



## **The Road Ahead: What next for Indigenous People in the climate change negotiations? <sup>1</sup>**

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### **Summary**

*This article provides an analysis of the outcome of the 15th United Nations Climate Change Conference (COP 15) and possible priorities for 2010 from the perspective of Indigenous Peoples. Key gaps in the negotiated text include lack of reference to the UNDRIP in developing REDD methodologies, limitations in addressing the drivers of deforestation, and no specific mention of Indigenous Peoples in the Copenhagen Accord. Five priorities are proposed to ensure that Indigenous Peoples and their issues are promoted and they secure adequate representation and protection in the developing climate change regime. A list of references to relevant issues in the outcomes of COP 15 is provided in the annex.*

*Contents:* Introduction | Key gaps in the text | Political consequences | Indigenous participation | Next steps | Annex - References to Indigenous People issues in the COP 15 outcomes | Acronyms

### **Introduction**

On the eve of the resumption of the climate change negotiations, we thought it useful to reflect on the outcome of the 15<sup>th</sup> United Nations Climate Change Conference (COP 15) and possible priorities for 2010 from the perspective of Indigenous People.

Many Indigenous People arrived at COP 15 with high expectations. There were important references to their rights, interest and their role in addressing climate change in the draft negotiating texts before the meeting. Also there was a high level of awareness amongst many of the participants, and critically the negotiators, about the importance of Indigenous People issues.

However the overall outcomes of COP 15 may be characterized, the texts adopted by the Ad Hoc Working Group on Further Commitments for Annex I Parties under

the Kyoto Protocol (KP) and the Ad Hoc Working Group on Long-term Cooperative Action under the Convention (LCA) still contains important references to Indigenous People interests and positions. Useful references for Indigenous People issues are in the decisions on adaptation, technology development and transfer, REDD, capacity-building, MRV and sectoral approaches and sector-specific actions in agriculture (see the annex for these references). These references provide a basis on which to build and ensure that Indigenous People have an adequate role in the UNFCCC regime and their interests and rights are protected.

### **Key gaps in the text**

As with any negotiated text improvements are possible. Key gaps in these text identified by Indigenous People include, a reference to the UN Declaration on the Rights of Indigenous Peoples (UNDRIP)

in developing methodologies on REDD Plus and their full and effective engagement in REDD plus activities should not only be limited to monitoring and reporting, but should also include engagement in the design of REDD Plus as well. Another issue has been the reference to addressing the drivers of deforestation in the SBSTA and LCA documents being limited to developing countries only. As the international timber trade and international mining operations are significant drivers of deforestation it makes sense to look at the drivers not only within developing countries but also beyond. The need for a UNFCCC expert workshop to discuss the guidance for the effective engagement of indigenous peoples and local communities has been emphasized as well.

The absence of any specific mention of Indigenous Peoples in the Copenhagen Accord, as well as the overall impact of the Accord on the UNFCCC process, is an important outcome of COP 15. The effect the Accord will have on the UNFCCC process and hence the absence of any specific reference to Indigenous Peoples is not, however, foreseeable at the moment. The Accord has two main elements, a substantial commitment for adaptation funding and a mechanism whereby countries individually propose their greenhouse gas emission target without reference to any overall global target. The Accord doesn't contradict or add to the KP or LCA texts. Its main concepts are present as options in the LCA and the KP texts. Indeed, the text of the Accord doesn't have any specific or obvious effect on the detailed issues in the UNFCCC text that are of direct concern to Indigenous Peoples. So, for example, the Accord recognises the role of REDD + but the details of what this means are contained in the UNFCCC text and it is the detailed safeguards in the UNFCCC text which are of concern to Indigenous Peoples. Furthermore, the Accord was "noted" by

the COP and as such it is not an official part of the UNFCCC process (although it does create obligations for those countries that have associated themselves with it - the commitment to funding therefore is of some interest to Indigenous People).

