior and informed consent (FPIC) should be guaranteed during all stages of all processes, policies, initiatives and programmes related to climate change, including formulation, adoption, design, planning, implementation and Monitoring, Reporting and Verification (MRV).
4. The symbiotic relationship of indigenous peoples with their ancestral lands, forests, water and other natural resources, as well as their traditional knowledge and practices, should be recognized, promoted and respected, as fundamental contributions to address the climate crisis.

The following are the IIPFCC perspectives and demands on the various elements currently being discussed and negotiated in Bonn.

# 1. Ad-hoc Working Group on Long-term Cooperative Action (AWG-LCA)

## 1.a Cross-sectoral issues

### 1.a.1 Shared vision

Climate change-related effects have a range of implications, both direct and indirect, for the effective enjoyment of the human rights of indigenous peoples, as embodied in the UN Declaration on the Rights of Indigenous Peoples, ILO 169, as well as the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, International Covenant on Cultural and Political Rights; and other relevant conventions, treaties and human rights agreements;

Indigenous peoples in particular are highly vulnerable to, and suffer disproportionately from, the impacts of climate change as well as from adverse mitigation and adaptation measures. They can also contribute to solutions to climate change. Therefore the Shared Vision section should recognize the role and contribution of indigenous peoples' knowledge, innovations and practices in playing a stewardship role and in contributing solutions to the climate crisis. The crucial role of indigenous women in the transmission of knowledge and preservation of culture and environment should also be acknowledged.

State Parties should commit to respect international human rights standards that establish moral and legal obligations to protect, promote, enhance and facilitate the full enjoyment of indigenous peoples' collective human rights in all matters related to climate change. These will include their rights to their lands, territories, carbon and resources, their traditional knowledge, and their free, prior and informed consent, consistent with the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), as well as guaranteeing their full and effective participation in all climate change related processes at the global, regional, national and local levels.

The IIPFCC commends and appreciates the UN Human Rights Council resolution related to the human rights' dimensions of climate change, particularly the reference to participation of vulnerable groups such as indigenous peoples and to the need to ensure that climate change actions do not adversely affect human rights.

### 1.a.2 Capacity building

Parties must commit themselves to support capacity building for indigenous peoples and local communities, based on priorities defined by them, building on their existing institutions and their traditional knowledge, innovations, and practices. Parties should therefore commit to strengthening communication, education, training and public awareness efforts at all levels, with specific focus on youth, women and indigenous peoples.

### 1.a.3. Technology Transfer

Transfer of technologies must be immediate, appropriate, and free of cost, guaranteeing that its implementation is in harmony with Mother Earth and without conditionality. The intellectual property rights regime shall be modified in order to guarantee access to clean mitigation and adaptation technologies, particularly those developed with participation of public funding. Evaluation, recovery and development of mitigation and adaptation actions should incorporate indigenous peoples' knowledge and technologies, subject to their free prior and informed consent, while guaranteeing full participation of indigenous experts. These mitigation and adaptation technologies should respect indigenous rights and

gender equality, and avoid the introduction of inappropriate technologies, as well as any negative social and environmental consequence on indigenous peoples and local communities.

#### **1.a.4. Finance**

The governance of any established climate fund and related financing mechanisms must include equitable representation of indigenous peoples and local communities by representatives of their own choosing. The governance structure of any such mechanism should be under the UNFCCC and fully accountable to the COP. Participatory mechanisms should be established to ensure transparency and accountability of all financing procedures and operations.

Financial resources for climate-related activities should come primarily from public sources and be additional to development aid funds. Adequate funding should be made directly available to strengthen the capacity of indigenous peoples in all phases of all climate related processes. A dedicated fund should be established to allow indigenous peoples and local communities to develop their own activities and contributions to climate change remedial actions.

Safeguards should be established to prevent harm to indigenous peoples and the environment, and tools developed to enhance and facilitate the full enjoyment and the exercise of the rights of indigenous peoples in accordance with international standards on human rights, the environment and sustainable development..

#### **1.a.5 Monitoring, reporting and verification (MRV)**

Indigenous peoples and local communities should be involved in Monitoring, Reporting and Verification in all stages of all climate related initiatives. These include the design, implementation, monitoring, reporting and evaluation of safeguards and MRV for REDD+, for other mitigation and adaptation measures, as well as for financing and technology development and transfer. Indigenous peoples should also be given the opportunity to develop and present their own parallel reports on REDD+ and developments related to any other climate related initiative.

