

**International Indigenous Peoples
Forum on Climate Change**

**Foro Internacional de los Pueblos Indígenas
sobre Cambio Climático**

**PROPOSED LANGUAGE FOR NEGOTIATING TEXT
Based on FCCC/AWGLCA/2009/INF.1
Revised Negotiating Text**

I. A shared vision for long-term cooperative action

- 2 Recalling that the adverse effects of climate change will be felt most acutely by populations particularly in developing countries who have contributed least to climate change but who are already in vulnerable situations, owing to factors such as geography, poverty, gender, age, **indigenous** or minority status and disability. These adverse effects also undermine the equitable development needs of present and future generations **and have a range of direct and indirect implications on the full and effective enjoyment of human rights and indigenous peoples' rights** for statehood, life, food and health and the right of peoples not to be deprived of their own lands and **territories**, means of subsistence, **culture, livelihoods and access to resources essential to maintain their life ways, particularly in light of the special relationship that indigenous peoples have with their lands and territories. These rights recognize the** particular circumstances of developing countries and demand a more equitable utilization of the global atmospheric resource to reflect the needs of present and future generation.
- 17.2 The new institutional arrangement will provide technical and financial support for developing countries in the following areas:
- ...(e) education, awareness raising and public participation, focused on youth, women and indigenous peoples;...

**II. Enhanced action on adaptation
and its means of implementation**

- 22 The implementation of the adaptation framework shall be consistent with the Articles of the Convention:
- (a) **Reflect indigenous knowledge, cultural standards and practice**

- (i) Subsidiarity, with adaptation responding to local needs and taking into account the country-driven approach, especially the indigenous peoples' and the local communities' views and the most vulnerable groups, such as indigenous peoples, the artisanal fishermen, women, children, and elderly, among others.
- (d) Be flexible, bottom-up, **rights-based**, results-based, participative and country-driven, involving all relevant stakeholders and rights-holders, including women and especially indigenous peoples and local communities, with a view to enhancing ownership of the process of building resilience, at local, sub-national, national and regional levels, of the implementation of adaptation actions, including ownership of the means of implementation provided, **with the free, prior and informed consent of indigenous peoples at every stage of the process including in the governance of adaptation finance, planning, implementation, monitoring and reporting, enabling self-determined planning and risk assessment by indigenous peoples based on traditional knowledge,** and empowerment of those mostly affected, **especially indigenous peoples**;
- (i) Be consistent with ~~the principles under~~ the Convention on Biological Diversity, the United Nations Convention to Combat Desertification, ~~and~~ the United Nations Declaration on the Rights of Indigenous Peoples and other applicable international **instruments**, obligations and **agreements**;
- (j) (ii) Particularly vulnerable populations, groups and communities, especially women, children, the elderly, ~~and~~ indigenous peoples, local communities, rural populations, subsistence fishermen and coastal communities and critical infrastructure including through promoting a gender perspective and a community-based approach to adaptation;
- (k) Be guided and informed by [sound scientific and technological knowledge][, including] [emerging] scientific findings, by [continuous learning and] [[evidence-based vulnerability] assessment processes] , and by traditional knowledge, **and traditional systems of risk assessment**;
- ...
(m) **Plan and implement adaptation actions in a transparent and well documented way that is open to public scrutiny and discourse. Ensure the representation of key stakeholders and rights-holders, especially of vulnerable communities, women, and indigenous peoples, at every stage in the process including in the governance and disbursement of adaptation finance, planning, implementation, monitoring and reporting, and obtaining the free,**

prior and informed consent of indigenous peoples at every stage of the process.

23. All Parties should:
- (a) Put in place enabling environments (policy, legislative and institutional) and integrate adaptation into sustainable development policies and strategies at the local, national, regional and international level;
 - (b) Prioritize the needs and specific circumstances of the poorest and most vulnerable people and indigenous peoples' **self defined needs** in planning and development processes at local, sectoral and national levels,
 - (c) Support capacity-building efforts;
 - (d) Support the supply and availability of adaptation technologies, climate information (including through research and systematic observation), tools, methods and models, particularly in the most vulnerable countries;
 - (e) Identify, on a continuous basis, their country-specific adaptation needs, options and priorities, taking into account their existing capacities and past and current adaptation activities;
 - (f) Share experiences, knowledge and data, including utilizing the services of relevant institutions;
 - (g) Promote the participation of a wide range of stakeholders including, national and international organizations, indigenous peoples, civil society and the private sector;
 - (h) Promote the co-ordination and sustainability of activities undertaken within this framework including the efforts of national co-ordinating mechanisms and entities and focal points;
 - (i) Support the design and implementation of adaptation plans and strategies of indigenous peoples and local communities.

