

# Guide on **CLIMATE CHANGE & INDIGENOUS PEOPLES**

**SECOND EDITION**





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**Tebtebba**

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***Guide on Climate Change & Indigenous Peoples***  
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# *Introduction*

The severity of the impacts of climate change and mitigation processes on indigenous peoples and the complex negotiating processes around climate change compels us to have a basic understanding of climate change and the policies and actions being taken to address it. We, indigenous peoples, have long observed and adapted to the climatic changes in our communities for tens of thousands of years. Because of our sustainable lifestyles and our struggles against deforestation and against oil and gas extraction, we have significantly contributed in keeping gigatonnes of carbon dioxide and other greenhouse gases under the ground and in the trees.

However, the extent and magnitude of present-day climate change seriously challenges our capacities to cope and adapt. Many of the environmental challenges we face, be these climate change, pollution, environmental degradation, etc., are caused not by our own actions but mainly by the dominant societies in developed countries, who are incessantly pursuing a development path of unsustainable production and consumption.

Climate change is the biggest proof that this dominant development model is unsustainable and therefore needs to be changed. International cooperation and solidarity to support our adaptation initiatives and to strengthen our contributions to climate change mitigation is crucial.

Unfortunately, we have been excluded from the negotiations under the UN Framework Convention on Climate Change (UNFCCC) and the Kyoto Protocol and even in the discussions and its implementation at the national level. We believe that, given the opportunity, we can contribute substantially to the discussions and decisions made on climate change policies and actions not only at the national level but also at the global level. We also believe that the recently-adopted United

Nations Declaration on the Rights of Indigenous Peoples should be the overarching framework upon which climate actions and policies as these relate to indigenous peoples should be based.

It is in this light that Tebtebba prepared this “Guide on Indigenous Peoples and Climate Change.” The aim of this publication is to enhance our knowledge on climate change so that we will be better equipped to participate more effectively in shaping relevant policies and actions taken to address this issue. It also aims to enlighten non-indigenous peoples on our own experiences and perspectives on climate change.

We are aware of the existence of recently-written materials on indigenous peoples and climate change, but most of these are not written by us and, therefore, do not necessarily reflect the perspectives we have to offer. This publication is aimed to fill the dearth of such materials. It is designed as a guide that will provide the basic information which we deem indigenous peoples should have on their hands. Hopefully, it will allow all of us to appreciate more fully how climate change issues are related to our basic struggles for rights to lands, territories and resources, right to culture and to self-determination, including our right to development.

The UN Permanent Forum on Indigenous Issues (UNPFII) announced that the special theme for its 7th Session (April 21-May 2, 2008) is on “Climate change, bio-cultural diversity and livelihoods: the stewardship role of indigenous peoples and new challenges.” There have been some climate change workshop-seminars and consultations organized by indigenous peoples and some support groups and UN bodies which have already taken place. So this publication draws on some recommendations which emerged from these processes.<sup>1</sup> It will also use information from the documents prepared for the UNPFII sessions, such as the overview paper made by the UNPFII Secretariat and the Report on the Impact of Climate Change Mitigation Measures on Indigenous Peoples and their Territories and Lands” [E/C.19/2008/10], as well as the Report of its 7th [E/C.19/2008/13].

### ***Why should we be concerned about climate change?***

We should be concerned about climate change because of the following:

- Indigenous peoples, mainly, are peoples of the land. We live off the land and resources found in our lands and waters. We are the main stewards of biological and cultural diversity. Our rights, cultures, livelihoods, traditional knowledge and identities are based on the profound and intricate relationships we forged with our lands, waters, and resources over thousands of years. Thus, when our lands and resources disappear or are altered due to climate change, we suffer the worst impacts;

- Our ancestors and we, the present generations, have coped and adapted to climate change for thousands of years. However, the magnitude and nature of present-day climate change seriously challenges our resilience and our capacities to adapt. We contributed the least to climate change because of our sustainable traditional livelihoods and lifestyles and yet we are the ones who are heavily impacted by it;
- Some mitigation measures agreed upon and promoted under the UNFCCC and the Kyoto Protocol (e.g., the Clean Development Mechanism and emissions trading schemes) and other market-based mechanisms have adverse impacts on indigenous peoples. These range from displacement or relocation from ancestral territories, land grabs, serious human rights violations to the exacerbation of environmental degradation of our lands;
- Because of the above, it is an imperative that we make ourselves more aware and more actively engaged with the issue and processes on climate change. We should persist in being included in negotiations and decision-making processes and bodies dealing with climate change.

### ***What will be contained in this Guide?***

First, we will discuss the basics of climate change, including mitigation and adaptation measures. This chapter will contain brief explanations of the bodies, mechanisms and processes addressing climate change. We will use illustrations and pictures culled from other sources to explain more graphically the main points. Then we will show the impacts of climate change and mitigation measures on indigenous peoples who live in diverse ecosystems as well as on indigenous women.

A chapter on REDD/REDD+, currently under negotiation, will discuss what this proposal is about and the risks and opportunities this presents to indigenous peoples. This is very important since funding schemes and pilot projects have been set up and are being implemented by various bodies even while negotiations are ongoing. A few examples of adaptation and mitigation processes done by indigenous peoples at the local levels will also be discussed. The current state of negotiations from Bali to Copenhagen (COP15) will be explained, including the key results of the climate change talks in 2008 and 2009. This second edition will, therefore, try to reflect the latest developments as more than a year has passed since this Guide was first published.

For this second edition, it is the Chapter on REDD (Chapter 5 – REDD/REDD+ and Indigenous Peoples) which we put a lot of work in. The reason for this is that it is in this area where we achieved a lot of traction in terms of inclusion of indigenous peoples' rights, traditional knowledge, free, prior and informed consent and the

UN Declaration on the Rights of Indigenous Peoples. As REDD has become a very hot issue, not only among indigenous peoples but also with governments and NGOs, there is an article or document on this written every day. Thus, we felt that we had to be as comprehensive as we can in putting together the updates on the way REDD is being discussed and negotiated. Besides, it is not just REDD which is on the table but REDD+. And now, there is talk of a REDD++ which will include agriculture. This chapter is unproportional to the other chapters in terms of length and coverage. But we owe it to our indigenous colleagues to explain this more elaborately than the rest, not because this is more important than the other issues, but because they will be visited by all kinds of people (from government, corporations, NGOs) who have interest in REDD+.

The last part will respond to the following questions: “What is our advocacy agenda on climate change? Does this agenda integrate the human rights-based approach to development and the ecosystems approach? What role does the UN Declaration on the Rights of Indigenous Peoples play in promoting our climate change agenda? What are the ways forward for us to influence the Post-Bali negotiations to Copenhagen (2009) and beyond?”

**Victoria Tauli-Corpuz**

*Executive Director, Tebtebba*

*Chairperson, UN Permanent Forum on  
Indigenous Issues*

*19 September 2009*

#### **Endnote**

<sup>1</sup> Some of these workshops include the following: 1) Conference on Indigenous Peoples and Climate Change, Copenhagen, 21-22 February 2008, organized by IWGIA; 2) Asia Indigenous Peoples' Preparatory Workshop for the UNPFII 7th Session and other related-UN processes, Kathmandu, Nepal, 25-26 February 2008, organized by Asian Indigenous Peoples' Pact; 3) Asian Indigenous Peoples' Consultation with the World Bank on the Forest Carbon Partnership Facility, Kathmandu, Nepal, 27-28 February 2008, organized by Tebtebba; 4) International Expert Meeting on Response to Climate Change for Indigenous and Local Communities and the Impact on their Traditional Knowledge Related to Biological Diversity – the Arctic Region, Helsinki, 25-28 March 2008, organized by the Secretariat of the Convention on Biodiversity; 5) Consultation/Dialogue on Indigenous Peoples' Self-Determined Development or Development with Identity, Tivoli, Italy, 14-18 March 2008, organized by Tebtebba; 6) International Expert Group Meeting on Indigenous Peoples and Climate Change, Darwin, Australia, 2-4 April 2008, organized by the UNU-IAS, Secretariat of the Permanent Forum on Indigenous Issues and NAILSMA; 7) Global Indigenous Peoples' Consultation on REDD, Baguio City, Philippines, 12-14 November 2008, organized by Tebtebba, UN University - IAS, Secretariat of the Convention on Biological Diversity and the UN-REDD Programme; Indigenous Peoples' Global Summit on Climate Change organized by ICC, 20-24 April 2009.

# Part I

## Climate Change and Processes: An Overview

What is climate and what is climate change? How are these related to greenhouse gases and the “greenhouse effect”? Why should climate change be something we should be concerned about?

Let's define climate, climate change and greenhouse gases first before we get to the greenhouse effect and global warming.

### 1 What is Climate?



- Climate is usually defined as “the average weather.” It is measured by observing patterns in temperature, precipitation (such as rain or snow), wind and the days of sunlight as well as other variables that might be measured at any given site.
- The climate is the manifestation of a highly complex system consisting of five interacting components: the atmosphere (air), the hydrosphere (water), cryosphere (frozen part of the earth), the land surface, and the biosphere (part of the earth where life exists).

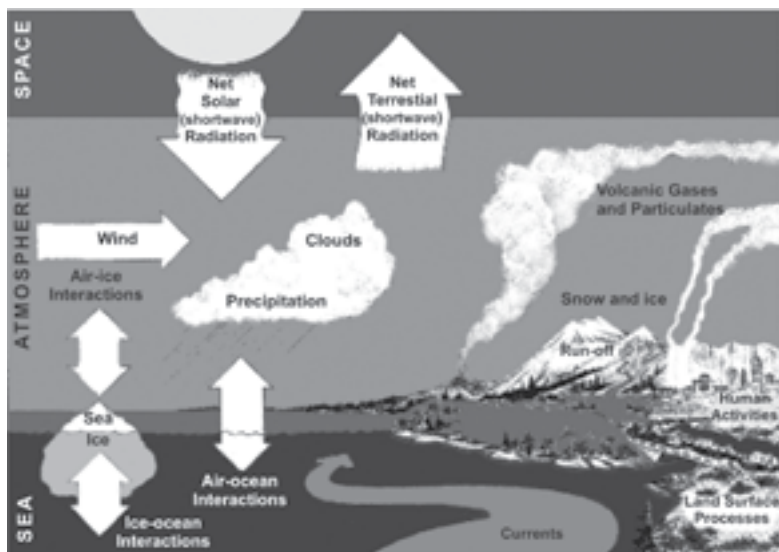


Image Source:  
Government of  
Canada Graphic,  
from: [www.  
solcomhouse.com/  
cligovcan.gif](http://www.solcomhouse.com/cligovcan.gif)

- Climate change refers to any change in climate over time, whether due to natural variability or as a result of human activity (anthropogenic causes). Climate change can result from the interaction of the atmosphere and oceans. The United Nations Framework Convention on Climate Change (UNFCCC) puts more emphasis on human activities which cause climate change.
- Changes in the world's climate are not new. In fact, this is one factor which has influenced the course of human history and human evolution. Historically, humans have been able to cope and adapt to these changes.
- Previously, it was the climate that changed humans. Now, we're changing the climate, and we're changing it too fast.
- The climate change we are experiencing now is brought by humanity's massive dependence on fuels, particularly carbon-based fuels, such as coal, oil, and natural gas. These fuels bring about greenhouse gas emissions.

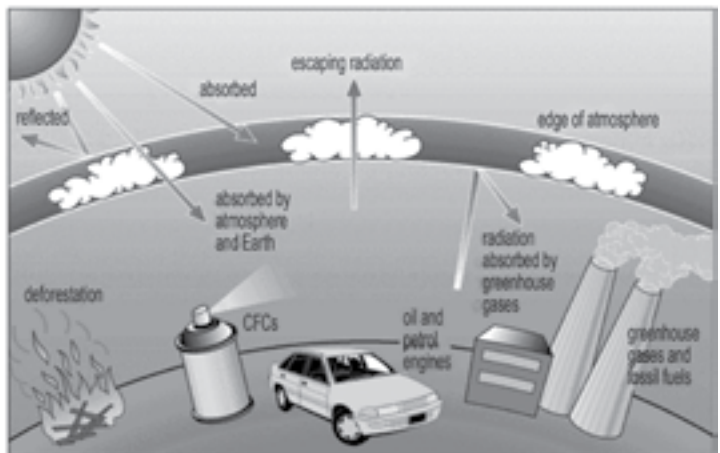
## What is climate change?



## What are greenhouse gases and what is the “greenhouse effect”? How are these related to global warming?



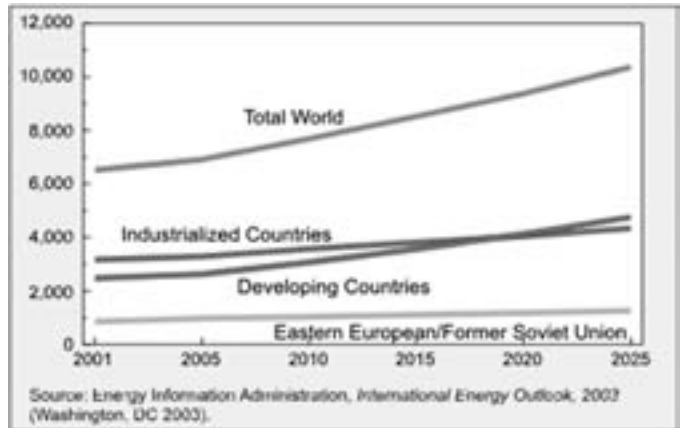
- Greenhouse gases (GHGs)<sup>1</sup> are chemical compounds such as water vapor, carbon dioxide, methane, and nitrous oxide found in the atmosphere. Carbon dioxide is the main GHG and its emissions mainly come from burning fossil fuels.
- These greenhouse gases absorb some of the infrared radiation (heat) which reflects back heat that gets trapped by the greenhouse gases inside our atmosphere. This is necessary to make the earth warm, otherwise, it will be too cold. The atmosphere acts like the glass walls of a greenhouse, which allows the sun's rays to enter but keeps the heat in.
- This natural process is called the greenhouse



From: <http://media.allrefer.com/s4//p0001164-greenhouse-effect.gif>

effect. As humans emit more carbon dioxide and other greenhouse gases into the atmosphere, the greenhouse effect becomes stronger and global warming occurs.

- **Global warming** is the noted average increase of the earth's surface temperature and oceans as compared to previous centuries. This is a result of the continuous trapping of heat within the earth's atmosphere due to increased quantity of greenhouse gases. Global warming is one of the key aspects of climate change.
- Levels of some important greenhouse gases have increased by about 25% since large-scale industrialization began around 150 years ago.
- A brochure made by the US Department of Energy says "The U.S. produces about 25% of global carbon dioxide emissions from burning fossil fuels; primarily because our economy is the largest in the world and we meet 85% of our energy needs through burning fossil fuels." It further states "...in the U.S., our greenhouse gas emissions come mostly from energy use. These are driven largely by economic growth, fuel used for electricity generation, and weather patterns affecting heating and cooling needs. Energy-related carbon dioxide emissions, resulting from petroleum and natural gas, represent 82% of total U.S. human-made greenhouse gas emissions"<sup>2</sup>



World Carbon Dioxide Emissions by Region, 2001-2025  
(Million Metric Tons of Carbon Equivalent)

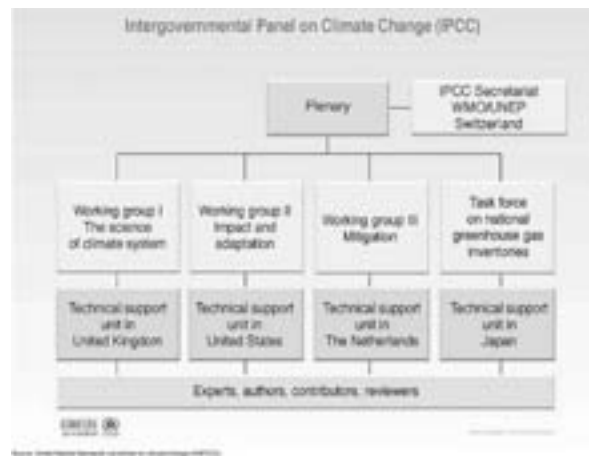
**3** So what is the world doing about climate change? Which multilateral organizations are mainly dealing with it?

- The first multilateral organizations tasked to address climate change are the following:
  - ❑ The World Meteorological Organization (WMO), a special agency of the United Nations (UN), and
  - ❑ The United Nations Environmental Program (UNEP)

- **Intergovernmental Panel on Climate Change (IPCC)** – In 1988 the WMO and the UNEP co-established the Intergovernmental Panel on Climate Change (IPCC), an ad hoc, open-ended intergovernmental mechanism composed of scientists from all over the world, tasked to provide scientific assessments of climate change. It is recognized as the most authoritative scientific and technical voice on climate change, and its assessments influence the negotiators of the UNFCCC and its Kyoto Protocol. It provides governments with scientific, technical and socio-economic information which evaluate the risks and develops a response to global climate change.

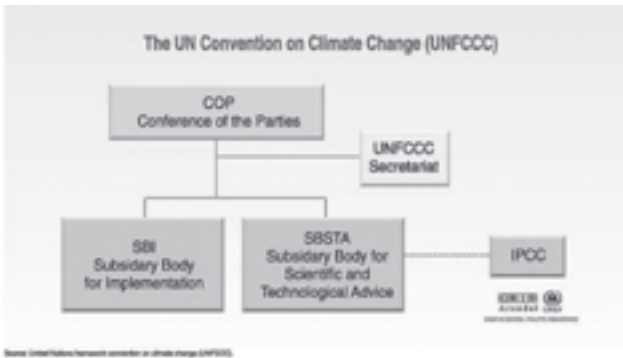
The IPCC is organized into three working groups plus a task force on national greenhouse gas (GHG) inventories:

- ❑ **Working Group I** - assesses the scientific aspects of the climate system and climate change;
- ❑ **Working Group II** - addresses the vulnerability of human and natural systems to climate change, the negative and positive consequences of climate change, and options for adapting to them; and
- ❑ **Working Group III** - assesses options for limiting greenhouse gas emissions and otherwise mitigating climate change, as well as economic issues.



- **The UN Framework Convention on Climate Change (UNFCCC)**
  - ❑ The first assessment report of the IPCC served as the basis for negotiating the UNFCCC, the guiding framework by which countries base their responses to climate change.
  - ❑ The UNFCCC is a Multilateral Environmental Agreement (MEA) which was adopted during the United Nations Conference on Environment and Development (UNCED) or the Earth Summit which was held in Rio de Janeiro, Brazil in 1992. It entered into force in 1994. The UNFCCC “sets an overall framework for intergovernmental efforts to tackle the challenge posed by climate change. It recognizes that the climate system is a shared resource whose stability can be

affected by industrial and other emissions of carbon dioxide and other greenhouse gases. The Convention enjoys near universal membership, with 192 countries having ratified and acceded to it.<sup>3</sup>



- ❑ Its main goal is the “stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic human-induced interference with the climate system.”
- ❑ The main decision-making body is the Conference of the Parties (COP), which is composed

of 180 states that have ratified<sup>4</sup> or acceded to the agreement. The Subsidiary Body for Scientific and Technological Advice (SBSTA) provides the COP with timely information and advice on scientific and technological matters relating to the Convention. The Subsidiary Body for Implementation (SBI) helps with the assessment and review of the Convention’s implementation.

- ❑ However, with the realization that GHG emissions continued to rise around the world, Parties of the UNFCCC began negotiations to come up with a “firm and binding commitment by developed countries to reduce emissions.”<sup>4</sup> The result of these negotiations was the Kyoto Protocol.

## What is the Kyoto Protocol?

- ☞ The Kyoto Protocol (KP) was adopted during the 3<sup>rd</sup> Conference of the Parties to the UNFCCC (COP3) in Kyoto, Japan on 11 December 1997. It entered into force on 16 February 2005.<sup>5</sup>
- ☞ It sets targets for industrialized countries (Annex 1 countries)<sup>6</sup> to reduce their pollution and gives them flexibility as to how they can reach these targets.
- ☞ The KP is an international agreement that is linked to the existing UNFCCC, but standing on its own. It has the same objectives and institutions as the UNFCCC except for the distinction where the Convention **encouraged** developed countries to stabilize GHG emissions but the Protocol **commits** them to do so.
- ☞ As of December 12, 2007, 176 countries and one regional economic integration organization (the EEC) have deposited instruments of ratifications, accessions, approvals or acceptances.<sup>7</sup> The US remains the only country that has not ratified the global treaty.

## So what does the Protocol want to accomplish?

- ☞ The Protocol basically asks from developed countries (or Annex 1/A1 countries) to reduce their GHG emissions between 2008 and 2012.

- ☞ There are different levels set for each of the countries and the ultimate objective is to add up the reductions to have a total cut in GHG emissions of at least 5% against the baseline of 1990.

- ☞ The explicit heavier burden placed on developed countries stems from the principle of “common but differentiated responsibilities.”

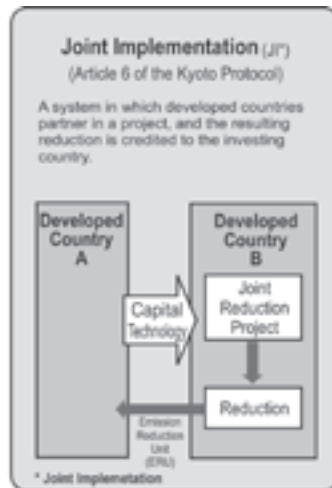
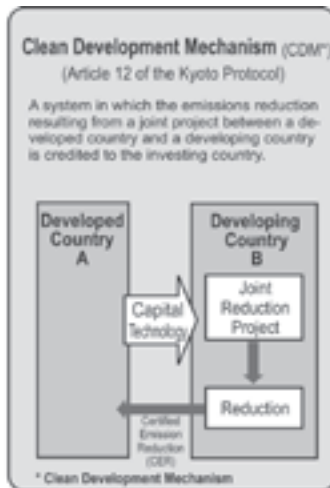
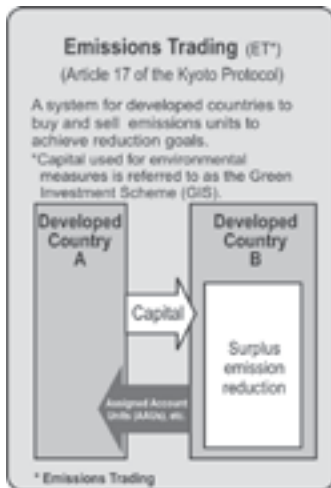
This means that it is only fair to require more emission reductions from developed countries because they can afford to pay the cost of cutting emissions, and besides, these countries have historically contributed more in GHG emissions per person than in developing countries.<sup>8</sup>



## HOW WILL COUNTRIES REDUCE EMISSIONS?

- “Innovative mechanisms” were developed in the Protocol to allow Parties more flexibility in meeting their legally-binding targets. “These so-called “market-based mechanisms” allow developed Parties to earn and trade emissions credits through projects implemented either in other developed countries or in developing countries, which they can use towards meeting their commitments.”<sup>9</sup> These are the following:

- ☐ Emissions Trading
- ☐ Joint Implementation (JI), and
- ☐ Clean Development Mechanism (CDM).



Source: Data of the 8th Market Mechanisms Sub-Committee, Environment Committee, Industrial Structure, [http://www.marubeni.com/dbps\\_data/\\_material/\\_maruco\\_en/data/csr/environment/images/greenhouse\\_gas\\_ph006.gif](http://www.marubeni.com/dbps_data/_material/_maruco_en/data/csr/environment/images/greenhouse_gas_ph006.gif).

- The emissions credits that the countries earn can be used in meeting their commitments and are supposed to bring about the identification of “lowest-cost opportunities” to reduce emissions.
- Participation of the private sector can also be drawn in and assures a benefit for developing nations by way of technology transfers and “investment brought about through collaboration with industrialized nations under the CDM.”
- Flexibility in meeting the “binding targets” are built in within the Kyoto Protocol. An example for a flexibility mechanism is when emissions of a country are partially compensated by increasing “sinks” – forests - which remove carbon dioxide from the atmosphere.<sup>10</sup> That may be accomplished either on their own territories or in other countries. Or they may pay for foreign projects that result in greenhouse-gas cuts.<sup>11</sup>

## What is Emissions Trading?



### Emissions Trading

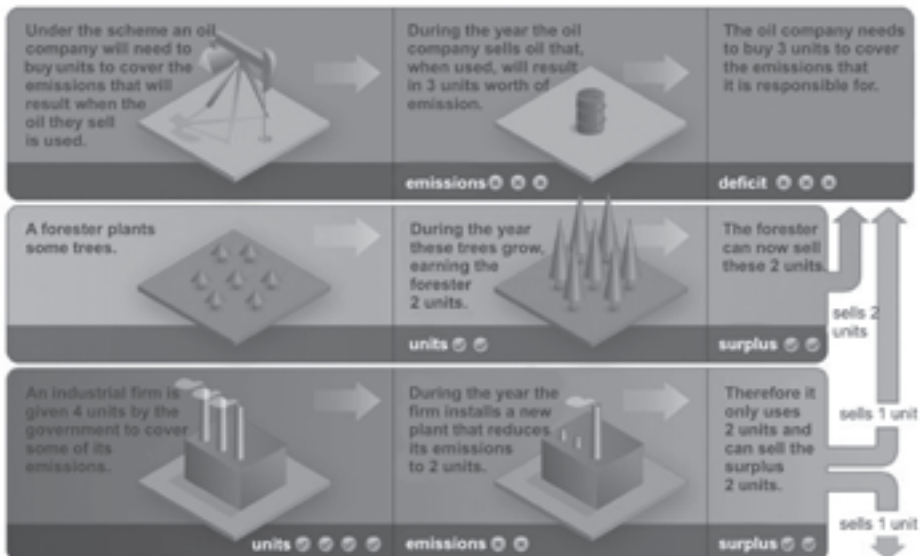
which includes carbon emissions trading is very similar to the trading of commodities in a market place. Emissions trading allows countries to exchange emission allowances.



Below is an illustration of New Zealand's Emissions Trading Scheme. The New Zealand government has decided to use an emissions trading scheme that is expected to establish a New Zealand market for greenhouse gas emissions, supporting global efforts to reduce these emissions.<sup>12</sup>

### New Zealand's Emissions Trading Scheme (ETS)

The ETS is based on units, which must be obtained to cover emissions. These units can be bought and sold.



From: <http://www.climatechange.govt.nz/images/ets-diagram.jpg>

Global Emissions Markets

## What is Joint Implementation (JI)?

JI is a mechanism where a developed country can receive “emissions reduction units” when it helps to finance projects that reduce net emissions in another developed country (countries with economies in transition, specifically those from the former East European bloc).

For example, Japan has funded a wind power project in Bulgaria. The Kaliakra Wind Power Project (KWPP) is expected to offset greenhouse gas (GHG) emissions that otherwise would be generated by coal fired thermal power plants in Bulgaria. The revenue of emissions reductions units is then added to Japan.<sup>13</sup> An energy efficiency program in Poland funded by a UK company could also qualify under JI. It seems that JI projects will mainly take place in Eastern Europe and Russia, because lower costs and regulatory standards allow for reductions to be made more cheaply.



### EMISSION REDUCTION UNIT (ERU):

The carbon credits arising from JI projects. One ERU is awarded for a reduction in greenhouse gas emissions equivalent in impact to one tonne of carbon dioxide.

From: <http://www.berr.gov.uk/sectors/ccpo/glossary/abbreviationsej/page20693.html>



### CERTIFIED EMISSION REDUCTION (CER):

A Kyoto Protocol unit equal to 1 metric tonne of CO<sub>2</sub> equivalent. CERs are issued for emission reductions from CDM project activities.

From: [http://unfccc.int/essential\\_background/glossary/items/3666.php](http://unfccc.int/essential_background/glossary/items/3666.php)

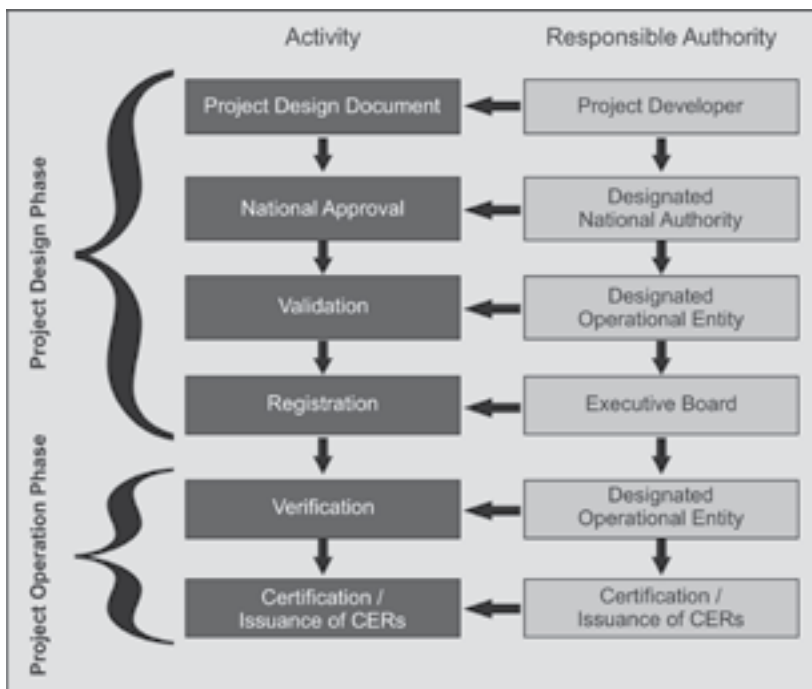
## What is the CDM?

- The **Clean Development Mechanism (CDM)** allows a developed country to implement a project that reduces GHG emissions, or subject to constraints, removes GHGs by carbon sequestration in a developing country.
- The resulting Certified Emission Reductions, known as CERs, can then be used by the developed country to meet its emission reduction targets.
- The Centre for Science and Environment's Global Environmental Governance website provides the following example (Figures are hypothetical) to illustrate how the CDM works:
- A company in Brazil (a non Annex I country) switches from coal power to biomass. The CDM board certifies that by doing this the company has reduced CO<sub>2</sub> emissions by 100,000 tonnes

per year. It is issued with 100,000 CERs. Under the Kyoto Protocol, the United Kingdom (an Annex 1 country) has to reduce its greenhouse gas emissions by 1 million tonnes of carbon dioxide each year. If it purchases the 100,000 CER's from the Brazilian company, this target reduces from 1 million tonnes/year to 900,000 tonnes per year making the goal easier to achieve.<sup>14</sup>

🌱 An actual CDM project, to add another example, is the Ciudad Juarez Landfill Gas to Energy Project in Chihuahua, Mexico. The host country here is Mexico,<sup>15</sup> and the investing country is Japan. It is expected to reduce 170,499 metric tonnes CO<sub>2</sub> equivalent per year. The purpose of the project is to reduce greenhouse gas emissions by capturing and utilizing the methane in the landfill gas released by the Ciudad Juarez landfill, and avoiding future GHG emissions from the decomposition of municipal solid waste residues.<sup>16</sup> 🌱

## CDM Project Cycle



Source: Adapted from "Using the CDM into energy planning – A case study from South Africa", James-Smith, E., From: [http://www.setatwork.eu/images/cdm\\_project\\_1.gif](http://www.setatwork.eu/images/cdm_project_1.gif).

## Endnotes:

<sup>1</sup> Greenhouse gases which are covered by the Kyoto Protocol include carbon dioxide (CO<sub>2</sub>), nitrous oxide, methane, sulfur hexachloride, HFCs (hydro fluoro compounds) and PFCs (Perfluoro carbons). CFCs (Chlorofluorocarbons), which are also greenhouse gases, are covered by the Montreal Protocol.

<sup>2</sup> Please see EIA Brochure which can be downloaded from <<http://www.eia.doe.gov/oiaf/1605/ggcebro/chapter1.html>>.

<sup>3</sup> Ratification is when state-party signs on to the Convention when it entered into force. The UNFCCC entered into force on 21 March 1994. After this, State-parties who have not signed the Convention yet can accede to it anytime. "Accession" is the act whereby a state accepts the offer or the opportunity to become a party to a treaty already negotiated and signed by other states.

<sup>4</sup> The United Nations Framework Convention on Climate Change. Official Website content at <[http://unfccc.int/essential\\_background/convention/items/2627.php](http://unfccc.int/essential_background/convention/items/2627.php)>, accessed on February 12, 2008.

<sup>5</sup> United Nations Framework Convention on Climate Change, <[http://unfccc.int/kyoto\\_protocol/items/2830.php](http://unfccc.int/kyoto_protocol/items/2830.php)>, accessed online on February 12, 2008.

<sup>6</sup> Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, European Community, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, Netherlands, New Zealand, Poland, Portugal, Romania, Russian Federation, Slovakia, Spain, Sweden, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

<sup>7</sup> UNFCCC Website: Kyoto Protocol Status of Ratification. Available at <[http://unfccc.int/kyoto\\_protocol/background/status\\_of\\_ratification/items/2613.php](http://unfccc.int/kyoto_protocol/background/status_of_ratification/items/2613.php)>, accessed on November 15, 2007.

<sup>8</sup> UNFCCC Website: Kyoto Protocol. Available at <[http://unfccc.int/kyoto\\_protocol/items/2830.php](http://unfccc.int/kyoto_protocol/items/2830.php)>, accessed on February 12, 2008.

<sup>9</sup> See UNFCCC website: downloaded from <[http://unfccc.int/kyoto\\_protocol/items/2830.php](http://unfccc.int/kyoto_protocol/items/2830.php)>, accessed on 9 April 2008.

<sup>10</sup> The UNFCCC defines sink in its website glossary as: Any process, activity or mechanism which removes a greenhouse gas, an aerosol or a precursor of a greenhouse gas from the atmosphere. Forests and other vegetation are considered sinks because they remove carbon dioxide through photosynthesis.

<sup>11</sup> UNFCCC Website: A Summary of the Kyoto Protocol. Available at <[http://unfccc.int/kyoto\\_protocol/background/items/2879.php](http://unfccc.int/kyoto_protocol/background/items/2879.php)>, accessed on February 12, 2008.

<sup>12</sup> <<http://www.climatechange.govt.nz/nz-solutions/fast-facts.shtml>>

<sup>13</sup> <<http://www.jaco-cdm.com/projects/pdf/008.pdf>>

<sup>14</sup> <[http://www.cseindia.org/programme/geg/cdm\\_faq.htm](http://www.cseindia.org/programme/geg/cdm_faq.htm)>

<sup>15</sup> CDM Registry. Project 1123. Available at <<http://cdm.unfccc.int/Projects/DB/TUEV-SUED1179241731.11/view>>.

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## Part II

# Impacts of Climate Change on Indigenous Peoples

It has to be reiterated that indigenous peoples have contributed the least to climate change. This is mainly caused by actions taken by those who perpetuate and benefit from the dominant development model characterized by unsustainable production and consumption, extreme individualism, increasing concentration of wealth and power in the fewer hands, etc. Climate change is a major consequence of this unsustainable development paradigm. Indigenous peoples are among those who suffer the most adverse consequences of climate change.

An intricate relationship is shared between the indigenous peoples and the ecosystems where they have thrived for thousands of years. They depend on these diverse ecosystems for their nutritional, economic, cultural, social and spiritual existence.



In living off these ecosystems, indigenous peoples have been observing the effects of climate change first-hand for several decades. They have observed changes in temperature, in the amounts and qualities of rain and snow, and changes in seasons. Their scientific observations and the knowledge and practices they developed to be able to cope and adapt to these changes cannot be underestimated as these allowed them to survive as distinct peoples over millennia. They have identified the differentiated adverse impacts of climate change on them which are as follows.

# What are the impacts of climate change on indigenous peoples living in different ecosystems?

- Massive floods, strong hurricanes, cyclones and typhoons and storm surges lead to the destruction of houses, infrastructure (bridges, roads, electrical lines, dams, mine-tailing ponds, etc.), forests, agricultural lands, crops, livestock, marine and coastal resources; massive land slides; loss of freshwater supplies, increase of pathogenic micro-organisms and vectors which are carriers, loss of electricity, etc.
- These lead to human impacts such as physical isolation because of floods and massive landslides which reduce possibilities for them to market their crops, livestock, marine and coastal resources, etc.; the loss and destruction of ancestral lands, resources and homes, food insecurity and hunger (destruction of crops, destruction of coral reefs and mangroves, and spawning beds of local fish, decrease and loss of livestock, etc.); fresh water-insecurity; energy insecurity; increased prevalence and virulence of infectious diseases such as cholera, etc.
- More frequent and prolonged droughts and floods cause the disappearance of plant and animal species that have sustained indigenous peoples as subsistence food sources or as essential to their ceremonial life.
- Extreme and unprecedented cold spells and prolonged wet environment results to health problems, such as hypothermia, bronchitis and pneumonia, especially among old people and young children.
- A drop in water levels, drought, desertification and saltwater intrusion leads to more hunger and impoverishment. Water and food insecurity is exacerbated.
- Traditional livelihoods ranging from rotational agriculture, hunting and gathering, pastoralism, high montane livestock and agricultural

## Where do indigenous peoples live?

-  Polar ecosystems
-  Dry and subhumid ecosystems which consists of the deserts and savannahs, arid and semi-arid lands, grasslands, and Mediterranean landscapes
-  Forest ecosystems which include tropical and sub-tropical forests as well as boreal and temperate forests
-  High altitude and high montane ecosystems
-  Agricultural ecosystems
-  Coastal and low-lying areas and small-islands, inland water ecosystems
-  Wet plains
-  Mangrove areas

production, coastal and marine fishing, trapping, agro-forestry livelihoods, among others, are undermined because of climate change.

- Adverse impacts on traditional livelihoods and their ecosystem will also mean loss of traditional knowledge, innovations and practices associated with these livelihoods and ecosystems.
- Loss of revenue, economic opportunities and the practice of traditional culture are expected to increase the social and cultural pressures on indigenous peoples. The outmigration of indigenous youth to seek economic opportunities elsewhere because climate change has limited further their opportunities in their own communities, could lead to erosions of indigenous economies and culture.
- Increase in a number of indigenous persons who end up as environmental refugees or who outmigrate because their lands have gone underwater or have eroded due to landslides.
- Capacities of indigenous women to perform their roles as seed-keepers, water bearers, transmitters of culture and language, among others, are undermined.
- The loss or migration of culturally important species will make it more difficult for elders to practice and pass their traditional ecological knowledge to the next generation.

