



# POSITION OF INDIGENOUS PEOPLES ON ARTICLE 6.4 PARTICIPATION

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The International Indigenous Peoples Forum on Climate Change (IIPFCC) expresses its views on Indigenous Peoples' Engagement with the Article 6.4 Mechanism.

Recognising that there is universal support from Parties for the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP, 2007), and that Parties recommitted to upholding the Rights of Indigenous Peoples through the World Conference on Indigenous Peoples Outcome Document (2014), the IIPFCC requires the following concerns to be adequately addressed for upholding the Rights of Indigenous Peoples in the Article 6.4 Mechanism.

## 1. Challenges with the Article 6.4 Mechanism:

Article 32 of the UNDRIP affirms that States must consult Indigenous Peoples to obtain their free and informed consent before approving projects impacting their lands, territories and resources, ergo paragraph 31 (e) should be interpreted as as follows so as to comply with the obligation to incorporate preambular paragraph 11 of the Paris Agreement (emphasis added):

“Shall undergo local, national and subnational stakeholder consultation consistent with applicable domestic and international standards in relation to public participation, local communities, and Indigenous Peoples **and ensuring compliance with the free, prior and informed consent of Indigenous Peoples.**”

As the paragraph on consultation is currently written, Indigenous Peoples face potential exclusions due to ambiguous terms like consultation shall occur "where appropriate".. It is vital to understand that Indigenous Peoples are not merely stakeholders akin to the general public; we are distinct Peoples with unique rights.

Parties have a legal obligation to uphold and respect these rights, recognizing the distinction between Indigenous Peoples and other stakeholders.

Additionally, global discussions may neglect Indigenous languages and traditions, and there's concern about their access to timely information. National standards may fall below international standards and leave out the important requirement of free, prior, and informed consent.



## 2. Improving Dialogue:

- **Cultural and Holistic Understanding:** Recognize, value, and educate on Indigenous cultural nuances, and the holistic depth of Indigenous Peoples knowledge and traditional knowledge, ensuring a collaborative and respectful process.
- **Accessible Information and Education:** Provide resources in Indigenous languages and ensure mutual understanding for genuine collaboration.
- **Inclusive Engagement Platforms:** Establish regular consultation platforms for genuine Indigenous representation and partnership.

## 3. Long-term Engagement Vision:

- **Ongoing Dialogue:** From the earliest stages of a project, maintain consistent communication, aligning with UNDRIP's guidelines. This must be an active process in cooperation with Indigenous Peoples and with their full and effective participation resulting in free, prior, and informed consent.
- **Empowerment:** Continually equip Indigenous Peoples with relevant knowledge.
- **Feedback Mechanisms:** Offer clear channels for Indigenous feedback in decision-making processes.

## Conclusion:

Genuine participation of Indigenous Peoples in the UNFCCC is vital for an equitable implementation of 6.4 Mechanism. Aligning with UNDRIP and ensuring a comprehensive approach is paramount for global climate action success.

## RATIONALE

The essence of meaningful dialogue within international forums, such as the United Nations Framework Convention on Climate Change (UNFCCC), rests on the inclusion of diverse perspectives. One such crucial perspective is that of Indigenous Peoples. Their involvement is not merely a nod to diversity but is deeply rooted in the preservation and application of traditional knowledge and the inherent, collective human rights that Indigenous Peoples hold.

### The Importance of Participation:

Indigenous Peoples possess a treasure trove of traditional knowledge that has shaped their societies and cultures for generations. Their rights to autonomy and self-determination naturally encompass this knowledge reservoir. Given the global urgency of climate change



actions, Indigenous Peoples should not only be recognized for their proprietary interests but also be granted the right to manage and govern their traditional knowledge.

The Alta Outcome Document, specifically Theme 1, para 7, serves as a testament to Indigenous rights and aspirations. Drafted by over 500 Indigenous Peoples in 2013, it underscores the need for a comprehensive human rights and ecosystem-based approach to all climate change measures. This approach must integrate and value Indigenous worldviews, knowledge systems, governance structures, and their ties to their lands and resources.

### **Human Rights Framework for Participation:**

The principle of participation in decision-making is paramount. Tied intricately to the right of Indigenous Peoples to self-determination, it encompasses their rights to autonomy and self-government. It also underscores the obligations of States to engage in meaningful consultations with Indigenous Peoples, ensuring that these consultations are based on the principle of free, prior, and informed consent (FPIC).

The right to participation goes beyond symbolic gestures. Genuine participation means that Indigenous Peoples are actively involved in decision-making processes. Such a right isn't confined to national dialogues but extends to global forums like the UNFCCC.

International instruments, like the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the International Labour Organization (ILO) Convention No. 169, provide a required framework for this participation. They affirm the rights of Indigenous Peoples to participate, consult, and represent themselves in matters that impact them.

In light of these considerations, it becomes evident that the participation of Indigenous Peoples in the UNFCCC decision-making processes isn't an optional inclusion but a mandated obligation. The Platform should serve as a beacon, inspiring the UNFCCC to forge a robust partnership with Indigenous Peoples. Such a partnership will ensure that climate mitigation and adaptation strategies are enriched by Indigenous perspectives and knowledge.

With this rationale in mind, let's delve deeper into specific provisions, such as Article 6.4, Paragraph 31(e), to understand how they align with the principles of inclusion and the rights of Indigenous Peoples.