25 x.3 Proposals for funding support for adaptation in developing countries **and indigenous peoples' territories in developed countries** that are particularly vulnerable to the adverse effects of climate change, especially the least developed countries and small island developing States, **indigenous peoples' territories in low coastal areas** and further taking into account the needs of countries in Africa affected by drought, desertification and floods, shall be:

- ...
- (b) Guided by indigenous knowledge **and conclusions of indigenous life-ways risk assessment;**
- ...
- (i) Funded directly to governments, **to indigenous peoples, their organizations and communities,** and to other community organisations [~~in accordance with national policies or legislation~~]

- 27 All Parties are encouraged to engage a wide range of their stakeholders, including R&D institutions, Universities, research centers; local communities, the private sector and civil society, indigenous peoples, women and children in supporting and implementing adaptation action.
- 28 Taking into account the provisions of paragraphs 31–33 below, developing country Parties [and Parties with economies in transition] shall [should] have access to finance, technology and capacity-building, to support adaptation action, at local, subnational, national, regional and global levels, particularly for and by indigenous peoples' communities, including:
- 31 In providing support, priority shall be given to:
- (c) Particularly vulnerable populations, groups and communities, especially the poor, women, children, the elderly, indigenous peoples, minorities and those suffering from disability.
- 42 (f) Using meteorological, Earth observations, socio-economic information, and local and indigenous knowledge **and cultural standards** to best coordinate disaster planning and response.
- 45 (d) [[Ensure that] [Encourage] adaptation action is implemented and coordinated at the most appropriate level,][Promote adaptation actions] including at local, [subnational,] national and regional levels, recognizing the important roles of [state and regional] [national] governments **and traditional authorities and organizations of indigenous peoples**, and recognizing gender equity as an integral part of effective implementation of adaptation;
- 46 The creation of an expert [group] on adaptation under the [subsidiary body for adaptation] [adaptation committee] [mentioned in Option 1 above] [shall be established to enhance the implementation of adaptation action through overseeing adaptation needs of developing countries, including finance, technology and capacity-building; overseeing the creation of the necessary funds and insurance mechanisms and overseeing the effectiveness of funds allocated to adaptation.] [to develop broad guidance for developing national adaptation strategies, and provide support for particularly vulnerable countries in developing these strategies]] **ensuring representation of indigenous peoples and full and effective participation of indigenous peoples in all bodies at all levels**
47. [National and ,where appropriate, regional coordinating [bodies] [entities] should be established, or enhanced where they exist, to address all aspects of the means of implementation for adaptation,

including gender-balanced participation **and impacts and effects on the rights and interests of indigenous peoples**, and to strengthen the institutional capacity of national focal points and all **rights-holder and** stakeholders.]

- 48 (a) Collect, analyze, and disseminate information on past and current practical adaptation actions and measures, including projects, short and long-term strategies, and local and indigenous knowledge.
- (b) Enhance the capacity of national level interdisciplinary resource groups that include representatives from universities, scientific research institutions, government, **indigenous peoples**, industry and NGO's.
- (f) Engage science, **indigenous peoples** and policy communities in dialogues to promote effective decision-making related to environment and development issues.
52. x.g. **BIS** The monitoring system shall ensure full and effective participation of indigenous peoples in all monitoring and compliance mechanisms and activities

III. Enhanced action on mitigation

B. [Mitigation by developing countries] [Nationally appropriate mitigation actions by developing countries][Mitigation actions by developing countries]