## TROPICAL AND SUB-TROPICAL ECOSYSTEMS

*There are more than 1,400 distinct indigenous peoples in these ecosystems, most of whom are hunters and gatherers living in the world's tropical rain forests and rotational agriculturists or shifting cultivators. Most of forest peoples, majority of whom are indigenous peoples, are highly dependent on forest ecosystem. There are also fisherfolks and lowland farmers found in the plains of these*



**638** - gigatonnes of carbon stored in forest ecosystem, as reported in 2005, which is more than the amount of carbon in the entire atmosphere.<sup>1</sup>

*ecosystems. Such ecosystems are found in Asia, Latin America, Africa and some parts of Australia. Most of the countries where these ecosystems are found are considered as mega-diverse countries. Climate change brought about the following:*



- The practice of rainfed agriculture which characterizes rotational agriculture or swiddening is highly disturbed because of infrequent rains, shorter wet seasons or prolonged monsoons leading to lower crop yields exacerbated by longer lives of pests and occurrence of new pests. Seed germination and seed life are altered. Schedules and performance of cultural rituals which accompany agricultural seasons from planting, weeding to harvests are disturbed.
- Changes in the behavior and migration patterns of birds which have been traditionally used to guide hunters and mark agricultural seasons causing disorientation of hunters and gatherers and shifting cultivators.
- Worsening drought conditions and desertification, leading to lesser availability of drinking water, increased numbers of forest fires causing rapid loss of forest cover, adverse impacts on indigenous land rights and land tenure systems on the practice of rotational agriculture and hunting and gathering livelihoods; and serious loss of biodiversity, including traditional medicinal and ritual plants.
- Changes in habitation or living areas and movements away from communities beset with diseases, areas prone to landslides, droughts or floods have caused cultural disruptions because sacred areas or groves



**TROPICAL FORESTS** - one of the most biodiversity-rich habitats on Earth. Approximately 60% of all higher plant species are found in rainforests. It is estimated that more than 1,300 species of forest plants used for medicinal and cultural purposes are found in the tropical forests.



have to be abandoned, practice of traditional livelihoods cannot continue any longer and cultural rituals related to agricultural and forestry practices are practiced less and less. Land rights and customary land tenure systems are undermined and violated.

- Rainfall has become infrequent and unpredictable causing

changes in flood patterns of rivers affecting the regular routines of indigenous peoples, particularly women and children, who catch fish and other water creatures for food.

- Increase in incidences of vector-borne diseases, such as malaria and

dengue fever, because of increasing temperatures and deforestation. Warmer forests are favorable habitats for mosquitoes acting as vectors. New diseases such as meningitis, which were not endemic and

widespread, emerged in Ghana and other tropical countries.

- Increased floods in low lying areas because of deforestation has led people in those areas to evacuate or adopt their lifestyles to constant flooding.



**1°C** - change in temperature which can already lead to significant changes in forest growth, modifying the functioning, fertility of soils and composition of forests.

## SEMI-ARID AND ARID LANDS

*Most of the inhabitants of semi-arid and arid lands are pastoralists, hunters and gatherers, settled agriculturists, and many of them self-identify as indigenous peoples. These peoples have very sophisticated traditional knowledge in maintaining crops and forages, nurturing livestock and making the arid, semi-arid, humid, hyper-humid lands productive.*

- Much less rainfall and prolonged droughts, resulting in more occurrences of dust storms that degrades grasslands, damages seedlings and other crops, decreases livestock of pastoralists and nomadic indigenous peoples leading to chronic hunger and food insecurity.
- Deserts are becoming hotter and drier which will cause the disappearance of organisms and plants that have reached their heat-tolerance limits.

- Drying up of water sources (springs, streams), decreased flow in rivers, shrinking of lakes, poor replenishment of water aquifers, are affecting indigenous peoples' access to water, water for crops and livestock, habitats for birds and water creatures and thus lessening sources of food for people.

- The capacity of indigenous

peoples to dig deeper into the ground for fresh water is very limited because of poverty. Lack of freshwater leads to more gastro-intestinal diseases and skin diseases as well as diseases caused by inability to wash and clean the bodies and surrounding areas. These are also caused



by forced use of heavily contaminated and polluted waters. This adds to the burdens of women and children who are the main water providers.

- Traditional agricultural cycles are disrupted with late onset of rains and short durations of wet seasons causing a decline in crop yields and poor performance of root crops which are mainly rainfed.



**ARID and SEMI-ARID LANDS** - popularly known as drylands, cover 40% of the earth's surface and it is estimated that around 2 billion people live in this ecosystem.

- The availability of forage (grass cover in grazing areas) and crop residues for livestock has significantly decreased because of moisture stress which adversely affected livestock production and yield.
- Untimely rainfall and change in temperature create favorable conditions for breeding of pests and diseases.
- There are already areas where indigenous peoples are forced to live around government-drilled bores for water and depend on government support for their survival. Deteriorating food security is a major issue in these drylands.
- Incidence and serious outbreaks of diseases which are endemic in arid and semi-arid lands such as



malaria, Rift Valley fever and cholera have been recorded in East Africa and meningitis in the drier parts of West and Central Africa moving towards the eastern region of the continent.

- The extent and floods are expected to be more frequent. (IPCC 2007 a). This will have severe impacts on food security especially in the subsistence sectors and will be worsened by expected warming of lakes and rivers decreasing fish productivity.



**30%** - percent of the world's cultivated plants that are reported to have originated from this ecosystem

**10-30%** - percent by which water availability in drylands is expected to decrease in the next 40 years

**75 to 250 million** – increase in the number of people in Africa which will be affected by drought

## HIGH ALTITUDE AND HIGH MONTANE ECOSYSTEMS

*A significant number of indigenous peoples have inhabited high altitude<sup>2</sup> or high montane areas since time immemorial. Mountain glaciers in Africa (Mt. Kilimanjaro), Asia (Himalayas) and South America (Andean Mountains) are melting in an unprecedented fast pace. In the Andes, the glaciers are*



### **HIGH ALTITUDE and HIGH MONTANE**

- one of the most inhospitable but important ecosystems of the world as these are where mountain glaciers are found which are the sources of freshwater for low-lying areas. Studies have shown that climate change has caused faster and higher temperature rises in high altitude ecosystems.

*melting 10 times more than they did 20 years ago.<sup>3</sup> It is estimated that some of the ice sheets and glaciers will disappear within 15 to 25 years and this will threaten water supplies to the major South American cities.*

- The source of subsistence for many indigenous communities in this ecosystem are gravely threatened because of extreme and unprecedented cold spells alternating with warm weather which they are not used to at all.
- Diseases caused by extreme cold spells such as hypothermia, bronchitis and pneumonia have been recorded in the Andes in 2003. Increase in temperature, on the other hand, also allows the migration of insects which become pests for the crops and also cause diseases for the animals and people.
- Loss of livestock which provide them food, clothing, beddings and insulation as well as incomes for the handicrafts developed from the wool of these animals have further made them more vulnerable to diseases and caused their impoverishment.



- Incessant rains in high altitude ecosystems cause mudslides and destruction of agricultural crops, especially root crops which erode with the soil.
- In the Himalayas, glacial melts affect millions of rural dwellers who depend on the seasonal flow of water. There might be more water on a short term basis which raises the sea levels and cause floods, such as those which are happening, on a more frequent basis, in Bangladesh, Nepal, India and Bhutan.
- In the long term, there will be less water as glaciers and snow cover shrink and water-holding capacities of the high mountains are

destroyed. Impending water crisis to the communities downstream is foreseen as a consequence of this.

- Tourism which has been a source of income for indigenous peoples in high altitudes has suffered because of the melting glaciers, loss of snow and ice. Continuous rains in high montane areas also dampened tourism.

- High mountain areas in South East Asia, like the Cordillera region in the Philippines, also suffer from cold spells which destroy temperate

vegetables which are the main source of income for many indigenous farmers.

- Disappearance of high alpine flora which are sources of food, medicine, grazing, hunting and handicrafts will have severe impacts on their cultures and traditional livelihoods. Species which are found only in mountaintops have disappeared because of warmer temperatures.
- Indigenous peoples' cultural heritage sites found in high altitudes (e.g., Ifugao rice terraces, Machu Pichu, etc.) are also threatened because of changing temperatures.
- In the Andes, the warming of the earth is forcing indigenous peoples to farm at higher altitudes. This has a cultural impact since the uprooting of Andean indigenous peoples to higher lands puts their cultural survival at risk.



**50-70%** - estimated % of alpacas lost due to cold spells when the temperature went as low as  $-30^{\circ}\text{C}$ .<sup>4</sup> Indigenous communities in the Andes lost thousands of sheep and alpaca herds which provide food and transportation for them. Potatoes which are part of their traditional food were, likewise, destroyed.



## COASTAL AND MARINE ECOSYSTEM (SMALL ISLAND STATES AND LOW-LYING AREAS)

*Sea level rise due to melting of glaciers and sea-ice and the expansion of water because of a rise in temperature results in the following:*

- Cause some low-lying coastal areas to become completely submerged, while others will increasingly face short-lived high-water levels.

These anticipated changes could have a major impact on the lives of

indigenous peoples. They may have to be relocated outside of their traditional territories.

- The small island developing states (SIDS) will be especially vulnerable to the effects of sea level rise, and to changes in marine ecosystems, because of their major dependence on marine resources (UNEP, 2002).

- The sea has an enormous capacity to store heat. Warmer

water, combined with anticipated changes in ocean currents, could have a devastating impact on marine ecosystems and biodiversity.

- One potential result could be a reduction in the upwelling of nutrients and phytoplanktons, which would in turn reduce productivity in key fishing areas where many indigenous peoples live.
- Decreased growth may also be seen in coral reefs, with high concentrations of carbon dioxide in the water impairing the deposition of limestone required for coral skeletons (UNEP, 2002). Island communities, who rely on coral reefs, will be especially vulnerable.
- Coral bleaching due to warmer sea temperature causes uncertainty and loss of livelihoods of fisherfolk because of difficulties in maintaining the viability of fish and other marine flora and fauna.
- Loss of coral reefs decreases marine life, undermines shoreline protection and loss of medicinal plants which depend on coral reefs.
- Coastal erosion is exacerbated by sea-level rise; stronger hurricanes and typhoons lead to loss of land and property and dislocation of indigenous peoples. The phenomenon of indigenous peoples becoming environmental refugees have emerged. The issue of what rights are they entitled to come into the picture as they get displaced from their



**MARINE ECOSYSTEMS** - are a part of the largest aquatic system on the planet, covering over 70% of the earth's surface. The habitats that make up this vast system range from the productive nearshore regions to the barren ocean floor. Some examples of important marine ecosystems are: oceans, salt marshes, coral reefs, and coastal areas.



traditional territories and are forced to move to other countries or territories.

- Loss of mangrove forests destroys the shield against strong typhoons, tsunamis, strong tidal waves. This has also meant the loss of vital marine life which are essential for the subsistence of indigenous peoples. Food insecurity due to difficulty of maintaining viable fish populations has worsened.
- Vector-borne and water-borne disease outbreaks have occurred due to flooding and rising temperatures, and destroyed sewage and drainage systems. These diseases include dengue fever, malaria, cholera, among others.
- Salt water intrusion on ground water have caused the salinization of freshwater resources. Water insecurity becomes worse which easily leads into conflicts between indigenous peoples and between them and others. Their water rights are undermined and the practice of water-related cultural rituals and ceremonies is also affected.
- The effect of climate change on coral reefs and on plant life on the island affects the gathering of such plants for traditional medicines, therefore, the continuation of traditional practices is threatened.
- Changes in rainfall patterns make the peoples' traditional knowledge on when to plant crops and what crops to plant already unreliable.



## ARCTIC ECOSYSTEM

*The Arctic ecosystem has been referred to as “the world’s climate change barometer” and indigenous peoples are “the mercury in that barometer.”<sup>4</sup> The Arctic Council<sup>5</sup> commissioned the Arctic Climate Impact Assessment (ACIA) which was done over a period of five years until its release in 2004.*

*Among the findings of this study are the following:*

- Inuit, who are indigenous people inhabiting mostly coastal regions in the Arctic, are especially vulnerable.
- Hunters speak of thinning sea ice and rough ice conditions that makes hunting much more dangerous, changes to permafrost that alter spring run-off patterns, a northward shift in seal and



**ARCTIC ECOSYSTEM** - spans over 30 million square miles covering 1/6th of the Earth's surface. It's climate are cold winters and cool summers and the livelihoods, traditional knowledge, cultures and spiritualities of indigenous peoples are adapted to this. Any increase of 2°C in other parts of the world means around 5-7°C in the Arctic.





fish species, and rising sea levels with more extreme tidal fluctuations.

- Species that they rely on are disappearing and that hunting routes near shorelines have disappeared due to erosion brought on by the thawing of permafrost.

- Villages have experienced increased flooding in winter due to lessened or

disappearing pack ice that normally protects shorelines from surging water. Together with strong winds, these cause damages to villages and destruction of infrastructure found along coastlines and riverbanks.

- Coastal and riverbank erosion and rising of rivers have occurred due to higher temperatures, thawing of permafrost, and melting mountain snow, glaciers and sea ice. Erosion of riverbanks cause riverbeds to rise thereby creating shallow waters which threaten fish populations. This adversely impacts on subsistence fishing, another pillar of the traditional economy.
- There are now reduced populations of animal species due to warmer temperatures and increase of new marine species entering the Arctic because of warmer sea water. Major changes in animal travel and migration routes have occurred.
- Melting of sea ice will drastically shrink marine habitat for polar bears, ice-inhabiting seals and some seabirds. Plant, animal, fish, bird and insect species previously foreign to the Arctic are moving further north causing the introduction of new diseases.
- The late freeze-up due to warmer temperatures has also led to some positive impacts such as better whitefish harvests, clamming, spotted seal hunting, access to caribou, Arctic fox harvests and access to driftwood.
- Unpredictable weather and entry of new species of plants, insects and animals challenge the traditional knowledge of indigenous peoples to cope with these developments.
- Unusual rains during winter season cause ice formations which makes it harder for animals such as reindeer and caribou to access food which has serious impacts on the subsistence and economies of indigenous peoples.
- The sovereignty of indigenous peoples in the Arctic and the States is under threat due to the opening of the Northwest Passage, allowing for easy entry of foreign hunters, traders and corporations which are constantly seeking for lands and waters to extract resources from.
- Increased sea traffic through the Canadian Arctic will make the west coast of Greenland, the north slope of Alaska and northern Russia more

vulnerable to environmental degradation. Increased commercial activity made possible by easier access to natural resources will bring more traffic and pollution to one of the most fragile ecosystems in the world.

- The health of Arctic plants and wildlife - and therefore the health of the indigenous peoples who rely on them for subsistence - is at stake.
- In a herding community where people only remember snow, frequent rains are now experienced. The livelihoods of Saami herders are undermined due to the effects on breeding cycles, flooding of migration paths and devastation of grazing areas.
- The herders are important to Saami culture since they are strong users of the Saami language and Saami traditions such as the “yoik,” a singing



**17%** - percent of the earth's land surface covered by boreal forests and which are found also in the Arctic that are fast disappearing due to the loss in the moisture needed for forest growth. Lack of moisture interferes with the production of white spruce, a source of livelihood for indigenous peoples.

style that predates the coming of Christianity to Saami lands. If Saami reindeer herders can no longer make a living, then the whole basis of Saami culture is at risk.

- Older people in the Arctic also are losing community respect and confidence on their traditional knowledge to interpret their environment and make decisions because of the unpredictability of weather conditions. In Nunavut, elders can no longer predict the

weather using their traditional knowledge.

- There is an emergence of new types of insects and the life spans of endemic insects (e.g., spruce beetles) extend beyond four months because the temperature is not cold enough to kill them. Thus, trees and other vegetation in the boreal forests are destroyed by these beetles. 

## Endnotes:

<sup>1</sup> See report of Joint Liaison Group of Rio Conventions, Forests: Climate Change, Biodiversity and Land Degradation, 2007.

<sup>2</sup> High altitude = 1500–3500 meters above sea level; very high altitude = 3500–5500 meters; extreme altitude = 5500 meters and above.

<sup>3</sup> Quoted from UNEP/CBD/WG8J/AG/2/3: John Henriksen, Draft Report on Indigenous and Local Communities Highly Vulnerable to Climate Change, 16 April 2007, CBD, p.22.

<sup>4</sup> Speech by Sheila Watt-Cloutier, upon receiving the Canadian Environment Awards Citation of Lifetime Achievement, Vancouver, BC, June 5, 2006.

<sup>5</sup> The Arctic Council is an intergovernmental body which addresses the common issues faced by the Arctic peoples and States. It is composed of the eight Arctic States - Canada, Denmark (Greenland and Faroe Islands), Finland, Iceland, Norway, Russia, Sweden and the USA and six indigenous peoples' organizations - Aleut International Association, Arctic Athabaskan Council, Gwich'in Council, Inuit Circumpolar Council, Russian Association of Indigenous Peoples of the North and the Saami Council. There are official observers which are France, Germany, Netherlands, Poland, UK, NGOs and scientific and international bodies.

## Part III

# Climate Change Mitigation Measures: Impacts on Indigenous Peoples

## 1 WHAT IS THE ULTIMATE OBJECTIVE OF THE UNFCCC?

"The ultimate objective of this Convention and any related legal instruments that the Conference of the Parties may adopt is to achieve, in accordance with the relevant provisions of the Convention, stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner."

- Article 2 of the UNFCCC

## 2 How can this objective be achieved?

- This objective can be reached through climate change mitigation. Mitigation and adaptation are the main concerns of the UNFCCC and the Kyoto Protocol.



### CLIMATE CHANGE MITIGATION

- process of reducing greenhouse gas (GHG) emissions.



### CLIMATE CHANGE ADAPTATION

- the process whereby ecological, social or economic systems adjust to actual or expected climatic stimuli and their effects or impacts.



- The IPCC Fourth Assessment Report (AR4) which concluded that climate change is “accelerating” and is “unequivocal” stated that action on climate change must begin immediately to avoid irreversible damage. The Stern Report reinforced this view and added that based on economic analysis,



### **STERN REPORT**

- 700-page report released on October 30, 2006 by economist Lord Nicholas Stern for the British government, which discusses the effects of climate change and global warming on the world economy.

Source: [http://en.wikipedia.org/wiki/Stern\\_Review](http://en.wikipedia.org/wiki/Stern_Review).

### **“Building Blocks” identified by UNFCCC**

1. Mitigation
2. Adaptation
3. Provision of financial resources to support mitigation and adaptation and the shift towards a low-carbon development pathway
4. Development and transfer of climate friendly technologies.

Note: Since Bali, another item, “shared vision,” is referred to by some parties as a new building block.

the costs of preventing climate change are significantly lower than the costs of the damage if no action is taken.

- The principles of equity and common but differentiated responsibilities as key guiding principles for climate change policies have been reiterated by developing countries in Bali and the climate talks held in Bangkok (April 1-4, 2008). Article 3.1 of UNFCCC states:  
*That the Parties should protect the climate system for the benefit of present and future*

### **Special Funds established by the UNFCCC**



#### **Special Climate Change Fund**

- will finance projects relating to capacity-building, adaptation, technology transfer, climate change mitigation and economic diversification for countries highly dependent on income from fossil fuels.



#### **Least Developed Countries Fund**

- intended to support a special work programme to assist the LDCs.



**Adaptation Fund** - will finance practical adaptation projects and programmes in developing countries and support capacity-building activities. It will be funded from the adaptation levy on CDM projects. Parties may contribute as well.

*generations of humankind on the basis of equity and in accordance with their common but differentiated responsibilities and respective capacities. Accordingly, the Parties of developed countries should take the lead in combating climate change and the adverse effects thereof.*

- The contribution of countries to climate change and their capacity to prevent and cope with its consequences vary significantly. The UNFCCC therefore calls for financial assistance from countries with more resources to those less endowed and more vulnerable.
- The UNFCCC assigned operation of the financial mechanism to the Global Environment Facility. The financial mechanism is accountable to the COP, which decides on its climate change policies, programme priorities, and eligibility criteria for funding.

### 3 What are the Market-based Mechanisms for Mitigating Climate Change according to the Kyoto Protocol?\*

- These market-based mitigation mechanisms agreed upon in the Kyoto Protocol which will be implemented by Annex 1 (A1) Parties (industrialized countries) include the Clean Development Mechanism (CDM), Emissions Trading (ET) and Joint Implementation (JI).
- These market mechanisms seek to lower the costs of achieving emissions targets. The CDM allows A1 Parties to invest in projects in non-Annex I Parties that reduce emissions or that enhance sinks through afforestation or reforestation. The A1 Party can then use credits generated by these projects toward meeting its emission target. Similarly, through JI, A1 Parties can receive credit for investing in projects in other A1 Parties. Finally, emission trading allows A1 Parties to trade credits or emission allowances among themselves.

#### Key Mitigation Technologies and Practices Currently Commercially Available<sup>1</sup>

| Sector        |                                                                                                                                                                                                                                                                                            |
|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Energy Supply | Improved supply and distribution efficiency; fuel switching from coal to gas; nuclear power; renewable heat and power (hydropower, solar, wind, geothermal and bioenergy); combined heat and power; early applications of CCS (e.g., storage of removed CO <sub>2</sub> from natural gas). |
| Transport     | More fuel efficient vehicles; biofuels; modal shifts from road transport to rail and public transport systems; non-motorized transport (cycling, walking); land-use and transport planning.                                                                                                |

\* See page 6 for more discussions on these mechanisms.

|                              |                                                                                                                                                                                                                                                                                                                                                                                     |
|------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Buildings</b>             | Efficient lighting and daylighting; more efficient electrical appliances and heating and cooling devices; improved cook stoves, improved insulation; passive and active solar design for heating and cooling; alternative refrigeration fluids, recovery and recycle of fluorinated gases.                                                                                          |
| <b>Industry</b>              | More efficient end-use electrical equipment; heat and power recovery; material recycling and substitution; control of non-CO <sub>2</sub> gas emissions; and a wide array of process-specific technologies.                                                                                                                                                                         |
| <b>Agriculture</b>           | Improved crop and grazing land management; restoration of cultivated peaty soils and degraded lands; improved rice cultivation techniques and livestock and manure management to reduce methane emissions; improved nitrogen fertilizer application techniques to reduce N <sub>2</sub> O emissions; dedicated energy crops to replace fossil fuel use; improved energy efficiency. |
| <b>Forestry/<br/>Forests</b> | Afforestation; reforestation; forest management; reduced deforestation; harvested wood product management; use of forestry products for bioenergy to replace fossil fuel use.                                                                                                                                                                                                       |
| <b>Waste</b>                 | Landfill methane recovery; waste incineration with energy recovery; composting of organic waste; controlled waste water treatment; recycling and waste minimization.                                                                                                                                                                                                                |

## 4 What are NAMAs?

- Convention Article 4.1 states that:  
  1. *All Parties, taking into account their common but differentiated responsibilities ... shall:*
    - (b) *Formulate, implement, publish and regularly update national and, where appropriate, regional programmes containing measures to mitigate climate change....*
- In Bali, developing countries supported the need to increase mitigation efforts but that these should take into consideration concerns of poverty reduction and economic growth. They also stressed that these mitigation efforts must be supported and enabled - in a measurable, reportable and verifiable manner - by technology, financing and capacity-building.
- For developed countries, measurable, reportable and verifiable mitigation actions will include “quantified emission limitation and reduction objectives”
- In the BAP, mitigation actions by developing countries are covered



### NAMA

- Nationally Appropriate Mitigation Actions, national commitments or actions to mitigate climate change as identified by the Bali Action Plan.

in paragraph 1(b) (ii). Mitigation actions by developed countries are covered in paragraph 1(b) (ii).

### **Bali Action Plan: References on Mitigation Actions by Developed and Developing Countries<sup>2</sup>**

1. (b) Enhanced national/international action on mitigation of climate change, including, inter alia, consideration of:

(i) Measurable, reportable and verifiable nationally appropriate mitigation commitments or actions, including quantified emission limitation and reduction objectives, by all developed country Parties, while ensuring the comparability of efforts among them, taking into account differences in their national circumstances;

(ii) Nationally appropriate mitigation actions by developing country Parties in the context of sustainable development, supported and enabled by technology, financing and capacity-building, in a measurable, reportable and verifiable manner.

- In the Poznan Climate Change Talks, discussions were held on a possible international registry for NAMAs. India proposed that an International Registry should “simply be a compilation of NAMAs proposed voluntarily by developing countries, along with an estimate of their mitigation benefits and the estimated incremental costs & technology requirements...”<sup>3</sup> Several countries supported the creation of the registry, including South Africa, South Korea and Singapore, in their submissions in April 2009.<sup>4</sup>
- In the AWG-LCA, New Zealand proposed a new market mechanism for developing country NAMAs to be established in Copenhagen. It proposed a NAMA Trading Mechanisms “... to leverage the power of the carbon market to support developing countries’ ... NAMAs.”<sup>5</sup>
- In Copenhagen, NAMA-related issues may be defined, such as: scope; scale; source, scale, use and governance of public finance; role of carbon market and private finance; how to MRV financial and technological support from developed countries;

The Climate Change Convention clearly requires all Parties to formulate, implement and update national mitigation programmes, within their common but differentiated responsibilities.<sup>6</sup>

-Yvo de Boer  
Executive Secretary, UNFCCC

- For indigenous peoples:
  - ❑ indigenous peoples' mitigation measures should be included in the MRV processes in undertaking Nationally Appropriate Mitigation Actions;
  - ❑ mitigation measures can only take place with their free, prior and informed consent.

## 5 What are the Impacts of Climate change Mitigation Measures on Indigenous Peoples' Territories and Resources?

- Climate change mitigation is not only an issue of cutting down GHG emissions but also an issue of equity, social justice, human rights and sustainability. How will the world share the burden of decreasing GHG emissions? Who should be compensated for what? How will such measures affect the rights to water, food, shelter and health?
- Indigenous peoples are not Parties to the Convention but have contributed significantly to and are still contributing a lot to the mitigation of GHG emissions. This is done through their low-carbon to carbon-neutral ways of life characterized by their continuing practice of sustainable traditional livelihoods and low levels of consumption. The struggles they have waged to prevent extraction of oil, gas, and minerals from their territories as well as their fights against deforestation have kept the carbon under the ground and in the trees. Unfortunately, these contributions are not accounted for nor compensated in the emissions market. Thus, the principles of equity and sustainability are not really respected in this context.
- It is bad enough that there are no mechanisms to recognize, account for and integrate indigenous peoples' contributions to mitigation. But what is worst is the fact that some mitigation measures have led to the violation of indigenous peoples' basic human rights. Some of the impacts of the regulated and voluntary emissions trading and CDM projects are the following:

1

**Violation of the rights of indigenous peoples to their lands, territories and resources, criminalization of practice of traditional livelihoods, propagation of false mitigation solutions, and increase in food prices resulting to more food insecurity**

- The implementation of some activities under the CDM and Emissions Trading have undermined and are potential threats to the rights of indigenous peoples to their lands, territories and resources. Even before the

CDM was set up, carbon sequestration or carbon offset projects were undertaken by the voluntary market which have led to the criminalization of indigenous peoples' traditional livelihoods (See Box 1), displacement from their traditional territories (See Box 2), or appropriation of their lands by the State or private interests.

- The upsurge in the building of large-scale hydro-electric dam projects in many developing countries is another factor causing the displacement of indigenous peoples from their traditional territories. Their free, prior and informed consent has not been obtained by the State when such projects were established in their communities.
- The pursuit of biofuels as alternative energy sources has resulted to indigenous peoples' lands being used or eyed as the production areas for



<http://www.fonplay.com/freephotos/>

biofuels (oil palm, corn, sugar cane, soya, jatropha, etc.). Massive land grabs are happening or will

take place because of the expansion of land areas planted to biofuels. Reports also have shown that the production of biofuels, such as ethanol from corn, end up consuming more energy than what it can save. Thus, these are false mitigation solutions.

## Box 1

### Carbon Offset Project in the Western Highlands of Guatemala

The first carbon offset project was organized in the US in 1989 when Applied Energy Services (AES) decided to build a 183 megawatt coal-fired power station, approved partly due to its pioneering offset, which involved planting 50 million trees in the impoverished Western Highlands of Guatemala. This initial project was beset by many of the problems that have plagued offset projects ever since. The non-native trees that were planted initially were inappropriate for the local ecosystem and caused land degradation. The indigenous peoples from those areas, the Maya, had their habitual subsistence activities, such as gathering fuel wood, criminalized. Ten years on from the start of the project, evaluators concluded that the offset target was far from being reached.



**BIOFUEL** - a renewable fuel that is derived from biological matter, e.g., biodiesel, biogas, and methane.



**40%** - increase in food prices, according to latest FAO (Food and Agricultural Organization) reports, partly due to the competition between the use of agricultural crops for food or for biofuels.

## Mt. Elgon National Park in Uganda<sup>8</sup>

The Benet people inhabit the area around the Mt. Elgon National Park. In 1994, a Dutch organization - FACE Foundation (Forests Absorbing Carbon Dioxide Emissions) - signed an agreement with the Uganda Wildlife Association (UWA) to plant eucalyptus trees on 25,000 hectares inside the park. Another Dutch Company, GreenSeat, has been selling the supposedly sequestered carbon to people who wanted to offset their emissions caused by their air transportation. Their website claims that US\$28 will be the cost for planting 66 trees to offset 1.32 tonnes of CO<sub>2</sub> emitted during a flight from Frankfurt to Kampala. The UWA-FACE project claims that they employed local people but the local government officials dispute this, saying that the jobs which were available were only during the planting period. The officials also claim that the project has taken away what little land and income local communities had. In order to keep villagers out of Mt. Elgon, UWA park rangers violently evicted villages between 1993 to 2002. They were forcibly evicted without compensation. There are also rampant loss of livelihood and access to forests and resources such as potable water from springs and destruction of houses, crops and livestock. David Wakikona, Member of Parliament of Manjiya County, reported that in 2004, at least 50 community people were killed by park rangers. Aside from loss of homes, there is also a lack of employment opportunities due to destruction of traditional sources of livelihoods and denial of basic services on education and health. The Benet people took the government to court in 2003 and in October 2005, Justice J.B. Katutsi ruled that the Benet people are "historical and indigenous inhabitants of the said areas which were declared as a Wildlife Protected Area or National Park." He ruled that the Benet should be allowed to live on their land and continue farming it.

- Several claims of reduced emissions are questionable. The promotion of monocrop tree plantations to serve as carbon sinks or carbon offsets is problematic as some researches show that if this entails deforesting a primary forest, then the contribution to CO<sub>2</sub> emissions is even greater than carbon which can be sequestered. Industrial logging, monocrop plantations, transport of wood pulps and disposal of paper products are all producing carbon, methane and other GHGs.
- The way that these biofuels can significantly contribute in lowering GHG emissions depends on what crops are used and the production and processing methods used for these crops to become biofuels. Indigenous peoples are not against biofuels, *per se*. However, the production of these cannot justify, in any way, the displacement of indigenous peoples from their lands without their free, prior and informed consent.



## **Few, Difficult and Dangerous Jobs, Health Problems and Inequitable benefit-sharing**

and that they will share in the benefits of producing alternative fuels and establishment of renewable energy projects does not hold water. They have not been prioritized in the employment of the hydroelectric companies which have taken over their own lands. The few who were employed reported low wages, no job security, poor and dangerous working conditions with no sufficient protection.

- In the Philippines, the Ambuklao and Binga Hydro-electric Dams, which have long been non-functional because of heavy siltation, has been bought jointly by Aboitiz (a Philippine energy corporation) and the Norwegian State energy corporation. This may be a CDM project which will allow Norway to meet its commitments. Negotiations are underway on how the indigenous peoples will benefit from this. There are several dam projects under the CDM scheme which can be found in the other Asian countries, Latin America and even in Africa and many of these are found in indigenous lands.
- The example of the Benet in the UWA-FACE project shows that those who wanted to practice their traditional livelihoods were even criminalized (see Box 2).
- Indigenous peoples who converted their lands to small-scale oil palm plantations do not benefit in any substantial manner as they do not have the necessary infrastructure and equipment to enable them to maximize the benefits they can gain. For example, when the oil palm fruits are

- Even the justification that indigenous peoples will be provided with jobs and employment

### **Box 3**

#### **Carbon Forestry Projects in India**

In 1994, the World Bank funded a project - the Joint Forest Management (JFM) - to provide a system for forest protection and sustainable use through the establishment of Village Forest Protection Committees (VFPCs) in Madhya Pradesh (MP). This project, however, left a legacy of Adivasi disempowerment and community-level divisions (As documented in reports such as Sarin et. al., 2003, The Summary Report of Jan Sunwai [Public Hearing] on Forest Rights at Village Indpura, Harda District, 26 May 2001; etc.).

The Community Forests International (CFI) did two feasibility studies in 2001 to "examine systems that could compensate communities for carbon sequestration and storage resulting from forest regeneration" using the mechanism of JFM. The Harda Forest Division feasibility study, entitled "Communities & Climate Change: The Clean Development Mechanism and Village Based Forest Restoration in Central India. A Case Study from Harda Forest Division, Madhya Pradesh, India" has concluded that the JFM projects have improved the standard of living of the Adivasi (indigenous peoples) and the relationship with the Forest Department aside

harvested, these should be transported to the mills within 24 hours. If they do not have their own trucks to do this, whatever profits they gain will go the payments of these.

- Health problems like skin diseases, respiratory problems because of the use of toxic fertilizers and pesticides and the shortage of water and toxic effluence from mills that process the crops have increased.
- In several cases of carbon offset projects, children and women are paid a pittance to plant the seeds in the forests but are hired on a very seasonal basis (see Box 3).

### Box 3 (continued)

from regenerating forests.

However, subsequent interviews done by activists in Madhya Pradesh found out that the Adivasi communities in the Harda Forest Division were not even aware of the CFI feasibility project, nor did they know of the concept of carbon forestry. Those who worked in planting trees were just hired on a seasonal basis. The wealth of local and written information exposing the problems with JFM in Madhya Pradesh was not cited in studies undertaken for the CFI feasibility project. The CFI conclusions did not consider the views and perspectives of the range of social groups and rights holders who have expressed large scale opposition to the existence of VFPCs and rejected this as a basis for forestry-related schemes in MP. Activists and Adivasi leaders in India fear that the impacts of implementing carbon forestry would pose a great threat to indigenous communities.

## 3

### Environmental degradation including the erosion of biodiversity

developed as carbon offsets contribute to the erosion of biodiversity. Large-scale plantation economies form part of the story of the erosion and appropriation of indigenous peoples' subsistence base and territories and the alteration of their indigenous land tenure systems.<sup>9</sup>

- Plantations require large amounts of water and mills which process pulp and paper, as well as biofuels, use up tons of freshwater and release toxic effluents to water bodies which are used by indigenous peoples for drinking and washing.

- The deforestation that happens when new monocrop plantations are



The UNPFII prepared a report on the impact of monocrop plantations on indigenous peoples, including those which are used as carbon offsets.<sup>10</sup>

## 4

**Reduction of forests as carbon forests under REDD undermines the sustainable forest management systems of indigenous peoples and threatens further the rights of indigenous peoples to have access and control of their forests.\***

- While Reducing Emissions from Deforestation and Forest Degradation (REDD), which is now being proposed to be part of the post 2012 climate agreement, may have some opportunities

for indigenous peoples who live and depend on forests, the concept and manner in which it is being shaped and implemented pose

some problems which have to be addressed seriously.

Indigenous peoples fear that they will be excluded once more from their forests as what has happened in the establishment of Forest Protected Areas in the past. If their forests are designated as carbon forests and are used for emissions trading, there is a great possibility that they will be prevented from practicing their own traditional forest management practices and to use their forests for ceremonial purposes, shifting cultivation, as sources of timber and non-timber forest products and

medicines, and other agro-forestry activities. \*(See Chapter V: REDD/ REDD+ and Indigenous Peoples for a detailed discussion, p. 48).



**REDD –**  
Reducing  
Emissions from  
Deforestation  
and Forest  
Degradation

## 5

### **Cultural and Social Impacts**

- Disappearance of their traditional territories which are the basis of

their economic, social, cultural and spiritual systems, knowledge and practices, due to sea-level rise, floods and erosion are the worst consequences of climate change.

- Many of the areas which will be covered by mitigation measures coincide with cultural and sacred sites of indigenous peoples. Some of the spiritual and religious rites are not being practiced anymore because of their displacement from their lands and territories.

## 6

***Are There Positive Examples of Mitigation Measures done in indigenous peoples' territories?***

NAILSMA - the Northern Australia Indigenous Peoples Land and Sea Management Alliance - presents their experience on the Western Arnhem Fire Management Agreement with the Darwin Liquefied Natural Gas:

## Box 4

### Western Arnhem Fire Management Agreement (WAFMA)<sup>11</sup>

- Aboriginal land owners, indigenous representative organizations in North Australia (NAILSMA – Northern Australia Indigenous Peoples Land and Sea Management Alliance) and Darwin Liquefied Natural Gas (DLNG) are partners in the Western Arnhem Fire Management Agreement. This partnership aims to implement strategic fire management practices across 28,000 square kilometers of Western Arnhem, thereby reducing fire-generated GHGs from this area and offsetting some of the GHG emissions from the Liquefied Natural Gas plant at Wickham Point in Darwin Harbour.
- The project uses strategic, early, dry-season burning that involves a mix of patch-burning lit by people on the ground and larger-scale fire breaks lit along tracks, rivers and creeks from helicopters. This dry-season burning breaks up the landscape with firebreaks and makes it more difficult for wildfires to spread across the land later in the year.
- This project is not gaining income from carbon trading. Instead, indigenous fire managers are being paid for fire management that produces GHG offsets. The involved parties believe, however, that this project would qualify for carbon trading in the future, should the market arise.