## Political consequences

There have been many calls from developing countries to restart the negotiations on the LCA and KP texts and in effect ignore the Accord and for the UNFCCC process to resume as quickly as possible. Key developed countries such as the US, Japan, the UK, Germany and France have heavily promoted the Accord and stated that it provides a framework for tackling climate change and a vital input to the UNFCCC process. The countries promoting the Accord have been largely silent about the LCA and KP process and the detailed official texts coming from COP 15. Some like, the US, have argued that the UNFCCC is unable to effectively develop a response to climate change and are looking to other fora, such as the Major Economic Forum, to develop robust meaningful international policies. Until the UNFCCC process resumes its negotiation process on 9 April 2010 it will be difficult to predict the significance of this silence and the real impact of the Accord.

Additionally, the pledges given so far under the Copenhagen Accord do not have the capacity to meet the target of a 2 degree temperature rise (which would still be damaging enough to the environment). The scientific group Ecofys and the World Resource Institute (WRI) have estimated that even with the commitments under the Accord, there will still be a 3 degree rise in temperature or more. Thus the pledges made do not even meet the Accord's own standard.

Another important but unknown result from COP 15 will be the political

consequences of engaging the world leaders in a failure. One can only speculate what the various presidents, prime ministers, and other leaders made of their COP 15 experience, but it surely will not be altogether positive and may undermine their views about the usefulness of the UN and its ability to address climate change. The recent decision by the UN Secretary General to review the Intergovernmental Panel on Climate Change (IPCC) process is in part due to the lack of confidence in the UNFCCC arising from this COP 15 experience.

The UNFCCC process since COP 13 has seen the emergence of various successful indigenous led initiatives. The International Indigenous Peoples Forum on Climate Change (IIPFCC) became very active and engaged over the course of the negotiations since COP 13.

## **Indigenous participation**

Tebtebba brought to the negotiation sessions many indigenous partners from various countries who are engaged in REDD readiness activities. Through this initiative they were able to develop a core of Indigenous Leaders who are knowledgeable about the global processes and who are linking the local to the global and the global to the local.

Successful initiatives like these and the active participation of Indigenous People in the negotiations have played a large part in ensuring the recognition of indigenous rights in the texts.

The UNFCCC process, along with various REDD projects, have also provided opportunities for indigenous people at the national and local level. For example, the Centro para la Autonomía y Desarrollo de los Pueblos Indígenas (CADPI), or the Center for Indigenous Peoples' Autonomy and Development, in Nicaragua have played an important role in designing the REDD projects in Nicaragua and

developed a diploma course on "Climate Change and Indigenous Peoples" at the University of the Autonomous Regions of the Caribbean Coast of Nicaragua. In Indonesia, the Aliansi Masyarakat Adat Nusantara (AMAN) or Indigenous Peoples Alliance of the Archipelago, are actively working to persuade the Government of Indonesia to convince the Indonesian Government to reform its forest policy to recognize indigenous peoples' rights over their traditional forests. In Kenya, the Mainyoto Pastoralists Integrated Development (MPIDO) is now involved in negotiations for a new Kenyan constitution. These success are in part due to their visibility in the international REDD processes and the UNFCCC negotiations.

## **Next steps**

The goals of Indigenous People at COP 13 in Bali, were to ensure that text that updated or replaced the Kyoto Protocol contained meaningful references to Indigenous People rights and issues, with a view to then using these references as a basis for developing a mechanism that engaged and respected Indigenous Peoples, their rights and their role in the regime in the subsequent implementation (like in the CBD).

Realizing these goals is still possible. The current text still contains adequate references to Indigenous People issues, albeit different in substance to what some had initially hoped for (i.e. weak representation on the Adaptation Board but a possibility to be involved in the Technology Executive Committee). It is important for Indigenous Peoples to ensure that these references remain. Furthermore, the decisions adopted at COP 15 to guide the future negotiations have not ruled out the possibility of further suggestions to the text. Therefore at the next meeting of the LCA, Indigenous People may be able to

address some of the gaps that emerged from the negotiation process so far.