1. Nationally appropriate mitigation actions by developing countries

70. [Developing country Parties contribute to enhanced mitigation by undertaking range of actions including NAMAs in the context of low-carbon/emissions development strategies **in full respect for indigenous peoples' rights and human rights**. These actions should be country-driven, [commensurate with responsibilities and capabilities of each country Party,] [undertaken [on a voluntary basis] [either as international obligation or on a voluntary basis] in the context of sustainable development, with MVRed means of implementation particularly finance and capacity-building, in conformity with prior needs of sustainable development and eradication of poverty, and [determined and formulated at the national], in accordance with all levels of government authorities, [or international] level in accordance with the principle equity, and of common but differentiated responsibilities and respective capabilities.]
71. NAMAs by developing country Parties shall be supported and enabled by technology, financing and capacity-building in accordance

with Articles 4.3 and 4.7 of the Convention. NAMAs and support for NAMAs {shall} be undertaken in a measurable, reportable and verifiable manner and shall be consistent with the Convention on Biological Diversity, **the Convention to Combat Desertification, the United Nations Declaration on the Rights of Indigenous Peoples and other international obligations and guidelines**. The extent of mitigation actions undertaken by developing countries will depend on the effective provision of financial and technological support by developed country Parties.

73. NAMAs may include:
x.g) BIS Provisions for indigenous peoples and community based mitigation strategies and actions
107. REDD{-plus}1 actions {should} be country-driven and voluntary {NAMAs}, rights-based, and undertaken in accordance with countries. capabilities and national circumstances. Taking into account the need to ensure equitable access to financial and technological support for these actions and subject to adequate, predictable, and sustainable finance.
108. National level participation and co-benefits such as [biodiversity] **bio-cultural diversity** should be promoted, the necessity for good local government, in which indigenous peoples and local communities have participation and also apply the customary patterns of government should be recognized.
109. Indigenous peoples and local communities shall be involved in design, development and implementation of all actions in their lands and territories and their rights respected and protected, including the right of free, prior and informed consent, in a way that is consistent with ~~provisions established under the respective national legislation,~~ the United Nations Declaration on the Rights of Indigenous Peoples and relevant international instruments, obligations **and agreements**. The CBD and its Expanded Work Programme on Biodiversity in forest should be observed to avoid inconsistencies at level of national implementation.
- 110 (a) Develop REDD-plus national [or subnational strategies,] [and where applicable, subnational actions **with the full and effective participation of indigenous peoples** etc.
- (b) Designate a national authority for implementing REDD-plus actions, and ensure the full and effective participation of all relevant major groups, including in particular indigenous peoples and local

- communities and women, in the design and implementation of REDD-plus actions.
- ...(c).3 Have a process in place that promotes the full and effective participation and FPIC of all relevant stakeholders, including indigenous peoples, forest dwellers, and local communities, prior to and during the design, planning, implementation, monitoring and evaluation of REDD-plus activities.
- 112.2 Developing country Parties which undertake nationally appropriate mitigation actions to reduce emissions from deforestation and forest degradation shall ensure that:
- ...(d) appropriate consultative mechanisms and domestic legislative arrangements are in place to avoid infringement of indigenous peoples and local community rights.
- 113 x.3 Any REDD+ financial mechanism should be transparent, efficient, and equitable; and it should ensure a fair governance of such funds with full and effective participation of indigenous peoples, and distribution of REDD derived benefits among all relevant stakeholders and indigenous peoples and local communities.
115. *Alternative to paragraph 115:*
- ... To assist in developing methods and procedures for measuring, reporting and verifying Tier 2 nationally appropriate mitigation actions associated with reducing emissions from deforestation and forest degradation, developing country Parties shall develop, **with full and effective participation of indigenous peoples:**
- ...
- (new) (f) **BIS National policies and operational guidelines to ensure protection and respect for indigenous peoples' rights and authorities as embodied in the UN Declaration on the Rights of Indigenous Peoples**
117. [When establishing national reference emission levels [for emissions, removals, conservation areas, and existing forest carbon stocks, where relevant] [and] [/or national reference levels] [or subnational strategies], taking into account national circumstances, developing country Parties that are requesting support shall follow [any] guidance [decided] [developed] by the [COP] [Meeting of the Parties to this Agreement at its first session] [and adopted at its [seventeenth][sixteenth] session] on how to establish the levels[, including ways to [account for and] address [domestic] leakage]] [if applying subnational approaches for demonstration activities] and the development of guidance in monitoring and reporting with the full effective engagement of indigenous peoples and local communities.