## 7 WHAT ABOUT RENEWABLE ENERGY? HOW WILL INDIGENOUS PEOPLES BE AFFECTED?<sup>12</sup>

Scientists are experimenting with numerous technologies for mitigating climate change and are taking two main approaches to reducing the global level of GHGs in the atmosphere.

- What is the first approach?***

The first approach is to reduce consumption of fossil fuels by switching to alternative forms of energy and improving energy efficiency. These include hydropower, solar energy, wind, geothermal energy, tides, waves and biomass as renewable energy sources.



- **What is the second approach?**

The second approach to reducing the level of GHGs is to attempt to increase the earth's ability to absorb carbon dioxide through reforestation or other more experimental methods such as carbon capture and storage (CCS).



## **Alternative Forms of Energy and Implications on Indigenous Peoples**

- **No to nukes!** - Nuclear power poses special problems for many indigenous peoples, because nuclear waste is often stored in places far from large urban centers and areas inhabited by them. Rather than having to tolerate unauthorized intrusions upon their lands, indigenous peoples should have the right to give or withhold prior and informed consent, and they should possess a veto power concerning nuclear waste storage projects on their territories and lands.
- **Wind and solar energy** - Wind energy projects could bring clean energy to the world and a tremendous windfall of economic development to some indigenous communities. It is estimated that the wind energy potential worldwide is 15 times the world's energy demands, with much of this energy potential located on their lands. Using solar power to generate electricity would seem to be a perfect cultural-economic match for indigenous people seeking to participate in climate mitigation.
- **Biofuels** - The growing use of biofuels is more controversial. Of particular concern is the dramatic shift in agricultural production patterns to meet the demand for biomass and the fact that the nitrogen fertilizers used to increase biomass release such potent nitrous oxides that the net effect on GHG emissions is actually worse than if plain diesel were used instead of biofuel.
- **Large hydroelectric dams** - Indigenous peoples are also concerned about the massive increase in the building of large hydroelectric dams, because of the potential displacement of indigenous peoples from their ancestral territories.



## **What are the indigenous peoples' perspectives on climate change mitigation?**

- The best way to mitigate climate change is to change the unsustainable production and consumption patterns which is still the prevalent system dominating this world. The best mitigation measures involve changing lifestyles, individually and collectively, and structurally changing the development path towards a sustainable and low-carbon one.
- The market-based mechanisms are very limited. These just reinforce further the inequities which have been created by the unregulated market or the so-called free market instead of addressing the root causes

of climate change. Thus, there is a need to ensure that the other building blocks such as finance and technology transfer be implemented as agreed upon.



The 7th Session of the UNPFII, with climate change as its special theme, saw the need to further look into these mitigation measures. Two special rapporteurs were assigned to prepare a report on the impact of mitigation measures on indigenous peoples.<sup>13</sup>

- It is crucial for indigenous peoples to understand more fully these market-based mechanisms. Equipped with adequate information, they can evaluate the risks and opportunities which will allow them to make their own decisions on whether to engage with the emissions market or not.

## Endnotes:

<sup>1</sup> Source: IPCC Climate Change 2007: Working Group III Report “Mitigation of Climate Change, Summary for Policymakers,” p. 10.

<sup>2</sup> <[http://unfccc.int/search/search?q=nationally+appropriate+mitigation+actions&site=default\\_collection&client=unfccc\\_frontend&output=xml\\_no\\_dtd&proxystylesheet=unfccc\\_frontend](http://unfccc.int/search/search?q=nationally+appropriate+mitigation+actions&site=default_collection&client=unfccc_frontend&output=xml_no_dtd&proxystylesheet=unfccc_frontend)>, accessed 12 September 2009.

<sup>3</sup> Government of India Submission to UNFCCC on Nationally Appropriate Mitigation Actions (NAMAs) by developing countries, <[http://unfccc.int/files/kyoto\\_protocol/application/pdf/india100209b.pdf](http://unfccc.int/files/kyoto_protocol/application/pdf/india100209b.pdf)>, accessed 12 September 2009.

<sup>4</sup> See Singapore and Korea submission at <[http://unfccc.int/search/search?q=nationally+appropriate+mitigation+actions&site=default\\_collection&client=unfccc\\_frontend&output=xml\\_no\\_dtd&proxystylesheet=unfccc\\_frontend](http://unfccc.int/search/search?q=nationally+appropriate+mitigation+actions&site=default_collection&client=unfccc_frontend&output=xml_no_dtd&proxystylesheet=unfccc_frontend)>, accessed 12 September 2009.

<sup>5</sup> New Zealand Submission to the Ad-Hoc Working Group on Long-Term Cooperative Action Under the Convention - Nationally Appropriate Mitigation Actions in Developing Countries and the Carbon Market, 8th May 2009.

<sup>6</sup> Address by Yvo de Boer, Executive Secretary, United Nations Framework Convention on Climate Change during the Delhi Sustainable Development Summit in New Delhi, India, 5-7 February 2009.

<sup>7</sup> Kevin Smith, Carbon Trade Watch (2007). The Carbon Neutral Myth: Offset Indulgences for your Climate Sins, Transnational Institute, Amsterdam, p. 14.

<sup>8</sup> Ibid., p. 32-38.

<sup>9</sup> Tides Center- Biodiversity Action Network (1999), Addressing the Underlying Causes of Deforestation and Forest Degradation, Case Studies, Analysis and Policy Recommendations, Biodiversity Action Network, Washington, D.C. p. 33.

<sup>10</sup> See E/C.19/2007/CRP.6, 7 May 2007, Tauli-Corpuz and Tamang, Oil Palm and Other Commercial Tree Plantations, Monocropping: Impacts on Indigenous Peoples' Land Tenure and Resource Management Systems and Livelihoods.

<sup>11</sup> Available online at: <[http://savanna.ntu.edu.au/information/arnhem\\_fire\\_project.html](http://savanna.ntu.edu.au/information/arnhem_fire_project.html)>, Accessed March 7, 2008.

<sup>12</sup> Based on the paper written by the Special Rapporteurs of the UNPFII on Impact of Climate Change Mitigation Measures on Indigenous Peoples and on Their Territories and Lands, [E/C.19/2008/10], 19 March 2008.

<sup>13</sup> See Doc. E/C.19/2008/10, 19 March 2008. Victoria Tauli-Corpuz and Aqqaluk Lynge, Impact of Climate Change Mitigation Measures on Indigenous Peoples and on their Territories and Lands. Download from <[www.un.org/esa/socdev/unpfii](http://www.un.org/esa/socdev/unpfii)>.

# Adapting to Climate Change: Indigenous Peoples Show the Way

## 1 What is Adaptation to Climate change?



- Adaptation to climate change refers to any adjustment that occurs naturally within ecosystems or in human systems in response to climatic change that either moderates harm or exploits beneficial opportunities in response to actual or expected climate related environmental changes.<sup>1</sup>
- It is also defined by the UNFCCC as something that is about finding and implementing ways of adjusting to climate change. It looks into ways of responding to changes that pose greater risks to life and livelihood and increasing damage-related costs such as climate change effects on rainfall, the strength and distribution of tropical storms, sea levels and glacier melt.

## 2 What are NAPAs?

- National Adaptation Programmes of Action or NAPA, is a mechanism developed by the Least Developed Countries (LDCs) and adopted by the UNFCCC COP17, where LDCs can identify their priority activities on adaptation than can respond to their urgent and immediate needs. NAPAs are therefore means by which the UNFCCC can support adaptation needs of LDCs.
- **Rationale** - To support LDCs, given their limited resources to adapt to climate change.



**NAPA**  
- National  
Adaptation  
Programmes of  
Action

- **Focus** - Urgent and immediate needs or “those for which further delay could increase vulnerability or lead to increased costs at a later stage.”<sup>2</sup> It considers adaptation strategies on the ground and uses these to identify what activities should be undertaken. Community-level input is therefore given priority as source of information and recognizes grassroots communities as main stakeholders.
- **Design** - NAPAs are designed to use information that is available, thus no new research is needed. They “must be action-oriented and country-driven” and be flexible and based on national circumstances. Given the urgency, documents must be simple and easily understood by decision makers and the public.
- **Process:**
  - ❑ Preparation Process – NAPA is submitted to the UNFCCC secretariat; this is posted on the website; LDC Party then becomes eligible to apply for funding under the LDC Fund. A copy of the NAPA is also sent to the Global Environment Facility (GEF);
  - ❑ Implementation Process – LDC Party prepares concept note and requests GEF’ assistance in submitting a funding proposal to LDCF managed by the GEF. The GEF then works with the country to develop the concept into a full project.



### LDCF

– Least Developed Countries Fund, a special fund to meet special concerns and needs of the LDCs.



## What are LDCs?

The Least Developed Countries, and Small Islands Developing States amongst them, are among the most vulnerable to extreme weather events and the adverse effects of climate change. They also have the least capacity to cope with and adapt to the adverse effects of climate change.

– Annex to decision 2/CP.7, paragraph 17, of COP7

LDCs are: Angola, Afghanistan, Bangladesh, Benin, Bhutan, Burkina Faso, Burundi, Cambodia, Central African Republic, Chad, Comoros, Democratic Republic of Congo, Djibouti, Equatorial Guinea, Eritrea, Ethiopia, Gambia, Guinea, Guinea-Bissau, Haiti, Kiribati, Lao People’s Democratic Republic, Lesotho, Liberia, Madagascar, Malawi, Maldives, Mali, Mauritania, Mozambique, Myanmar, Nepal, Niger, Rwanda, Samoa, Sao Tome and Principe, Senegal, Sierra Leone, Solomon Islands, Somalia (not a party to the UNFCCC), Sudan, Tanzania, Timor-Leste, Togo, Tuvalu, Uganda, Vanuatu, Yemen, and Zambia.

- Prior to Bali, adaptation to climate change has not been given much attention and priority. However, since the IPCC 4th Assessment



**49** - No. of countries considered Least Developing Countries

**42** - No. of LDC countries that have submitted NAPAs as of September 2009<sup>3</sup>

- Report in 2007, bigger effort has now been given to adaptation.
- In the June 2009 Bonn Climate Talks, G77 and China commented on the chapter on adaptation on the AWG-LCA negotiating text. It said that the texts focused mainly on assessment needs and planning and not enough on implementation. Further, the text “places the burden and responsibility for adaptation on developing countries rather than facilitating access to financing to implement adaptation

### *LDCs under the Convention<sup>4</sup>*

Article 4.9 of the UNFCCC recognizes the special situations of the Least Developed Countries (LDCs), and states:

*“The Parties shall take full account of the specific needs and special situations of the Least Developed Countries in their actions with regard to funding and transfer of technology”.*

Five major decisions were adopted at COP7 as follows:

-  Decision 2/CP.7: Capacity building in developing countries (non-Annex I Parties);
-  Decision 5/CP.7: Implementation of Article 4, paragraph 8 and 9, of the Convention (decision 3/CP.3 and Article 2, paragraph 3, and Article 3, paragraph 14, of the Kyoto Protocol);
-  Decision 27/CP.7: Guidance to an entity entrusted with the operation of the financial mechanism of the Convention, for the operation of the least developed countries fund;
-  Decision 28/CP.7: Guidelines for the preparation of national adaptation programmes of action;
-  Decision 29/CP.7: Establishment of a least developed countries expert group.

activities according to the obligations of developed countries under the Convention.”<sup>5</sup>

- In the Informal Climate Talks in Bonn in August 2009, LDCs expressed disappointment over the NAPA process. Uganda and Barbados pointed to the inadequate resources to fund adaptation actions and called on developed countries to provide the needed support. These funds must come mainly from the public sector, with private funds only playing a complementary role.<sup>6</sup>
- Indigenous peoples have not been involved nor have they been consulted in the development of NAPAs. In Bangladesh, for example, indigenous peoples have stated that they were not consulted in the identification of adaptation actions by the government.
- Indigenous peoples have also called on the UNFCCC to recognize indigenous peoples’ local adaptation and mitigation strategies. In the Africa Indigenous Peoples’ Summit on Climate Change, indigenous peoples called on “... States, UN agencies, and other international organizations to ensure that traditional knowledge including local mitigation and adaptation strategies are acknowledged, appreciated and supported.”<sup>7</sup>
- Indigenous peoples’ adaptation technologies must also be enhanced and supported.

### 3 What adaptation measures are being done by indigenous peoples?

*Indigenous peoples are the least contributors to climate change, yet they are the first to suffer from its impacts. Severe drought, more devastating hurricanes and typhoons, melting ice, floods, sea level rise, increased prevalence and virulence of infectious diseases, among others, have gravely affected their way of life, health, livelihoods, lands, resources and territories. In the face of these, indigenous peoples have been forced to adapt, using their traditional knowledge, innovations and practices in adjusting to these rapidly changing conditions. Below are a number of documented case studies and examples of innovative adaptation measures in the different regions,<sup>8</sup> using their traditional knowledge, in response to climate change:*

## Africa

- Local farmers are practicing zero-tilling practices in cultivation, mulching, and other soil-management techniques. These activities are known to moderate soil temperatures, suppress diseases and harmful pests, and conserve soil moisture. Small scale farmers also use indigenous plant materials such as agrochemicals to combat pests that normally attack food crops.
- Pastoralists adapt to climate extremes by making use of emergency fodder, culling of weak livestock for food, and multi-species composition of herds to survive climate extremes. They also try to move from the dry northern areas to the wetter southern areas during drought season in order to survive and sustain their domestic animals.
- Women plant crops that are more resistant to droughts and pests, providing a reserve for extended periods of economic hardships. They also select and save seeds for planting each year. They preserve a variety of seeds that will ensure resistance to the range of conditions that may arise in any given growing season.<sup>9</sup>
- Other indigenous strategies include controlled bush clearing; using tall grasses for fixing soil surface nutrients which have been washed away by runoff; erosion-control to reduce the effects of runoff; restoring lands by using green manure; constructing stone dikes; managing low-lying lands and protecting river banks.<sup>10</sup>
- The Bara province, situated in Western Sudan, is adapting to land degradation and other impacts of recurring drought through Community-Based Rangeland Rehabilitation (CBRR) being implemented in 17 villages. The project was able to put up a local office coordinating community development affairs, regeneration and stabilization of 5km. of sand dunes to halt expansion of the desert, construct windbreaks to protect farms from soil erosion, and replaced goats with more resilient and less damaging sheep and better managed wells and preparation of drought contingency plans.



## Asia

- Asian indigenous peoples are growing many different varieties of crops in order to minimize the risk of harvest failure and this is supplemented by hunting and fishing.

- Some supplement their subsistence base with handicrafts, wage labor and forest products or by selling surplus crops to the markets. In other instances, indigenous peoples switch to extracting starch from wild Sago palms during droughts when crops suffer from lack of water.<sup>11</sup>
- In Bangladesh, villagers are creating floating vegetable gardens to protect their livelihoods from flooding. In Vietnam, communities are helping to plant dense mangroves along the coast to diffuse tropical-storm waves.<sup>12</sup>
- Rainwater harvesting in South Asia has been done for centuries now. This is a very simple procedure of scooping earth and putting up embankments along farm boundaries to trap rainwater. This adaptation method has been very vital in the merging and diversification of food crops.

## Central and South America and the Caribbean

- People shift their agricultural activities and settlements to a new location which is less susceptible to adverse climate conditions.
- In times of drought, indigenous peoples switch from their dependence on agriculture to reliance on fish.
- The remote village of Guarita in Honduras is making use of the traditional *Quezungal* farming methods. They plant crops under trees whose roots anchor the soil. They also prune vegetations to provide nutrient to the soil and to conserve soil water. Lastly, they are terracing to avoid soil erosion.
- The Aymaras of Bolivia have been coping with water insecurity and scarcity over centuries. For them to collect rainwater in the mountains, they have developed a sophisticated way of collecting water through small dams they call *quthañas*. The dam has been very useful not only for human consumptions but also for their domestic animals especially in times of drought. It also serves as a thermo regulator of humidity and it absorbs the UV rays of the sun, reducing risk of skin cancer.

## Arctic

- The adaptation practices of indigenous peoples have included the shift to hunt alternative species when species such as geese and caribou have shifted their migration times and routes.
- Change to hunting marine species in open water later in the year under different sea and ice conditions.
- People freeze foods where traditional technique of sun-drying have been impossible due to unseasonable wet weather. The foods are frozen until there is sunny weather or dried indoors.<sup>13</sup>

## Central and Eastern Europe, Russian Federation, Central Asia and Transcaucasia

- Indigenous peoples are actively trying to partner with the academic community so that local groups can participate in field research projects, and their results be communicated to and among local communities.
- They undertake education programs to improve public awareness of the issues that will go towards assisting the development of their own attitudes and ethical norms around adaptation measures.

## North America

- Indigenous peoples of North America are very positive that new materials and new ways of doing things form a common theme in the histories of many Native peoples. Some are now taking advantage of climactic changes to do things they have not done in the past. They change food storage techniques and hunting and fishing grounds.
- Some groups change species of animals and fishes they hunt.
- In order to sustain their families and their domestic animals, the Inuits feed their reindeer grasses other than lichens during winter time.
- In extreme cases, people look for relocation sites either for long term or as temporary measures.
- For the future, they believe that adopting new technologies is likely to be the only means for dealing with the disruptions to their traditional subsistence economies.<sup>14</sup>

## Pacific

- Traditional marine social institutions in the Ra'ui in Rarotonga, Cook Islands serve as an effective conservation management tool and is improving coral reef health.
- Indigenous peoples' ecological knowledge and customary sea tenure is also integrated with marine and social science to conserve the bumphead parrotfish in Roviana Lagoon, Solomon Islands.
- Changes in sea tenure, back to more traditional roles, have also occurred in Kiribati.<sup>15</sup>
- In a coastal village on Vanua Levu, Fiji, the *vanua* (which refers to the connection of people with the land through their ancestors and guardian spirits) serves as a guiding principle for the management and sustainable use of the rainforest, mangrove forest, coral reefs, and village gardens.
- In other parts of the Pacific, indigenous peoples have built seawalls, provided a water drainage system and water tanks and banned tree clearing.

*Aside from the cases presented above, indigenous peoples are adapting to extreme weather patterns and changing climate impacts in many more different ways. The table below gives specific examples of indigenous strategies in responding to various climate change risks.*

| CATEGORY                           | SPECIFIC STRATEGIES                                                                                                                                                                                                                      | RESPONSE TO                                                                | CASES                                                                                                                                                                                                                                                                                                       |
|------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Diversified Resource Base          | <ul style="list-style-type: none"> <li>• Growing many different crops and varieties</li> <li>• Diversity in field location</li> <li>• Selling of surplus crops, handicrafts, wage labor, forest products</li> </ul>                      | Risk due to harvest failure                                                | The Dayaks of Borneo are adapting to climate change by diversifying crops to minimize the risk of harvest failure.                                                                                                                                                                                          |
| Change in Varieties and Species    | <ul style="list-style-type: none"> <li>• Planting new crop varieties or species</li> <li>• Harvesting of unusual resources</li> </ul>                                                                                                    | Changes in climate pattern that lead harvest failure                       | <p>Recent changes in precipitation encouraged people in the Kalahari to shift from rain-fed agriculture to manually-watered homestead gardening and a shift from cattle to goats.</p> <p>The Kenyah in Borneo plant new crops such as maize in the drying river beds during droughts caused by El Niño.</p> |
| Change in Hunting Strategies       | <ul style="list-style-type: none"> <li>• Change hunting strategies to take advantage of new species while trying to manage the population of new species</li> <li>• change of hunting, fruit gathering and fishing techniques</li> </ul> | Reduced population of some animal species, due to warmer climate           | The Inuits change their fishing and hunting areas and they adjust their travel routes in order to continue their daily activities.                                                                                                                                                                          |
| Change in the Timing of Activities | <ul style="list-style-type: none"> <li>• Adjustments to crop harvesting, wild plant gathering, hunting and fishing</li> </ul>                                                                                                            | Changes in growing seasons and times of animal migrations and reproduction | The indigenous peoples of Belize are trying to make use of meteorological agriculture system in order to predict the weather. In this manner, they are able to change timing in their planting to cope with the changing weather patterns.                                                                  |

|                                       |                                                                                                                                                                                                                                                      |                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|---------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Change of Techniques                  | <ul style="list-style-type: none"> <li>Freezing vs. drying, irrigation vs. rain-fed agriculture</li> <li>Food is brought back to communities more often in the summer to store in freezers</li> </ul>                                                | Change of climate patterns                                                    | The Gitga'at in British Columbia traditionally sun-dry their food but now freeze their food or dry them indoors because of unreasonable wet spells.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Change of Location                    | <ul style="list-style-type: none"> <li>Shifting agricultural activities and/or settlements to new locations less susceptible to climatic conditions</li> <li>Relocation of individual homes and villages, infrastructure and water supply</li> </ul> | Acute climatic crises and long term climate changes                           | <p>The Makushi of Guyana move from their savannah homes to forest areas during drought to plant cassava.</p> <p>The indigenous peoples of the Lateau settlement in Vanuatu and Falealupo and Papa in Savai'i, Samoa abandoned their settlements for higher ground after their communities have become uninhabitable due to flooding and tropical cyclones.</p> <p>Several indigenous villages of Alaska are currently actively trying to find out where they could move their entire communities that are now becoming inhabitable due to thawing of permafrost, erosion and large waves slamming against the western and northern shores of Alaska.</p> |
| Changes in Resources and/or Lifestyle | <ul style="list-style-type: none"> <li>Resorting to wild foods</li> <li>Adjustment of livelihood and lifestyle to changing climate patterns</li> <li>Reduced application of traditional knowledge in day to day life and survival</li> </ul>         | Emergency situations such as droughts, floods, frosting or excessive rainfall | <p>Normally reliant on agriculture, the Kenyah of Borneo switch to extracting starch from wild Sago palms during El Nino droughts.</p> <p>The Saami people are feeding their reindeer with hay and fodder when lichens are being encapsulated with ice due to winter rain. Reindeer herding is vital to their subsistence and economy. Further, the elders do not trust their weather reading skills anymore. Thus, their traditional practices are not being practiced anymore.</p> <p>In the El Niño droughts of 2005, indigenous peoples in the Amazon basin switched to a reliance on fish.</p>                                                      |

|                                     |                                                                                                                                                                                                                                                                                 |                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Exchange                            | <ul style="list-style-type: none"> <li>• Using locally available wild resources</li> <li>• Obtaining food and other necessities from external sources through exchange, reciprocity, barter, or markets</li> <li>• Depending on emergency aid from the state or NGOs</li> </ul> | Food shortage                                                    | The Yukon First Nations are now more dependent on market food and eat less traditional food as they are gradually buying more of what they eat. <sup>16</sup>                                                                                                                                                                                                                                                           |
| Resource management                 | <ul style="list-style-type: none"> <li>• Traditional management techniques</li> </ul>                                                                                                                                                                                           | Scarce and climate sensitive resources                           | <p>People in Marshall Islands traditionally secure their freshwater supplies by placing coral blocks around them to build up land around the freshwater lenses and protect them from salt water intrusion.</p> <p>Indigenous mangrove conservation that acts as seawalls in the Matafa community in Samoa were proven to be more appropriate and effective for the people in the area than the government seawalls.</p> |
| Food Security                       | <ul style="list-style-type: none"> <li>• Reinvigorating traditional indigenous food systems that have proved to be effective, provide better diets and cause less environmental damage</li> </ul>                                                                               | Food shortage due to narrowing natural resource bases            | The indigenous peoples of the Cordillera in the Philippines are planting hunger crops such as sweet potatoes and cassava in between their stone walls (rip-raps). Farmers also built greenhouses in order to protect their crops from future cold spells.                                                                                                                                                               |
| Continuing of customary obligations | <ul style="list-style-type: none"> <li>• Initiation of community programs for the elderly</li> </ul>                                                                                                                                                                            | Changing animal behavior that renders more difficulty in hunting | In the Inuvialuit indigenous communities, there is an initiation of a community program for the elderly, through which younger hunters provide for meat for the elderly who are not able to hunt for themselves as a way of responding to changing animal routes. It has been a common practice to provide game meat for the elderly and the disabled people.                                                           |

|                     |                                                                                               |                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------------------|-----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Trans-<br>portation | <ul style="list-style-type: none"> <li>• Taking different and longer travel routes</li> </ul> | Poor travel conditions due to rough ice, dangerously thin ice, increased erosion and flood problems | <p>The Nunavut people, who are highly dependent on caribou hunting, are being blocked by shallow waters preventing people from traveling through water. Thus, the hunters take on different and longer routes to be able to reach the hunting grounds.</p> <p>The indigenous peoples in the Arctic use sleds in traveling during winter when there is thick ice. When the ice thaws and it is impossible to travel on land, they make use of their boats. </p> |
|---------------------|-----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## Endnotes:

<sup>1</sup> Adapted from IPCC Third Assessment Report.

<sup>2</sup> <[http://unfccc.int/cooperation\\_support/least\\_developed\\_countries\\_portal/ldc\\_work\\_programme\\_and\\_napa/items/4722.php](http://unfccc.int/cooperation_support/least_developed_countries_portal/ldc_work_programme_and_napa/items/4722.php)>, accessed 14 September 2009.

<sup>3</sup> <[http://unfccc.int/cooperation\\_support/least\\_developed\\_countries\\_portal/frequently\\_asked\\_questions/items/4743.php](http://unfccc.int/cooperation_support/least_developed_countries_portal/frequently_asked_questions/items/4743.php)>.

<sup>4</sup> Op cit.

<sup>5</sup> TWN Bonn News Update No. 12, 8 June 2009.

<sup>6</sup> TWN Bonn News Update No. 5, 13 August 2009.

<sup>7</sup> “Declaration of the African Indigenous Peoples’ Summit on Climate Change, Nakuru, Kenya, March 5-6, 2009.

<sup>8</sup> Secretariat of the United Nations Permanent Forum on Indigenous Issues, Climate Change: An Overview, November 2007.

<sup>9</sup> Ibid.

<sup>10</sup> Report of Intergovernmental Panel on Climate Change, Working Group 2: Climate Change Impacts, Adaptation and Vulnerability, 2007, p. 866.

<sup>11</sup> Ibid.

<sup>12</sup> Jan Salick and Anja Byg, Indigenous Peoples and Climate Change, A Tyndall Centre Publication, Tyndall Centre for Climate Change Research, Oxford, May 2007, p. 17.

<sup>13</sup> Jan Salick and Anja Byg, Indigenous Peoples and Climate Change, A Tyndall Centre Publication, Tyndall Centre for Climate Change Research, Oxford, May 2007, p. 16.

<sup>14</sup> Ibid. p. 62.

<sup>15</sup> Report of Intergovernmental Panel on Climate Change, Working Group 2: Climate Change Impacts, Adaptation and Vulnerability, 2007, p. 708.

<sup>16</sup> John B. Henriksen, Highly Vulnerable Indigenous and Local Communities, Inter alia, of the Arctic, Small Island States and High Altitudes, Concerning the Impacts of Climate Change and Accelerated Threats, such as Pollution Drought and Desertification, to Traditional Knowledge and practices with Focus of Causes and Solutions, available from: <[www.unorg/esa/socdev/unpfii/documents/EGM\\_cso8\\_overview.doc](http://www.unorg/esa/socdev/unpfii/documents/EGM_cso8_overview.doc)>.

## REDD/REDD+ and Indigenous Peoples

In the UNFCCC and Kyoto Protocol (KP), reducing deforestation and forest degradation has not been included as a means to reduce GHG emissions due to many technical and methodological questions. Proponents of REDD - and now REDD+ - have succeeded in bringing this issue into the negotiating processes and are working towards having this included as part of the decisions to be taken at the COP 15 in Copenhagen. In the meantime, funding mechanisms have been established to provide resources for tropical forest countries for their engagement in the REDD mechanism and in setting up pilot projects.



**REDD** - Reducing Emissions from Deforestation and Forest Degradation in Developing Countries, a climate change mitigation measure that seeks to reduce GHG emissions by preventing or reducing forest loss and forest degradation.

### 1 What is REDD?

- Essentially, REDD is about compensating tropical forest nation-states and companies or owners of forests in developing countries not to cut their carbon-rich forests or to reduce their deforestation and forest degradation rates, thus avoiding GHG emissions.
- The IPCC 4th Assessment Report (IPCC AR4) released in 2007 estimated that deforestation and land-use changes account for 17% of the global GHGs (see Figures 1 and 2). This is more than the emissions from the transportation sector (road, rail and ship) worldwide or the total emissions from the European Union. Nine to 13 million hectares of



forests are destroyed each year according to the FAO. These data spurred the international climate change community to address the need to create positive incentives and policy approaches to reduce emissions from deforestation and forest degradation.

- If REDD is implemented properly, the contribution of forest conservation to meeting the goal of 1.5 to 2 degrees Celsius temperature rise will be significant.

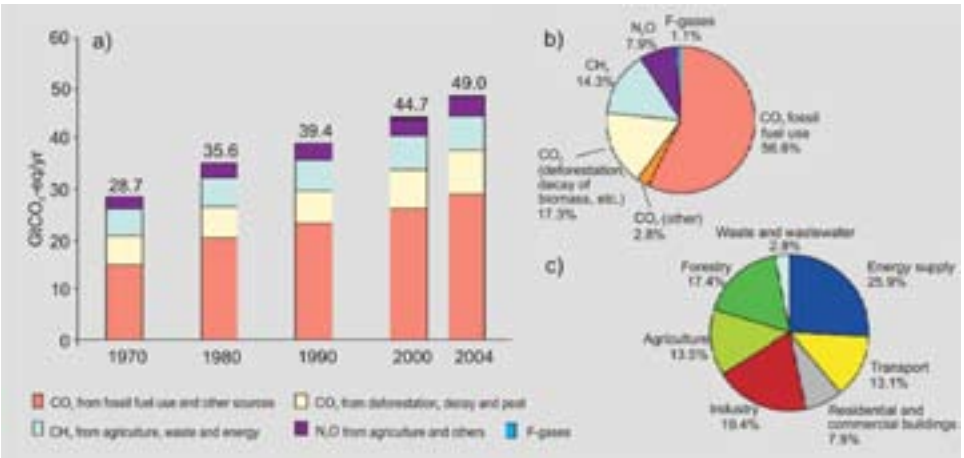


17% - estimate GHG emissions due to deforestation and land-use changes

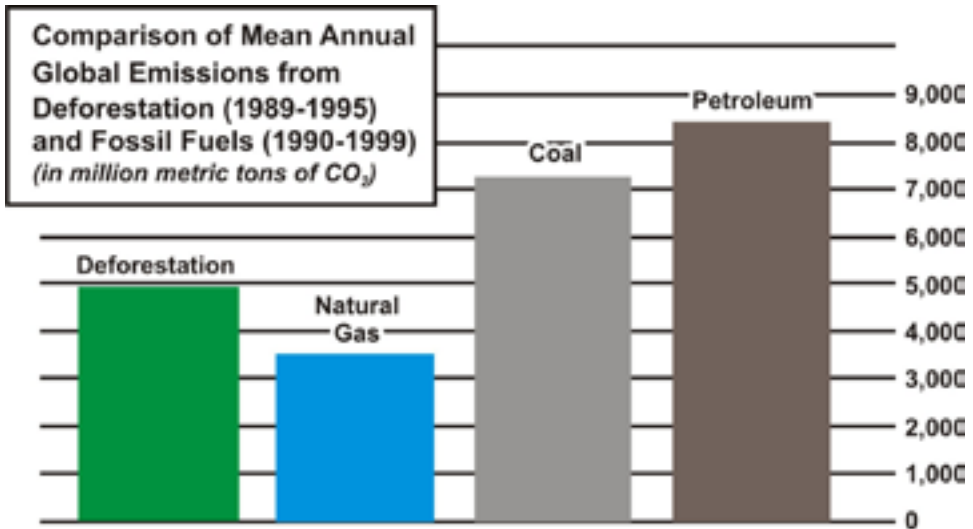
1.6 GtC - quantified amount of this emission in gigatonnes of carbon

9 to 13M - hectares of forests destroyed each year according to FAO

Figure 1. Global anthropogenic GHG emissions



**Figure 2. Annual Global Emissions from Deforestation and Fossil Fuels**



**Source: IPCC; US Department of Energy**

Figure taken from IPCC, Climate Change 2007 Synthesis Report Summary for Policymakers (2008).

- Forests also remove CO<sub>2</sub> from the atmosphere through photosynthesis, the conversion of

### Forests as Carbon Sinks

- Forests are one of the most important carbon sinks, storing more carbon than both the atmosphere and the world's oil reserves.
- Forests are massive reservoir of carbon, estimated to be 4,500 GtC:
  - ❑ Forests have more CO<sub>2</sub> than in the remaining oil stocks (2,400 GtC);
  - ❑ Forests have more CO<sub>2</sub> than in the atmosphere (3,000 GtC).

atmospheric carbon dioxide to oxygen. The IPCC AR4 report says that forests and terrestrial sinks absorb 2.6 GtC annually. However, massive amounts of carbon and methane stored in the forest is released into the atmosphere because of deforestation.

- REDD is currently negotiated in the ongoing climate change talks:
  - ❑ **AWG-LCA** – substantially being debated as part of the mitigation building block
  - ❑ **SBSTA** - also dealing with the methodological issues around REDD. SBSTA30 (30th Session of SBSTA), held in June 2009, came up with Draft Conclusions and a "Draft text for a decision on methodological guidance for activities related to reducing emissions from deforestation and degradation in



**GtC** - Gigatonne of Carbon

developing countries" [FCCC/SBSTA/2009/L.9].

- ❑ **AWG-KP** - it is brought in as part of the discussions on the amendment of the CDM (Clean Development Mechanism), particularly on land use, land use change and forestry (LULUCF).



**4,500GtC** - estimated amount of carbon stored in forests

**2.6GtC** - amount of carbon absorbed by forests and terrestrial sinks annually

**50%** - amount of emissions from deforestation attributed to Indonesia and Brazil, making them 3rd and 4th among the top GHG emitting countries, respectively

### Drivers of deforestation in most tropical countries

-  agriculture
-  monoculture plantations
-  logging
-  road expansion
-  mining
-  oil extraction

## 2

## What is REDD Plus (+)?

- REDD plus (+) is the addition of conservation, enhancement of forest stocks and sustainable management of forests to deforestation and forest degradation. This addition was agreed by the Parties at COP13 in Bali.
- The inclusion of "plus" activities is to prevent perverse incentives whereby only the high deforesting countries will get the funds to stop deforesting while countries with high forest cover but low deforestation will not be incentivized. The "plus" activities became more prominent in the Bonn Climate Talks in 2009.
- What this means is that instead of just compensating activities to stop deforestation and forest degradation, policy approaches and positive incentives should also be considered for conservation, enhancement of forests stocks and sustainable management of forests. Thus, activities which store carbon, increase



**REDD+** - the addition of conservation, enhancement of forest stocks and sustainable management of forests to deforestation and forest degradation.

sequestration, ensure soil fertility, create rain, moderate weather conditions and protect biodiversity should be incentivized.

- While deforestation and forest degradation contribute substantial amounts of GHGs to the atmosphere annually, measures to protect, restore, and sustainably manage forests offer significant climate change mitigation potential:
  - ❑ Conserving existing forests will keep emissions from deforestation out of the atmosphere.
  - ❑ Restoring forests through planting trees or facilitating the natural regeneration of trees will increase the amount of carbon that forests can remove from the atmosphere and store in their biomass.
  - ❑ Sustainably managing forests through measures such as reduced impact logging and more strategic planning of road construction can help avoid emissions from forest degradation.

### **The Bali Action Plan (BAP) called for:**

Policy approaches and positive incentives on issues relating to reducing emissions from deforestation and forest degradation in developing countries; and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries.

-[FCC/CP/2007/6/Add.1], 14 March 2008; Decision 1/CP.13/ (BAP), paragraph 1(b)(iii)

## **3 How did REDD/REDD+ enter into the UNFCCC?**

- In December 2005, the Coalition of Rainforest Nations led by Costa Rica and Papua New Guinea presented a formal proposal for reducing GHG emission from deforestation to the Montreal 11th Conference of the Parties of the UNFCCC and 1st Meeting of the Parties to the Kyoto Protocol (COP11/MOP1).<sup>1</sup> They proposed that compensation should be provided for reduction in deforestation. COP then invited Parties and observers to submit their views on issues related to REDD and their recommendations on further processes to consider the issue.
- In this COP, several NGOs and scientists reiterated earlier calls for inclusion of forests under the KP's market-based instruments. As a result, COP11 requested that SBSTA evaluate the issue of avoided deforestation and climate change mitigation and report back to UNFCCC COP13/MOP3 in Bali in December 2007. The UNFCCC organized two international meetings on avoided deforestation in July 2006 and March 2007.<sup>2</sup>
- In October 2006, economist Sir Nicholas Stern came out with the Stern Review on Climate Change. He suggested that "avoided deforestation measures should be included in the post-2012 commitment period under

Kyoto, but urges that action to prevent deforestation on a large-scale must be taken as soon as possible through pilot avoided deforestation schemes to test methodologies and iron out any remaining technical and social difficulties.”<sup>3</sup>

- In 2007, the IPCC A4 was released which included data on the contributions of forests to GHG emissions and the role that forests can contribute to mitigation.
- In December 2007 at COP13/ MOP3, the UNFCCC came out with the Bali Action Plan [FCCC/ CP/2007/6/Add.1\*] that gave the go-ahead to continue negotiations by considering “Policy approaches and positive incentives on issues relating to reducing emissions from deforestation and forest degradation in developing countries; and the role of conservation, sustainable management of forests and enhancement of carbon stocks.”



Avoided deforestation measures should be included in the post-2012 commitment period under Kyoto;

- Action to prevent deforestation on a large-scale must be taken as soon as possible through pilot avoided deforestation schemes to test methodologies and iron out any remaining technical and social difficulties.

- Stern Review on Climate Change

- The BAP formally listed REDD+ as one of the mitigation activities to meet emission targets and encouraged voluntary action on REDD+.
- The final decision on whether and how REDD+ will become part of the

climate mitigation strategies will be made at COP15 in Copenhagen. It was in Bali where REDD+ became part of the broader UNFCCC agenda.