The failure of COP 15 has highlighted what many seasoned observers had been saying before the meeting, that COP 15 not an end in itself but merely another step in a long process. The lack of leadership from the UNFCCC process creates a vacuum and highlights the importance of action at other levels and in other areas. As a result leadership from Indigenous People becomes more important after COP 15. Leadership from other sectors of society also assumes a greater importance.

Given the post COP 15 landscape the following goals are priorities to ensure that Indigenous People and their issues are promoted and they secure adequate representation and protection in the developing climate change regime:

- ◆ Maintaining presence and participation in UNFCCC process to defend the existing references and to address gaps in the text. It will be important though to follow the process till COP 16 to make sure that the gains made so far are retained and the gaps addressed. To stop participating in the UNFCCC meeting now would jeopardize the investment made by Indigenous Peoples and others in the process so far. COP 16 will be held in Cancun in December 2010. This will be a more Indigenous People friendly location and venue than Copenhagen, which will allow Indigenous Peoples to have a greater impact on the meeting than they had at COP 15;
- ◆ Raising awareness about Indigenous People and TK in other relevant national and international processes to support action in the UNFCCC process. Here the CBD process is important, due to its strong recognition of Indigenous People and Traditional Knowledge, along with its influence as a sister Rio Convention of the UNFCCC and the fact that 2010 is a high profile year for biodiversity, especially at the high-level segment of the UN General Assembly on “Biodiversity: Challenges and Responses” and COP 10. The UN Permanent Forum on Indigenous Issues, the Expert Mechanism on Indigenous Peoples' Rights and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples are important other mechanisms for promoting Indigenous Rights in the climate change regime;
- ◆ Promoting indigenous participation in the numerous REDD initiatives, the deforestation fund proposed at COP 15 and relevant carbon trading initiatives such as the World Banks Forest Carbon Partnership Facility. Billions of dollars are being invested in these initiatives over the next few years and their impact at the local level for Indigenous People will probably be greater than any other international initiative;
- ◆ Ensuring Fifth Assessment report of IPCC includes Indigenous People views and TK. The IPCC has highlighted the need for greater use of TK in its next report. Also the challenges facing the UNFCCC process and the vacuum created by COP 15, means that the IPCC will be looked to by many countries as a process to provide policy and legal leadership; and
- ◆ Mobilizing more local action among Indigenous People by promoting awareness about success stories (eg the work of MPIDO, CADPI and AMAN mentioned above or the fire abatement project in Northern Australia being developed by NAILSMA). The nature of the negotiations within the UNFCCC process means that real life

case studies have a powerful impact on the negotiations. There are many Indigenous People and TK case studies full of great ideas and potential that the UNFCCC process is still totally unaware of or only partially aware of.

Bringing these case studies to the attention of the negotiators is still an important and effective way of supporting the goals of Indigenous Peoples in these emerging climate change regime.

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## **Annex - References to Indigenous People issues in the COP 15 outcomes**

### **1: Report of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention on its eighth session (FCCC/AWGLCA/2009/17)**

Draft decision A.

#### **Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention**

*Further recognizing* that a broad range of stakeholders needs to be engaged on global, regional, national and local levels... and the effective participation of women and indigenous peoples are important for effective action on all aspects of climate change,

*Noting* resolution 10/4 of the United Nations Human Rights Council on human rights and climate change, which recognizes that human beings are at the centre of concerns for sustainable development, and the importance of respecting Mother Earth, its ecosystems and all its natural beings

Draft decision B.

#### **Enhanced action on adaptation**

4. *Invites* all Parties, taking into account their common but differentiated responsibilities and respective capabilities and specific .... development priorities...to undertake, inter alia:

(f) Enhancing disaster risk reduction, ... early warning systems; risk assessment and management; and the establishment of risk sharing and transfer mechanisms and insurance schemes at local, national, subregional and regional levels to address loss and damage associated with climate change impacts in developing countries that are particularly vulnerable to the adverse effects of climate change;

5.

