

Call for public input – Template for input	Draft: Article 6.4 sustainable development tool (ver. 02.0)
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1	2	3	4	5	6
Section no.	Para., table or figure no.	Type of input G = general T = technical E = editorial	Comment	Proposed change (Include proposed text)	Assessment of comment (Completed by secretariat)
All		General	Indigenous People	Indigenous Peoples	
5.3	Table 8	Technical	Indigenous Peoples can also raise human rights concerns	Does the activity participant confirm that Indigenous Peoples , local communities or individuals have not raised human rights concerns regarding the activity (e.g. during the stakeholder engagement process, etc.)	
5.3.5	57	Technical	Action plans that may affect Indigenous Peoples should always be prepared with direct participation of Indigenous Peoples concerned, and in accordance with international standards such as the rights of Indigenous Peoples enshrined in the UN Declaration on the Rights of Indigenous Peoples.	P8.3: A resettlement action plan and/or livelihood action plan shall be integrated into the activity documentation where physical displacement is involved. The action plans will be developed in accordance with international standards, and best practice (e.g. United Nations Declaration on the Rights of Indigenous Peoples , United Nations Development Programme Standard 5: Displacement and Resettlement) and in full consultation and with the free, prior, and informed consent of the affected individual, group, Indigenous Peoples , or community. No displacement or resettlement shall take place without the free, prior and informed consent of the Indigenous Peoples involved and after agreement on just and fair compensation and where possible, with the option of return.	
5.3.5	Table 12	Technical	Include Indigenous Peoples' right to free, prior and informed consent.	(iii) Has the activity developed a resettlement action plan and/or livelihood action plan with the free, prior and informed consent of affected Indigenous Peoples?	

5.3.6	59	Technical	<p>1. Explicit Reference to UNDRIP: By specifically mentioning the UN Declaration on the Rights of Indigenous Peoples, the revised text directly aligns with the most comprehensive international instrument on the rights of Indigenous Peoples. This strengthens the legal basis of the principle by referencing a universally recognized framework.</p> <p>2. Free, Prior, and Informed Consent: One of the fundamental aspects of UNDRIP is the concept of free, prior, and informed consent. This ensures that Indigenous Peoples have a say in development activities that affect them. The revised text includes this concept to emphasize that their participation should be voluntary and based on full awareness of the implications.</p> <p>3. Self-Determination and Autonomy: The principle of self-determination, central to UNDRIP, empowers Indigenous Peoples to control their own economic, social, and cultural development. The edits underscore their right to manage their lands, resources, and institutions according to their traditions and legal systems.</p> <p>4. Recognition of Indigenous Legal Systems: The original text mentions Indigenous legal systems in the context of national recognition. The edits further clarify this point by ensuring that these systems are respected in line with UNDRIP, emphasizing the importance of Indigenous laws and traditions in governance and legal processes.</p> <p>5. Cultural Identity and Traditional Values: The revised text underscores the importance of respecting and preserving the cultural identities, institutions, and traditional values of Indigenous Peoples. This aligns with UNDRIP's emphasis on the protection of cultural heritage and traditional knowledge.</p> <p>6. Equality and Partnership in Development: The edits highlight the role of Indigenous Peoples as equal partners in development. This change reflects UNDRIP's focus on promoting the active and equal participation of Indigenous Peoples in decision-making processes, particularly those that affect their rights and interests.</p>	<p>This principle refers to respect for, and taking into account the rights of Indigenous Peoples and individuals as contained in applicable legal obligations and commitments, which include pertinent national legislation, international standards as recognized in the United Nations Declaration on the Rights of Indigenous Peoples, and in Indigenous legal systems. The activity can also create opportunities for Indigenous Peoples to participate in and benefit from activity-related activities that may help them achieve their aspirations for economic and social development. Such participation should be based on their free, prior, and informed consent, ensuring these activities are in line with their aspirations for economic and social development, and respect for their cultural identities, institutions, and traditional values. Furthermore, Indigenous Peoples may play a role in sustainable development by often promoting, owning and managing activities and enterprises as partners in development. Their involvement should be encouraged as equal partners in development, respecting their right to self-determination and management of their lands, territories, and resources, in accordance with their cultural practices and legal systems.</p>	
5.3.6	61	Editorial	<p>Gender relations is a category that differs from lands, territories and resources which is a category of its own.</p>	<p>As part of the design process, the activity participant shall carry out, in full cooperation and coordination with the Indigenous Peoples involved, if they so choose to participate, an environmental and social analysis of the</p>	

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				activities that may affect or involve Indigenous Peoples. The analysis shall verify whether Indigenous Peoples reside in the proposed activity areas and/or if the activities may affect Indigenous Peoples outside of activity areas. The assessment shall include the potential impacts on their rights, lands, territories, resources, and gender relations.	