- In the meantime, pilot schemes on REDD+ are being undertaken and funding mechanisms have been set up by multilateral bodies in anticipation of the inclusion of REDD in the post-2012 commitment period. These initiatives are being undertaken by Parties, international financial institutions, the UN, private companies and conservation NGOs.



## 4 What are the mitigation options under REDD/REDD+?

| Mitigation Options       | Objective                                          | Policy Instrument                   | Activities                                                                                                                                                       |
|--------------------------|----------------------------------------------------|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Reducing GHG emissions   | Reducing deforestation                             | REDD                                | Maintaining existing carbon sinks through, law enforcement, governance reforms, sustainable management of forests, payments for environmental services (PES)     |
|                          | Reducing degradation                               | REDD                                | Maintaining existing carbon sinks/restoring lost carbon sinks through sustainable management of forests, PES in the form of carbon sequestered/ emission avoided |
| Increasing Sequestration | Enhancing existing forests/increasing forest cover | REDD+                               | Restoring lost carbon sinks and creating new carbon sinks in forest areas.                                                                                       |
|                          | Creating new forests                               | CDM/Afforestation and Reforestation | Creating new carbon sinks through agroforestry and plantations.                                                                                                  |

## 5 What is the situation in relation to indigenous peoples, forests and REDD?

- Indigenous peoples who live in and depend on forests have developed and sustained an intricate relationship with forests and thus they view the forest in a more wholistic way. For them, talking of forests only in terms of carbon or emissions reduction does not make sense. This view was reiterated in the “Hague Declaration of the International Indigenous Forum on Climate Change”<sup>4</sup> in November 2000 during COP6.

### Hague Declaration of the International Indigenous Forum on Climate Change

- Earth is our Mother. Our special relationship with Earth as stewards, as holders of indigenous knowledge cannot be set aside. Our special relationship with her has allowed us to develop for millenia a particular knowledge of the environment that is the foundation of our lifestyles, institutions, spirituality and world view. Therefore, in our philosophies, the Earth is not a commodity, but a sacred space that the Creator has entrusted to us to care for her, this home where all beings live. (Section 11: Considerations; Paragraph 1)
  - We reject the inclusion of carbon sinks within the CDM and disagree with the definition of carbon sinks as stated in the Kyoto Protocol. We, as Indigenous Peoples, manage the “natural carbon sinks” in our territories according to our world view and their integral use is a right that our people have an exercise according to our local and specific needs. We do not accept that forests are valued only for their carbon sequestration activity. (Section 11, paragraph 10)
- 
- A significant part of the remaining tropical and sub-tropical forests are found in indigenous peoples’ territories.
  - Conflicting claims over ownership, governance, control, use and access to forests still persist in many tropical countries. Some of these end up in courts or in violent armed conflicts. Generally, tropical forest countries have low forest governance capacities.
  - Many indigenous peoples claim that they have not experienced nor seen satisfactory experiences, mechanisms and arrangements at the national level - nor at the regional and global levels - on



### Role of Forest for Indigenous Peoples

- habitat
- source of livelihood
- provides ecosystems services
- source of health services
- cultural and spiritual functions

governance of forests (e.g., Tropical Forestry Action Plan, Forest Projects and Policies supported by the World Bank and other regional banks, work of the UN Forum on Forests, some forest and conservation projects of conservation and environmental NGOs).

- In most tropical forest countries, indigenous peoples' rights to their forests are not recognized and it is also in these countries where poor environmental and forest governance persists. Illegal logging or illegal deforestation is prevalent. Since most of these forests are declared as state-owned, politicians use the forests as gifts to their cronies or their families.



## **Anchorage Declaration**

5. All initiatives under Reducing Emissions from Deforestation and Degradation (REDD) must secure the recognition and implementation of the human rights of Indigenous Peoples, including 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, and Peoples before taking any action.

- Many indigenous peoples have negative experiences from the “plus” activities added to REDD. Conservation projects have led to large-scale evictions and violations of their basic human rights. Sustainable forest management (SFM) is a jargon used by the forest industry to undertake massive logging operations in old-growth

forests which are part of traditional territories of indigenous peoples. Enhancing carbon stocks could easily be translated into establishment of large-scale, monoculture industrial plantations.

- There is no common position among indigenous peoples in relation to whether they should engage or not with REDD+. However, most indigenous peoples organizations and networks are united in their stand that their rights as contained in the UNDRIP should be respected and protected in all activities related to forests and climate change, including REDD+. The position on REDD which gathered unanimous support at the Indigenous Peoples Global Summit on Climate Change (April 20 – 24, 2009) is contained in Paragraph 5 of the Anchorage Declaration.



## 6 What advice or recommendations has the UN Permanent Forum on Indigenous Issues provided on REDD/REDD+?

- The 7th Session of the UNPFII in 2008 had climate change as its special theme. To prepare for the discussions on this, two members of the Permanent Forum were appointed as special rapporteurs to develop a paper on the theme. This report is entitled “Impact of Climate Change Mitigation Measures on Indigenous Peoples and on Their Territories and Lands.”<sup>5</sup>
- This Report elaborated how indigenous peoples are impacted by climate change and by climate change mitigation actions. As most indigenous peoples are ecosystem peoples, they are in the frontlines of the impacts of climate change. The recommendations included the need to develop a human rights based approach and an ecosystem approach to solving the climate change crisis.



### Impact of Climate Change Mitigation Measures on Indigenous Peoples and on Their Territories and Lands [E/C.19/2008/10]

- Indigenous peoples do not only suffer from climate change (a problem of which they did not create) but they can also provide solutions to this problem.
  - They have demonstrated their capacity to adapt to climate change for millennia and this is the reason why they are still surviving.
  - Thus, it will benefit the UNFCCC and the world at large if the active participation of indigenous peoples in the global, national and local processes on climate change are ensured.
- 
- The final report of the 7th Session came up with recommendations on REDD which are in Paragraphs 44 and 45 [E/C.19/2008/13].
  - During COP14 in Poznan in 2008, the integration of language on the need to respect and protect indigenous peoples' rights in REDD was pushed by indigenous peoples and friendly states. The UNPFII Chair spoke at the opening of the COP on 2 December 2008 where she reiterated the recommendation from the 7th Session of the Forum:

## UNPFII 7th Session Recommendations on REDD[E/C.19/2008/13]

- Para 44: The Permanent Forum recommends that the renewed political focus on forests stimulated by current policy debates on reducing emissions from deforestation and forest degradation (REDD) under the UNFCCC be used towards securing the rights of indigenous peoples living in forests and rewarding their historical stewardship role and continuing conservation and sustainable use of forests. According to the principle of free, prior and informed consent, indigenous peoples must not be excluded from, and should be centrally involved in and benefit from, deciding forest policies and programmes at all levels that delivers justice and equity and contribute to sustainable development, biodiversity protection and climate change mitigation and adaptation.
- Para 45: The Permanent Forum notes that the current framework for REDD is not supported by most indigenous peoples. It is argued that existing REDD proposals reinforce centralized top-down management of forests, and undermine indigenous peoples' rights. In order to directly benefit indigenous peoples, new proposals for avoided deforestation or reduced emissions from deforestation must address the need for global and national policy reforms and be guided by the UN Declaration on the Rights of Indigenous Peoples, respecting rights to land, territories and resource; and the rights of self-determination and the free, prior and informed consent of the indigenous peoples concerned.

*The Permanent Forum is of the view that undertaking reduced emissions from deforestation and forest degradation without the full and effective participation of indigenous peoples in making the design and in its implementation will lead to failure. It, therefore, calls on the international community and on the governments to ensure that the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) be used as an overarching framework for the design, methodologies, implementation and monitoring and evaluation of REDD. No REDD project should be done on indigenous peoples territories without obtaining their free, prior and informed consent.<sup>6</sup>*

- Unfortunately, efforts to have indigenous peoples' rights integrated into the SBSTA outcomes failed. Indigenous peoples held a demonstration in the COP premises to express their outrage over this development. The slogan "No rights No REDD!" was bannered.

## Statement of the Chair of the Permanent Forum at the Conclusion of COP14

"I congratulate the Parties who insisted that the language of rights and the UNDRIP remain in the draft conclusions. I know they fought hard for these and I certainly hope they will continue to do this in the future negotiations. Indigenous peoples will continue to oppose the REDD mechanisms if their rights are not recognized by States and the UN, including the UNFCCC and the World Bank. They are very vulnerable to the adverse impacts of climate change, but they are also providing the solutions to climate change. Their traditional knowledge on forests and biodiversity is crucial for the methodological issues being tackled under REDD. Their participation in designing, implementing, monitoring and evaluating REDD policies and proposals has to be ensured. Their free, prior and informed consent has to be obtained before any REDD mechanism is put into place in their territories. It is their right to decide whether to accept REDD or not.

...REDD, if properly designed and implemented can still contribute to mitigation. However, I believe that forests should not be used as carbon offsets for Annex 1 countries. Thus, emissions trading of forest carbon may not be the right approach."

## 7 What are indigenous peoples organizations and networks doing to influence the official negotiating processes?

- Indigenous peoples' organizations initiated various processes to discuss REDD further. In November 12-14, 2008, Tebtebba co-organized a "Global Consultation on REDD and Indigenous Peoples" in the Philippines where indigenous peoples from Asia, Africa and Latin America participated.<sup>7</sup> (See Annex D for the recommendations.<sup>8</sup>)
- The results of this Consultation was presented at the First Ad Hoc Technical Expert Group (AHTEG) on climate change and biodiversity of the CBD.<sup>9</sup> On the basis of this, the AHTEG adopted a report containing a strong



recommendation on the need to respect indigenous peoples' rights in the REDD mechanisms.

- The Chair of the AHTEG on Climate Change and Biodiversity presented the report at COP14 in Poznan and stressed that REDD cannot succeed without the respect of rights of forest-dependent indigenous peoples.
- In the subsequent meetings of the UNFCCC, indigenous peoples continued their participation to influence not only the outcomes related to REDD but all the issues under negotiation (please see Chapter 8 for more detailed discussion).
- After the global consultation of indigenous peoples on REDD, the Packard Foundation discussed with Tebtebba what is the best way for indigenous peoples to sustain their capacity to influence the UNFCCC processes. Since Tebtebba is of the view that indigenous peoples should effectively engage with any global, national or local process where their concerns are being decided, it proposed that there should be resources

While it is generally recognized that REDD holds potential benefits for forest-dwelling indigenous and local communities, a number of conditions would need to be met for these co-benefits to be achieved, e.g., indigenous peoples are unlikely to benefit from REDD where they do not own their lands; if there is no principle of free, prior and informed consent, and if their identities are not recognized or they have no space to participate in policy-making processes;

-Report of the First  
AHTEG on Climate  
Change and Biodiversity



**IIPFCC** - International Indigenous Peoples Forum on Climate Change, the network of indigenous peoples engaging with the UNFCCC processes.

to allow a sustained participation of a group of indigenous representatives in the UNFCCC. On this basis, the Packard Foundation provided funds to Tebtebba to bring indigenous representatives to the UNFCCC processes. This ensured the participation of indigenous representatives in the Bonn Climate Talks in 2009, with the support to continue until COP15. The Rainforest Foundation Norway has also supported additional indigenous representatives to participate in these same

processes.

- Support from donors, both private and public, has enabled indigenous representatives to take part in the UNFCCC negotiations, mainly as observers. A few managed to become part of government delegations - as in the case with Bolivia, Guatemala and the Philippines - where 1 or 2 indigenous persons were included in the government delegation. In this way, indigenous representatives are able to lobby government delegates and participate even in the closed door negotiating processes.
- The Norwegian Climate and Forest Initiative<sup>10</sup> released a call for

proposals for non-state actors. Several indigenous peoples' networks and organizations submitted but only Tebtebba's proposal was approved. A support NGO, the International Work Group on Indigenous Affairs (IWGIA), submitted a joint proposal with the Asian Indigenous Peoples' Pact (AIPP) and this was also approved. Part of the funds will also allow for additional indigenous representatives to attend the UNFCCC processes. Most of the NGOs who received funding, however, were the big environment and conservation NGOs.

- Due to the active participation of indigenous peoples in processes related to REDD+, both at the global and national levels, their participation and rights became very high in the REDD agenda. This has pushed many of the environmental and conservation NGOs, who previously will not say much on indigenous peoples' rights, to also raise these concerns in the debate.
- The International Indigenous Peoples Forum on Climate Change (IIPFCC) is now more engaged with the official processes in the UNFCCC, compared to previous years.

## 8 What are the funding mechanisms set up to facilitate and implement REDD/REDD+?

### The World Bank's Forest Carbon Partnership Facility (FCPF)

- The World Bank (WB) wants to be the lead international player in forest and climate initiatives, like REDD. Since 2000, it has already set-up "10 carbon funds and facilities with a total capitalization of over US\$2 billion."<sup>11</sup>
- Initiatives to set up the FCPF started in 2006 through consultations with governments and organizations, including big environmental NGOs. In June 2007, the G8 summit supported the establishment of the fund. It was launched in Bali during COP 13 in 2007.
- It is meant to scale up to a national level the experiences gained by the WB BioCarbon Fund which has been funding at a project level.
- The Readiness Fund has 10 donor governments - Australia, Finland, France, Germany, Japan, Netherlands, Norway, Spain, UK and the USA.



**FCPF** - Forest Carbon Partnership Facility (FCPF), facility set up by the WB to assist developing countries in their efforts to reduce emissions from deforestation and forest degradation (REDD) by providing value to standing forests.<sup>12</sup>

## Mechanisms and Trust Funds of the FCPF

| Mechanism                | Trust Fund     |
|--------------------------|----------------|
| Readiness Mechanism      | Readiness Fund |
| Carbon Finance Mechanism | Carbon Fund    |

- The European Union also is a donor. The targeted volume of funds is US\$300 million with donors promising \$169 million. Norway has contributed \$40 million to this.
- As of March 2009, the FCPF Participants Committee has approved 37 countries to benefit from the funds.
- These 37 countries have submitted R-PINs (Readiness Plan Idea Notes) which was the basis for their being selected. After this, they are suppose to develop their R-Plans (Readiness Plans) which will lay out and organize the steps towards the achievement of readiness. The countries which submitted R-Plans are Guyana, Indonesia and Panama.



The FCPF is designed to set the stage for a large-scale system of incentives for REDD, providing a fresh source of financing for the sustainable use of forest resources and biodiversity conservation, and for the more than 1.2 billion people who depend to varying degrees on forests for their livelihoods.

### i. What are the steps designed by FCPF towards achieving readiness?

1. Establishment of a baseline which includes assessing historical emission, identifying drivers of deforestation and degradation and identifying different options for reference scenarios.
2. Conduct consultations on possible reference scenarios and publish the selected scenarios. The reference scenario should be credible, taking into account recent historical emissions and a credible assessment of future emissions. The IPCC Good Practice Guidance (2003) and guidance from the UNFCCC can be the basis for analysis but other methodologies and models can be developed and used.
3. A REDD+ strategy to reduce emissions below the established baseline will be developed in close consultation with all relevant stakeholders, including indigenous peoples and local communities, to:



**10** - no. of carbon funds and facilities set up by the World Bank since 2000, with a total capitalization of over US\$2 billion

**37** - no. of countries that have already been included as REDD participant countries as of March 2009

**3** - countries that have submitted R-Plans to date, i.e., Guyana, Indonesia and Panama

- ❑ identify cost-efficient and socially acceptable options for emissions reductions;
- ❑ potential improvements of land tenure and governance structures and forest law enforcement;
- ❑ responsibilities and regulations and distribution of future revenues from REDD+.

4. Designing and implementing a basic system for monitoring, reporting and verifying REDD+. This requires building capacity and training national institutions as well as reviewing and adapting forest data for REDD purposes.

### Goals that FCPF Country Participants should achieve

1. Assess national forest carbon stocks and sources of forest emissions;
2. Define past and future emission rates or establish a national reference scenario for emissions from deforestation and forest degradation, based on historical and projected emissions;
3. Calculate opportunity costs of REDD;
4. Adopt a national REDD strategy based on their current forest and environmental legislation; and
5. Adopt a national system for monitoring, reporting and verifying (MRV) emissions from deforestation and forest degradation.



The Readiness Plan provides a framework for a country to set a clear plan, budget and schedule to achieve “REDD Readiness” to undertake REDD activities ...The Plan enables a country to develop and implement a common vision... of REDD in national development, which is shared by high levels of national and sub-national government, civil society, land users and other stakeholders.

## ii. What are the latest developments in relation to the R-Plans?

- **Review of the work on R-Plans** - In the latest Participants Committee (PC) meeting held in June 2009, a review of the work on R-Plans was done. Lessons drawn from the template and content, include:
  - ❑ countries desire simpler template;
  - ❑ need to harmonize with UN-REDD;
  - ❑ title R-Plan raises expectations that a full plan is ready, when what is being presented is actually a proposal;
  - ❑ assessment of deforestation drivers not yet adequate to inform REDD strategy choices;



**R-PP** - Readiness Preparation Proposal, replaced R-Plan or Readiness Plan.

- ❑ reference scenario, monitoring, REDD implementation framework still need further elaboration;
- ❑ timing and application of WB Safeguards not yet clearly understood.

- **From R-Plan to R-PP** - On the basis of these early lessons, it was decided that instead of using the term R-Plan, the term which will be used will be Readiness Preparation Proposal (R-PP) which will be harmonized with the UN-REDD National Joint Programme.

#### 4 Key Components of R-PP

- Framework consultation: organize and consult
- REDD Strategy (General and specific)
- Reference scenario and
- national monitoring and evaluation system. It was also proposed that there will be common budget sheets and common consultation guidance

### Recommendations approved in the light of the R-PP proposal

1. Review and assess 3 existing R-Plans on the basis of criteria proposed in Program Note (FMT2009 – 1 Rev.4) on “Review and Assessment of Readiness Preparation Proposals:”
  - make recommendations for areas of improvement
  - determine whether an R-PP provided sufficient basis to proceed with Readiness Preparation Grant (up to \$3.6 million)
2. Consider the applicability of existing program note criteria for any new R-PP.

#### iii. What are indigenous peoples’ responses to the FCPF?

- When the FCPF was launched in Bali, indigenous peoples present and the Chair of the Permanent Forum criticized strongly the lack of engagement with indigenous peoples. As a result, the FCPF held meetings with indigenous peoples and discussed ways in which they can be more effectively involved.
- In 2008 to 2009, several regional consultation workshops were held between the FCPF and indigenous peoples in Asia, Latin America and Africa. Views common in these consultations were:
  - ❑ The UNDRIP and ILO Convention No. 169 should guide the formulation and implementation of projects supported by this

Facility.

- ❑ The right to self-determination, including FPIC, should be respected. If indigenous peoples do not give their consent for such a scheme to be done in their communities, then this should not be pursued.



Photo credit: Tim Kusneros, EED.

- ❑ The World Bank

Operational Policy 4.10 on Indigenous Peoples should be used from the inception to the implementation of FCPF-supported projects.

- ❑ The final decisions on how to treat the FCPF/REDD should be done by the indigenous peoples at the community and national levels.

- In the side event on “REDD, avoided deforestation policies and indigenous peoples: potential impacts and possible strategies”<sup>13</sup> during the 7th Session of the UNPFII, indigenous participants stated, among others, that:

- ❑ REDD, as currently formulated, is unacceptable for many indigenous peoples.
- ❑ Indigenous peoples must put forward their own proposals, following their own logic and perspectives for forests protection. They must not just be reactive to REDD/AD proposals, but take a broader view integrating indigenous peoples rights, biodiversity health and climate solutions.
- ❑ Indigenous peoples must stand united and adopt a strong position about the unacceptability of REDD in its current form, given the fact that Parties to the UNFCCC are still in the process of negotiating the policy approaches and positive incentives on REDD.
- ❑ At the national level, indigenous peoples can make demands for law and policy reforms and use the political space opened up by readiness activities and pilot projects to advocate for reforms and recognition of indigenous peoples’ rights and to ensure that indigenous peoples are centrally involved in all the processes related to REDD.

- In this UNPFII session, the issue of REDD was discussed as the session’s Special Theme was on “Climate change, bio-cultural diversity and livelihoods: the stewardship role of indigenous peoples and new challenges.”

## UNPFII 7th Session Report recommendations on the FCPF [E/C.19/2008/13]

**Para 40** - The Permanent Forum recommends that the recommendations and proposals that emerged from the consultations of indigenous peoples and the World Bank on the FCPF and other carbon funds, such as the BioCarbon Fund, be implemented by the Bank and other relevant agencies. Indigenous peoples should be effectively involved in the design, implementation and evaluation of the FCPF. Displacement and exclusion of indigenous peoples from their forests, which may be triggered by projects funded by the FCPF, should be avoided at all costs. Indigenous peoples or their representatives should have a voice in and a vote on the decision-making body of the FCPF and other climate change funds that will have an impact on them. In the case of those who opt not to participate in reducing emissions from deforestation and forest degradation or in the projects supported by the FCPF, their choice should be respected. The Forum calls on all parties to ensure that the United Nations Declaration on the Rights of Indigenous Peoples is implemented when undertaking these processes.

### iv. What did the FCPF do in response to the earlier efforts described?

- The World Bank FCPF revised its draft charter which now says:  
*The operation of the Facility, including implementation of activities under Grant Agreements and Emission Reduction Programs, shall... Comply with the World Bank's Operational Policies and Procedures, taking into account the need for effective participation of forest dependent indigenous peoples and forest dwellers in decisions that may affect them, respecting their rights under national law and applicable international obligations.*<sup>14</sup>
- The FCPF has:
  - ❑ identified 2 indigenous persons to sit as observers in its Participants Committee (Chair of the UNPFII and the Executive Secretary of the International Alliance of Indigenous/Tribal Peoples of Tropical Forests), and



As of April 2009, 3 indigenous peoples and forest dwellers' organizations are organizing capacity building activities in their communities and regions with support from the FCPF:

- Coordinadora de las Organizaciones Indígenas de la Cuenca Amazónica (COICA, in Amazonia);
- Indigenous Peoples of Africa Coordinating Committee (IPACC, in Africa); and
- Instituto de Investigación y Desarrollo de Kuna Yala (IIDKY, in Panama).  
- FCPF Brochure, 2009

☐ has chosen 3 indigenous persons to be part of its Technical Advisory Panel.

- These responses are good but not sufficient to address the concerns of indigenous peoples as much more work needs to be done both at the global and national levels. A look at the actions of REDD countries in their use of the initial grants for the preparation of their R-Pins and R-PPs will show exactly the problems identified earlier. It is not realistic to expect that States who have long ignored or violated indigenous peoples' rights will change overnight just because of REDD and the funds that come along with it. There is a very long history of discrimination against and oppression of indigenous peoples in many tropical countries and structures to perpetuate these are heavily entrenched. So, the road towards the rectification of these injustices will be long and tortuous. The use of international human rights instruments and international environmental laws and policies is just one of the steps in this journey.

## **b.** Forest Investment Program (FIP)

- The FIP is a World Bank fund that is part of the Strategic Climate Fund (SCF) under the Climate Investment Fund (CIF). An FIP is to be established as a targeted program under the SCF to catalyze policies and measures and mobilize more funds to facilitate REDD, promote sustainable management of forests, leading to emissions reductions and the protection of forest carbon stocks.<sup>15</sup>
- The FIP will coordinate with the FCPF and the UN-REDD Programme and build upon

the achievements of these. It

will ensure inclusion of

relevant stakeholders. A special initiative is being discussed to promote more effective engagement of indigenous peoples. Focus will be on:

- ☐ strengthening cross-sectoral ownership to scale up implementation of REDD strategies at the national and local levels
- ☐ reinforcing ongoing efforts towards



**SCF** - Strategic Climate Fund, established to provide financing to pilot new development approaches or to scale up activities aimed at a specific climate change challenge or sectoral response through targeted programs.



**FIP** - Forest Investment Program, to be established as a targeted program... to catalyze policies and measures and mobilize more funds to facilitate REDD, promote sustainable management of forests, ... and the protection of forest carbon stocks.

conservation and sustainable use of forests.

- At the first FIP design meeting, several donor governments stressed the need to involve indigenous peoples, forest-dependent communities and civil society in the design of the FIP (Brazil, Norway, and Japan). Governments agreed to invite a working group, comprising invited representatives of governments, NGOs, indigenous peoples, private sector and UN agencies, to prepare for the second FIP design meeting, as a next step.<sup>16</sup>
- The Bank is considering establishment of a permanent mechanism for consultation with indigenous and other forest peoples. Since then, indigenous peoples representatives have taken part in meetings and discussions on the draft design document. In

## Main purpose of FIP

...to support developing countries' REDD-efforts, providing up-front bridge financing for readiness reforms and public and private investments identified through national REDD readiness strategy building efforts, while taking into account opportunities to help them adapt to the impacts of climate change on forests and to contribute to multiple benefits such as biodiversity conservation, protection of the rights of indigenous peoples and local communities,<sup>17</sup> poverty reduction and rural livelihoods enhancements. The FIP will finance efforts to address the underlying causes of deforestation and forest degradation and to overcome barriers that have hindered past efforts to do so.

-Para 10, FIP Draft Design Document  
2 July 2009

## Specific Objectives of FIP

- a. To initiate and facilitate steps towards transformational change in developing countries forest related policies and practices, through:
  1. serving as a vehicle to finance investments and related capacity building necessary for the implementation of policies and measures that emerge from inclusive multi-stakeholder REDD planning processes at the national level;
  2. strengthening cross-sectoral ownership to scale up implementation of REDD strategies at the national and local levels;
  3. addressing key direct and underlying drivers of deforestation and forest degradation;
  4. supporting change of a nature and scope necessary to help significantly shift national forest and land use development paths;
  5. linking the sustainable management of forests and low carbon development;

*(Continued next page)*

6. facilitating scaled-up private investment in alternative livelihoods for forest dependent communities that over time generate their own value;
  7. reinforcing ongoing efforts towards conservation and sustainable use of forests; and
  8. improving forest law enforcement and governance, including forest laws and policy, land tenure administration, monitoring and verification capability, and transparency and accountability.
- b. To pilot replicable models to generate understanding and learning of the links between the implementation of forest-related investments, policies and measures and long-term emission reductions and conservation, sustainable management of forests and the enhancement of forest carbon stocks in developing countries. By committing to apply a priori and ex post impact assessment of programs and projects, the FIP will ensure that the outcomes and effectiveness of FIP-supported interventions in reducing deforestation and forest degradation can be measured;
  - c. To facilitate the leveraging of additional financial resources for REDD leading to an effective and sustained reduction of deforestation and forest degradation, thereby enhancing the sustainable management of forests; and
  - d. To provide valuable experience and feedback in the context of the UNFCCC deliberations on REDD.

-Para 10, FIP Draft Design Document, 2 July 2009

the May meeting of the FIP governing body, no agreement was met on the insertion of FPIC as a guiding principle.

A working group was, therefore, set up to find a compromise solution. Nevertheless, the draft design document, in its last version of 2 July 2009, incorporated provisions to support involvement of indigenous peoples. As many as 4 representatives of indigenous peoples would be invited as active observers in the FIP Sub-Committee meetings.

- The Draft Design Document<sup>18</sup> of 2 July 2009 set out the principles which it will apply. One of these principles says:

**d) Inclusive processes and participation of all important stakeholders, including indigenous peoples and local communities.**

Consistent with relevant international instruments, obligations and domestic laws, FIP investment strategies, programs and projects... should be designed and implemented under a process of public consultation, with full and effective participation of all relevant stakeholders on matters that affect their distinctive rights, including in particular groups that historically have tended to be marginalized such as indigenous

peoples, local communities and women.

- This paragraph is a much watered-down version of the earlier draft (Feb. 24, 2009) which says:

*FIP-supported programs should be designed with the full and effective participation and involvement of – and with respect for the rights of indigenous peoples, family forest owners and local communities at the country level...”*

- It clearly states with “respect for the rights of indigenous peoples” while the July draft says “on matters that affect their distinctive rights.
- It has stipulated that it will make available resources for indigenous peoples to become active and informed players in national REDD processes, in general, and FIP processes in particular. The 2 July 2009 draft of the design document<sup>19</sup> has a section X which is on “Indigenous Peoples and Local Communities Initiative.”

### Indigenous Peoples and Local Communities Initiative

38. The full and effective, continuous participation of indigenous peoples and local communities in the design and implementation of FIP investment strategies is necessary. This participation will be highly dependent on strengthening the capacity of these groups to play an informed and active role in national REDD processes in general and FIP processes in particular, as well as on recognizing and supporting their tenure rights, forest stewardship roles, and traditional forest management systems. A dedicated grant mechanism should be established under the FIP to provide grants to indigenous peoples and local communities in country or regional pilots to support their participation in the development of the FIP investment strategies, programs and projects. At the implementation stage grants to indigenous peoples and local communities should be an integral component of each pilot.
39. The scope of activities eligible for support from a dedicated grant mechanism for indigenous peoples and local communities (and their designated support organizations) should include, inter alia, support for securing and strengthening customary land tenure and resource rights and traditional forest management systems of indigenous peoples and local communities; support, including capacity building as required, for the development of pilot project proposals by indigenous peoples and local communities and their implementation; and support for the involvement of indigenous peoples and local communities in monitoring and evaluation of forest activities, in conformity with relevant national laws and regulations.

- Section X, Para 38 and 39

- These 2 paragraphs mentioned the need to strengthen and secure customary land tenure and resource rights of indigenous peoples. However, the last sentence of Paragraph 39, states “in conformity with relevant laws and regulations” which can limit the rights referred to.
- Many countries do not have national laws protecting indigenous peoples rights. This is the reason why the need to respect international human rights laws and instruments has to be included.
- Four to 5 indigenous representatives from Africa, Asia and Latin America have participated as interim observers in the FIP design meetings held so far. In the latest design draft, it stated that 2 indigenous peoples representatives will sit as observers in the FIP Sub-Committee to be selected in a self-selection process. There will be two alternates. Discussions are ongoing on how to conduct a self-selection process for indigenous representative.
- A draft document “Forest Investment Program (FIP) Indigenous Peoples and Local Communities Dedicated Initiative; Proposed steps towards terms of reference for the development of the dedicated initiative,” dated 9 September 2009, is now circulated for comments (see Annex E). Indigenous peoples are urged to look at this to put in their comments before it is finalized.

## What is UN-REDD PROGRAMME?

- Also known as the UN Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation.
- It is a joint programme of the UNDP, FAO and UNEP. It recently established its Secretariat, based in Geneva, which works as a compact interagency team.
- Established in response to the BAP, the UN-REDD Programme received US\$52 Million from Norway as start up funds. There are 9 countries which were identified to receive initial assistance.
- Its Framework Document<sup>20</sup> it explicitly



**UN-REDD Programme**  
- joint programme of the UNDP, FAO and UNEP; also known as the UN Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation



**UNDP** - UN Development Programme  
**FAO** - Food and Agriculture Organization  
**UNEP** - UN Environment Programme

states that “the UN-REDD Programme supports nationally-driven, nationally-led REDD processes. It promotes the informed and meaningful involvement of all stakeholders, including Indigenous Peoples and other forest-dependent communities, in national and international REDD strategy setting and



## Aims of UN-REDD

- ☞ To assist developing countries to prepare and implement national REDD strategies and mechanisms;
- ☞ To support the development of normative solutions and standardized approaches... for a REDD instrument linked with the UNFCCC.



## 5 Principles of UNDG Guiding UN-REDD

- ☞ human rights based approach to programming, with particular reference to the UNDG Guidelines on Indigenous Peoples' Issues
- ☞ gender equality
- ☞ environmental sustainability
- ☞ capacity development and
- ☞ results-based management

implementation.”

- This collaborative programme is in line with the “One UN approach” advocated by UN members. The agencies divided the tasks among themselves:
  - ☐ FAO - lead on technical issues related to forestry and supporting the development of cost effective and credible Measurement, Reporting and Verification (MRV) processes for emission reductions;
  - ☐ UNDP - focus on governance and socioeconomic implications of REDD, and the participation of civil society and indigenous peoples;
  - ☐ UNEP - convene and increase engagement of decision-makers in the REDD agenda and increasing knowledge and capacity on other environmental benefits of REDD.
- **Policy Board** - composed of representatives from partner countries, donors to the Multi-donor Trust Fund, civil society, indigenous peoples and UN agencies. Provides overall leadership, strategic direction and



## The UN-REDD Programme Secretariat

Serves the Policy Board and liaises with countries, other REDD initiatives and other partner institutions. Provides oversight for the implementation of the programme.

Seeks to ensure that strategies and operational guidance decided by the Policy Board are implemented and adhered to and that the UN-REDD Programme is implemented in a coordinated manner. Manages the programme's overall monitoring and evaluation, including the delivery of the support to National Programmes and activities of the Global Programmes.

Does coordination, communication and knowledge management. It organizes information events, maintains the website ([www.un-redd.org](http://www.un-redd.org)) and produces a monthly E-Newsletter.

financial allocations to ensure the overall success of the programme. It held two meetings – in March and June 2009.

- To further elaborate on how the rights and participation of indigenous peoples and local communities are ensured, it developed a document in 2009, called “UN-REDD Programme Operational Guidance: Engagement of Indigenous Peoples and Other Forest Dependent Communities.”<sup>21</sup>



4- No. of indigenous peoples' representatives - one each from Asia, Africa, Latin America and the UNPFII Chair - sitting in the UN-REDD Policy Board

- This document:
  - Presents a background on the efforts and achievements of the UN systems in elaborating reports, policies and instruments to recognize, protect and

respect human rights, generally, and indigenous peoples rights, specifically.

- Stresses that the UN principles of participation and inclusion cuts across these policies and instruments.

- The guiding principles reiterate that all UN-REDD Programme activities, in particular those directly affecting indigenous peoples, must:

- Adhere to the UNDRIP, the UNDG Guidelines and the ILO Convention 169 on Indigenous and Tribal Peoples;
- Adhere to FPIC; and
- Effective participation of indigenous peoples should be ensured from policy development to evaluation.

UNDP, UNEP and FAO can provide critical assurances necessary to establish a REDD regime. As neutral bodies, the organizations would work as 'honest brokers' to support country led development programmes and to facilitate the informed involvement of national stakeholders, particularly forest-dependent local communities. ..The application UNDP, UNEP and FAO rights-based and participatory approach will also help ensure the rights of indigenous and forest-dwelling people are protected and the active involvement of local communities and relevant institutions in the design and implementation of REDD plans.

- UN-REDD Programme framework document

- Part 3 of the document deals with guidelines for Global and National UN-REDD Programme activities on representation, participation and inclusion and transparency and accountability. It requires that National Joint Programmes should submit minutes of validation meetings of national stakeholders, which should include indigenous peoples.
- The UNDG Guidelines on Indigenous Peoples' Issues, finalized in



## Key document underpinning UN-REDD Programme's work

- UN Common Understanding on the Human Rights Based Approach
- UN General Assembly's Programme of Action for the Second International Decade of the World's Indigenous People (Resolution 60/142)
- CERD General Recommendation XX111 on the Rights of Indigenous Peoples
- UNDRIP

February 2008, was also cited as a key guidance document:

- ❑ This aims to assist the UN system in mainstreaming and integrating indigenous peoples' issues in processes for operational activities and programmes at the country level.
- ❑ It sets out the broad normative policy and operational framework for implementing a human-rights based approach and culturally sensitive approach to development with and for indigenous peoples.

- UNDP has also its own "Policy

of Engagement with Indigenous Peoples," adopted in 2001. This aims to:

- ❑ foster indigenous peoples' participation in all decision-making levels
- ❑ develop capacities of governments to build more inclusive policies and programmes.
- ❑ integrate indigenous peoples' perspectives on development into the UNDP work.



**MRV** - Monitoring, Reporting and Verification

- In the 2nd Policy Board Meeting, the approval of Panama's proposal was held in abeyance because it did not undertake a validation process with stakeholders, particularly indigenous peoples. It has to go through this process before its proposal will be approved for implementation.

## 9 What are the Risks of REDD/REDD+ for Indigenous Peoples?

### On Governance:

- Exclusion of indigenous peoples from decision-making due to highly centralized, top-down management of forests.
- Renewed and even increased state and "expert" control over forests.<sup>22</sup>
- Overzealous government support for anti-people and exclusionary models of forest conservation (evictions, expropriation) to protect lucrative forest carbon "reservoirs."
- Violations of land and resource rights, particularly forests rights.

- State and NGO zoning of forest lands without the informed participation of forest dwellers.
- Potential increase on judicial and physical conflicts due to contested claims over forests and between recipient and non-recipient of REDD funds.
- Unequal and abusive community contracts.
- Land speculation, land grabbing and land conflicts (competing claims on REDD compensation).
- Corruption and embezzlement of international funds by national elites.
- Potential conflicts among indigenous communities because of divide and rule tactics of government and other interested parties (carbon traders, drivers of deforestation, World Bank, etc.)
- Violation of the right to free, prior and informed consent.
- Historical and present lack of legitimacy, equity, justice in land-use planning and benefit sharing schemes.



### Perverse Incentives:

- Funds for REDD may fall into the hands of deforesters (loggers, plantation owners, etc.) and will be provided only to national governments while indigenous peoples, who continue to play their stewardship roles over forests and who practice traditional sustainable forest management practices, are not rewarded.
- Unjust targeting of indigenous and marginal peoples as the “drivers” of deforestation. Identification of shifting cultivation as a driver of deforestation.
- Unequal imposition of the costs of forest protection on indigenous peoples and local communities, e.g., prevention of sustainable traditional forest-related livelihood practices.
- REDD could be disadvantageous for countries with large forest areas (high forest cover) and low deforestation rates. Instead of providing incentives for developing countries which have forest covers from 50%-70% (e.g., Democratic Republic of Congo, Cameroon, Congo, Malaysia, Brazil, etc.), those who will receive incentives are the highly deforested countries who will undertake REDD, reforestation and afforestation (Indonesia, Brazil).
- Industrialized countries (Annex 1 or A1 countries, the main polluters)

continue their unsustainable and high-carbon production and consumption patterns so long as they pay poor countries to do REDD and get credits for these to meet their emissions targets

- Developing countries and indigenous peoples and other forest dwellers may end up as tenants being paid to take care of the forests which will provide emissions credits to A1 countries.