#### *Option 1*

*Decides* that developing country Parties should be provided with long-term, scaled up, adequate, new and additional to official development assistance commitments and predictable grant-based finance in the order of at least [x billion] [x per cent of the gross domestic product of developed country Parties] as part of the repayment of their climate debt as well as with support for technology, insurance and capacity-building to implement urgent, short-, medium- and long-term adaptation actions,

programmes and projects at local, national, subregional and regional levels, in and across different economic and social sectors and ecosystems, including the activities referred to in paragraph 4 above;

6.

*Option 1*

*Establishes* [a] [an] [Adaptation Committee] [Subsidiary Body on Adaptation] [Advisory Body on Adaptation] ... to guide, supervise, support, administer and monitor the operation of the Copenhagen Adaptation [Framework] [Programme] by:

(c) [Enhancing the sharing of information, knowledge, including traditional knowledge, experience and good practices, at local, national, regional and international levels;]

13. *Invites* relevant ... stakeholders to undertake and support enhanced action on adaptation at all levels, as appropriate, in a coherent and integrated manner, building on synergies among activities and processes, and to assist in the implementation of the Copenhagen Adaptation [Framework] [Programme].

Draft decision D.

**Enhanced action on technology development and transfer**

10. [*Decides* that the Technology Executive Committee is hereby defined and shall have the following functions:

(a) Provide, upon request, analysis on policy and technical issues related to the development and transfer of technology for mitigation and adaptation, and consider and recommend, as appropriate, actions that may be necessary to promote technology development and transfer in order to enable action on mitigation and adaptation;

(b) Prepare criteria on activities and/or outcomes of activities eligible for technological, financial and capacity-building support;

(c) Seek cooperation with relevant international technology initiatives, relevant stakeholders and organizations, promote coherence and cooperation across technology activities including activities inside and outside of the Convention, liaise with other bodies under the Convention and facilitate networking;

(d) Catalyse the development and use of technology road maps or action plans at international, regional and national levels through cooperation by relevant stakeholders, particularly governments and relevant organizations or bodies, including the development of best practice and guidelines, as facilitative tools for action on mitigation and adaptation;

***Technology Centres and Network***

15. *Decides* that a Climate Technology Centre [and Climate Technology Network] is hereby defined with the following functions to support and accelerate the diffusion of environmentally sound technologies for mitigation and adaptation to developing country Parties through the provision, upon request, of technical assistance and training:

(a) Provide advice and support to developing country Parties and their stakeholders for the identification of technology needs and the implementation of environmentally sound technologies, practices and processes;

Draft decision E.

**Enhanced action on capacity-building**

4. [*Also decides* that action on capacity-building should be enhanced in order to .... address emerging capacity-building needs in the areas of adaptation, mitigation and technology development and transfer, as outlined [under the agreed outcome of the building blocks of the Bali Action Plan] [under the agreed outcome for the enhanced implementation of the Convention] through, inter alia:]

(c) Developing and/or strengthening national and/or regional networks for the generation, sharing and management of information and knowledge, including local and indigenous knowledge, experiences and best practices of developing countries, through, inter alia, South–South and triangular cooperation;

(e) Strengthening climate change communication, education, training and public awareness at all levels, including at the local and community levels, taking into account gender issues;

(f) Encouraging and strengthening participatory and integrated approaches, including the participation of various stakeholders, including [women and] youth, taking climate change considerations into account, to the extent feasible, in relevant social, economic and environmental policies and actions;

Draft decision G.