- 118 (a) Report information on the implementation of national REDD{-plus} {implementation plans}{action plans}{strategies}, readiness activities, including policy implementation and demonstration activities, and identified co-benefits, and of measures to uphold and respect indigenous peoples' rights, including governance, free, prior and informed consent, security of land tenure, ownership, recognition of land title according to traditional ways, uses and customary laws and the multiple benefits of forests for climate, ecosystems, cultural rights and traditional livelihoods and the equitable sharing in all benefits by indigenous peoples.
119. [Developing country Parties shall develop] Robust national monitoring systems [for emission reductions [and]/or] [emissions removals] [carbon stock changes] [for emissions/removals from REDD-plus] [to measure emissions by sources and removals by sinks in the land use, land-use change and forestry sector] [shall][should] [be developed following][take into account] relevant methodological guidance [to be] provided by the [COP] [Meeting of the Parties to this Agreement], on the basis of the advice received from the Subsidiary Body for Scientific and Technological Advice (SBSTA) including the use of [relevant IPCC guidelines and methodologies] [, when appropriate]][the most recent IPCC guidelines [and methodologies] for GHG inventories] [, including above and below ground carbon stocks, subject to the availability of technology, finance and capacity-building] taking into consideration the indigenous ancient knowledge and local communities.
120. Monitoring, reporting and verification for REDD-plus actions shall extend to the provisions for involvement of indigenous peoples and local communities as set out above, and to consistency with sustainable forest management, noting, inter alia, the relevant provisions of the United Nations Declaration on the Rights of Indigenous Peoples, United Nations Forum on Forests, United Nations Convention to Combat Desertification and the Convention on Biological Diversity.
121. [Verification of [reported greenhouse gases emissions reductions and removals resulting from] REDD-plus actions shall be carried out by [an expert review team under] [an expert review team under the guidance of] the [COP] [Meeting of the Parties to this Agreement at its first session] [expert review teams or] [a measurement, reporting and verification technical panel] which to be established by the future coordinating REDD mechanism, which shall includes inputs by indigenous peoples as well as local communities [measurement and monitoring technical panel] [expert review teams in accordance with the agree rules and guidelines] [national expert review teams, peer

reviewed by team of experts or a measurement, reporting and verification technical panel appointed by the COP] [national experts and peer reviewed by international teams under the guidance of the COP in case of national scale activities, and by an independent body(ies) in case of subnational scale].] To maintain the environmental integrity within and between international agreements on climate change, at the end of an agreement period, any final surplus in accounted emissions reductions and removals enhancements compared to the reported quantity should be transferred to a subsequent international agreement on climate change

124. [Measurement, reporting and verification of support provided [by Developed Country Parties to Developing Country Parties] for REDD-plus actions [should][shall] be carried out] [by a technical panel comprised of experts equitably balanced between developed and developing countries] [by the expert panel appointed by the COP as in paragraph 121 above] **and include indigenous peoples' representatives**
- 128 x.11 In their actions under the REDD-plus mechanism, the Parties shall:
(d) Respect the rights of indigenous peoples and ensure the full and effective involvement of stakeholders, in particular indigenous peoples and local communities, in the design and implementation of all activities linked to this mechanism;
- 128 x.31 A developing country Party is eligible for funding under phase 2, if it has demonstrated commitment to implementing the REDD-plus strategy developed in phase 1, inter alia, by: (b) Implementation of inclusive, multi-stakeholder consultations and cooperation, including consultations and co-operations in good faith with the indigenous peoples and local communities concerned through their own representative institutions in accordance with international instruments.
- 139.4 The Parties shall by 20XX, revise the modalities and procedures for clean development mechanism in order to ensure a more equal geographical distribution of CDM projects, sustainable development, **protection and respect for the rights of indigenous peoples**, and the environmental integrity of the clean development mechanisms ...
(d) a rules based **and rights-based** approach to decision making
- 139.5 The Parties shall by 20XX revise guidelines for the implementation of Joint Implementation, including for improving its effectiveness and efficiency by extending its timing, guaranteeing its environmental

integrity **and its respect and protection of indigenous peoples' rights**, and preparing for new participants.