### Carbon Market as Main Means to Fund REDD:

- Reliance on private sector and carbon market to provide funding for REDD; this will be driven more by speculation and an increase in the unregulated voluntary carbon markets.
- There is still lack of scientific proof that offsets can readily reduce GHG emissions. These offsets come from CDM projects and voluntary markets, REDD, etc.
- Linking REDD to the carbon market or offset markets is one source of resistance to REDD. Indigenous peoples have always asserted that A1 countries and the USA should undertake deep emission cuts domestically by radically changing their production and consumption patterns and their model of development. The fear is that if rich countries can just buy cheaper emissions credits from tropical forest countries, then the pressure for the rich countries to change their economic and development model towards a low-carbon sustainable



development path will be considerably weakened. Instead of bearing the heavier burden to cut deeply their GHGs emissions, they are transferring the burden to the poorer countries and to indigenous peoples who have not caused the problem of climate change. This is climate injustice.

- Forests have multiple values and have multifunctional roles and cannot be reduced only as carbon forests for carbon storage and GHGs emissions reduction. Forest carbon cannot just be reduced as a commodity for carbon trading. Forests are “places of great biodiversity, homes, and the source of livelihoods for the very people who have been protecting them



### Non-monetary benefits

- reform/establishment of laws to recognize indigenous peoples and protect their rights
- reform of laws and policies to strengthen and protect traditional forest management practices and indigenous ownership and control over forests

**Indigenous Peoples’ Global Summit on Climate Change** - held in Anchorage, Alaska, USA from 20-24 April 2009. This was attended by 300+ indigenous representatives worldwide to discuss climate change and come out with positions and strategies on climate change as elaborated in the Anchorage Declaration. The Summit was a culmination of several regional summits of indigenous peoples:

- Asia Summit on Climate Change and Indigenous Peoples, 24-27 February 2009;
- Africa Indigenous Peoples’ Summit on Climate Change, 5-6 March 2009;
- Latin America Summit on Climate Change and its Impact on Indigenous Peoples, 24-25 March 2009.

for millennia.”<sup>23</sup> Commodification of forest carbon to be traded at the carbon market, whether on a voluntary basis or a regulated basis, is not compatible with how indigenous peoples view and regard their forests. This is the position of the IIPFCC in 2000<sup>24</sup> where they rejected carbon sinks as part of the Kyoto Protocol CDM. This is one of the main reasons for the rejection of REDD by some indigenous peoples.

History, however, has moved since that time.

At the Indigenous Peoples’ Global Summit on Climate Change, the position was not to reject REDD but to ensure that rights of indigenous peoples are respected in all of the REDD processes (see Annex C, Anchorage Declaration) and to use the potential opportunities.<sup>25</sup>

- Diverts the attention away from the need to develop rewards and benefits for indigenous peoples which are not necessarily monetary.

# 10 *On the other hand, what are the opportunities of REDD/REDD+ for Indigenous Peoples?*

If REDD is designed and implemented with indigenous peoples and their rights are recognized and respected in REDD policies and programmes, this can result in even greater contributions of indigenous peoples to emissions reduction and carbon sequestration. If REDD+ can, indeed, stop deforestation, this is already a big step in saving indigenous peoples' territories and diverse forest cultures. However, this is easier said than done. Deforestation may be stopped but indigenous peoples may be kept away from these. The fight for indigenous peoples' rights is always an uphill battle because one of the basic rights is the collective right to lands, territories and resources. Due to the difficult nature of this struggle, it is important to use every opportunity available to pursue this fight. And the emergence of REDD+ is one of these.

- **Increased visibility of indigenous peoples' rights and concerns and inclusion of these in the negotiating text.** Among the sections of the negotiating documents, it is the REDD+ text which contains the biggest number of references to indigenous peoples and local communities; indigenous peoples' rights; the UNDRIP; FPIC; and traditional knowledge and traditional livelihoods. In the past, except for some of the IPCC Reports, the phrase "indigenous peoples and local communities" cannot be found in any final documents of the UNFCCC.
- **Greater challenge for unity-building and more effective lobbying and advocacy work.** Indigenous peoples should, therefore, strengthen unity and sharpen their advocacy and lobbying skills to ensure that in Copenhagen, some - if not all - of these references are maintained. This will be a big gain for indigenous peoples who have been trying their best to get something into the UNFCCC COP decisions for years but never succeeded.
- **Chance to pursue rights claims to forests and forest resources, including carbon, and needed policy and legal reforms.** Use renewed focus on forests to push for legal reforms of forest laws and other laws dealing with the ownership, access and control of forests at the national and local level. This is a key step in achieving REDD+. The goal



REDD+ text in the negotiating documents contains the biggest number of references to indigenous peoples and local communities; indigenous peoples' rights; the UNDRIP; FPIC; and traditional knowledge and traditional livelihoods.

is to ensure that indigenous peoples' rights to their forests and forest resources (including carbon) are recognized and respected. This is an opportunity to strengthen the capacities of the indigenous organizations and communities to pursue, further, this goal. It is also the right time to push for the rectification of the wrongs and injustices done against them in the name of forest conservation or "sustainable forest management."

- **Opportunity to strengthen traditional livelihoods and generate additional resources from alternative livelihoods which are forest-related or not.** Other potential benefits from REDD include:
  - ☐ direct payments based on the maintenance of intact forest, other ecosystem services and quantity of CO<sub>2</sub> emissions reduced or kept in the ground;
  - ☐ pursuit and enhancement of traditional natural resource management practices;
  - ☐ continued use of the forest for traditional livelihoods and other cultural values. REDD does not preclude the use of the forest for other activities like ecotourism;
  - ☐ REDD activities operate over a long time scale, and the benefits have the potential to be continuous for decades.
- **Awareness raising on indigenous peoples sustainable resource management systems.** The debate on REDD is also a chance to educate government and the broader society on how indigenous peoples managed to save the forests in their territories and, therefore, their knowledge and forest management systems should be protected and enhanced. The work by indigenous peoples in Indonesia, through AMAN, is a good example of what indigenous peoples can do to make their issues more visible and to get the needed responses from government and the international community. (See p. 82) This example is a model which other indigenous peoples can follow.
- **Further implementation of the UNDRIP.**
  - ☐ If designed properly, REDD+ can help





strengthen the implementation of UNDRIP and existing national laws and policies on indigenous peoples' rights.

- ☐ It can be an opportunity to push for the development of legislation to protect indigenous peoples rights to their forests and carbon in the absence of such laws.
- ☐ This is also the chance to push for the repeal or amendment of laws or aspects of existing legislation (forestry laws, agrarian laws, land laws, laws on REDD, etc.) which support drivers of deforestation and which are discriminatory to indigenous peoples.
- ☐ Therefore, indigenous peoples should be actively engaged in asserting their right to participate in all the REDD processes so their concerns will be addressed.
- **Forge more meaningful partnerships with environmental and conservation NGOs.** A big number of environmental and conservation NGOs are now supporting indigenous peoples' proposals. This should be used as opportunity to forge more meaningful partnerships and to get them to reform their policies and practice to promote the implementation of the UNDRIP.
- **Chance to push for good forest and environmental governance and enforcement.** For REDD to succeed, good forest and environmental governance and effective enforcement is imperative. Therefore, this is an opportune time to:
  - ☐ demand for more accountability and transparency from government, intergovernmental organizations, the donor community and other actors involved in REDD.
  - ☐ put in place effective forest governance enforcement systems. Mechanisms for accountability and transparency will have to be put set up. MRV processes should include governance, enforcement and

accountability issues.

- **UNDRIP as a guiding framework for the UNFCCC.** Use REDD as a stepping stone for UNDRIP to be included in the UNFCCC as a legal framework to guide the design and implementation of mitigation and adaptation processes. There are already references to UNDRIP and indigenous peoples' rights and traditional knowledge in the Adaptation section of the negotiating text.
- **Call on the WB, UN, and other intergovernmental bodies to implement their safeguard and indigenous peoples' policies and guidelines, as well as to pursue the human rights based approach to development and the ecosystem approach.** The references of the FCPF and pronouncements of the FIP and the UN-REDD in relation to indigenous peoples' rights and inclusion of indigenous peoples in the REDD+ processes should be taken seriously by indigenous peoples. They should not let their guard down in terms of ensuring that these bodies seriously adhere to the safeguard policies of the World Bank, the UNDRIP (which all UN bodies should implement), the undg Guidelines on Indigenous Peoples' Issues, and the UNDP Policy of Engagement with Indigenous Peoples. All UN bodies should adhere to the international human rights law when they design and implement their programs and policies, including REDD.
- **Increasing the effective participation of indigenous peoples in the UNFCCC and the establishment of more spaces for them.** Strengthens possibilities to establish spaces and mechanisms in the UNFCCC negotiations which includes indigenous peoples' participation such as:
  - ☐ The establishment of a Working Group on local adaptation and mitigation measures of indigenous peoples and local communities.
  - ☐ Setting up of an Indigenous Peoples' Fund for Climate Change with a component for funding readiness activities or capacity building activities of indigenous peoples for REDD.
  - ☐ Hiring of an indigenous focal person.
  - ☐ Membership in the various Funds set up or being set up, e.g., Adaptation Fund, LDC Fund, etc.
  - ☐ Inclusion in government delegations.



# 11 What is an example of an indigenous peoples' engagement with the FCPF and REDD+ processes at the national and global level?

This section presents a case study of how indigenous peoples are pushing their government to respect their rights in REDD. This is an uphill struggle as the government persistently ignored pressures from them and the international community. This case study presents the challenges faced by indigenous peoples in their attempt to protect their forests and assert their rights at the national and global level. It is also a story of hope that with indigenous peoples' vigilance, the support of their partners within the country and globally - and the global push for countries to comply with their obligations to international human rights law and environmental law - the twin objectives of reducing emissions and achieving climate justice will become a reality.

## *Case Study of Indonesia*

- Some indigenous peoples' networks and support NGOs for indigenous peoples have been actively engaged in the REDD activities in their countries. AMAN<sup>26</sup> in Indonesia is one of these.
- AMAN representatives have been actively participating in the various processes related to REDD and the FCPF. In the UNPFII, they raised the issue of oil palm plantations. They went to almost all the meetings of the FCPF and REDD<sup>27</sup> and co-organized the Asia Indigenous Peoples' Summit on Climate Change in Bali in February 2009. Their representative took part in the Accra Climate Change Talks and COP14 in 2008 and the 2009 Bonn processes.
- Thus, their awareness about FCPF and REDD was high. They were very outspoken about the lack of consultation with indigenous peoples by the Indonesian government. Together with its member organizations, other NGOs based in Indonesia and the Forest Peoples' Programme (a global NGO), it presented a submission to the 74th Session of the Committee on the Elimination of Racial Discrimination (CERD) under "the Follow Up and Early Warning and Urgent Action Procedures" of this Treaty Body in February 2009.
- This outlined the problem indigenous peoples in Indonesia face with some national laws and draft regulations related to forests and

REDD. The report cited problems with the 2004 Plantations Act, Agrarian Regulation No. 5 of 1999 (Guideline for the Settlement of Problems related to the Communal Land of Customary Law Abiding Communities) and the 2008 Draft Regulation of the Ministry of Forestry on Implementation Procedures for REDD.<sup>28</sup>

- The report states that no indigenous peoples lands have been registered under the Regulation 5/1999 Article 5 (2), but that the Act itself nullifies and extinguishes “indigenous peoples' rights to their traditional lands where such lands 'are already possessed by individuals or legal entities' or 'are already acquired or appropriated by Government institutions, legal entities or individuals.’” The 2008 Draft Regulation on REDD defines customary forest as “..state forest within an area of a customary community” and defines state forest as “forest on land unencumbered by proprietary rights..”
- According to the complainants, this draft law “ensures that the Government is the sole arbiter of whether indigenous peoples exist or not..It is likely to cause significant and irreparable harm to indigenous peoples because of the potential scale of REDD activities in Indonesia.”
- It was highlighted that the National Land Bureau (BPN) made an inventory of land conflicts in 2008 and concluded that 7,491 land tenure conflicts took place, mostly related to the imposition of private land concessions over indigenous peoples' territories.
- In response to this submission, CERD, in a letter dated 13 March 2009 addressed to the Indonesian government, requested the “State Party to submit comments...in particular with respect to the measures taken by the State Party to safeguard the rights of indigenous communities whose territories are threatened by projects such as the Kalimantan Border Oil Palm Mega-Project..” It asked Indonesia to report back to the Committee no later than 31 July 2009. However, this was ignored by the Indonesian government.
- AMAN, et al. sent another Submission to the CERD in 29 July 2009. This claimed that Indonesia:

“[F]ailed to comply with the Committee's recommendations that it reviews its existing laws in relation to indigenous peoples' rights. To make matters worse, it proceeded to adopt new legal measures that perpetuate discrimination against indigenous peoples, including by further entrenching provisions that allow for the wholesale abrogation of their rights. In particular, Indonesia has chosen to reject the Committee's concerns about its draft “Regulation on Implementation Procedures for Reducing Emissions from Deforestation and Forest Degradation.” This regulation was enacted as the



Regulation on Reduction of Emissions from Deforestation and Forest Degradation Procedure (REDD Regulation), and entered into force on 1 May 2009.”

- The submission further stated that the proposals of Indonesia submitted to the FCPF have been elaborated without meaningful participation of indigenous peoples. Even the National REDD Working Group established by the REDD Regulation to oversee the REDD implementation does not include an indigenous representative among its 15 members. AMAN, et. al. stated that:

“Indonesia's submissions to the FCPF are entirely silent about any measures that maybe taken to secure indigenous peoples' rights in relation to REDD activities...According to Indonesia, based on the REDD Regulation, indigenous peoples can be “REDD Implementers” where they have some form of State-recognized 'forest use rights' or, in cases where they do not, 'these groups maybe involved in monitoring.' At no point does Indonesia even mention a right to participate in decision making and consent to REDD activities..”

- The submitting organizations requested the CERD to recommend that “Indonesia ensures that all actions undertaken towards the fulfillment of commitments under the UNFCCC and related instruments, including preparatory and other REDD activities, ...are fully consistent with its obligations under the ICERD and the UNDRIP.” Furthermore, the Committee requests “that the World Bank and its Forest Carbon Partnership Facility ensure that indigenous peoples' rights..are fully accounted for and upheld in REDD preparatory activities that fall

within its mandate.”

- AMAN, et. al. subsequently sent a letter dated 16 July 2009 to the FCPF and to donors asking them not to approve the R-Plan of Indonesia until such time that adequate consultations were held. This was discussed in the Participants Committee (PC) meeting in June 2009 and the resolution adopted by the PC was that the final approval will be done after the response of Indonesia to the concerns are made.
- Several donor governments (Netherlands, Norway, UK) made their comments and stated that the approval of Indonesia's R-PP should be conditional on its performance and reporting in ensuring stakeholder involvement, including AMAN, and that this report should be received in the next PC meeting in October 2009. NGOs like The Nature Conservancy and the Rainforest Foundation Norway sent their critique and proposals on how to address these issues. They issued a similar call as the governments mentioned above.
- The PC noted the need for progress in the following areas:
  1. Develop a plan and schedule for further stakeholder consultations with local communities on the development and implementation of the R-PP, including representatives from forest-dependant indigenous peoples, other forest dwellers and civil society organizations, including AMAN. This should include a means to resolve disputes.
  2. Clarify and/or further develop relevant policies, laws, regulations, or guidelines concerning land tenure and resource access, and the distribution of costs and benefits for REDD demonstration projects, ensuring that the rights and interests of relevant stakeholders,



### **Sinar Resmi Declaration<sup>29</sup>**

- Affirm that all initiatives on REDD must guarantee the acknowledgment and protection of Indigenous Peoples' rights, including protecting our rights to land, customary domains and ecosystems and providing maximum opportunities for indigenous communities.
- Agree and insist that, in the absence of such guarantees, Indigenous Peoples will reject the implementation of all REDD plans and any other climate change mitigation initiatives.
- Urge the World Bank, in particular, to implement the UNDRIP in all Bank policies relating to REDD and to hold consultations with Indonesian indigenous communities immediately.



including indigenous peoples and other forest dwellers, are taken into account.

1. Clarify and review existing policies that govern the conversion of natural forests, including peat forests, to oil palm or other agricultural crops, and plantations for pulp and paper, and develop policies and strategies for addressing drivers of deforestation that assess the trade-offs between different policies.
  2. Develop and elaborate on strategies and safeguards to ensure that REDD projects and programs do not adversely affect biodiversity and other forest ecosystem services, the livelihoods of forest-dependent indigenous peoples and other forest dwellers.
- Parallel to these developments, AMAN organized a series of activities where it met its member organizations to discuss climate change, including REDD, towards coming out with political decisions on how to address these. This culminated in a National Consultation on Climate Change and REDD followed by a National Strategy Meeting in 5-8 August 2009 in Sinar Resmi, Sukabumi District. All of the AMAN Council members (representing more than 1,500 indigenous communities all over Indonesia), its Executive Board and regional and local executive committee and council members participated in these two events.
  - Latest developments
    - ❑ An FCPF team went to Indonesia (as of Sept. 14, 2009) and the government has organized a consultation with stakeholders

including indigenous peoples and AMAN. Around 200 representatives from civil society, indigenous peoples and government representatives from different departments and sectors are taking part. There is a draft framework for a Strategic Environmental and Social Assessment which covers the issues raised by AMAN and other NGOs, the PC, the donors and the NGOs. AMAN is hopeful that with these efforts they will be able to change the laws and policies related to their rights and REDD.<sup>30</sup>

- ❑ In a recent decision, the International Finance Corporation (IFC), the private arm of the WB Group, suspended its funding for the palm oil sector, in particular, the loans and investments for Wilmar International (the world's top producer of palm oil).<sup>31</sup> This is the result of many years of cumulative work of AMAN and Sawit Watch. In 2007 AMAN convinced the UNPFII to make a report on the "Oil Palm and other Commercial Tree Plantations; Monocropping: Impacts on Indigenous Peoples Land Tenure and Resource Management Systems and Livelihoods."<sup>32</sup> The expansion of oil palm plantations in Indonesia was taking place as the demand for biofuels for renewable energy has increased. The rights of indigenous peoples to their lands were seriously threatened because of this; so a mass campaign was launched to stop expansion efforts. AMAN filed a complaint with the CERD in 2007 and the CERD came up with a recommendation that the expansion programme of the government has to be stopped. The Forum report was used to strengthen the case. Nineteen local indigenous organizations, small holder plantation owners and environmental NGOs filed a complaint to the IFC Ombudsman in 2007 over Wilmar's business practices in Sumatra and Kalimantan. An audit was performed by the Ombudsman and found that Wilmar International violated IFC's procedures and environmental and social standards. The IFC Ombudsman report was released in September 2009 and the decision to suspend was announced in September 14, 2009.

This latest move is a boost to the efforts of indigenous peoples in Indonesia to get the government and the corporations to respect their basic human rights.



By using the issue of forests - which has become very prominent again because of REDD and climate change - the indigenous peoples managed to open up more spaces to push for changes in the forest and agrarian legislation and the way the government is dealing with indigenous peoples' rights and identity issues

● Conclusion:

- ❑ This case study shows what can be achieved if indigenous peoples, through their representative organizations, engage actively in the various national and global processes related to climate change and REDD+. The indigenous peoples, through AMAN, utilized a combination of approaches such as the mobilization of communities, participation in global spaces like the UNPFII; the UNFCCC, the CERD, the FCPF Participants' Committee, and UN-REDD Policy Board; and the use of international instruments like the ICERD and the UNDRIP. They also used the grievance procedures of CERD and the IFC. In doing all these, they managed to make their issues more visible, so much so, that the government could not ignore them anymore.
- ❑ Since AMAN does not have much resources, they had to mobilize support from others so they can take part in REDD-related activities, both at the local and global levels. They are also open to engage in dialogues with the key players in the FCPF, e.g., donors, FCPF team, representatives of the Indonesian government. AMAN's legitimacy to speak on behalf of indigenous peoples and to engage in all these processes cannot be questioned. The members of the AMAN Secretariat were constantly in touch with the leaders to get their feedback on the developments. The Secretary General of AMAN is on top of the REDD issue. The most recent national activity in Sinar Resi was a political activity to consolidate the membership and to agree on a strategy to address climate change and REDD.
- ❑ This issue of forests and indigenous peoples' rights in Indonesia is politically sensitive because the interests being challenged are those of the most powerful economic, political and military elite. Undertaking work which challenges the status quo is, therefore, very high risk. This is the reason why AMAN has to be very systematic and sophisticated in how they address the forest issue. In spite of all the dangers they face, they have persisted in their call for effective participation and respect of their rights. It is not realistic to expect that things will change overnight. What is clear is that by using the issue of forests - which has become very prominent again because of REDD and climate change - the indigenous peoples managed to open up more spaces to push for changes in the forest and agrarian legislation and the way the government is dealing with indigenous peoples' rights and identity issues.

# 12 What is the Current State of Negotiations on REDD?

- Negotiations on REDD have proceeded according to the Bali Action Plan. These include the Climate Change Talks in Bangkok (April 2008), Bonn (June 2008), Accra (August 2008), Poznan (December 2008). In 2009, three Climate Change Talks were held in Bonn (March, June and the informal intersessional consultations in August).
- Before the Accra Climate Talks, some countries already made submissions on REDD to the Secretariat. These included references to indigenous peoples. Japan and the European Union called for the inclusion of indigenous peoples in the REDD negotiations, including identifying and addressing the social implications of REDD.
- On August 22, 2008, during the Climate Change Talks in Accra, the AWG-LCA held a "Workshop on Policy Approaches and Positive Incentives on issues relating to REDD and the role of conservation, sustainable management of forests and enhancement of carbon stocks in developing countries." Many countries spoke on substantive and methodological issues.
- During COP14 in 2008, REDD was negotiated under SBSTA. Indigenous peoples' efforts to get the governments to link indigenous peoples' rights with the development of methodologies for REDD was frustrated because of the opposition from the same countries who voted against the UNDRIP during its adoption at the UN General Assembly.
- In the Bonn Climate Change Talks (AWG-LCA6/AWG-KP7) in March 2009, SBSTA recommended that an expert meeting be organized<sup>33</sup> which will look into the methodological issues relating to:
  - ☐ reference emission levels for deforestation
  - ☐ reference emission levels for forest degradation
  - ☐ role and contribution of conservation, sustainable management of forests, changes in forest cover and associated carbon stocks and GHG emissions and the enhancement of forest carbon stocks
  - ☐ relationship among the reference emission levels and relevant reference levels.



## Target of REDD proponents

To include REDD in the scope of the 2012 Commitments and to set up a multilateral mechanism which will:

- Establish national level baselines and accounting with option of project level implementation
- Create financial incentives which include a development fund or a market mechanism on tradeable carbon credits or a combination of both.

- This workshop, held in March 2009, clarified the difference between reference emissions level (REL) and reference levels (RL).
- SBSTA further requested the secretariat to prepare and make available a technical paper, for consideration at its 30th session,

on:

- ☐ cost of implementing methodologies and monitoring systems related to estimates of emissions from deforestation and forest degradation
- ☐ assessment of carbon stocks and GHG emissions from changes in forest cover
- ☐ enhancement of forest carbon stocks.
- A technical paper,<sup>34</sup> presented in the June 2009 session, was prepared by the secretariat that identified the points stated above. It also illustrated elements that developing countries may need to take into account when developing a national monitoring system.

- Before the Bonn Climate Talks in 2009,

several Parties and observers made official submissions on REDD+. These mentioned the need to ensure that the interests and concerns of indigenous peoples and local communities are considered in REDD. They explicitly mentioned respect for the rights of indigenous peoples and local communities, including the right to FPIC. This is the reason why the text on REDD+, which was presented in the August 2009 Bonn Informal Intersessional Consultations, occupied 20 of the 199-page Negotiating Text.

- **AWG-KP** - a Sub-Working Group on REDD was established in the informal meeting in Bonn (August 2009) to make further progress in the negotiations. It is tasked to work on the final language on REDD which will be presented at COP15. This Sub-Working Group is chaired by the Philippines. The Chair reorganized the section on REDD, without removing any text from the original negotiating text. This will be negotiated further in Bangkok this

### Sub-Working Group on REDD

- Established in Bonn Climate Talks in August 2009 to work on the final language on REDD which will be presented at COP15.



**REL** - reference emissions level, the amount of gross emissions from a geographical area estimated within a reference time period

**RL** - reference level, the amount of net/gross emissions and removals from a geographical area estimated within a reference time period

### Some Parties with official submissions on indigenous peoples' rights and FPIC

|            |            |
|------------|------------|
| Bolivia    | Kenya      |
| Mexico     | Nepal      |
| Costa Rica | Madagascar |
| Maldives   | Gabon      |
| Tuvalu     |            |

September 2009.

- **SBSTA** - As far as methodological issues, SBSTA, in June 2009, agreed on a draft conclusion and a draft decision. SBSTA is also addressing the use of the 2006 IPCC Guidelines which include the Good Practice Guidance for Land Use, Land-use Change and Forestry and the IPCC Guidelines for National Greenhouse Gas Inventories in relation to REDD.
- **AWG-KP** - The AWG-KP under the LULUCF contact group is also discussing REDD. The latest draft of the of LULUCF text (June 2009) included REDD as one of its components. If an agreement is reached on this, emissions reductions from forests (as a result of REDD+) will be used as offsets under the CDM. This is controversial as some Parties, like Brazil and several environmental NGOs as well as indigenous peoples, in general, are against forest carbon offsets. The popular view is that developed countries should cut emissions domestically to meet their targets, instead of buying emissions credits from forest offsets in developing countries.

The Negotiating Text [FCCC/AWGLCA/2009/INF.1], dated 22 June 2009, included proposed texts with reference to indigenous peoples, including participation in the design and implementation of REDD, and recognition of FPIC and the UNDRIP. The text are in brackets, meaning that these are subject to negotiations in the coming meetings.



# What are the key issues being negotiated in REDD+?

- **Funding mechanisms** – How to ensure that funding is done a sustainable basis for REDD. Is this through private (market-based approach or a KP-type market mechanism designed to create “tradeable emissions units”) or public funding (fund-based approach paid to developing countries that meet performance objectives) or a combination of both (hybrid approach)? Should REDD be included in the offset or carbon market? Public funds for REDD



**IRF** - International REDD Fund

should be in addition to existing ODA (Official Development Assistance) Funds. Compensation for REDD should be bigger



**AAU** - Assigned Allowable Units.

than the opportunity cost of deforestation and

degradation. If opportunity costs for deforestation are bigger, then there will be more incentives to deforest, leading to the failure of REDD.

In Accra, a proposal was made for the establishment of an International REDD Fund (IRF) to be managed by the UNFCCC. Funds can come from voluntary contributions and non-offset market arrangements.

It stressed that a non-offset IRF should not draw on existing ODA and will not divest land ownership to the international market and buyers.

- **Beneficiaries of funds/ compensation and participation:** How to ensure that funds for REDD will reach the real target groups and that they will continue to conserve the forests and not be pushed to



IRF's Incentive package should include funding for capacity building (readiness not only of governments but also of the indigenous peoples and other forest dwellers) and technology development and transfer for:

- establishing baselines
- forest management and monitoring
- assisting governance (including recognition and continuing practice of indigenous peoples' forest governance and management systems)
- support for related economic development activities (e.g., agro-forestry) and for pilot projects.

engage in deforestation and degradation. How can stakeholders - like indigenous peoples and forest dwellers - be involved in all phases of designing, implementing, monitoring and benefiting from REDD? Will FPIC of indigenous peoples be obtained when REDD is going to be implemented in their forests?

- **Baseline data** – What are the methodologies which will be used to establish baseline data on forest cover and stored carbon? What are the cut-off dates for the baseline data? The establishment of this should use both satellite technologies as well as on-the-ground data gathering and monitoring. What verification methods should be developed? Since degradation is part of REDD, what methodologies should be used to measure degradation?
- **Drivers and causes of deforestation** – Who will determine the drivers of deforestation and degradation? Since some literature have identified slash-and-burn farming as a driver of deforestation, what will be the implications of this on traditional forest management practices of indigenous peoples such as swiddening? Logging corporations, biofuel plantations and other monocrop plantations, as well as extractive industries (mineral, gas and oil extraction), are drivers of deforestation - how will these be addressed in the context of REDD?



**LEAKAGE** - unwanted loss, or leak, of something which escapes from its proper location, e.g., deforestation moving from one area to another.

**PERMANENCE** - the property of being able to exist for an indefinite duration, e.g., need to ensure that forests that have contributed to emissions reduction remain intact over time.



### Some Issues on REDD

- Funding mechanisms
- Beneficiaries, compensation and participation
- Baseline data
- Drivers and causes of deforestation
- Methodologies used in verifying, monitoring, accounting emissions reductions and crediting approaches
- Scale
- Definition of forests and of forest degradation
- Role of the UNDRIP
- **Methodologies used in verifying, monitoring, accounting emissions reductions and crediting approaches** – How do you monitor, verify and account for the carbon content and contributions of emissions reductions of forests? Who will do these processes? What capacities should be built at the global, national and local levels? What will be the costs involved and who will bear the costs? On the national-level crediting approach, issues include difficulty in characterizing emissions from deforestation and degradation,

“leakage,” difficulty in accurately monitoring improved performance, permanence or the need to ensure that forests that have contributed to emissions reduction remain intact over time.

- **Scale** – National, sub-national or on a per project basis? How about a regional approach? If REDD is done on a sub-national basis or on a per-project basis, leakage in other areas might cancel out emissions reductions that have been gained. The same case with forests which cut across national boundaries, e.g., Congo Basin, Mekong Region, etc. For example, REDD gains achieved in the Democratic Republic of Congo will be canceled out if deforestation continues in Cameroon; gains in Vietnam can be canceled out if the forests of Cambodia get deforested. For indigenous peoples, however, sub-national scale and project-scale is more appropriate because their territories are usually at a sub-national level. If the scale is just national, then there is a big risk that they will be excluded in decision-making.
- **Definition of forests and of forest degradation** - What are forests? Are plantations considered forests? Is the FAO definition of forests acceptable? What other definitions can be used, if FAO definition is not good enough? Are peat or mangrove forests included in REDD? What is forest degradation?
- **Role of the UNDRIP in the design, implementation and monitoring of REDD** – The UNDRIP has to be one of the main policy frameworks which will underpin the design, implementation and monitoring of REDD. This means that REDD projects should respect the UNDRIP. How will this be ensured?

## **What is the Phased Approach for REDD+?**

### **How does this relate to funding?**

This proposal was presented by Norway and has gained support from many tropical forest countries and donor countries. It delineates which part of the REDD work will be funded by public funds and from market-based funds. The key principles are:

- effectiveness - Is it achieving emissions reductions?
- efficiency - Is the target achieved with the least cost?
- equity and multiple benefits - Are benefits distributed equitably and are the other benefits, i.e., biodiversity conservation, rights of indigenous peoples' respected, among others, also achieved?

#### **Phase 1 – Building a REDD+ Strategy**

- Also called Readiness Phase where countries who volunteer to do REDD will lay the basic foundations on the ground. This means

designing REDD architecture with the involvement of stakeholders and rights holders, such as indigenous peoples and local communities.

- ❑ Drivers of deforestation will be identified and strategies to address these will be agreed upon.
- ❑ Institutions are established to address REDD+ and interagency mechanisms put in place for coordination and complementation.
- ❑ Capacities of such institutions will be further enhanced.
- ❑ Social and environmental impact assessments will be undertaken and measures to address adverse impacts will be identified and undertaken.
- ❑ Strategy for REDD+ will then be developed followed by an implementation plan.

The FCPF and the UN-REDD

Programme are already doing this readiness phase and are providing funds in the form of grants. From the meetings of the UN-REDD Programme's Policy Board and the FCPF's Participants Committee, there is common agreement on the key areas of work for Phase 1. This phase will mainly be supported through grants from donor countries.



This sub phase is where reduced emissions from deforestation and forest degradation will be paid.

## **Phase 2: Implementation of the REDD+ Strategy and Plan of activities**

This phase will have two components. One will be Capacity Building and the other is the establishment of an incentive system to reward emissions reductions resulting from REDD+.

### **a. Capacity Building or Enhancement**

- Involves institution building and establishing or reforming policies, legal frameworks and programmes.
- Will include developing needed legal frameworks which address issues of land tenure, changes needed in law and policy to address the drivers of deforestation, identifying what institutions have to be set up and how to build the capacities and legitimacy of these.
- Entry of the Forest Investment Program will be in this stage which it calls “transformational programs.” Funds for this sub-phase will still mainly be grants from developed country donors.

### **b. Establishment of incentive system to reward emissions reductions resulting from REDD+.**

- This is where payments for emissions reductions will be made and will be measured through proxies. The establishment of reference emissions levels and reference levels (which include emissions and removals) is crucial for this sub-phase.

- Proxy means that simplified but conservative input assumptions are used to measure how emissions levels changed. For example if one needs to calculate how much emissions are saved because of reduced deforestation, a default value for forest carbon concentration per hectare can be used. In Brazil they are using 100tC per hectare.
- Funding will be through ex-post payments. Total amount of carbon emissions reduced will be what will be paid for. The payments for this may be:
  - ❑ Market-linked - non-offset market funds which can come from:
    - levy on international aviation and maritime
    - levy from drivers of deforestation such as the logging and timber industries
    - auctioning of allowances under a self-contained cap and trade regime for international transport, and/or
    - pledge of a certain percentage of national auctioned emissions trading allowances and a percentage of AAUs auctioned in the international market
  - ❑ Market-based - fund is from the compliance carbon offset market. This has to be agreed upon yet at the UNFCCC negotiations.

### **Phase 3: Payments for emissions reductions and removals which are verified**

This is a more full-fledged implementation of Phase 2's second component. Here, the national REDD strategy - designed with rights holders and stakeholders - will be fully implemented. This will be financed through ex-post payments for verified emissions reductions or removals measured from an established baseline. This phase will be elaborated further at the UNFCCC negotiations.

## **13 Conclusion**

- REDD+ is such a complex issue even if the idea seems very simple: Give rewards to those who are keeping their forests standing. In the beginning, there was no discussion at all about indigenous peoples. The current state of the negotiations is a direct result of indigenous peoples' efforts to lobby negotiators.
- This is not an issue on the divide between Parties - between north and south; or developed versus developing. But rather, the debate in the UNFCCC is directly linked to human rights and ecosystems approach which makes some governments very uncomfortable.

- The way indigenous peoples managed to put their rights and concerns into the center of the REDD+ debate is a huge leap from where the UNFCCC was two years back. This has been done in partnership with governments and NGOs who are also concerned about how indigenous peoples, rights and traditional knowledge have been kept out of the UNFCCC for so long.
- What will happen in COP15 in relation to REDD+ will be determined by the actions taken by indigenous peoples, themselves, and the way they will relate with Parties who will make the final decisions. 

## Endnotes:

<sup>1</sup> Tom Griffiths, "Seeing Red: Avoided Deforestation and the Rights of Indigenous Peoples and Local Communities," June 2007.

<sup>2</sup> Ibid., p. 3.

<sup>3</sup> Ibid.

<sup>4</sup> This position of rejecting the inclusion of sinks in the CDM is not a view shared by other indigenous peoples' organizations or communities. Some communities have entered into deals with the voluntary carbon market and there are a few indigenous peoples who are engaged in reforestation and these projects have been accepted as part of the CDM. The full Declaration can be downloaded from <[http://www.tebtebba.org/index.php?option=com\\_docman&task=cat\\_view&gid=80&Itemid=27](http://www.tebtebba.org/index.php?option=com_docman&task=cat_view&gid=80&Itemid=27)>.

<sup>5</sup> See Tauli-Corpuz, Victoria and Aqqaluk Lynge, Impact of Climate Change Mitigation Measures on Indigenous Peoples and on Their Territories and Lands [E/C.19/2008/10]. This can be downloaded from <[www.un.org/esa/socdev/unpfii](http://www.un.org/esa/socdev/unpfii)> or from <[www.tebtebba.org](http://www.tebtebba.org)>.

<sup>6</sup> Victoria Tauli-Corpuz, Statement to the COP's SBSTA on Agenda Item 2: Reducing Emissions From Deforestation And Forest Degradation in Developing Countries (REDD): Approaches To Stimulate Action, 2 December 2008, Poznan, Poland <<http://www.un.org/esa/socdev/unpfii/>> at 5 January 2009.

<sup>7</sup> The consultation was co-organized with the UN-REDD Programme, UN University (UNU) and the Secretariat of the Convention on Biological Diversity with the support of the Packard Foundation.

<sup>8</sup> Full Report can be downloaded at <[www.tebtebba.org](http://www.tebtebba.org)>.

<sup>9</sup> The First Ad Hoc Technical Expert Group (AHTEG) on climate change and biodiversity of the CBD was held from 17-21 November 2008 in London.

<sup>10</sup> Norwegian initiative that provides resources to the FCPF, FIP and the UN-REDD.

<sup>11</sup> World Bank, Forest Carbon Partnership Facility: A Framework for Piloting Activities to Reduce Emission from Deforestation and Forest Degradation.

<sup>12</sup> <<http://www.forestcarbonpartnership.org/fcp/node/12>>

<sup>13</sup> Side event organized by Forest Peoples Programme, Tebtebba, IPACC and FPCI (Foundation for the Promotion of Indigenous Knowledge).

<sup>14</sup> Charter of the Forest Carbon Partnership Facility. Operating Principles, 3.1(d). Available at: <[http://www.forestcarbonpartnership.org/fcp/sites/forestcarbonpartnership.org/files/FCPF\\_Charter\\_06-13-08.pdf](http://www.forestcarbonpartnership.org/fcp/sites/forestcarbonpartnership.org/files/FCPF_Charter_06-13-08.pdf)>

<sup>15</sup> Page 3, Paragraph 7 of the "Climate Investment Funds: Design Document for the Forest Investment Program. A Targeted Program Under the SCF Trust Fund," July 2, 2009.