**REDD decision**

2. *Further affirms* that when undertaking activities referred to in paragraph 3 below, the following safeguards should be [promoted] [and] [supported]:

(c) Respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws, and noting that the General Assembly has adopted the United Nations Declaration on the Rights of Indigenous Peoples;

(d) Full and effective participation of relevant stakeholders, including in particular indigenous peoples and local communities in actions referred to in paragraphs 3 and 5 below;

(e) Actions that are consistent with the conservation of natural forests and biological diversity, ensuring that actions referred to in paragraph 3 below are not used for the conversion of natural forests, but are instead used to incentivize the protection and conservation of natural forests and their ecosystem services, and to enhance other social and environmental benefits;

6. *Requests* developing country Parties when developing and implementing their national strategy or action plan .... to address, inter alia, drivers of deforestation and forest degradation, land tenure issues, forest governance issues, gender considerations and the safeguards identified in paragraph 2 above, ensuring the full and effective participation of relevant stakeholders, inter alia, indigenous peoples and local communities;

11. [*Requests* that the promotion and implementation of all activities referred to in paragraphs 3, 5, 6 and 7 above, including consideration of the safeguards referred to in paragraph 2 above, and early action, be supported in accordance with [paragraph 1 (b) above and] relevant provisions agreed by the Conference of the Parties including:

(a) [Decision x/CP.15 (Finance);]

(b) [Decision x/CP.15 (1 (b) (v)),] [for result-based activities a flexible combination of funds and market-based sources subjected to modalities to be agreed by the Conference of the Parties at its [xx] session];

(c) [through existing bilateral and multilateral channels;]

12. *Requests* Parties, [relevant international organizations and stakeholders] to ensure coordination of the activities referred to in paragraph 11 above, including of the related support, particularly at the country level;

Draft decision J.

### **Cooperative sectoral approaches and sector-specific actions in agriculture**

*Recognizing* the interests of small and marginal farmers, the rights of indigenous peoples and traditional knowledge and practices, in the context of applicable international [instruments][obligations] and national [legislation][laws][, and national circumstances],

*Noting* resolution 10/4 of the United Nations Human Rights Council on human rights and climate change, which recognizes that human beings are at the centre of concerns for sustainable development, and the importance of respecting Mother Earth, its ecosystems and all its natural beings,

### **2: Draft decision -/CP.15**

**Methodological guidance for activities relating to reducing emissions from deforestation and forest degradation and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries** (adopted by COP)

...

*Recognizing* the need for full and effective engagement of indigenous peoples and local communities in, and the potential contribution of their knowledge to, monitoring and reporting of activities relating to decision 1/CP.13, paragraph 1 (b) (iii),

3. *Encourages*, as appropriate, the development of guidance for effective engagement of indigenous peoples and local communities in monitoring and reporting;



## Acronyms:

- AMAN – Indigenous Peoples Alliance of the Archipelago
- CADPI - Center for Indigenous Peoples' Autonomy and Development
- CBD - Convention on Biological Diversity
- COP-10 - 10th Conference of the Parties to the Convention on Biological Diversity (Nagoya, 18-29 October 2010)
- COP-13 - 13th United Nations Climate Change Conference (Bali, 3-15 December 2008)
- COP 15 - 15th United Nations Climate Change Conference (Copenhagen, 7-18 December 2009)
- IIPFCC - International Indigenous Peoples Forum on Climate Change
- IPCC - Intergovernmental Panel on Climate Change
- KP - Kyoto Protocol
- LCA - Long-term Cooperative Action under the Convention
- MPIDO - Mainyoto Pastoralists Integrated Development
- MRV - Measurement, Reporting, and Verification
- NAILSMA - North Australia Indigenous Land and Sea Management Alliance
- REDD - Reducing Emissions from Deforestation and Forest Degradation
- TK - Traditional knowledge
- UNDRIP - UN Declaration on the Rights of Indigenous Peoples
- UNFCCC - United Nations Framework Convention on Climate Change
- UNU-IAS - United Nations University - Institute of Advanced Studies
- WRI – World Resources Institute

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1 This is one of a series of guest articles and commentaries on topical issues in traditional knowledge running under the *Traditional Knowledge Bulletin* (a publication of the Traditional Knowledge Initiative of the United Nations University – Institute of Advanced Studies, <http://www.unutki.org/>). Contact [tkbulletin@ias.unu.edu](mailto:tkbulletin@ias.unu.edu) for further details.

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