140. [[Eligibility criteria for project activities linked to market-based mechanisms] [Instruments, such as financing to cover additional risk,] should be established to ensure additionality, **respect for indigenous peoples' rights, fair and equitable benefit-sharing**, a fair distribution of projects across regions and mitigation technologies and to ensure fair access to financing schemes[, including through the advance payment of future carbon credits to cover the full incremental costs of project activities] .]
- 158.2 The modalities and procedures shall as a minimum ensure that:
- (new) x.j. **BIS The rights of indigenous peoples as embodied in the UN Declaration on the Rights of Indigenous Peoples are fully respected and protected, and there is fair and equitable sharing of benefits**
- 159.4 All Parties shall develop and implement policies and measures to ensure that mitigation action, including, inter alia, the use of biofuels **and possible REDD+ mechanisms, do not contribute to violation of the rights of indigenous peoples nor to** deforestation and forest degradation in developing countries.
- 159.5 As a means of ensuring that mitigation action, including, inter alia the use of biofuels **and possible REDD+ mechanisms, do not contribute to violation of the rights of indigenous peoples nor to** deforestation and forest degradation in developing countries, all Parties shall initiate, **with full and effective participation by indigenous peoples**, forest law enforcement, governance and trade measures.
- 159.6 All Parties shall ensure all actions to reduce emissions from deforestation and forest degradation in particular countries do not result in **violation of the rights of indigenous peoples nor to** emissions from deforestation and forest degradation in other countries as a result of emissions displacement. Measure may include regulation of demand-side use of forest products or other commodities that have resulted in deforestation or forest degradation.
164. [A permanent [forum] shall be established, under the {COP}{Subsidiary Body for Implementation}, to provide a venue for Parties to share information, experiences and views on the economic [and] [,] social [and environmental] consequences of response measures, **particularly their impacts on (the rights of) indigenous peoples**, so as to enhance the efforts of Parties to analyse and

understand these consequences and to identify innovative policy responses and technologies to address adverse consequences. This permanent forum shall be open to participation from all Parties, intergovernmental organizations **and indigenous peoples' representatives,** and mobilize expertise from the scientific and modelling communities and the private sector. The [work of the] permanent forum should [lead to] [formulate] a comprehensive framework to address adverse consequences [by] [in order to], inter alia:]

IV. Enhanced action on financing, technology and capacity-building

Proposal 2

Establish financial mechanism of the Convention in accordance with article 11 with structure that meets the requirement laid down under article 11.1 and 11.2 of the Convention.

1. Objectives, scope and guiding principles

(new) x.9 BIS Bearing in mind the direct impacts and effects of climate change, mitigation and adaptation measures on the rights and livelihoods of indigenous peoples, any Financing Mechanism shall ensure adequate and direct access to funding for indigenous peoples; and that indigenous peoples shall benefit from an accounting system for “emission vs capture” that defines and distributes mitigation and adaptation benefits.

166(d).2 In providing adaptation support, priority {shall}{should} be given to developing country Parties that are the most vulnerable to climate change impacts and that are the least able to adapt: (ii) Particularly vulnerable developing country Parties, especially:

- Poor developing countries;
- LDCs and SIDS, and countries in Africa affected by drought, desertification and floods;
- Low-lying and other small island countries, countries with low-lying coastal, arid and semi-arid areas or areas liable to floods, drought and desertification, archipelagic countries, and developing countries with fragile mountainous ecosystems;
- Countries with unique biodiversity, tropical glaciers and fragile ecosystems;
- Particularly vulnerable populations, groups and communities, especially the poor, women, children, the elderly, indigenous peoples, minorities and those suffering from disability;

- (x174. Ensure participation of indigenous peoples in any of the options related to the governance, including all proposed bodies e.g. Board, Expert Panel, Monitoring Panel, EBFTA and EBFTM, Technical Panels, etc, of the Financial Mechanism)**
180. (i).1 Address the unique technology relevant issues specific to SIDS recognizing scale of economies, enabling environments, and geographical remoteness for both adaptation and mitigation.
- (i).2 Ensure participation of all stakeholders at all levels of decision-making on technology cooperation and sharing, especially women, youth, indigenous peoples and local communities, among others.
- 196 (c) (ii) Technical Panels to generate and compile current expert information related to, inter alia,
- policies and measures;
 - intellectual property cooperation, sharing and partnership;
 - sectoral, cross-sectoral and cross-cutting cooperation;
 - assessment, monitoring and compliance related matters;
 - dissemination of knowledge;
 - documenting, scaling up and diffusion of indigenous adaptation technologies which already exist in developing countries.
- 199 (e) To strengthen and use the regional networks of information and knowledge-sharing, including indigenous knowledge sharing;