<sup>16</sup> This meeting was convened in the first quarter of 2009.

<sup>17</sup> For the purpose of the FIP "indigenous peoples and local communities" includes tribal communities and implies equal emphasis on the rights of men and women.

<sup>18</sup> This is a document entitled “Climate Investment Funds: Design Document for the Forest Investment Program. A Targeted Program Under the SCF Trust Fund,” July 2, 2009.

<sup>19</sup> Ibid.

<sup>20</sup> See “FAO, UNDP, UNEP Framework Document” 20 June 2008. downloaded 15 Sept. 2009 from <<http://www.un-redd.org/UNREDDProgramme/tabid/583/language/en-US/Default.aspx>>.

<sup>21</sup> This document was presented and discussed at the 2nd Policy Board Meeting in June 2009.

<sup>22</sup> Tom Griffiths, “Seeing ‘Red’: Avoided Deforestation and the Rights of Indigenous Peoples and Local Communities,” June 2007.

<sup>23</sup> Ibid.

<sup>24</sup> See Hague Declaration of the Second International Forum of Indigenous Peoples and Local Communities on Climate Change, The Hague, November 11 - 12, 2000 at <[http://www.tebtebba.org/index.php?option=com\\_docman&task=doc\\_download&gid=71&Itemid=27](http://www.tebtebba.org/index.php?option=com_docman&task=doc_download&gid=71&Itemid=27)>.

<sup>25</sup> There was a heated debate on this during the Summit, but in the end, this agreement was reached.

<sup>26</sup> AMAN (Aliansi Masyarakat Adat Nusantara or the Indigenous Peoples Alliance in the Archipelago) is the national network of more than 1,000 indigenous peoples’ communities in the whole country.

<sup>27</sup> These include COP13 in Bali in December 2007, Asia Regional Consultation of Indigenous Peoples on the FCPF in February 2008, the Southeast Asia and Global Indigenous Peoples’ Consultation on REDD in the Philippines in November 2009, among others.

<sup>28</sup> For further details on these various submissions go to the website of the Forest Peoples’ Programme (FPP) <[www.forestpeoples.org](http://www.forestpeoples.org)>.

<sup>29</sup> The full Declaration can be downloaded from <<http://www.redd-monitor.org/2009/08/31/indonesia-sinar-resmi-declaration-on-climate-change-and-redd/>>.

<sup>30</sup> Victoria Tauli-Corpuz had a discussion with the AMAN Foreign Relations Officer who gave the latest developments taking place in Indonesia.

<sup>31</sup> See <<http://www.thejakartapost.com/news/2009/09/10/ifc-suspends-investment-palm-oil-over-wilmar-case.html>>.

<sup>32</sup> This report is written by Victoria Tauli-Corpuz and Parshuram Tamang contained in [E/C.19/CRP.6], 7 May 2007. It can be downloaded from <[www.tebtebba.org](http://www.tebtebba.org)> or <[http://www.un.org/esa/socdev/unpfii/en/session\\_sixth.html](http://www.un.org/esa/socdev/unpfii/en/session_sixth.html)>.

<sup>33</sup> FCCC/SBSTA/2008/13.

<sup>34</sup> “The cost of implementing methodologies and monitoring systems relating to estimates of emissions from deforestation and forest degradation, the assessment of carbon stocks and greenhouse gas emissions from changes in forest cover, and the enhancement of forest carbon stocks” [FCCC/TP/2009/1].

## Part VI

# Climate Change, Biodiversity and Indigenous Peoples

Indigenous peoples live and interact with ecosystems and they are aware of changes affecting plants and animals. They observe changes in the appearance of migratory birds and the presence of new species. Indigenous peoples are intricately linked with biodiversity, and climate change poses a threat to this link.



**ECOSYSTEM** - group of living and nonliving things interacting with each other. Within each ecosystem, there are habitats which may also vary in size.

**HABITAT** - place where a population lives.

**POPULATION** - a group of living organisms of the same kind living in the same place at the same time. All of the populations interact and form a community.

**BIOMES** - ecosystems where several habitats intersect. The earth itself is one large biome. Smaller biomes include desert, tundra, grasslands, and rainforest.

Source: [www.fi.edu/tfi/units/life/habitat/habitat.html](http://www.fi.edu/tfi/units/life/habitat/habitat.html)



## 1 What is Biodiversity?

All plants, animals, microorganisms, the ecosystems of which they are part, and the diversity within species, between species and of ecosystems.<sup>1</sup>

# 2 WHY IS BIODIVERSITY IMPORTANT?



The variety of plants, animals and micro-organisms supports a range of services provided by healthy ecosystems to humans:

| Ecosystem Services/Functions |                                                                                                                                                                                                                                                                      |
|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Supporting services          | Maintain conditions for life on earth: Soil formation and retention, nutrient cycling, primary production                                                                                                                                                            |
| Regulating services          | Regulation of air quality, climate, floods, soil erosion, water purification, waste treatment, pollination, biological control of human, livestock, and agriculture pests and diseases                                                                               |
| Provisioning services        | Providing food, fuelwood, fiber, biochemicals, natural medicines, pharmaceuticals, genetic resources, fresh water                                                                                                                                                    |
| Cultural services            | Non material benefits including cultural diversity and identity, spiritual and religious values, knowledge systems, educational values, inspiration, aesthetic values, social relations, sense of place, cultural heritage, recreation, communal and symbolic values |



<http://www.fonplay.com/freephotos/>



## Importance of Biodiversity for the First Peoples of British Columbia (Turner, 2007)

- **Food:** Traditional diets - plants and animals found in the wild and some fungi such as mushrooms have sustained and nourished people for many generations.
- **Material resources/Technology:** plant and animal materials used as or constructed as tools and equipment for livelihood, shelter, and clothing.
- **Medicine:** Plants, and some animals and fungi, provide people with medicines for maintaining health and treating injuries and ailments.
- **Components of Culture:** Plants, animals and fungi are prominent in First Nations' belief systems, art, songs and ceremonies. Their world renowned art forms representing stylized animals reflect intense connections with and reliance on biodiversity.
- **Ecological Indicators:** The flowering of certain plants, the songs of certain birds, or the appearance of certain types of butterflies or other insects, are signs of seasonal change or of the time for some important harvest event.

### **3 What body takes care of biodiversity concerns in the world? What connection has been established regarding climate change, biodiversity, and indigenous peoples?**

- The Convention on Biological Diversity (CBD) is a binding agreement on the conservation and sustainable use of biological diversity. It was born from the Earth Summit in Rio de Janeiro in 1992. The CBD recognizes the following principles in relation to climate change and biodiversity:
  - ❑ Climate change is the second cause of biodiversity loss.
  - ❑ Biodiversity management can contribute to climate change mitigation and adaptation and to combating desertification.
- It acknowledges the knowledge, innovations, and practices of indigenous and local communities, and promotes its wider application in the context of conservation and sustainable use of biological diversity.
- It has established specific obligations for state parties to respect, preserve and maintain such knowledge, innovations and practices, as far as this is possible, and as appropriate within the framework of their respective national legislation and subject to the approval of the knowledge holders (Henriksen 2007 from CBD Article 8(j)).



- Biodiversity is central to indigenous environmental management and livelihoods.
- Apart from the loss of ecosystem services, climate change and its effects to biodiversity have profound impacts on the cultural and religious practices of indigenous peoples around the world.
- Scientific evidence has supported that

### **4 Why should indigenous peoples be concerned with biodiversity & climate change?**

the territories in which indigenous peoples have special claims harbor exceptionally high levels of biodiversity and that human cultural diversity is associated with the remaining concentrations of biodiversity.

- With the current issues on climate change and biodiversity, both cultural diversity and biological diversity are endangered (Toledo 2000).
- Adverse external impacts of climate change on indigenous and local communities' way of life, social structures, culture and habitat including effects to biological diversity will also affect their knowledge, innovations, and practices (McCarthy 2001, Henriksen 2007).
- Indigenous peoples use biodiversity as a primary tool for adaptation. As climate change threatens biodiversity, it simultaneously removes the major defense that they have against variation and change.<sup>2</sup>



## **5 Biodiversity has adapted to previous climate changes during the earth's history, what makes the situation different now?**

- Ecosystems will have a harder time to adapt to the present climate change for two main reasons:
  - ❑ The climate is changing too fast.
  - ❑ The large-scale conversion of habitats have greatly reduced the options available for natural adaptation: if a forest is surrounded by bare pasture or urban sprawl, for example, many animals and plants are unable to shift their range to more suitable locations should their current territories become unsuitable due to climate change.<sup>3</sup>

## 6 WHAT ARE THE EFFECTS OF THE CURRENT CLIMATE CHANGE TO BIODIVERSITY? WHAT COULD HAPPEN IN THE FUTURE?

- Though all ecosystems (coral reefs, mangroves, high mountain ecosystems, remnant native grasslands and ecosystems overlying permafrost) are vulnerable to climate change, they respond differently. Some will often be slow to show evidence (e.g., long-lived trees), while others, e.g., coral reefs will show rapid response.<sup>4</sup>
- Climate change has already begun to affect the functioning, appearance, composition and structure of ecosystems (e.g., decreasing thickness of sea ice in the Arctic, widespread bleaching of corals, wetland salinization and salt-water intrusion) (CBD Secretariat, 2008).
- Changes in timing of natural events affects interactions between organisms, disrupting equilibriums and ecosystems services.
- Climate shifts force organisms to respond by adapting, or by migrating. This results in the arrival of new, or disappearance of species, because of an inability to adapt sufficiently, or because of fragmentation of habitats. This also affects the functioning of ecosystems in different communities.



**20-30%** - no. of plant and animal species assessed so far that are likely to be at increased risk of extinction, according to IPCC, if increases in global average temperature exceed 1.5-2.5°C (SPM of WG2).

**1 million** – no. of species that may face an increased threat of extinction as a result of climate change, according to the Millennium Ecosystem Assessment (CBD, 2008).

## 7 How are indigenous peoples responding to the effects of climate change to biodiversity?

- Traditional knowledge and practices are important to sustaining and managing the environment. However, indigenous people recognize that enhancing adaptive capacity involves more than local options which will only be successful if it is

integrated with other strategies such as disaster preparation, land-use planning, environmental conservation and national plans for sustainable development. Further, long-term adaptation to climate change requires anticipatory actions, which would require considerable investment of capital, labor, and time and in many indigenous regions of the world, there are already constraints on resources and a lack of access to technology (UNPFII, 2008).

- Migration, irrigation, water conservation techniques, land reclamation, changing where and at what elevation plants are cultivated, livelihood adaptation are only among the many techniques that indigenous peoples employ locally to fight the double battle of biodiversity loss and adapting to climate change.



**NOTE:** Please refer to Chapter IV: Adapting to Climate Change: Indigenous Peoples Show the Way for short-term adaptation measures undertaken by indigenous peoples

## 8 How can biodiversity be used as a solution for climate change?

- Protecting biodiversity should be seen as an essential component of adaptation to climate change.<sup>6</sup>
- Reducing deforestation and other forms of land use change can lead to the reduction of GHG emissions.
- It provides a “safety net” of genetic resources for adaptation.
- It provides protection (bioshields) against the negative impacts of climate change.

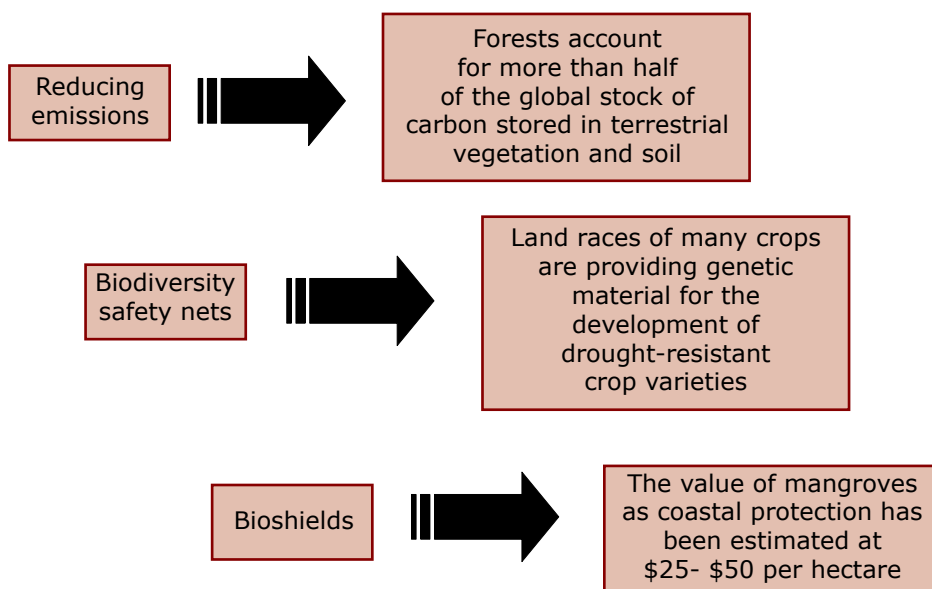


*How can solutions to climate change affect biodiversity? What should be done to conserve biodiversity while mitigating climate change?*

- Better land management and the use of marine protected areas may be possible to prevent and even reverse the bleaching caused by rising sea temperatures. It could bolster the livelihoods of millions in the Caribbean, Pacific and Indian Oceans, who depend on the reefs for tourism income, seafood, and physical protection from storms and waves.
- Better protection of native vegetation in dry lands

such as the African Sahel and the semi-arid Caatinga of Brazil can check the advance of desertification and help farmers cope with the impacts of drought.

- Avoiding deforestation in Central America can reduce the likelihood of devastating landslides provoked by the more intense rainfall, projected as a consequence of climate change.
- Conserving wetland habitats, from the cypress marshes of the Mississippi Delta to the mangrove forests of Sri Lanka, can shield coastal communities from increasingly violent storms.<sup>7</sup>



- Careful assessment of adaptation policies at the time of their design can help avoid the following negative consequences that are counter-productive when governments do not recognize the importance of biodiversity:
  - ❑ Large-scale engineering projects that move fresh water to drier areas might weaken the resilience of river ecosystems from which the water is abstracted, making communities more vulnerable to climate impacts.
  - ❑ Introduction of drought-tolerant crops might inadvertently introduce invasive alien species to forests or savannahs, jeopardizing the essential services provided by those ecosystems.

# 10 *Why should traditional knowledge of indigenous peoples be centrally considered in issues related to biodiversity and climate change?*

- Indigenous peoples have proven sustainable environmental practices (See Box below).
- Indigenous peoples also consider care and maintenance of biodiversity as their responsibility (Turner, 2007). In their traditional world views, animals and plants, as well as other components of nature are regarded as relatives or sacred entities “willing to give themselves to people within a reciprocal system that demanded proper care and respect in return.”
- Toledo (2000) has asserted that scientists from the fields of conservation biology, linguistic and anthropology of contemporary cultures, ethnobiology and ethnoecology, have evolved towards convergence on a shared principle: the world’s biodiversity will only be effectively preserved by preserving diversity of cultures and vice versa. This common statement has been nourished by four main sets of evidence:
  - ❑ The most biologically diverse regions in the world also have the most linguistic diversity
  - ❑ The most biologically high-value regions in the world are indigenous territories
  - ❑ The recognized importance of indigenous peoples as main managers and dwellers of well-preserved habitats, and
  - ❑ Certification of conservation values and behavior among

## **Indigenous Peoples’ Sustainable Environmental Practices**

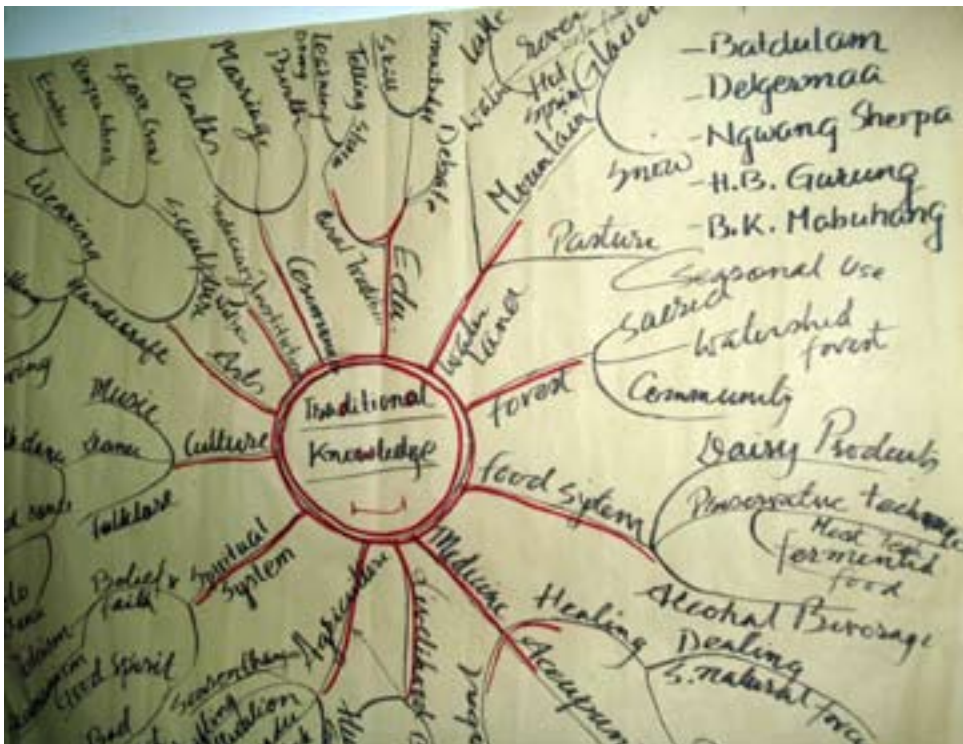
- The indigenous peoples of British Columbia consider biodiversity at the broader scale of community or ecosystem variation critically important. People routinely accessed different habitats, with different groups of resources, from the ocean and valley bottoms to the high mountaintops.
- First Peoples have maintained and enhanced plant and animal populations and productivity and increased habitat diversity through resource management strategies that, as a result, yield a greater variety and abundance of foods and materials (Turner, 2007).

indigenous peoples rooted in pre-modern complex of belief-knowledge-practices.

- Indigenous and local communities have a unique contribution to make in mitigation initiatives as stewards of biodiversity. Since some mitigation measures such as biofuels have undesirable direct and indirect consequences, such as monoculture expansion and associated decline in biodiversity and their food security, their full and effective participation is crucial in the elaboration of State-developed mitigation measures to ensure that such schemes do not negatively affect vulnerable communities (UNPFII, 2008, p. 7).



Traditional knowledge is an inseparable part of indigenous and local communities' culture, social structures, economy, livelihoods, beliefs, traditions, customs, customary law, health and their relationship to the local environment. It is the totality of all such elements that makes their knowledge, innovations and practices vital in relation to biological diversity and sustainable development (UNPFII, 2008, p. 5).



## Endnotes:

<sup>1</sup> Secretariat of the Convention on Biological Diversity (CBD). Interlinkages Between Biological Diversity and Climate Change: Advice on the integration of biodiversity considerations into the implementation of the United Nations Framework Convention on Climate Change and its Kyoto Protocol. CBD Technical Series 10, (Secretariat of the CBD: 2003) p. 1.

<sup>2</sup> Jan Salick and Anja Byg, eds., *Indigenous Peoples and Climate Change*. Report of Symposium 12-13 April 2007, Environmental Change Institute, Oxford. (Oxford, UK: Tyndall Centre for Climate Change Research, 2007) p. 11-13. Available online at <<http://www.tyndall.ac.uk/publications/Indigenouspeoples.pdf>>, accessed November 8, 2007.

<sup>3</sup> Ahmed Djoghlaif, in *Gincana 3: Biological Diversity and Climate Change*, Secretariat of the Convention on Biological Diversity 2007, p. 1.

<sup>4</sup> Secretariat of the Convention on Biological Diversity (CBD). Interlinkages Between Biological Diversity and Climate Change: Advice on the integration of biodiversity considerations into the implementation of the United Nations Framework Convention on Climate Change and its Kyoto Protocol. CBD Technical Series 10, (Secretariat of the CBD: 2003), p. 3.

<sup>5</sup> In its official website <<http://www.millenniumassessment.org>>, the Millennium Ecosystem Assessment (MA) is explained as a research program called for by the United Nations Secretary-General Kofi Annan in 2000. Initiated in 2001, the objective of the MA was to assess the consequences of ecosystem change for human well-being and the scientific basis for action needed to enhance the conservation and sustainable use of those systems and their contribution to human well-being.

<sup>6</sup> *Gincana 3, Biological Diversity and Climate Change*, p. 1.

<sup>7</sup> Ahmed Djoghlaif, in *Gincana 3: Biological Diversity and Climate Change*, Secretariat of the Convention on Biological Diversity 2007, p. 2.

<sup>8</sup> Ahmed Djoghlaif, in *Gincana 3: Biological Diversity and Climate Change*, Secretariat of the Convention on Biological Diversity 2007, p. 2.

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## Indigenous Women and Climate Change

### 1 WHY DO INDIGENOUS WOMEN MATTER IN CLIMATE CHANGE?



- Half of the world's estimated population of 300 million indigenous peoples are women.
- They are the key in the preservation, sustenance and survival of the human race and diversity.
- They are major actors in human security: food, health and overall wellbeing of their families and communities, and
- They hold and practice traditional knowledge on sustainable use of biodiversity that are essential in keeping ecological balance that negates climate change.



**90%** - percent of work in gathering water and wood for household use and food preparation done by women in Africa.

**5 hours** - no. of hours in a day spent by women in collecting fuel wood and water in other regions.

**4 hours** - no. of hours in a day spent by women in preparing food also in other regions.

Source: Facts and Figures: Women and Water. Accessed from [http://www.wateryear2003.org/en/ev.php-URL\\_ID=2543&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://www.wateryear2003.org/en/ev.php-URL_ID=2543&URL_DO=DO_TOPIC&URL_SECTION=201.html) on 4 April 2008.

### 2 What are the impacts of climate change on indigenous women?

*If climate change has huge impacts on indigenous peoples as a whole, indigenous women are more disproportionately affected. Inaction to arrest the cause and effects of this phenomenon poses a grave threat to the lives, welfare and roles of one of the most vulnerable sectors on whose hands partly depend the sustenance and wellbeing of indigenous communities.*

*Some of the impacts are as follows:*

- **Loss of Life.** Gender impositions combined with their already marginalized situations result to more indigenous women casualties and victims during weather disasters and emergency situations. In some areas in Southeast Asia, women are not forewarned because early warnings are placed in public places where women rarely go. Girls and women, in some indigenous communities, are not taught to swim and are prohibited from going out of their homes unaccompanied by male relatives. These lessen their chances for survival during the occurrence of disasters. Women also risk their lives because of their tendency to stay behind to rescue their children and the elderly.<sup>1</sup>
- **Loss of livelihood and food insecurity.**
  - ❑ The non recognition of right to ownership, access and use by indigenous peoples of their lands, territories and resources implies the loss of women's traditional livelihoods.
  - ❑ Disrupted rainfall or drought find indigenous women without water to irrigate their rice fields and other traditional farms resulting to a



"In Aceh (Indonesia), collecting shellfish in the mangrove forests is part of the indigenous women's daily routine. In Maluku, women work to productive tidal area where they also collect shellfish..."

Source: Anggraini, Devi. "Indigenous Women's Workshop at AMAN Congress " in Down to Earth No. 74, August 2007. <http://dte.gn.apc.org/74din.htm> accessed 4 April 2004.



Josefina Lagus, from the remote village of Benguet in Northern Philippines, 42 yrs old and mother of five, notes that when the rainy and dry seasons behave erratically, these affect their crop production.

"Our situation has gone from bad to worse. I can't understand why. Sometimes our fields are flooded and sometimes we experience drought," Josefina told me during an interview.

Josefina adds that in their community, a typical day begins at the break of dawn with women and sometimes children walking a considerable distance to fetch water using small buckets. They must walk even longer distances to collect firewood.

"Most women here are silently bearing the brunt of changing climate conditions. But we pray that these problems will be addressed by our government and other agencies concerned for the sake of our children," Josefina said.

Source: Imelda V. Abaño, "Women Bear the Brunt of Climate Crisis: Their Stories From the UN Conference in Bali," The Women's International Perspective, Friday 04 January 2008, <[http://www.truthout.org/issues\\_06/printer\\_010408WB.shtml](http://www.truthout.org/issues_06/printer_010408WB.shtml)>, accessed on April 4, 2008.



very low or zero crop yield.

❑ Increase of pest and diseases from changing temperature are affecting farm harvests.

❑ Livestock production would also be affected.<sup>2</sup>

❑ Changing water temperature in seas and oceans impacts on the livelihood of indigenous women living along coastal areas and subsisting on fishing.

❑ Rising sea levels causing saline water intrusion into freshwater systems would result to fishing difficulty.<sup>3</sup>

- **High Health Risks.** Food insecurity may force women to eat last and eat least even if they are pregnant or nursing mothers,<sup>4</sup> making them susceptible to illness and diseases, with the unborn and newborns facing malnutrition. The women are also at risk of contracting water-borne diseases during floods. Even frequent forest fires cause health problems and destroy health services provided by the forest to them.

- **Loss of Traditional Knowledge.** Indigenous women may lose their traditional ecological knowledge, practices and sustainable livelihoods with the destruction of their resources to climate change. The loss of traditional plants or medicinal plants due to droughts or floods means the reduced opportunities for the coming generations to learn and practice traditional health, biodiversity conservation and protection and food security knowledge, among others.



A Tuareg woman from Mali revealed that plants they used as traditional medicine are in danger of being extinct or have already vanished due to desertification. They also find difficulty in tanning animal hides because the trees they used in the tanning process have disappeared.<sup>5</sup>



*More than 50%* - percent of 1.2 billion people who do not have access to water are women and girls.

*6 km* - the average distance women in Asia and Africa walk to collect water.

*20 kgs* - the average weight of water that women in Asia and Africa carry on their heads.

Source: Obando, A. Op cit.

● **Water Conflicts.** Water is an essential resource that is needed to pursue women's productive and reproductive tasks. With the changing weather patterns affecting water availability and access, indigenous women would come into conflict with other indigenous women over water resources.

● **Increasing Chores.** As water become scarce, women's chores would



increase<sup>6</sup> and limit their chances of participation in social life and/or in pursuing other alternative sources of income.<sup>7</sup> Women also have to exert great efforts collecting, storing, protecting and distributing drinking water.<sup>8</sup>

- **Violation of Rights.** In pastoralist communities, cases of fathers trading their daughters as young as eight or nine as dowries to replace their income from lost livestock due to

prolonged drought have been documented.<sup>9</sup> Death of livestock for lack of water also makes them more dependent on international food aid.

Women and girls trekking for a long distance to look for water, food and firewood are at risk to various forms of violence. Girls also have to drop out from school to find water and wood resources in distant places or to care for ill relatives. The loss of opportunity for, aside from issues of access to, education has a lifelong and multiple impact for indigenous girls. This lessens indigenous girls' chances of exercising, accessing and claiming their rights especially the right to full development as human beings.

- **Migration and Displacement.** Food insecurity due to drought or flooding would likely drive migration that interrupts and limits opportunities for education. Families headed by women due to migration of men seasonally or for a number of years experience poverty while the workloads of women, their children and elderly increase. Whole families migrating to overpopulated cities are at high risk of getting HIV/AIDS.<sup>10</sup> Migration and displacement - as direct or indirect impact of climate change and adaptation/mitigation measures - reinforces the discrimination and violence already experienced by indigenous women, exposing them to higher risks of trafficking, exploitation and gender-based violence.
- **Less Mobility and Further Marginalization.** As primary carers or caregivers of the family, the women have to spend more time caring for sick family members, making them less mobile with no time to engage in social and political activities and their own personal development.
- **Loss of Identity.** The total impact of climate change on indigenous women is the erosion of their world views, culture and identity which are intricately woven in their relationship to their land and resources.



"Many aspects of Saami culture - language, songs, marriage, child-rearing and the treatment of older persons - are intimately linked with reindeer herding. If reindeer herding disappears, it will have a devastating effect on the whole culture of the Saami people.."

- Olav Mathis-Eira, Sami Council.

Source: MRG. State of Minorities Report 2008.

### 3 How are indigenous women adapting to climate change?

*Just as indigenous women are one of the most vulnerable to climate change, they are also the most ready and are acting to cope with its impacts.*

- **Use of specialized knowledge.** During floods, women take the initiative of looking for relocation sites for their affected families and community members. Women also increasingly share practices of using alternative energy-related technologies such as solar, biogas, and improved cooking stoves. They also use less labor-intensive technologies, multiple cropping and intercropping practices, changing cultivation to easily marketable crop varieties or flood and drought resistant crops, and investing in alternative irrigation facilities.<sup>11</sup>
- **Organizing and training.** Indigenous women are putting up self-help organizations and establishing networks and partnerships with other indigenous women's groups. In addition, they actively participate in trainings to enrich their skills in food and livestock production, thus enhancing their livelihood. At their own initiatives, they seek professional support in order to increase their knowledge and skills in combating climate change.



In the Terai area of Nepal, before floods come, women take their assets and livelihoods in higher places, sometimes, even their livestock. Those who have enough resources increase the plinth level of their houses or homestead to protect their belongings from damage. They also build community shelters. Women farmers also switch to cultivating crops that can be harvested before flood season. Others grow rice varieties that survive above water when the floods come. Even the seedbed preparations and seed selection are altered<sup>12</sup> to ensure crop survival.



After the devastating effect of Hurricane Mitch in Nicaragua, indigenous women's organizations were able to mobilize their networks and partners for emergency relief and rehabilitation directly to the women and their families who need them most.

Source: MADRE. "Women Respond to Climate Change."

- **Reforestation.** Women are also in the forefront of reforestation initiatives. Every May 15, each person in a Batwa community in Africa plant 100 trees and it is the women who nurture these.<sup>13</sup> In the Bangladeshi village of Kaijuri, although the women have the rights to the trees since they are the planters, they do not cut trees that are not intended for firewood.<sup>14</sup>

# 4

## *How are mitigating measures on climate change affecting indigenous women?*

- **Denial of fundamental rights.**

- For indigenous women, the denial of this fundamental right to ownership, access to, use of and enjoyment of the benefits from



Photo Credit: Montañosa Research Development Center

their traditional land, territories and resources further results to:

- disenfranchisement from their productive and reproductive roles and from their traditional spaces.
- restriction to or loss of environmental services due to incompatible climate change mitigation measures. These include impacts on water, fuelwood, alternative/ additional food and medicinal resources supply.

- Many indigenous

women and their families are denied their rights over their lands and resources by multinational biofuel companies.

- Some women in Dayak communities whose lands were appropriated for large-scale mining or big-scale oil palm plantations have to work as prostitutes to secure their livelihood.<sup>15</sup>

- **Human rights violations and armed conflict.** Violence, intimidation and murder are employed by some biofuel companies to drive indigenous communities from their lands and resources. Conflicts between communities who till the land for food and corporations who want the land for GE (genetically engineered) trees would worsen,<sup>16</sup> putting indigenous women at risk.

- **Erosion of traditional values.** In Kalimantan, Indonesia, women



“...In Colombia, oil palm companies employ armed guards and paramilitaries to drive people (Jiguamiando and Curvarado) off their land using intimidation, violence and murder. In Brazil, soya bean farmers are hiring gunmen and erected barbed wire fences to exclude Afro-indigenous and Afro-descendant people from the areas where they have traditionally collected nuts from the babacu tree.”<sup>17</sup>



In Sarawak, Malaysia, due to logging and oil palm plantations, Dayak women face issues related to food security, water shortages and loss of traditional knowledge due to the deterioration of biodiversity. They have noticed decline of wild meat in logging areas and decline of fish supplies due to river pollution.<sup>20</sup>

expressed concern on the increasing karaoke bars set up in oil palm plantations.<sup>18</sup> In Asia, karaoke bars are usually a prelude to prostitution and trafficking.

- **Increase of women's workload.** Deforestation for biofuels increases women's work loads.<sup>19</sup> As nurturers or providers, they would trek over long distances to collect food, water, and firewood which open them to sexual harassment or any violence along the way.

- **Competition for resources.**

The devastating environmental impact of climate change heightens competition for resources in these fragile areas not only between and among peoples but more seriously between peoples and the private sector or the state in the light of some mitigation measures.

- **Extinction of traditional medicine and food and loss of traditional knowledge.** Biofuel production would cause disappearance of

diverse forest species that they depend on for their nutrition, healthcare, cultural practice and economies.<sup>21</sup> Loss of biodiversity due to deforestation would also lead to loss of traditional knowledge in preserving the forest and on traditional health practices, among others.

- **Dislocation or displacement.** To expand biofuel lands, "people and indigenous agricultural systems are displaced from productive lands."<sup>22</sup> For example, the agricultural land of the indigenous Mapuche communities in the Lumaco District of Chile were taken over by pine and eucalyptus plantations.<sup>23</sup> Forests in



Uganda were also transformed into sugarcane plantation for fuel.<sup>24</sup>

- **Contamination of indigenous lands and species.** Introduction of GE trees for fuel production is very risky to native forests. Contamination of native trees and other traditional plants could be catastrophic<sup>25</sup> especially to indigenous women. Among indigenous women, this implies increasing dependence on other product and service providers, i.e., pharmaceutical companies and contemporary experts for healthcare.



“We cannot give birth to land. If men sell the land for plantations, where must our children live?”

- by a West Papuan woman participating in the 3rd Congress of AMAN, Jakarta, Indonesia, June 2007.

(Quoted by Anggraini, Devi op. Cit.)

## Endnotes:

<sup>1</sup> MADRE, “A Women’s Rights-based Approach to Climate Change,” p. 2.

<sup>2</sup> WEDO and IUCN, “Gender Equality and Adaptation,” Penned by Ariana Araujo and Andrea Quesada-Aguilar, in collaboration with Lorena Aguilar and Rebecca Pearl.

<sup>3</sup> Tiempo Climate Cyberlibrary, Tiempo-Issue 47, “Gender and Climate Change,” <<http://www.cru.uea.ac.uk/tiempo/floor0/recent/issue47/t47a7.htm>>, accessed on April 1, 2008.

<sup>4</sup> WEDO and IUCN, “Gender Equality and Adaptation.”

<sup>5</sup> Indigenous Information Network, Africa Indigenous Women’s Regional workshop on biodiversity, Traditional Knowledge and Women’s Rights in Africa. IIN. 2007, p. 121.

<sup>6</sup> MADRE, “A Women’s Rights-based Approach to Climate Change,” p. 2.

<sup>7</sup> Genanet, Female, male, sustainable: Towards a gender equitable future, p. 9.

<sup>8</sup> IUCN, “Gender and Climate Change,” penned by Lorena Aguilar, Ariana Araujo and Andrea Quesada-Aguilar.

<sup>9</sup> MADRE, “A Women’s Rights-based Approach to Climate Change,” p. 2.

<sup>10</sup> IUCN, “Gender and Climate Change.”

<sup>11</sup> Ibid.

<sup>12</sup> Ibid., p. 13.

<sup>13</sup> Indigenous Information Network, p. 78.

<sup>14</sup> AIWN, AMAN and Rights and Democracy, Portrait of the Indigenous Women in Asia, 2007, Sheet 3, p. 3.

<sup>15</sup> APFWLD, Workshop on Indigenous Women, 2002, p. 86.

<sup>16</sup> Indigenous Information Network, p. 55.

<sup>17</sup> MRG, State of the World’s Minorities 2008, pp. 12-13.

<sup>18</sup> Op. Cit.

<sup>19</sup> Ibid.

<sup>20</sup> AIWN, AMAN and Rights and Democracy, Sheet 3, p. 4.

<sup>21</sup> MADRE, “Deforestation, Climate Change, and Women’s Human Rights,” p. 2.

<sup>22</sup> Dr. Rachel Smolker Brian Tokar, Anne Petermann and Eva Hernandez, The True Cost of Agrofuels: Food, Forest and the Climate, 2007, p. 35.

<sup>23</sup> Ibid., p. 55.

<sup>24</sup> Indigenous Information Network, p. 77.

<sup>25</sup> Ibid., p. 5.

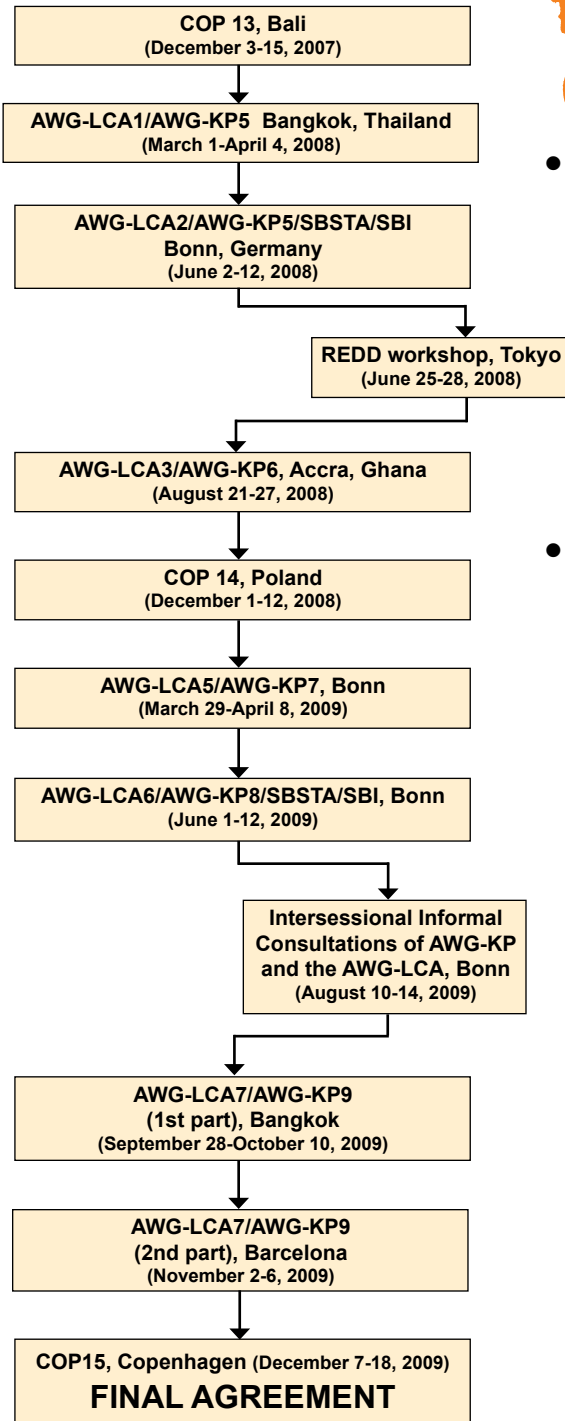
## Part VIII

# The Current State of Climate Change Negotiations

By 2012, the 1st commitment period of the Kyoto Protocol would have ended. By this time, Annex 1 (AI) countries should have lowered their greenhouse gas emissions according to the targets they have committed in the Protocol. Sadly, these may not be met as most of these countries are nowhere near the reduction targets they identified. Nonetheless, member-states of the Convention have set into motion a “comprehensive process” to identify what comes after 2012. The proposals will then be submitted in COP15 in Copenhagen in December 2009 where a final agreement will be approved. The following is an overview on the current negotiations and why it is important for indigenous peoples to call for effective and meaningful participation in these climate change talks.