### **1.B. OTHER ISSUES**

#### **1.b.1. Mitigation and adaptation**

Parties should recognize the vital role played by indigenous peoples and local communities and their traditional knowledge in ecosystems maintenance, resilience building and climate changes mitigation and adaptation. The right to equitable benefit sharing with indigenous peoples and local communities should also be recognized and operationalized.

All Parties should develop and implement policies and measures that ensure the sustainability and resilience of traditional agriculture and traditional food systems, taking into account the need to address food sovereignty, biodiversity, the linkages between adaptation and mitigation, sustainable land management and specific characteristics of different traditional production systems.

Indigenous peoples' experts should be included in any expert panel dealing with adaptation and mitigation, to ensure the respect and proper consideration of indigenous traditional knowledge and livelihoods as a contribution to the development and implementation of adaptation and mitigation actions and programmes.

### 1.B.2. REDD+

The IIPFCC is particularly concerned about the acceleration of REDD+ implementation, both under the Interim REDD+ partnership and other bilateral and multilateral processes. The Interim Partnership document does not have any specific reference to ensuring the rights of indigenous peoples as one of its overarching principles. It is imperative that the rights of indigenous peoples, including the resolution of land tenure, carbon rights and full and effective participation of indigenous peoples be addressed and resolved at national and international levels as a precondition for any further activities of REDD+.

The risks of REDD+ proceeding outside of the UNFCCC are multiple: on the one hand they undermine the multilateral system and the central role of the UN. On the other hand, they might have serious impacts on indigenous peoples' rights as recognized in international standards and obligations such as the UN Declaration on the Rights of Indigenous Peoples.

Indigenous peoples call for unambiguous language and commitment on REDD+ that explicitly refers to the right to self-determination and free and prior informed consent as a precondition for any REDD+ action to occur in indigenous lands. Further capacity building of indigenous peoples on understanding the full implications of REDD+ and enabling their full and effective participation in the early stages of REDD+ project cycle is imperative.

The text under discussion in the LCA needs to prioritize the need to implement – and not only support and promote - strong social, environmental and human rights safeguards, and to ensure land tenure, carbon rights and equitable benefits, as well as to respect the traditional knowledge and livelihoods of indigenous peoples.

The IIPFCC encourages the implementation of sub-national REDD+ pilot projects, when promoted, planned and implemented by indigenous peoples and local communities and supported by dedicated grants directly accessible to them, subject to the prior establishment of a national legal framework that ensures the recognition of the rights of indigenous peoples, while preventing leakages. The national framework shall ensure equitable receipt of benefits and their control by the concerned peoples.

## 2. Ad-hoc Working Group on the Kyoto Protocol (AWG-KP)

The IIPFCC expresses its concern about on-going efforts by some Parties to integrate key elements of the Kyoto Protocol negotiation track into the AWG/LCA draft outcome document.

KP- Parties must commit themselves to deliver a legally binding outcome in COP 16 in the form of an amendment to the Kyoto Protocol for the further commitment period 2013-2020, for Annex I countries.

The voluntary commitments for emission reductions stated in the Copenhagen Accord are extremely insufficient. The lack of political will to adequately address the climate change crisis is unacceptable and will lead to further destruction of the territories, resources and livelihoods of indigenous peoples all over the world, threatening their very survival as well as that of the rest of humankind.

The IIPFCC urges parties to commit themselves to a binding aggregate emissions reduction target (through a “top-down” rather than a “bottom-up” approach) for Annex 1 countries of at least 50% below 1990 levels by 2020 and at least 95% by 2050.

As an alternative to the current market-based Clean Development Mechanism, the binding agreement must adopt a fund-based approach, to implement projects, with special emphasis on women, indigenous peoples and local communities.

Measures must be adopted and implemented to uphold the collective human rights of Indigenous Peoples in accordance with applicable universal human rights instruments and agreements, including the United Nations Declaration on the Rights of Indigenous Peoples, pending the conclusion of the negotiation process for the second commitment period of the Kyoto Protocol.