**Understanding the Provision:** Article 6.4, paragraph 31(e), establishes that any related activities: *"(e) Shall undergo local and, where appropriate, subnational stakeholder consultation consistent with applicable domestic arrangements in relation to public participation and local communities and indigenous peoples, as applicable;"*

This provision is woefully inadequate when compared to the standards set out in the UNDRIP. Three primary concerns arise from the provision: the use of non-specific terms and an excessive dependence on differing domestic procedures compromise the principle of free, prior, and informed consent (FPIC), which is foundational to UNDRIP.



While the provision offers a framework, the inherent challenges it poses necessitate further scrutiny and action. This leads us to explore specific challenges and suggest strategies for enhanced engagement with Indigenous Peoples.

### **Challenges and Strategies for Enhanced Engagement with Indigenous Peoples:**

- **Potential Pitfalls in Article 6.4:**

- **Vagueness in Wording:** Phrases like "where appropriate" could be interpreted in a way that results in selective consultations, which might leave out certain Indigenous Peoples. This interpretation contrasts with UNDRIP, which underscores the importance of comprehensive decision-making processes.
- **Cultural and Linguistic Barriers:** Discussions on a global scale might unintentionally overlook the unique languages, histories, and traditions of Indigenous Peoples. This neglect is in direct opposition to UNDRIP's Article 13, which emphasizes these distinct aspects.
- **Challenges in Accessing Information:** Indigenous Peoples could face difficulties obtaining pertinent and timely information due to various factors like inadequate infrastructure or lack of resources. This limitation jeopardizes their right to be informed, a right championed by UNDRIP.

Addressing these challenges is paramount. To facilitate effective communication and sustainable engagement, certain recommendations and strategies can be employed.

- **Recommendations to Improve Communication:**

- **Cultural Respect:** Prioritize understanding and valuing the rich cultural differences of Indigenous Peoples during consultations and discussions.
- **Making Information Accessible:** Promote the development and dissemination of resources in the languages of Indigenous Peoples and in accessible formats. This approach aligns with UNDRIP's Article 16, emphasizing their right to access all media forms without discrimination.
- **Creating Platforms for Engagement:** Foster platforms for consistent regional consultations, ensuring authentic representation and direct input from Indigenous Peoples.

Beyond improving communication, it's crucial to ensure that engagement with Indigenous Peoples is not just a one-off event but a continuous and evolving process. It must begin in the earliest planning stages of a project and continue through the life of the project.

- **Emphasis on Sustainable Engagement:**

- **Persistent Dialogue:** Advocate for a continuous dialogue between oversight entities and Indigenous Peoples. This approach guarantees their proactive involvement in molding the climate framework, in sync with Articles 18 and 19 of UNDRIP.



- **Empowerment Over Time:** Rather than isolated training sessions, concentrate on equipping Indigenous Peoples with the necessary knowledge and resources to engage effectively with mechanisms like 6.4.
- **Channels for Feedback:** Develop solid and transparent avenues for Indigenous Peoples to share their feedback, ensuring their perspectives are at the forefront of climate-related decisions.

Ensuring consistent and genuine engagement with Indigenous Peoples is just one piece of the puzzle. The overarching goal should be to align the provisions and actions of entities with the principles of UNDRIP.

- **Aligning with UNDRIP:**
  - **Clarification of Terminology:** Address and refine any unclear terms in paragraph 31(e) to guarantee an unambiguous and inclusive consultation procedure that mirrors UNDRIP's principles.
  - **Prioritize FPIC:** FPIC should be at the core of all guidelines and decisions, echoing UNDRIP's essence.
  - **Review of Domestic Frameworks:** Instead of solely depending on domestic structures, a proactive stance should be taken to confirm these structures are in harmony with UNDRIP's principles and other international standards.
  - **Sustained Interaction:** Engage with Indigenous Peoples on an ongoing basis, ensuring evolving guidelines genuinely embody UNDRIP's spirit.

To optimize our understanding of Indigenous Peoples' engagement in the climate discourse, it's crucial to differentiate between various entities like the LCIPP and IIPFCC that play significant roles in this context.

### **Differentiating Between LCIPP and IIPFCC**

#### **IIPFCC (Indigenous Caucus):**

- Serves as a representative body for Indigenous Peoples from seven global socio-cultural zones and has been a recognized constituency within the UNFCCC since 2008.
- It acts as the advocacy and negotiation wing for Indigenous Peoples, playing an active role in decision-making, particularly concerning Article 6.4.

#### **LCIPP and FWG:**

- The LCIPP, accompanied by its FWG, plays a crucial role within the UNFCCC, bridging the gap between Indigenous Peoples and the wider climate change discourse.
- Even though the FWG provides valuable insights, its balanced representation might not entirely represent the perspectives of Indigenous Peoples.



- Notably, the FWG does not function as a negotiation body, unlike the IIPFCC, which is instrumental in shaping climate negotiations.

In conclusion, we must remember the overarching objective: the effective and equitable implementation of the Paris Agreement, maximize the effectiveness of the Paris Agreement, the genuine representation of Indigenous Peoples and the respect for their rights is crucial. Aligning strategies with UNDRIP, comprehending the functions of bodies like the IIPFCC and LCIPP, and guaranteeing a holistic and inclusive methodology will set the stage for meaningful and fair global climate action.