5.3.6	64	Technical	<p>Changes are necessary to bring the text into alignment with the principles of FPIC as detailed in the UN Expert Mechanism on the Rights of Indigenous Peoples study on FPIC (A/HRC/39/62), ensuring a comprehensive, respectful, and rights-based approach to engaging with Indigenous Peoples in accordance with international standards.</p> <p>Expanded Definition of FPIC: The changes broaden the scope of FPIC to include not only the right to consent but also the rights to be consulted, participate, and manage lands, territories, and resources.</p> <p>Ongoing Dialogue and Negotiation: FPIC is emphasized as a continuous process, encompassing dialogue and negotiation throughout all stages of a project, from planning to follow-up.</p> <p>Free from Coercion and External Pressure: The edits ensure that the consent process is free from any form of intimidation, coercion, manipulation, or harassment, respecting the autonomy of Indigenous Peoples.</p> <p>Early Engagement and Comprehensive Information: The changes highlight the importance of starting the FPIC process early in project conceptualization and providing clear, comprehensive, and objective information to Indigenous Peoples.</p> <p>Legitimate Representatives and Capacity Building: The revisions call for engagement with legitimate representatives of indigenous communities and stress the need for capacity building in their representative institutions.</p> <p>Explicit Statement of Agreement: The edits require that consent be evidenced by an explicit statement of agreement, ensuring clarity and formal acknowledgment of the decisions made.</p> <p>Right to Withhold Consent: The changes acknowledge the right of Indigenous Peoples to give or withhold consent, empowering them to make decisions based on their best interests and those of future generations.</p>	<p>The activity participant shall respect, protect, and conserve and shall not take the cultural, intellectual, religious, and/or spiritual property of Indigenous Peoples without their free, prior, and informed consent (FPIC), which encompasses the right to be consulted, to participate, and to manage their lands, territories, and resources. This process involves ongoing dialogue and negotiation throughout the project lifecycle. FPIC must be obtained when there are activities on (i) the territory; (ii) natural resources that Indigenous Peoples use; (iii) cultural heritage; or (iv) places containing sacred elements of special value for the community. It must be documented both within the process as well as in the agreements reached in the dialogue and consultations with the community, ensuring that the process is free from intimidation, coercion, manipulation, and harassment. Engagement should be with legitimate representatives of Indigenous Peoples concerned, chosen by them, and capacity building for their representative institutions is crucial. FPIC must begin at the early stages of project conceptualization and provide Indigenous Peoples with clear, comprehensive, and objective information. Consent, when given, must be consistent with indigenous Peoples' own laws, customs, and protocols, and evidenced by an explicit statement of agreement. The right of Indigenous Peoples to give or withhold consent, including the reasons for withholding consent, must also be respected.</p>	
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			Consistency with Indigenous Laws and Customs: The revisions stipulate that any consent given must align with the Indigenous Peoples' own laws, customs, and protocols, respecting their cultural integrity and legal systems.		

5.3.6	66	Technical	<p>Changes are necessary to align the text with the Human Rights safeguard as reflected in the Glasgow text, in protection of Indigenous rights provided in the UN Declaration on the Rights of Indigenous Peoples, in particular the right to FPIC.</p> <ul style="list-style-type: none"> ● Establishment Based on FPIC: Emphasizing the need to establish feedback and grievance redress processes based on the free, prior, and informed consent of Indigenous Peoples ensures their autonomy and decision-making rights are respected from the outset. ● Active and Meaningful Participation: The inclusion of active and meaningful participation in designing these processes is critical to uphold the principle of FPIC, ensuring that Indigenous Peoples are not just consulted, but are integral to the decision-making process. ● Representation According to Indigenous Procedures: Ensuring that representation of Indigenous Peoples is in accordance with their own procedures and representative institutions respects their internal governance systems and cultural practices. ● Operational and Adaptable Processes: Highlighting that the process should remain operational and adaptable throughout the activity cycle acknowledges the dynamic nature of Indigenous Peoples' needs and priorities. ● Respect for Rights to Self-Determination: Emphasizing the respect for the rights of Indigenous Peoples to self-determination and control over their lands, territories, and resources aligns with the core principles of FPIC and UNDRIP. ● Conflict Resolution Mechanism: Developing a conflict resolution mechanism in a manner that respects the rights, customs, and consent of Indigenous Peoples ensures that any disputes are handled in a culturally sensitive and rights-based manner. ● Communication in Accessible Language and Manner: Informing Indigenous Peoples about the appeal and grievance processes in a language and manner that is understandable and accessible to them is crucial for ensuring transparency and effective communication. 	<p>As part of stakeholder consultation, the activity participants shall make available mutually agreed, culturally appropriate, accessible, and inclusive channels for feedback and grievance redress to Indigenous Peoples and their representatives. Such a process shall be established based on the free, prior, and informed consent of the Indigenous Peoples, and shall include their active and meaningful participation in designing these processes. This shall be established as part of the process for continuous engagement of local stakeholders in accordance with the "Article 6.4 activity standard for projects" or the "Article 6.4 activity standard for programmes of activities" at the beginning of the implementation of the activity and ensure the representation of Indigenous Peoples in accordance with their own procedures and representative institutions. With due consideration given to customary dispute settlement mechanisms among the Indigenous Peoples concerned, the process shall remain operational and adaptable throughout the activity cycle, respecting the rights of Indigenous Peoples to self-determination and control over their lands, territories, and resources. A conflict resolution mechanism should be also discussed, agreed upon, and developed during the early stages of the programme or activity cycle in a manner that fully respects the rights, customs, and consent of Indigenous Peoples. Furthermore, the activity participants shall inform Indigenous Peoples of the availability of the appeal and grievance processes under the Article 6.4 mechanism in a language and manner understandable and accessible to them.</p>	
5.3.6	Table 13	Technical	<p>Change was necessary to bring the text in accordance with UNDRIP, the full and effective participation of</p>	<p>Was the plan developed in accordance with the full, effective and meaningful participation of Indigenous</p>	

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			Indigenous Peoples in any development plan is essential to respect their rights to self-determination, to ensure meaningful consultation and consent processes.	Peoples and in accordance with the United Nations Declaration on the Rights of Indigenous Peoples, and the United Nations Development Programme Guidelines?	