The IIPFCC strongly supports the establishment of an experts group on the implementation of the Kyoto Protocol for Indigenous Peoples under the auspices of Meeting of the Parties (MOP). The Parties, together with representatives of Indigenous Peoples, will agree on the composition, functions and terms of reference of this body.

The IIPFCC is extremely concerned about the persistent attempt by Annex I Parties to keep loopholes in LULUCF (such as the non accounting of emissions) that would allow Annex I countries to set a future voluntary baseline different from other sectors where baselines are historical. These attempts would result in yet another attempt from Annex I countries to bypass their historical responsibilities to reduce their emissions, thus contributing to an unfair and unjust approach to climate change solutions. The IIPFCC further stresses that the current LULUCF principles and criteria do not recognize the rights of indigenous peoples over their forests in developed countries.

### **3. Subsidiary Body on Scientific and Technological Advise (SBSTA)**

SBSTA should recognize that forests are more than carbon to indigenous peoples and local communities. They are also important for resilient ecosystems, livelihoods and human well-being. Nevertheless the SBSTA workplan on REDD+ currently under discussion in Bonn is limited to the application and methodologies to assess the carbon value of forests using the IPCC guidelines, which do not capture the multiple range of forest values.

Therefore SBSTA should develop, with the full and effective participation of indigenous peoples, guidelines specific to REDD+ to capture the multiple forest values. These should also include a definition of forests that properly distinguish between natural forests and plantations. Additional criteria, such as respect for human rights, gender perspectives, biodiversity, traditional livelihoods, secure land tenure and carbon rights as well as other environmental services, should be included. In developing such guidelines SBSTA should build upon indigenous peoples' methodologies based on their traditional knowledge and consistent with their sustainable management of forests as well as the enhancement of biodiversity and cultural and spiritual values.

Furthermore SBSTA should develop and propose guidance on modalities to design, implement, monitor, report and verify the implementation of safeguards related to REDD+, with particular emphasis on the role of indigenous peoples. This is crucial to ensure the effectiveness and the social, environmental and economic integrity of any action related to forests and climate.

SBSTA should include in its workplan a decision to hold a series of expert workshops in the coming months, with the full and effective participation of indigenous peoples and local communities through representatives chosen by them. These workshops should be designed to contribute to the development of guidelines, methods, measures, and indicators to assess the social, environmental, economic and cultural implications of REDD+ actions and their Monitoring, Reporting and Verification (MRV), as well as modalities to provide indigenous peoples and local communities with opportunities for engagement that fully respect their culture, rights and practices.

Finally, IIPFCC supports the recommendation of the most recent meeting of the SBSTTA of the Convention on Biological Diversity (Nairobi, May 2010) inviting UNFCCC to develop biodiversity-related safeguards for REDD+ activities and to ensure proper coordination and synergies between the CBD and UNFCCC.

## 4. Subsidiary Body on Implementation (SBI)

The IPFCCC shares the extreme concern expressed by other constituencies about lack of transparency and the limited access to meetings such as contact groups that undermine indigenous peoples' and civil society' right to engage and participate meaningfully in the decision making processes.

Therefore IPFCCC urge Parties to undertake immediate measures to enable the full and effective participation and access of Indigenous Peoples and civil society to future negotiations and climate change related processes.

Moreover, Indigenous peoples should be allowed to provide their views and proposals, as well as concrete experiences from the ground, by securing sufficient time for interventions in the relevant UNFCCC bodies. Furthermore, the IPFCCC invites SBI to identify modalities to ensure more space for side-events proposed by Indigenous Peoples and civil society constituencies to allow a broad attendance and participation.

In addition, the UNFCCC secretariat and relevant UN Bodies as well as Parties should also provide adequate resources to support capacity building activities to enable Indigenous Peoples to fully capture and understand the implications of climate change negotiations and outcomes on their rights. Voluntary funds (similar to those already envisaged by CBD, WIPO, and UNPFII, amongst others) should also be mobilized to enable participation of indigenous peoples through their self-selected representatives to UNFCCC sessions and related meetings.

In that regard, the IPFCCC wishes to recall that Articles 39 and 41 of the UN Declaration on the Rights of Indigenous Peoples recognize the right of Indigenous Peoples to access States' and international organizations' resources to support their participation in international processes related to matters that have implications for the enjoyment of their rights.