# What is the Bali Roadmap<sup>1</sup> and the Bali Action Plan (BAP)?



- **Bali RoadMap** - Decision by COP13 of the UNFCCC held in Bali, Indonesia on December 3-15, 2007, to "... launch a comprehensive process to enable the full, effective and sustained implementation of the Convention through long-term cooperative action, now, up to and beyond 2012..." - Paragraph 1, Bali Roadmap.
- **Bali Action Plan (BAP)** - Known as Decision 1/CP.13 and is one part of the Bali Roadmap. This defined the areas for decision-making at COP15 which include:
  - a) shared vision for long-term cooperative action
  - b) enhanced action on mitigation
  - c) enhanced action on adaptation
  - d) enhanced action on technology development and transfer to support mitigation and adaptation, and
  - e) enhanced action of provision of financial resources and investment.
 It also established the Ad-hoc Working Group on Long-Term Cooperative Action. (See Annex B for the full text.)

## 2 WHAT IS THE AWG-LCA AND THE AWG-KP?

- **AWG-LCA** - Ad Hoc Working Group on Long-Term Cooperative Action is a subsidiary body under the Convention established by the BAP and mandated to discuss the “building blocks” of shared vision, mitigation, adaptation, finance and investment, and technology transfer. The AWG-LCA will carry much of the power of the UNFCCC in the next two years, and the talks it will hold may well shape the structures and content not only of climate politics but also have ramifications for global economic and development issues, besides a range of environmental issues.



**AWGLCA** - Ad Hoc Working Group on Long-Term Cooperative Action established in the Bali climate talks in December 2007 to discuss a wide range of issues under the four “building blocks” of mitigation, adaptation, finance and investment, and technology transfer. Its 1st session was held in Bangkok in March 2008. It already held six sessions since Bali.

- **AWG-KP** - Ad Hoc Working Group on Further Commitments for Annex 1 Parties, was established in 2005 to consider future commitments for Annex I (A1)

**AWG-KP** - Ad Hoc Working Group on Further Commitments for Annex 1 Parties mandated in 2005 to consider future commitments for Annex I Parties.

Parties to mitigate GHG emissions. Its main task for 2009 is to forward to the COP serving as the meeting of parties (MOP) to the Kyoto Protocol at its 5th Session the results of its work on the consideration of commitments for the subsequent periods for A1 Parties under Article 3, paragraph 9 of the KP.



### FOCUS OF AWG-KP

1) consideration of scale of emission reductions to be achieved by Annex 1 Parties in aggregate and contributions of Annex 1 Parties, individually or jointly; 2) emissions trading and project-based mechanisms; land use, land use change and forestry (LULUCF); coverage of greenhouse gases, sectors and source categories' common metrics; and possible approaches for targeting sectoral emissions; 3) consideration of information on potential economic and social consequences including spillover effects of tools, policies and methodologies available to Annex 1 Parties (potential consequences).

## 3 What were the key developments in the 2008-2009 Climate Change Talks?

- Since Bali, several meetings of AGW-LCA, AWG-KP and SBSTA/SBI were held. In 2008, these were the: Bangkok Climate Change Talks in April in Bangkok, Thailand; Accra Climate Change Talks in August in Accra, Ghana; Bonn Climate Change Talks in June in Bonn, Germany; COP14 in December in Poznan, Poland. In 2009, the meetings included the following: 7th Session of the AWG-KP and 5th Session of the AWG-LCA in March; 30th Sessions of SBSTA/SBI, 6th Session of the AWG-LCA and the 8th Session of the AWG-KP in June; and the Intersessional Informal Consultations of AWG-KP and the AWG-LCA in August 2009. The meetings took place in Bonn, Germany. Several meetings are still scheduled leading to Copenhagen in December.
- At the 5th Session of the AWGKP (AWG-KP5) in Bangkok in 2008, the developing countries stated that “the lack of fulfillment by developed countries of their commitments is a primary cause of the deteriorating climate situation and this impedes the overall goal of the UNFCCC. In the face of this ‘implementation deficit,’ or implementation gap, the UNFCCC’s post-Bali activities should firstly focus on enhancing the implementation of the developed countries’ existing obligations, including providing finance and technology transfer to developing countries.”<sup>2</sup>
- The Bonn Climate Talks (June 2-13, 2008) included a session of a working group negotiating the GHG reduction for developed countries after 2012. At a closing plenary session, the group adopted conclusions on three main issues - emissions trading and project-based mechanisms, land use and forestry, and “other issues,” some of which turned out to be controversial.<sup>3</sup>
- At the REDD workshop held in Tokyo (June 25-27, 2008), “governments



### **The Bangkok Climate Change Talks, 31 March – 4 April 2008**

In the Climate Change Talks in Bangkok on 31 March – 4 April 2008, the AWG-LCA and the AWG-KP met to flesh out the Bali Roadmap. The meeting agreed “... on a work programme that structures negotiations on a long-term international climate change agreement, set to be concluded in Copenhagen by the end of 2009.” Aside from this, it also “... sent a clear signal that the use of market-based mechanisms, such as the Kyoto Protocol’s Clean Development Mechanism, should be continued and improved as a way for developed countries to meet emission reduction targets and contribute towards sustainable development.”

presented their experiences on activities to reduce emissions from deforestation and forest degradation, as well as the lessons learned, and elaborated on the methodological challenges and possible solutions that would help move this issue forward. The outcome of this workshop provided input for the AWG-LCA meeting in Accra, Ghana in August 2008, and was reported to the 29th session of the SBSTA, in Poznan, Poland, in December 2008.”<sup>4</sup>

## *Highlights of the REDD Workshop report:<sup>5</sup>*

-  Cost effective systems for estimating and monitoring deforestation and changes in carbon stocks can be designed and implemented .... through a combination of remote sensing assessments and ground based measurements or a selected but representative series of plots stratifying the forest types in a country;
-  Addressing forest degradation is more difficult than addressing deforestation, but knowing the causes of degradation in countries can help in estimating of associated losses of carbon;
-  Reference emission levels should be flexible, adaptive, based on reliable historical data and periodically reviewed;
-  National approaches should be used for estimating and monitoring, but Subnational approaches can constitute an initial step and be scaled up progressively;
-  National coordination and joint work with all relevant stakeholders could provide an enabling environment for timely and effective capacity-building efforts;
-  Capacity-building exercises need to be scaled up in the future and focus on needs identified by countries;
-  Capacity building is needed in many areas, including on data collection and archiving, development and implementation of national monitoring systems and forest carbon inventories, as well as on remote sensing and its interpretation and application to national circumstances such as complex topography and persistent cloud cover; and
-  Discussions on policy approaches and incentives can be initiated given the current knowledge of methodological issues, while the implications of different approaches will need to be further explored.

The summary also notes, inter alia, that: it was agreed that further work is needed on how to address displacement of emissions, that broad participation is one way to do this, and that actions on REDD should result in real global emissions reductions.

- In the Accra Climate Change Talks (August 21-27, 2008), the AWG-LCA “considered the work programme for 2009 and adopted the conclusions of the Chair of the AWG-LCA. A major conclusion reached is that the AWG-LCA would, in 2009, shift into full negotiating mode, advancing negotiations on all the elements of the BAP in a comprehensive and balanced way. This was in view of the deadline for completion of its



**25%-40%** -

percentage below 1990 levels that the AWG-KP recommended that Annex 1 countries should cut their GHG emission for the period beyond 2012.

work in Copenhagen in 2009.”<sup>6</sup>

- In COP14 in Poznan, Poland, indigenous peoples expressed outrage when the “United States, Canada, Australia and New Zealand opposed the inclusion of recognition of the rights of indigenous peoples and local communities in a decision on REDD drafted by government delegates at the UN Climate Conference.”<sup>7</sup> In the Draft Conclusions on

Agenda Item 5: Reducing emissions from deforestation in developing countries: approaches to stimulate action (FCCC/SBSTA/2008/L.23), references to rights of indigenous peoples and the UNDRIP were removed. “Furthermore, these same states used the phrase ‘indigenous people’ instead of ‘indigenous peoples’ with an ‘s’ which is the internationally accepted language.”<sup>8</sup>

- In the Climate Change Talks in Bonn (AWG-KP7 and AWG-LCA5, 29 March - 8 April, 2009), Tuvalu suggested references to the UNDRIP and to free, prior and informed consent to the AWG-LCA Contact Group on Mitigation. A total of 18 to 20 interventions from friendly governments on REDD - led by Norway and Bolivia - made references to indigenous peoples. The Chairs of the AWG-LCA and AWG-KP were mandated to come out with a negotiating text in time for the Climate Change Talks in June 2009.
- A Chairman’s Revised Negotiating Text (FCCC/ AWGLCA/2009/INF.1, 22 June 2009) was presented by the AWG-LCA Chair, Michael Zammit Cutajar (Malta), at AWG-LCA6 in June 2009. This 199-page document, which was presented as a compilation of the submissions from Parties, was criticized by many developing countries because they claim that their submissions were not

### **AWG-LCA Revised Negotiating Text with Attributions, Intersessional informal consultations**

Paragraphs 106 to 128 of the Annex to FCCC/AWGLCA/2009/INF.1  
Informal subgroup on para 1(b) (iii)  
13 August 2009, 1545h

**109.** [“There should be full and effective engagement of” (Australia) [“Indigenous peoples and”] local communities [“should” [“shall”] be involved] [“must not be only like assistants to the implementation, but must begin with (Paraguay) ] [“in design plans and actions”] (Paraguay) [“design, development and”] (Bolivia, Cuba, El Salvador, Paraguay and Venezuela) implementation of [“REDD-plus”] (Australia) actions [“in their land”] (Colombia, Peru) and their rights

*(Continued next page)*

reflected. They also complained about the lack of attribution on which Party said what. This also made it difficult for indigenous peoples to know which country submitted the language which mentioned indigenous peoples. Due to the insistence of G77 and China, the Secretariat put the attributions on the text (INF.1) and put this on the UNFCCC website for people to refer to (see box on paragraph 109 on p. 122).

- This text contains several references to indigenous peoples and the UNDRIP. All of these are in brackets which means that these are not yet agreed upon.

[should be] (Australia) respected, [including the right of full prior and informed consent,] (Bolivia, Cuba, El Salvador, Paraguay and Venezuela) [including prior and informed consent,] (Colombia) [consistent with the provisions established under the respective national legislation [or], [and] [in its absence,] [in accordance with the United Nations Declaration on the Rights of Indigenous Peoples] [consistent with relevant international instruments, obligations and national legislation] (Australia). [The CBD and its Expanded Work Programme on Biodiversity in forest should be observed to avoid inconsistencies at level of national implementation.] (Paraguay)

## REFERENCES TO INDIGENOUS PEOPLES AND THE UNDRIP IN THE CHAIRMAN'S REVISED NEGOTIATING TEXT (FCCC/AWGLCA/2009/INF.1

Section II: Enhanced action on adaptation and its means of implementation. (involvement of indigenous peoples and local communities in the implementation of adaptation actions, adaptation actions should be consistent with principles contained in the UNDRIP, etc.);

Section III: Enhanced action on mitigation (sub-section c). Policy approaches and positive incentives on issues relating to reducing emissions from deforestation and forest degradation in developing countries; the role of conservation, sustainable management of forests and enhancement of carbon stocks in developing countries. This subsection on REDD is from page 110 -129 and contains the most references to indigenous peoples' rights; UNDRIP; free, prior and informed consent; and traditional knowledge. Paragraph 109 is one example which contains all these.

Section IV. Enhanced action on financing, technology and capacity building: Subsection B: Enhanced action on development and transfer of technology. An alternative chapeau to Paragraph 180 mentions that participation of stakeholders, including indigenous peoples... should be ensured at all levels of decision-making on technology cooperation and sharing.

- At SBSTA30 held in the 2nd Bonn Climate Talks (June 2009), the final SBSTA document (FCCC/SBSTA/2009/L.9), and preambular paragraph used the term “indigenous peoples” instead of “indigenous people,” which is an improvement from the results of COP14. The Draft text for a decision in the Annex also contained “references to indigenous peoples and local communities in the preambular and operational parts of the text.”<sup>9</sup> The Philippine delegation proposed the original language for SBSTA which included the phrase “indigenous peoples’ rights.” The “rights” language was supported by only a few countries so this reference was removed. The amended version, which is now in the text, garnered support from the parties.

### Paragraph 4 of the Draft Conclusions SBSTA document [FCCC/ SBSTA/2009/L.9]

The SBSTA took note of the information on experiences and views submitted by Parties on needs for technical and institutional capacity-building and cooperation, and the views of Parties and accredited observers on issues relating to indigenous peoples and local communities for the development and application of methodologies.

### Paragraph of the Draft Decision [CP.15]

Preambular para 6 - “Recognizing the 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).

Para 3: Encourages as appropriate, the development of guidance for effective engagement of indigenous peoples in monitoring and reporting.

- In August 2009 during the UNFCCC Intersessional Informal Consultations, the Chairs of AWG-LCA and AWG-KP established contact groups headed by facilitators to identify convergences and divergences between the various positions of the Parties as reflected in the negotiating text and work towards organizing the texts in a better fashion. Negotiators agreed to consolidate text proposals and identify common elements to come out with a simple, workable and negotiable text for the Bangkok meeting (Sept. 28 - Oct. 9, 2009).
- References to indigenous peoples, specifically paragraph 109, were retained - but with brackets. In the Bangkok Climate Change Talks, “the debate would be the scope of the provision on indigenous people’s rights, and on ‘how strong will the language be.’”<sup>10</sup>

- For AWG-KP, there are already proposals for the amendment of the KP. One of the changes will be the contents of Annex B. There are also proposals to change the periods to 2013 - 2020 and 2021 - 2028.



### What is Annex B of the Kyoto Protocol?

A table containing the revised Quantified emission limitation or reduction commitment (QELRC) from 2008 - 2012; 2013 - 2017 (2nd Commitment Period) and 2018 - 2022 (3rd Commitment Period).

## 4 What may be some of the results of COP15?

There are several possible results of COP15:

- **Kyoto Protocol:** Its fate may be decided in COP15.
  - ❑ Developed countries - want a new protocol with some developing countries joining A1 and to amend KP to enable "Other Issues" to enter; new protocol would either include the "new" agreement for AWG-LCA or to integrate AWG-KP and AWG-LCA outcomes in a single agreement, a "single undertaking with a single legal outcome."
  - ❑ Developing countries (G77 and China) – supports the UNFCCC and Kyoto Protocol with new commitments of A1 countries beyond 2012; want outcome of the AWG-LCA as a set of decisions which are legally binding and the AWG-KP and AWG-LCA to remain in two separate tracks.
  - ❑ Some governments like Japan do not wish to see the KP continue. They submitted a new protocol which will supercede the KP. The USA (not a KP member) has expressed no intention to join. So the Parties are discussing under which arrangement they can get the US to legally bind its commitments for emissions reduction. The position of G77 and China is to retain the KP with amendments only on the new commitments of A1 Parties - which means an amended Annex B. So phrases like



### Possible Scenarios for KP

It will either stay on and be amended to contain the new emissions targets for the 2nd Commitment Period (2013-2017) or it will cease to exist.



**COP15** - 15th Session of the UNFCCC's Conference of Parties to be held in Copenhagen, Denmark.

“Post-Kyoto” or “Copenhagen Protocol” or “Post-Copenhagen Climate Regime” are criticized by them as these are misleading people to accept that the Kyoto Protocol is dead.

- **UNFCCC:** There are some attempts to amend the UNFCCC. However, G77 and China or the developing countries are resisting this.

## 5 What are the Contentious Issues in the Climate Change Negotiations?<sup>11</sup>

| ISSUES OF CONTENTION    | DEVELOPING COUNTRIES                                                                                                                                                                                                                                                                                                                                                                                                                              | DEVELOPED COUNTRIES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | PROPOSED POSITIONS WHICH INDIGENOUS PEOPLES CAN TAKE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Overriding Goals</b> | <ul style="list-style-type: none"> <li>- Pursue 2<sup>nd</sup> Commitment Period under the Kyoto Protocol (KP) (2013 - 2017);</li> <li>- Want Annex1 (A1) countries to make ambitious emissions cuts in 2<sup>nd</sup> Commitment Period of KP by at least 40% by 2017;</li> <li>- Want A1 countries to meet their obligations under the UNFCCC which is to provide finance and undertake technology transfer to developing countries.</li> </ul> | <ul style="list-style-type: none"> <li>- Get developing countries to make deeper international commitments on mitigation;</li> <li>- Want differentiation of developing countries with “advanced” countries (China, India, etc.) making binding or semi-binding commitments;</li> <li>- Want to kill the KP and come up with another protocol (thus, references to “Post-Kyoto Agreement or a Copenhagen Agreement);</li> <li>- Developing countries to commit (15-30%) cuts (not found in Bali Action Plan).</li> </ul> | <ul style="list-style-type: none"> <li>- Support developing countries’ position that KP should not be killed and targets for A1 countries to be agreed upon for 2<sup>nd</sup> Commitment Period (2013-2017) should be reached;</li> <li>- At least 45% emissions cut by A1 and USA by end of 2<sup>nd</sup> Commitment Period (2017);</li> <li>- A1 countries to meet their obligations for finance and technology transfer;</li> <li>- Finance should reach indigenous communities and technologies should be assessed for socio-economic and environmental impacts (more discussions on this under the finance and technology sections).</li> </ul> |

|                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|---------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Historical responsibility and common but differentiated responsibilities</b> | <ul style="list-style-type: none"> <li>- A1 countries, being responsible for their emissions since the industrial revolution, should meet their legally binding commitments for emissions reduction and finance and technology (Art. 4.3 UNFCCC);</li> <li>- Developing countries are not responsible, thus, should not be subjected to legally binding emissions reduction;</li> <li>- Will undertake actions but these depend on finance and technology from developed countries (Art. 4.7 UNFCCC).</li> </ul> | <ul style="list-style-type: none"> <li>- Do not accept historical responsibility, and even if they do, the only responsibility they will own begins from 1992;</li> <li>- Agree to common but differentiated responsibilities but are now interpreting this to mean that developing countries must be differentiated in terms of their obligations;</li> <li>- Creation of category of “most vulnerable countries” or MVCs.</li> </ul> | <ul style="list-style-type: none"> <li>- Accept historical debt or climate debt (emissions debt and adaptation debt - Bolivia, et al., position), i.e., those mainly responsible for polluting the atmosphere should pay their debts, comply with their legally binding commitments and commit higher targets under the 2<sup>nd</sup> Commitment Period;</li> <li>- A1 countries who were not able to meet their commitments under the First Commitment Period should be subjected to sanctions.</li> </ul> |
|---------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## Role of the US in mitigation and treatment of the US

- US must be treated like any other developed country even if it is not a party to the KP;
- Comparability of efforts: if USA does not join KP, its comparable commitment should be bound in the UNFCCC in a COP Decision.
- COP decisions are legally binding, contrary to what is being spread that only a protocol is legally binding.
- Developed countries in a dilemma. First, they insisted that the US should make equal commitments as other A1 countries;
- Now, some (Japan) may accept the US low commitment and “bottom-up approach” then attempt to do likewise (Japan’s low target of 8% reduction for 1990-2020);
- US wants to have its own national target in US domestic law and have this mentioned in a new agreement;
- In the Waxman-Markey Bill, which was adopted by the US House of Representatives, its target is to reduce emissions to 17% of 2005 levels by 2050 (way below the 85% target by 2050 of 1990 levels);
- It also wants all countries with “significant emissions profile” to do likewise (e.g., China and India);
- EU already lowered its target (to 20% from 30%), with greater offsets. Will it maintain this or even go lower if other A1 countries jump ship?
- Insisted that the US should commit equal to other A1 countries
- US should make equal or higher commitments as it is still the highest emitter per capita;
- US should not rely largely on offsets to meet its emission targets;
- Should pay climate debt by providing adequate and predictable finance and ensure transfer of mitigation and adaptation technologies to developing countries and indigenous peoples and local communities on a concessionary basis. Intellectual property rights (IPRs) requirements should be relaxed when transferring climate-friendly technologies;
- These points also apply to A1 countries;
- Indigenous peoples should participate in deciding mitigation measures to ensure that these do not have negative socio-economic impacts on them. Their rights should not be violated and their free, prior and informed consent (FPIC) should be obtained when mitigation measures are put in place (e.g., hydroelectric dams, REDD, etc.).

## Developing countries role on mitigation

- Their mitigation actions can be enhanced and can be subjected to Monitoring, Reporting and Verification (MRV) - only on the condition and to the extent finance and technology is provided - and these need to be MRVed;
- Actions, not outcomes, can be MRVed.
- Want maximum obligations from developing countries;
- Want some developing countries' mitigation actions to be more than MRVed; both outcomes and actions to be subjected to reduction commitments;
- Obligations beyond BAP (Bali Action Plan) through concept and figures of "deviation from business as usual by 15 to 30%;"
- Outcomes to be MRVed and for MRV to be as explicit and binding, e.g., through WTO schedule-type of actions;
- No definition of MVCs was established.
- Indigenous peoples should participate in deciding mitigation measures to ensure that these do not have negative socio-economic impacts on them;
- Their rights should not be violated and their FPIC should be obtained when mitigation measures are put in place (e.g., hydroelectric dams, REDD, etc.);
- Indigenous peoples' traditional livelihoods and resource management systems (forest, coastal, etc.) are mitigation measures which should be incentivized, both through policy reforms and financial support;
- "Most vulnerable countries" (MVCs) category was created to divide and rule the developing countries.



**Finance and technology (overall)**

- Concrete and adequate implementation of commitments by developed countries on this is the key to unblock the impasse;
- Want to see resolution or at least major actions upfront.
- Keeping their offers vague and non-committal;
- Want to see developing countries' actions first;
- Developing countries should also contribute.
- Support the position of developing countries that the climate debt of developed countries should be paid - these can come in the form of finance and technology transfer;
- Indigenous peoples should be provided their equitable and fair share of financial and technological support.



|                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                   |
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| <b>Finance</b> | <ul style="list-style-type: none"> <li>- Want a financial structure under the UNFCCC with certain principles;</li> <li>- Want a substantial quantum (G77/ China stated 0.5 to 1% of developed countries' GDP amounting to \$200 to \$400 B/year);</li> <li>- However, in light of the fact that the US spent nearly US\$3 trillion to bail-out its financial corporations, this quantum is very low;</li> <li>- Bangladesh has proposed a budget of US\$3 trillion/ year;</li> <li>- This is not aid but payment to fulfill A1 finance commitments;</li> <li>- Funds outside the UNFCCC are not counted as meeting Art. 4 commitments.</li> </ul> | <ul style="list-style-type: none"> <li>- Do not want a new structure for finance under the UNFCCC and prefer "existing fund," i.e., GEF, World Bank, bilateral aid, etc.</li> <li>- On quantum, they are vague and ad-hoc;</li> <li>- They will fund mitigation by picking from NAMAs (Nationally Appropriate Mitigation Actions) registered by developing countries (with the register system being like a matchmaking agency);</li> <li>- Model: register and put in website and we will look at it and fund;</li> <li>- Want developing countries to contribute also to fund (Mexican Proposal).</li> </ul> | <ul style="list-style-type: none"> <li>- Want to be part of funding boards, e.g., Adaptation Fund Board, LDC Fund Board, etc.;</li> <li>- Mechanisms put in place to ensure that funds can be accessed by them without intermediaries.</li> </ul> |
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## Technology

### Definition of technology transfer

- Transfer of know-how, capacity to adapt, and make equipment and to design new technologies;
- Want absorption of technology by domestic firms and exclusion of IPRs from climate-friendly technologies, patent pools and North public funding of Research and Development with technologies in the public domain (no patents);
- G77 and China proposed a new technology structure under the UNFCCC, i.e., Technology Council comprising members, with policy and technical arms and fund.
- Sell equipment at full cost;
- Developing countries must create enabling environment for investments and technology to flow, i.e., Foreign Direct Investment (FDI) friendly rules and full recognition of IPRs;
- Have not agreed or even engaged on this and prefer continuing the work under an advisory expert group.
- Recognition of traditional knowledge and technologies for mitigation and adaptation and support for the use of these;
- Transfer of technology to indigenous communities;
- Support for development and enhancement of traditional technologies;
- Assessment of technologies to ensure these are appropriate and do not cause adverse socio-economic and environmental impacts.

|                   |                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| <b>Adaptation</b> | <ul style="list-style-type: none"> <li>- Have proposals for developed countries to provide financing to meet adaptation costs for all developing countries, on a non-debt creating basis.</li> </ul> | <ul style="list-style-type: none"> <li>- Vague in their response and are building the case for funds only for “vulnerable countries” without defining nor any agreement on what are “vulnerable countries.” No agreement on “vulnerable countries;”</li> <li>- Want to shift responsibility on financing by asking for adaptation actions to be “mainstreamed” as part of national development strategies. This means the ODA (Official Development Assistance) commitment (0.7%) will be used also for adaptation.</li> </ul> | <ul style="list-style-type: none"> <li>- Support the position of Bolivia, i.e., that the costs of adaptation must be part of the payment of climate debt (emissions debt + adaptation debt);</li> <li>- These finances for adaptation should not be in the form of debts;</li> <li>- Adaptation technologies being developed by indigenous peoples should be enhanced and supported;</li> <li>- Any adaptation fund should be separate from ODA and can be accessed directly by indigenous peoples.</li> </ul> |
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## Legal form of outcome and tracks

- Most developing countries want to retain KP with new commitments of A1 countries and amend KP Annex B;
- Most developing countries want outcome of the AWG-LCA as a set of decisions which are legally binding as well;
- Want KP and LCA to remain in 2 separate tracks.
- Want a new protocol with some developing countries joining A1 and to amend KP to enable "Other Issues" to enter;
- Want a "new" agreement for LCA and possibly to integrate KP and LCA outcomes in a single agreement (New Protocol);
- Want to merge 2 tracks and pull the issues into a "single undertaking with a single legal outcome."
- Retain the KP and agree to new commitments under the 2<sup>nd</sup> Commitment Period;
- Cannot agree to a new protocol as it will take a long time before such a protocol can be agreed upon. In the meantime, the needed deep emission cuts are not being met by A1 countries;
- COP decisions are also legally binding so there is no need for a new protocol which will just create distractions away from developed countries implementing deep emission cuts and meeting their finance and technology commitments.



|                 |                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                    |
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| <b>Timeline</b> | <ul style="list-style-type: none"> <li>- Real, hard deadline is the expiration of the 1<sup>st</sup> Commitment Period for A1 Parties of KP in 2012;</li> <li>- There is no need to complete the work of LCA in 2009, although this is set in BAP;</li> <li>- COP15 in Copenhagen does not mean A1 cannot complete their commitment period for KP.</li> </ul> | <ul style="list-style-type: none"> <li>- Want same 2009 deadline for the AWG-LCA and KP so that they can have a single undertaking (i.e., developing countries must commit to mitigation in LCA as a condition for A1 to commit to KP or to commit in a new protocol or agreement).</li> </ul> | <ul style="list-style-type: none"> <li>- A1 countries should still work towards meeting their commitments under KP in the 1<sup>st</sup> Commitment Period (2007-2012).</li> </ul> |
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## Trade and Climate

- Strongly against unilateral trade measures (trade protectionism, border tariffs, etc.) by developed countries on the grounds of taking climate action;
- This would pass on the burden and cost of adjustment to developing countries through the back door of trade measures, thus violating the UNFCCC principles (i.e., A1 has to bear the costs, and of rejection of trade protectionism).
- Already preparing to use unilateral trade measures to block developing countries' exports;
- Waxman-Markey Bill has carbon charge on imports. If they cannot get developing countries to take mitigation commitments through the UNFCCC, they will get them to do it through trade measures;
- US bills also insist that US IPRs and enforcement are fully protected.
- Climate change actions should not be used by developed countries to impose further trade liberalization on developing countries and to justify trade protectionism for themselves;
- Indigenous peoples' territories should not be further exploited (i.e., expansion of biofuel plantations, oil, gas mineral extraction, etc.) without their FPIC.

|                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| <b>Shared Vision and Long-Term Global Goal</b> | <ul style="list-style-type: none"> <li>- Argue that shared vision incorporates all aspects of the building blocks of finance, technology, mitigation and adaptation;</li> <li>- Long-term global goal has to be embedded in this integrated framework;</li> <li>- The “global goal of emission reduction” is not a stand-alone issue but must be derived from an equity-based approach in which the developed and developing countries’ contributions are differentiated, based on justice, and are explicitly clear.</li> </ul> | <ul style="list-style-type: none"> <li>- Stresses only the long-term global goal of emissions reduction;</li> <li>- This is the main outcome of Copenhagen for them;</li> <li>- Also giving only two sides of a 3-factor equation, i.e., global goal (50% cut by 2050 from 1990) and the developed countries (80%);</li> <li>- Do not mention the third factor of their equation, i.e., implicitly states that developing countries have to cut by 20% and 60% per capita (India which has 2 tonnes will cut by 1 and 1/2 tonnes).</li> </ul> | <ul style="list-style-type: none"> <li>- Long term global goal has to be integrated and wholistic - includes all aspects of building blocks of finance, technology, mitigation and adaptation and just and fair differentiated emission cuts from developed and developing countries;</li> <li>- Rights-based approach and Ecosystems Approach to solving climate change should be instituted in the Copenhagen decisions.</li> <li>- Radical shift away from unsustainable consumption and production systems should be undertaken.</li> </ul> |
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## 6 Why are these negotiations relevant to indigenous peoples?

- It is vital that indigenous peoples are able to participate effectively in the current negotiations. This is to ensure that their perspectives and proposals are not only surfaced, but more importantly, included in the outcomes of the ongoing talks beyond 2012.
- In the Bangkok meeting in 2008, the convention has stated that it would continue with CDM projects and other mitigation measures that have impacted gravely on indigenous peoples' rights to their lands and territories. There is a need to ensure that mechanisms are in place to ensure that their rights are protected, and that these projects are undertaken with their FPIC, and benefits that are derived from such projects, are directly given to indigenous communities.
- Negotiations on REDD are being fast-tracked towards a decision in 2009. Indigenous peoples need to engage in the discussions and negotiations considering the potential impacts that REDD may have on their rights to their forests. At the same time, this also presents opportunities to establish spaces and mechanisms on indigenous peoples within the UNFCCC.
- Indigenous peoples saw the need to further deepen their understanding on climate change and the negotiations, share their local adaptation and mitigation measures, and to identify strategies - and an indigenous peoples' roadmap to Copenhagen and beyond - to ensure that indigenous peoples' rights and development are considered by the UNFCCC. In 2008-2009, indigenous peoples organized several regional summits on climate change leading to the Indigenous Peoples' Global Summit on Climate Change in 2009.  
In May 2008, the Asia focal person proposed that regions hold their own processes to involve more indigenous peoples before the Global Summit takes place. The organizers for the regional summits were Tarcila Rivera Zea of Chirapaq in Peru for the Latin America and Caribbean Summit, Joseph Ole Simel of MPIDO in Kenya for the Africa Summit and Victoria Tauli-Corpuz of Tebtebba in the Philippines for the Asia Summit.<sup>12</sup>





## Indigenous peoples' regional summit on climate change held in 2009<sup>13</sup>

- Asia Regional Summit on Climate Change and Indigenous Peoples, Feb. 27-28;
- African Indigenous Peoples' Summit on Climate Change, March 5-6;
- Latin American Summit on Climate Change and its Impact on Indigenous Peoples, March 24-25.

The Indigenous Peoples' Global Summit on Climate Change was held on April 20-24 in Anchorage, Alaska. The summit was attended by around 400 indigenous participants from the different regions of the world. The summit came out with the Anchorage Declaration that reiterated indigenous peoples' perspectives and positions on climate change and the need to include indigenous peoples' rights in the negotiations (Please see Annex C: The Anchorage Declaration).

### Endnotes:

<sup>1</sup> TWN, TWN Bali News Update No. 18, 16 December 2007.

<sup>2</sup> \_\_\_\_\_, TWN Bangkok News Update No. 1, 02 April 2008, download from <www.twinside.org.sg>.

<sup>3</sup> TWN, TWN Bonn News Update No. 15, 16 June 2008.

<sup>4</sup> <[http://unfccc.int/press/news\\_room/news\\_archive/items/3769.php](http://unfccc.int/press/news_room/news_archive/items/3769.php)>, accessed 05 Sept. 2008.

<sup>5</sup> <<http://www.iisd.ca/vol12/enb12376e.html>>, accessed 11 Sept. 2009.

<sup>6</sup> TWN, TWN Accra News Update No. 10, 29 August 2008.

<sup>7</sup> Statement by indigenous peoples, NGOs on the informal meeting of the Contact Group of the SBSTA (Subsidiary Body on Scientific and Technological Advice) Working Group on REDD (Reduced emissions from deforestation and forest degradation in developing countries), 9 Dec. 2008.

<sup>8</sup> Press Statement of Victoria Tauli-Corpuz, UNPFII Chair, on Human Rights Day - "International Human Rights Day 2008 - A Sad Day for Indigenous Peoples," Dec. 10, 2008.

<sup>9</sup> Victoria Tauli-Corpuz, Press Statement of Tebtebba: Assessment of What Indigenous Peoples Have Gained So Far, 11 June 2009.

<sup>10</sup> <<http://www.abs-cbnnews.com/special-report/09/05/09/ip-rights-climate-change-talks>>.

<sup>11</sup> Matrix developed by Third World Network, South Centre and Tebtebba, 2009.

<sup>12</sup> The focal person for Asia, Victoria Tauli-Corpuz, broached the idea of regional summits to several partners. These include International Work Group on Indigenous Affairs (IWGIA); IFAD (International Fund for Agricultural Development) who supported the three regional summits; Evangelische Entwicklungsdienst (EED e.V) of Germany; and Third World Network (TWN) who provide support for the Asia summit.

<sup>13</sup> The main organizers for the Asia Regional Summit on Climate Change and Indigenous Peoples were Tebtebba and AMAN (Aliansi Masyarakat Adat Nusantara/Indigenous Peoples Alliance of the Archipelago) of Indonesia.

# *Ways Forward: The UN Declaration on the Rights of Indigenous Peoples, the Human Rights Based Approach and the Ecosystem Approach*

## 1 THE UNDRIP AS THE OVERARCHING FRAMEWORK FOR CLIMATE CHANGE POLICIES RELATING TO INDIGENOUS PEOPLES

- The overarching framework which should guide the design and implementation of climate change policies as these relate to indigenous peoples should be the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and the ILO Convention No. 169.
- Indigenous peoples believe that the Human Rights Based Approach (HRBA) to development and the Ecosystems Approach should also be used to further inform such climate change policies.
- The Declaration will be the foundation of such approaches.
- Any policy, programme or project, including those on climate change, which will be implemented on indigenous territories should be carried out with indigenous peoples' free, prior and informed consent (FPIC). Many of the problems faced by indigenous peoples on climate change arise from neglect of these rights and the FPIC principle.
- A common and important problem that indigenous peoples encounter



## Article 3 of the United Nations Declaration on the Rights of Indigenous Peoples

*“Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”*

The right to self-determination is manifested in the following:<sup>1</sup>

-  Autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions. In other cases, indigenous peoples seek the conditions for self-management.
-  Respect for the principle of free, prior and informed consent. This principle implies that there is an absence of coercion, intimidation or manipulation, that consent has been sought sufficiently in advance of any authorization or commencement of activities, that respect is shown for time requirements of indigenous consultation/consensus processes and that full and understandable information on the likely impact is provided.
-  Full and effective participation of indigenous peoples at every stage of any action that may affect them direct or indirectly. The participation of indigenous peoples may be through their traditional authorities or a representative organization. This participation may also take the form of co-management.
-  Consultation with the indigenous peoples concerned prior to any action that may affect them, direct or indirectly. Consultation ensures that their concerns and interests match the objectives of the activity or action that is planned.
-  Formal recognition of indigenous peoples' traditional institutions, internal justice and conflict resolution systems, and ways of socio-political organization
-  Recognition of the right of indigenous peoples to freely define and pursue their economic, social and cultural development.

is the violations of their rights to lands, territories and natural resources.

This problem persists with worsening effects to them in terms of scale and depth especially in countries where national laws recognizing indigenous peoples' land rights are absent. The aggravating factor in most countries is that the existence of indigenous peoples is not recognized in any law or in any policy. Such denial of land and



### What is FPIC?

**... the consensus/consent of indigenous peoples determined in accordance with their customary laws and practices.**

This does not necessarily mean that every single member must agree, but rather that consensus will be determined pursuant to customary law and practice. In some cases, indigenous peoples may choose to express their consent through procedures and institutions that are not formally or entirely based on customary law and practice, such as statutory councils or tribal governments. Regardless of the nature of the process, the

*(Continued next page)*

resource rights, as well as its use and management, is an underlying cause of biodiversity loss among indigenous peoples.

- In the Anchorage Declaration of the Indigenous Peoples' Global Summit on Climate Change held in April 2009, indigenous peoples reiterated that the "rights of Indigenous Peoples, affirmed by the UNDRIP, must be fully respected in all decision-making processes and activities related to climate change. This includes our rights

to our lands, territories, environment and natural resources as contained in Articles 25–30 of the UNDRIP. When specific programs and projects affect them, the right to Self Determination of Indigenous Peoples must be respected, emphasizing our right to Free Prior and Informed Consent including the right to say 'no.' UNFCCC agreements and principles must reflect the spirit of the UNDRIP."

## What is FPIC?

(continued)

affected indigenous people(s) retain the right to refuse consent or to withhold consent until certain conditions are met. Consent must be obtained without coercion, prior to commencement of activities, and after the project proponent's full disclosure of the intent and scope of the activity, in language and process understandable to the affected indigenous peoples and communities.

Source: Indigenous Peoples' Right to Free, Prior and Informed Consent and the World Bank's Extractive Industries Review by Fergus MacKay, Forest Peoples' Programme, 2004.

## UNDRIP'S ARTICLES ON TRADITIONAL LANDS, RESOURCES AND TERRITORIES

### Article 25

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

### Article 26

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

## 2 Human Rights-Based Approach (HRBA) to Development

- The HRBA has been discussed extensively within the UN system and based on these, there are principles and points on a common understanding on this which was agreed upon by the various UN agencies, bodies and programmes.
- Indigenous peoples cannot talk about Multilateral Environmental Agreements separate from International Human Rights Law. The UNDRIP will form part of International Human Rights Law.

### *The Statement of Common Understanding*

1. All programmes of development cooperation, policies and technical assistance should further the realisation of human rights as laid down in the Universal Declaration of Human Rights and other international human rights instruments.
2. Human rights standards contained in, and principles derived from, the Universal Declaration of Human Rights and other international human rights instruments guide all development cooperation and programming in all sectors and in all phases of the programming process.
3. Development cooperation contributes to the development of the capacities of “duty-bearers” to meet their obligations and/or of “rights-holders” to claim their rights.

The principles of International Human Rights Law which should be kept in mind when discussions on Climate Change policies will be shaped as these relate to indigenous peoples are as follows:

Interdependence and inter-relatedness; non-discrimination and equality; participation and inclusion; accountability and the rule of law. These principles are explained below.

 *Universality and inalienability:* Human rights are universal and inalienable. All people everywhere in the world are entitled to them. The human person in whom they inhere cannot voluntarily give them up. Nor can others take them away from him or her. As stated in Article 1 of the UDHR, “All human beings are born free and equal in dignity and rights.”

 *Indivisibility:* Human rights are indivisible. Whether of a civil, cultural, economic, political or social nature, they are all inherent to the dignity of every human person. Consequently, they all have equal status as rights, and cannot be ranked, a priori, in a hierarchical order.

 *Inter-dependence and Inter-relatedness:* The realization of one right often depends, wholly or in part, upon the realization of others. For instance, realization of the right to health may depend, in certain circumstances, on realization of the right to education or of the right to information.

 *Equality and Non-discrimination:* All individuals are equal as human beings and by virtue of the inherent dignity of each human person. All human beings are entitled to their human rights without discrimination of any kind, such as race, colour, sex, ethnicity, age, language, religion, political or other opinion, national or social origin, disability, property, birth or other status as explained by the human rights treaty bodies.

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-  *Participation and Inclusion:* Every person and all peoples are entitled to active, free and meaningful participation in, contribution to, and enjoyment of civil, economic, social, cultural and political development in which human rights and fundamental freedoms can be realized.
-  *Accountability and Rule of Law:* States and other duty-bearers are answerable for the observance of human rights. In this regard, they have to comply with the legal norms and standards enshrined in human rights instruments. Where they fail to do so, aggrieved rights-holders are entitled to institute proceedings for appropriate redress before a competent court or other adjudicator in accordance with the rules and procedures provided by law.

## 3 Ecosystem Approach

- Indigenous peoples' view of climate change and measures to address problems is fully consistent with the Ecosystem Approach which acknowledges that decision-making and management of biodiversity are best carried out using the institutions and governance mechanisms most suited at the ecosystem-level, including a recognition of the central role of indigenous peoples.
- It recognizes that humans, with their cultural diversity, are an integral component of various ecosystems. Such an approach is "a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way."<sup>2</sup> It maintains the productive potential of ecosystems allowing indigenous peoples as stewards of the environment, using practices in synergy with ecosystem processes and functions.
- The Ecosystem Approach thus provides a sustainable approach in addressing cultural and biological diversity that directly contributes to solutions on the problems on climate change. It is therefore imperative that mitigation and adaptation measures on climate change should be informed by this.



### ECOSYSTEM APPROACH

- provides for an understanding of ecosystemic processes with a long term view of the sustainable relationship between peoples and environment.

### ***First Principle of the Ecosystem Approach Adopted by the CBD***

The objectives of management of land, water and living resources are a matter of societal choice. It recognizes that different sectors of society view ecosystems in terms of their own economic, cultural and societal needs. Indigenous peoples and other local communities living on the land are important stakeholders and their rights and interests should be recognized. Both cultural and biological diversity are central components of the ecosystem approach, and management should take this into account. Societal choices should be expressed as clearly as possible. Ecosystems should be managed for their intrinsic values and for the tangible or intangible benefits for humans, in a fair and equitable way.



Photo Credit: Montafiosa Research Development Center



## ***4 Ways Forward<sup>3</sup>***

Using the UN Declaration on the Rights of Indigenous Peoples as framework for indigenous peoples' engagement in the climate change processes, indigenous peoples have therefore identified the following as ways forward:

### **☑ For indigenous peoples and communities:**

1. Preserve our rights to maintain our traditional use of plants and animals for hunting and gathering. We as indigenous peoples have preserved the biodiversity of our lands for hundreds of years by caring for nature and using it only in sustainable ways.
2. Nurture and develop our traditional knowledge, environment-friendly technologies, cultural diversity and the biodiversity in our territories.
3. Strengthen our traditional forest management and conservation practices, sustainable traditional agricultural practices, traditional livelihoods, etc.

4. Enhance and deepen our understanding of climate change to implement more effective and appropriate mitigation and adaptation measures in our lands and territories.
5. Create better documentation of good practices in mitigation and adaptation and share these with other indigenous communities and organizations.
6. Participate in climate change workshops/meetings/conferences in different levels (local, national, regional and global) and speak out, if possible.
7. Work out strategy papers on REDD and the issues of technology, finance, adaptation and mitigation, and capacity building.
8. Undertake sustained lobby and advocacy work within the UNFCCC processes, among the UN agencies and bodies, and multilateral bodies to ensure our effective and meaningful participation and to ensure that our rights, perspectives and proposals on climate change are respected, popularized and implemented. Actively participate in the formulation of national policies on climate change.
9. Craft the architecture and design of our local and national self-determined development which will strengthen our low-carbon or carbon-neutral societies.
10. Gather political, technical and financial support of the international community and national support for the operationalization of indigenous people's self-determined development underpinned by the UNDRIP.

**☒ For the UN and its agencies, governments and multilateral and bilateral bodies**

1. The UNDRIP should serve as a key framework in the formulation of plans for development and should be considered in all processes related to climate change at national, regional and global levels. The Ecosystem Approach guided by the UNDRIP as a framework can be used by UN agencies and governments to conduct researches on "Indigenous peoples and climate change" that can inform the formulation of projects and programs for indigenous peoples.
2. The safeguard policies of the multilateral banks and the existing and future policies on indigenous peoples of UN bodies and other multilateral bodies, should be implemented in all climate change-related projects and programs.

3. The Annex 1 countries should implement their commitments to the Kyoto Protocol. The fast-industrializing developing countries should also undertake serious efforts to cut their emissions and develop low-carbon energy systems. The international community should take serious measures to mitigate climate change.
4. COP15 of the UNFCCC should support a binding emissions reduction target for developed countries (Annex 1) of at least 45% below 1990 levels by 2020 and at least 95% by 2050.
5. The social dimension of climate change needs to be considered, so that the social and cultural impacts on indigenous peoples, including indigenous women, are more visible.
6. Threats to indigenous peoples' human rights caused by mitigation measures being undertaken under the Kyoto Protocol should be addressed.
7. UN member states should assist indigenous peoples of the world with their adaptations to the increasingly negative impacts of climate change, while at the same time continuing, in parallel, to work on mitigation measures.
8. Indigenous peoples' past, present and future contributions to mitigation should be recognized and incentives to enhance indigenous peoples' capacities to further contribute to mitigation should be promoted.
9. Mitigation measures of indigenous peoples should be included in the monitoring, reporting and verification (MRV) processes in undertaking Nationally Appropriate Mitigation Actions (NAMAs).
10. All initiatives under REDD must secure the recognition and implementation of the rights of indigenous peoples, including security of land tenure, recognition of land title according to traditional ways, uses and customary laws and the multiple benefits of forests for climate, ecosystems, and peoples before taking any action.
11. The Arctic region, because it is an early indicator of climate change for the rest of the world and because its coastal indigenous peoples are at this time particularly vulnerable, should be designated as a special climate change focal point.
12. The perpetuation of highly centralized, fossil-fuel-based energy supplies should be challenged.
13. The support of the World Bank and other multilateral and bilateral financial institutions for fossil-based energy projects and large-scale hydropower dams is greater than their support for renewable and decentralized systems. The recommendations and proposals by indigenous peoples on the FCPF and other carbon

- funds like the BioCarbon Fund should be implemented by the Bank and other relevant agencies.
14. The promotion of large-scale technologies, whether these are nuclear energy, large-scale bioenergy, or large-scale hydropower technologies, should be discouraged.
  15. For the UNFCCC to:
    - a. Organize regular Technical Briefings by indigenous peoples on traditional knowledge and climate change;
    - b. Recognize and engage the International Indigenous Peoples' Forum on Climate Change and its regional focal points in an advisory role;
    - c. Immediately establish an indigenous focal point in the secretariat of the UNFCCC;
    - d. Appoint indigenous peoples' representatives in UNFCCC funding mechanisms in consultation with indigenous peoples;
    - e. Take the necessary measures to ensure the full and effective participation of indigenous and local communities in formulating, implementing, and monitoring activities, mitigation, and adaptation relating to impacts of climate change.
  16. Adaptation funds should be provided immediately to indigenous peoples who are affected by climate change-related disasters, including an Indigenous Peoples Fund for Climate Change.
  17. The full and effective participation of indigenous peoples in the forthcoming negotiations for the next Kyoto Protocol commitment period should be ensured. A "working Group on Local Adaptation Measures and Traditional Knowledge of Indigenous Peoples" should be established within the UNFCCC.
  18. The Intergovernmental Panel on Climate Change (IPCC), the Millennium Ecosystem Assessment, and other relevant institutions should support indigenous peoples in carrying out indigenous peoples' climate change assessments. The IPCC should work with indigenous peoples to include their observations, analysis and practice on climate change.
  19. Effective participation of indigenous peoples should be ensured in the formulation and implementation of national policies on climate change.
  20. Provide technical and funding assistance for capacity building activities undertaken by indigenous peoples, including their efforts to document good practices in mitigation and adaptation and to replicate and upscale these practices.

15. The UN Permanent Forum on Indigenous Issues and the Human Rights Council Expert Mechanism on Indigenous Peoples Rights should evaluate whether existing and proposed climate change policies and projects adhere to the standards set by the UNDRIP. 

## Endnotes:

<sup>1</sup> United Nations Development Group Guidelines on Indigenous Peoples' Issues. Download from <[www.un.org/esa/socdev/unpfii](http://www.un.org/esa/socdev/unpfii)>.

<sup>2</sup> The Ecosystem Approach. UNEP/CBD/COP/5/23. Decisions adopted by the Conference of the Parties to the Convention on Biological Diversity at its Fifth Meeting. Nairobi, 15-26 May 2000.

<sup>3</sup> Recommendations are based on the paper written by the Special Rapporteurs of the UNPFII on Impact of Climate Change Mitigation Measures on Indigenous Peoples and on Their Territories and Lands, [E/C.19/2008/10], 19 March 2008 and the Anchorage Declaration of the Indigenous Peoples' Global Summit on Climate Change, 24 April 2009.

# Annexes

## ANNEX A

### UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE



UNITED NATIONS  
1992

FCCC/INFORMAL/84  
GE.05-62220 (E) 200705

*The Parties to this Convention,*

*Acknowledging* that change in the Earth's climate and its adverse effects are a common concern of humankind,

*Concerned* that human activities have been substantially increasing the atmospheric concentrations of greenhouse gases, that these increases enhance the natural greenhouse effect, and that this will result on average in an additional warming of the Earth's surface and atmosphere and may adversely affect natural ecosystems and humankind,

*Noting* that the largest share of historical and current global emissions of greenhouse gases has originated in developed countries, that per capita emissions in developing countries are still relatively low and that the share of global emissions originating in developing countries will grow to meet their social and development needs,

*Aware* of the role and importance in terrestrial and marine ecosystems of sinks and

reservoirs of greenhouse gases,

*Noting* that there are many uncertainties in predictions of climate change, particularly with regard to the timing, magnitude and regional patterns thereof,

*Acknowledging* that the global nature of climate change calls for the widest possible cooperation by all countries and their participation in an effective and appropriate international response, in accordance with their common but differentiated responsibilities and respective capabilities and their social and economic conditions,

*Recalling* the pertinent provisions of the Declaration of the United Nations Conference on the Human Environment, adopted at Stockholm on 16 June 1972,

*Recalling* also that States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction,

*Reaffirming* the principle of sovereignty of States in international cooperation to address climate change, Recognizing that States should enact effective environmental legislation, that environmental standards, management objectives and priorities should reflect the environmental and developmental context to which they apply, and that standards applied by some countries may be inappropriate and of unwarranted economic and social cost to other countries, in particular developing countries,

*Recalling* the provisions of General Assembly resolution 44/228 of 22 December 1989 on the United Nations Conference on Environment and Development, and resolutions 43/53 of 6 December 1988, 44/207 of 22 December 1989, 45/212 of 21 December 1990 and 46/169 of 19 December 1991 on protection of global climate for present and future generations of mankind,

*Recalling* also the provisions of General Assembly resolution 44/206 of 22 December 1989 on the possible adverse effects of sea-level rise on islands and coastal areas, particularly low-lying coastal areas and the pertinent provisions of General Assembly resolution 44/172 of 19 December 1989 on the implementation of the Plan of Action to Combat Desertification,

*Recalling further* the Vienna Convention for the Protection of the Ozone Layer, 1985, and the Montreal Protocol on Substances that Deplete the Ozone Layer, 1987, as adjusted and amended on 29 June 1990,

*Noting* the Ministerial Declaration of the Second World Climate Conference adopted on 7 November 1990,

*Conscious* of the valuable analytical work being conducted by many States on climate change and of the important contributions of the World Meteorological Organization, the United Nations Environment Programme and other organs, organizations and bodies of the United Nations system, as well as other international and intergovernmental bodies, to the exchange of results of scientific research and the coordination of research,

*Recognizing* that steps required to understand and address climate change will be environmentally, socially and economically most effective if they are based on relevant scientific, technical and economic considerations and continually re-evaluated in the light of new findings in these areas,

*Recognizing* that various actions to address climate change can be justified

economically in their own right and can also help in solving other environmental problems,

*Recognizing* also the need for developed countries to take immediate action in a flexible manner on the basis of clear priorities, as a first step towards comprehensive response strategies at the global, national and, where agreed, regional levels that take into account all greenhouse gases, with due consideration of their relative contributions to the enhancement of the greenhouse effect,

*Recognizing further* that 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, and developing countries with fragile mountainous ecosystems are particularly vulnerable to the adverse effects of climate change,

*Recognizing* the special difficulties of those countries, especially developing countries, whose economies are particularly dependent on fossil fuel production, use and exportation, as a consequence of action taken on limiting greenhouse gas emissions,

*Affirming* that responses to climate change should be coordinated with social and economic development in an integrated manner with a view to avoiding adverse impacts on the latter, taking into full account the legitimate priority needs of developing countries for the achievement of sustained economic growth and the eradication of poverty,

*Recognizing* that all countries, especially developing countries, need access to resources required to achieve sustainable social and economic development and that, in order for developing countries to progress towards that goal, their energy consumption will need to grow taking into account the possibilities for achieving greater energy efficiency and for controlling greenhouse gas emissions in general, including through the application of new technologies on terms which make such an application economically and socially beneficial,

*Determined* to protect the climate system for present and future generations,

*Have agreed* as follows:

## **Article 1**

### **DEFINITIONS\***

For the purposes of this Convention:

1. "Adverse effects of climate change" means changes in the physical environment or biota resulting from climate change which have significant deleterious effects on the composition, resilience or productivity of natural and managed ecosystems or on the operation of socio-economic systems or on human health and welfare.
2. "Climate change" means a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods.

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\* Titles of articles are included solely to assist the reader.

3. "Climate system" means the totality of the atmosphere, hydrosphere, biosphere and geosphere and their interactions.
4. "Emissions" means the release of greenhouse gases and/or their precursors into the atmosphere over a specified area and period of time.
5. "Greenhouse gases" means those gaseous constituents of the atmosphere, both natural and anthropogenic, that absorb and re-emit infrared radiation.
6. "Regional economic integration organization" means an organization constituted by sovereign States of a given region which has competence in respect of matters governed by this Convention or its protocols and has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to the instruments concerned.
7. "Reservoir" means a component or components of the climate system where a greenhouse gas or a precursor of a greenhouse gas is stored.
8. "Sink" means any process, activity or mechanism which removes a greenhouse gas, an aerosol or a precursor of a greenhouse gas from the atmosphere.
9. "Source" means any process or activity which releases a greenhouse gas, an aerosol or a precursor of a greenhouse gas into the atmosphere.

## **Article 2**

### **OBJECTIVE**

The ultimate objective of this Convention and any related legal instruments that the Conference of the Parties may adopt is to achieve, in accordance with the relevant provisions of the Convention, stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner.

## **Article 3**

### **PRINCIPLES**

In their actions to achieve the objective of the Convention and to implement its provisions, the Parties shall be guided, *inter alia*, by the following:

1. The Parties should protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities. Accordingly, the developed country Parties should take the lead in combating climate change and the adverse effects thereof.
2. The specific needs and special circumstances of developing country Parties, especially those that are particularly vulnerable to the adverse effects of climate change, and of those Parties, especially developing country Parties, that would have to bear a disproportionate or abnormal burden under the Convention, should be given full

consideration.

3. The Parties should take precautionary measures to anticipate, prevent or minimize the causes of climate change and mitigate its adverse effects. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing such measures, taking into account that policies and measures to deal with climate change should be cost-effective so as to ensure global benefits at the lowest possible cost. To achieve this, such policies and measures should take into account different socio-economic contexts, be comprehensive, cover all relevant sources, sinks and reservoirs of greenhouse gases and adaptation, and comprise all economic sectors. Efforts to address climate change may be carried out cooperatively by interested Parties.

4. The Parties have a right to, and should, promote sustainable development. Policies and measures to protect the climate system against human-induced change should be appropriate for the specific conditions of each Party and should be integrated with national development programmes, taking into account that economic development is essential for adopting measures to address climate change.

5. The Parties should cooperate to promote a supportive and open international economic system that would lead to sustainable economic growth and development in all Parties, particularly developing country Parties, thus enabling them better to address the problems of climate change. Measures taken to combat climate change, including unilateral ones, should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade.

## **Article 4**

### **COMMITMENTS**

1. All Parties, taking into account their common but differentiated responsibilities and their specific national and regional development priorities, objectives and circumstances, shall:

(a) Develop, periodically update, publish and make available to the Conference of the Parties, in accordance with Article 12, national inventories of anthropogenic emissions by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol, using comparable methodologies to be agreed upon by the Conference of the Parties;

(b) Formulate, implement, publish and regularly update national and, where appropriate, regional programmes containing measures to mitigate climate change by addressing anthropogenic emissions by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol, and measures to facilitate adequate adaptation to climate change;

(c) Promote and cooperate in the development, application and diffusion, including transfer, of technologies, practices and processes that control, reduce or prevent anthropogenic emissions of greenhouse gases not controlled by the Montreal Protocol in all relevant sectors, including the energy, transport, industry, agriculture, forestry and waste management sectors;

(d) Promote sustainable management, and promote and cooperate in the conservation and enhancement, as appropriate, of sinks and reservoirs of all greenhouse gases not controlled by the Montreal Protocol, including biomass, forests and oceans as well as other terrestrial, coastal and marine ecosystems;

(e) Cooperate in preparing for adaptation to the impacts of climate change; develop and elaborate appropriate and integrated plans for coastal zone management, water resources and agriculture, and for the protection and rehabilitation of areas, particularly in Africa, affected by drought and desertification, as well as floods;

(f) Take climate change considerations into account, to the extent feasible, in their relevant social, economic and environmental policies and actions, and employ appropriate methods, for example impact assessments, formulated and determined nationally, with a view to minimizing adverse effects on the economy, on public health and on the quality of the environment, of projects or measures undertaken by them to mitigate or adapt to climate change;

(g) Promote and cooperate in scientific, technological, technical, socio-economic and other research, systematic observation and development of data archives related to the climate system and intended to further the understanding and to reduce or eliminate the remaining uncertainties regarding the causes, effects, magnitude and timing of climate change and the economic and social consequences of various response strategies;

(h) Promote and cooperate in the full, open and prompt exchange of relevant scientific, technological, technical, socio-economic and legal information related to the climate system and climate change, and to the economic and social consequences of various response strategies;

(i) Promote and cooperate in education, training and public awareness related to climate change and encourage the widest participation in this process, including that of non-governmental organizations; and

(j) Communicate to the Conference of the Parties information related to implementation, in accordance with Article 12.

2. The developed country Parties and other Parties included in Annex I commit themselves specifically as provided for in the following:

(a) Each of these Parties shall adopt national<sup>1</sup> policies and take corresponding measures on the mitigation of climate change, by limiting its anthropogenic emissions of greenhouse gases and protecting and enhancing its greenhouse gas sinks and reservoirs. These policies and measures will demonstrate that developed countries are taking the lead in modifying longer-term trends in anthropogenic emissions consistent with the objective of the Convention, recognizing that the return by the end of the present decade to earlier levels of anthropogenic emissions of carbon dioxide and other greenhouse gases not controlled by the Montreal Protocol would contribute to such modification, and taking into account the differences in these Parties' starting points and approaches, economic structures and resource bases, the need to maintain strong and sustainable economic growth, available technologies and other individual circumstances, as well as the need for equitable and appropriate contributions by each of these Parties to the global effort regarding that

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<sup>1</sup> This includes policies and measures adopted by regional economic integration organizations.

objective. These Parties may implement such policies and measures jointly with other Parties and may assist other Parties in contributing to the achievement of the objective of the Convention and, in particular, that of this subparagraph;

(b) In order to promote progress to this end, each of these Parties shall communicate, within six months of the entry into force of the Convention for it and periodically thereafter, and in accordance with Article 12, detailed information on its policies and measures referred to in subparagraph (a) above, as well as on its resulting projected anthropogenic emissions by sources and removals by sinks of greenhouse gases not controlled by the Montreal Protocol for the period referred to in subparagraph (a), with the aim of returning individually or jointly to their 1990 levels these anthropogenic emissions of carbon dioxide and other greenhouse gases not controlled by the Montreal Protocol. This information will be reviewed by the Conference of the Parties, at its first session and periodically thereafter, in accordance with Article 7;

(c) Calculations of emissions by sources and removals by sinks of greenhouse gases for the purposes of subparagraph (b) above should take into account the best available scientific knowledge, including of the effective capacity of sinks and the respective contributions of such gases to climate change. The Conference of the Parties shall consider and agree on methodologies for these calculations at its first session and review them regularly thereafter;

(d) The Conference of the Parties shall, at its first session, review the adequacy of subparagraphs (a) and (b) above. Such review shall be carried out in the light of the best available scientific information and assessment on climate change and its impacts, as well as relevant technical, social and economic information. Based on this review, the Conference of the Parties shall take appropriate action, which may include the adoption of amendments to the commitments in subparagraphs (a) and (b) above. The Conference of the Parties, at its first session, shall also take decisions regarding criteria for joint implementation as indicated in subparagraph (a) above. A second review of subparagraphs (a) and (b) shall take place not later than 31 December 1998, and thereafter at regular intervals determined by the Conference of the Parties, until the objective of the Convention is met;

(e) Each of these Parties shall:

- (i) coordinate as appropriate with other such Parties, relevant economic and administrative instruments developed to achieve the objective of the Convention; and
- (ii) identify and periodically review its own policies and practices which encourage activities that lead to greater levels of anthropogenic emissions of greenhouse gases not controlled by the Montreal Protocol than would otherwise occur;

(f) The Conference of the Parties shall review, not later than 31 December 1998, available information with a view to taking decisions regarding such amendments to the lists in Annexes I and II as may be appropriate, with the approval of the Party concerned;

(g) Any Party not included in Annex I may, in its instrument of ratification, acceptance, approval or accession, or at any time thereafter, notify the Depositary that it intends to be bound by subparagraphs (a) and (b) above. The Depositary shall inform the other signatories and Parties of any such notification.

3. The developed country Parties and other developed Parties included in Annex

It shall provide new and additional financial resources to meet the agreed full costs incurred by developing country Parties in complying with their obligations under Article 12, paragraph 1. They shall also provide such financial resources, including for the transfer of technology, needed by the developing country Parties to meet the agreed full incremental costs of implementing measures that are covered by paragraph 1 of this Article and that are agreed between a developing country Party and the international entity or entities referred to in Article 11, in accordance with that Article. The implementation of these commitments shall take into account the need for adequacy and predictability in the flow of funds and the importance of appropriate burden sharing among the developed country Parties.

4. The developed country Parties and other developed Parties included in Annex II shall also assist the developing country Parties that are particularly vulnerable to the adverse effects of climate change in meeting costs of adaptation to those adverse effects.

5. The developed country Parties and other developed Parties included in Annex II shall take all practicable steps to promote, facilitate and finance, as appropriate, the transfer of, or access to, environmentally sound technologies and know-how to other Parties, particularly developing country Parties, to enable them to implement the provisions of the Convention. In this process, the developed country Parties shall support the development and enhancement of endogenous capacities and technologies of developing country Parties. Other Parties and organizations in a position to do so may also assist in facilitating the transfer of such technologies.

6. In the implementation of their commitments under paragraph 2 above, a certain degree of flexibility shall be allowed by the Conference of the Parties to the Parties included in Annex I undergoing the process of transition to a market economy, in order to enhance the ability of these Parties to address climate change, including with regard to the historical level of anthropogenic emissions of greenhouse gases not controlled by the Montreal Protocol chosen as a reference.

7. The extent to which developing country Parties will effectively implement their commitments under the Convention will depend on the effective implementation by developed country Parties of their commitments under the Convention related to financial resources and transfer of technology and will take fully into account that economic and social development and poverty eradication are the first and overriding priorities of the developing country Parties.

8. In the implementation of the commitments in this Article, the Parties shall give full consideration to what actions are necessary under the Convention, including actions related to funding, insurance and the transfer of technology, to meet the specific needs and concerns of developing country Parties arising from the adverse effects of climate change and/or the impact of the implementation of response measures, especially on:

- (a) Small island countries;
- (b) Countries with low-lying coastal areas;
- (c) Countries with arid and semi-arid areas, forested areas and areas liable to forest decay;
- (d) Countries with areas prone to natural disasters;
- (e) Countries with areas liable to drought and desertification;
- (f) Countries with areas of high urban atmospheric pollution;

- (g) Countries with areas with fragile ecosystems, including mountainous ecosystems;
- (h) Countries whose economies are highly dependent on income generated from the production, processing and export, and/or on consumption of fossil fuels and associated energy-intensive products; and
- (i) Landlocked and transit countries. Further, the Conference of the Parties may take actions, as appropriate, with respect to this paragraph.

9. The Parties shall take full account of the specific needs and special situations of the least developed countries in their actions with regard to funding and transfer of technology.

10. The Parties shall, in accordance with Article 10, take into consideration in the implementation of the commitments of the Convention the situation of Parties, particularly developing country Parties, with economies that are vulnerable to the adverse effects of the implementation of measures to respond to climate change. This applies notably to Parties with economies that are highly dependent on income generated from the production, processing and export, and/or consumption of fossil fuels and associated energy-intensive products and/or the use of fossil fuels for which such Parties have serious difficulties in switching to alternatives.

## **Article 5**

### **RESEARCH AND SYSTEMATIC OBSERVATION**

In carrying out their commitments under Article 4, paragraph 1 (g), the Parties shall:

- (a) Support and further develop, as appropriate, international and intergovernmental programmes and networks or organizations aimed at defining, conducting, assessing and financing research, data collection and systematic observation, taking into account the need to minimize duplication of effort;
- (b) Support international and intergovernmental efforts to strengthen systematic observation and national scientific and technical research capacities and capabilities, particularly in developing countries, and to promote access to, and the exchange of, data and analyses thereof obtained from areas beyond national jurisdiction; and
- (c) Take into account the particular concerns and needs of developing countries and cooperate in improving their endogenous capacities and capabilities to participate in the efforts referred to in subparagraphs (a) and (b) above.

## **Article 6**

### **EDUCATION, TRAINING AND PUBLIC AWARENESS**

In carrying out their commitments under Article 4, paragraph 1 (i), the Parties shall:

- (a) Promote and facilitate at the national and, as appropriate, subregional

and regional levels, and in accordance with national laws and regulations, and within their respective capacities:

- (i) the development and implementation of educational and public awareness programmes on climate change and its effects;
  - (ii) public access to information on climate change and its effects;
  - (iii) public participation in addressing climate change and its effects and developing adequate responses; and
  - (iv) training of scientific, technical and managerial personnel;
- (b) Cooperate in and promote, at the international level, and, where appropriate, using existing bodies:
- (i) the development and exchange of educational and public awareness material on climate change and its effects; and
  - (ii) the development and implementation of education and training programmes, including the strengthening of national institutions and the exchange or secondment of personnel to train experts in this field, in particular for developing countries.

## **Article 7**

### **CONFERENCE OF THE PARTIES**

1. A Conference of the Parties is hereby established.

2. The Conference of the Parties, as the supreme body of this Convention, shall keep under regular review the implementation of the Convention and any related legal instruments that the Conference of the Parties may adopt, and shall make, within its mandate, the decisions necessary to promote the effective implementation of the Convention. To this end, it shall:

(a) Periodically examine the obligations of the Parties and the institutional arrangements under the Convention, in the light of the objective of the Convention, the experience gained in its implementation and the evolution of scientific and technological knowledge;

(b) Promote and facilitate the exchange of information on measures adopted by the Parties to address climate change and its effects, taking into account the differing circumstances, responsibilities and capabilities of the Parties and their respective commitments under the Convention;

(c) Facilitate, at the request of two or more Parties, the coordination of measures adopted by them to address climate change and its effects, taking into account the differing circumstances, responsibilities and capabilities of the Parties and their respective commitments under the Convention;

(d) Promote and guide, in accordance with the objective and provisions of the Convention, the development and periodic refinement of comparable methodologies, to be agreed on by the Conference of the Parties, *inter alia*, for preparing inventories of greenhouse gas emissions by sources and removals by sinks, and for evaluating the effectiveness of measures to limit the emissions and enhance the removals of these gases;

(e) Assess, on the basis of all information made available to it in accordance with the provisions of the Convention, the implementation of the Convention by the Parties, the overall effects of the measures taken pursuant to the Convention, in particular environmental, economic and social effects as well as their cumulative impacts and the extent to which progress towards the objective of the Convention is being achieved;

(f) Consider and adopt regular reports on the implementation of the Convention and ensure their publication;

(g) Make recommendations on any matters necessary for the implementation of the Convention;

(h) Seek to mobilize financial resources in accordance with Article 4, paragraphs 3, 4 and 5, and Article 11;

(i) Establish such subsidiary bodies as are deemed necessary for the implementation of the Convention;

(j) Review reports submitted by its subsidiary bodies and provide guidance to them;

(k) Agree upon and adopt, by consensus, rules of procedure and financial rules for itself and for any subsidiary bodies;

(l) Seek and utilize, where appropriate, the services and cooperation of, and information provided by, competent international organizations and intergovernmental and non-governmental bodies; and

(m) Exercise such other functions as are required for the achievement of the objective of the Convention as well as all other functions assigned to it under the Convention.

3. The Conference of the Parties shall, at its first session, adopt its own rules of procedure as well as those of the subsidiary bodies established by the Convention, which shall include decision-making procedures for matters not already covered by decision-making procedures stipulated in the Convention. Such procedures may include specified majorities required for the adoption of particular decisions.

4. The first session of the Conference of the Parties shall be convened by the interim secretariat referred to in Article 21 and shall take place not later than one year after the date of entry into force of the Convention. Thereafter, ordinary sessions of the Conference of the Parties shall be held every year unless otherwise decided by the Conference of the Parties.

5. Extraordinary sessions of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within six months of the request being communicated to the Parties by the secretariat, it is supported by at least one third of the Parties.

6. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State member thereof or observers thereto not Party to the Convention, may be represented at sessions of the Conference of the Parties as observers. Any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention, and which has informed the secretariat of its wish to be represented at a session of the Conference of the Parties as an observer, may be so admitted unless at least one third of the Parties

present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

## **Article 8**

### **SECRETARIAT**

1. A secretariat is hereby established.
2. The functions of the secretariat shall be:
  - (a) To make arrangements for sessions of the Conference of the Parties and its subsidiary bodies established under the Convention and to provide them with services as required;
  - (b) To compile and transmit reports submitted to it;
  - (c) To facilitate assistance to the Parties, particularly developing country Parties, on request, in the compilation and communication of information required in accordance with the provisions of the Convention;
  - (d) To prepare reports on its activities and present them to the Conference of the Parties;
  - (e) To ensure the necessary coordination with the secretariats of other relevant international bodies;
  - (f) To enter, under the overall guidance of the Conference of the Parties, into such administrative and contractual arrangements as may be required for the effective discharge of its functions; and
  - (g) To perform the other secretariat functions specified in the Convention and in any of its protocols and such other functions as may be determined by the Conference of the Parties.
3. The Conference of the Parties, at its first session, shall designate a permanent secretariat and make arrangements for its functioning.

## **Article 9**

### **SUBSIDIARY BODY FOR SCIENTIFIC AND TECHNOLOGICAL ADVICE**

1. A subsidiary body for scientific and technological advice is hereby established to provide the Conference of the Parties and, as appropriate, its other subsidiary bodies with timely information and advice on scientific and technological matters relating to the Convention. This body shall be open to participation by all Parties and shall be multidisciplinary. It shall comprise government representatives competent in the relevant field of expertise. It shall report regularly to the Conference of the Parties on all aspects of its work.
2. Under the guidance of the Conference of the Parties, and drawing upon existing competent international bodies, this body shall:
  - (a) Provide assessments of the state of scientific knowledge relating to climate change and its effects;

- (b) Prepare scientific assessments on the effects of measures taken in the implementation of the Convention;
  - (c) Identify innovative, efficient and state-of-the-art technologies and know-how and advise on the ways and means of promoting development and/or transferring such technologies;
  - (d) Provide advice on scientific programmes, international cooperation in research and development related to climate change, as well as on ways and means of supporting endogenous capacity-building in developing countries; and
  - (e) Respond to scientific, technological and methodological questions that the Conference of the Parties and its subsidiary bodies may put to the body.
3. The functions and terms of reference of this body may be further elaborated by the Conference of the Parties.

## **Article 10**

### **SUBSIDIARY BODY FOR IMPLEMENTATION**

1. A subsidiary body for implementation is hereby established to assist the Conference of the Parties in the assessment and review of the effective implementation of the Convention. This body shall be open to participation by all Parties and comprise government representatives who are experts on matters related to climate change. It shall report regularly to the Conference of the Parties on all aspects of its work.
2. Under the guidance of the Conference of the Parties, this body shall:
  - (a) Consider the information communicated in accordance with Article 12, paragraph 1, to assess the overall aggregated effect of the steps taken by the Parties in the light of the latest scientific assessments concerning climate change;
  - (b) Consider the information communicated in accordance with Article 12, paragraph 2, in order to assist the Conference of the Parties in carrying out the reviews required by Article 4, paragraph 2 (d); and
  - (c) Assist the Conference of the Parties, as appropriate, in the preparation and implementation of its decisions.

## **Article 11**

### **FINANCIAL MECHANISM**

1. A mechanism for the provision of financial resources on a grant or concessional basis, including for the transfer of technology, is hereby defined. It shall function under the guidance of and be accountable to the Conference of the Parties, which shall decide on its policies, programme priorities and eligibility criteria related to this Convention. Its operation shall be entrusted to one or more existing international entities.
2. The financial mechanism shall have an equitable and balanced representation of all Parties within a transparent system of governance.
3. The Conference of the Parties and the entity or entities entrusted with the

operation of the financial mechanism shall agree upon arrangements to give effect to the above paragraphs, which shall include the following:

- (a) Modalities to ensure that the funded projects to address climate change are in conformity with the policies, programme priorities and eligibility criteria established by the Conference of the Parties;
- (b) Modalities by which a particular funding decision may be reconsidered in light of these policies, programme priorities and eligibility criteria;
- (c) Provision by the entity or entities of regular reports to the Conference of the Parties on its funding operations, which is consistent with the requirement for accountability set out in paragraph 1 above; and
- (d) Determination in a predictable and identifiable manner of the amount of funding necessary and available for the implementation of this Convention and the conditions under which that amount shall be periodically reviewed.

4. The Conference of the Parties shall make arrangements to implement the above-mentioned provisions at its first session, reviewing and taking into account the interim arrangements referred to in Article 21, paragraph 3, and shall decide whether these interim arrangements shall be maintained. Within four years thereafter, the Conference of the Parties shall review the financial mechanism and take appropriate measures.

5. The developed country Parties may also provide and developing country Parties avail themselves of, financial resources related to the implementation of the Convention through bilateral, regional and other multilateral channels.

## **Article 12**

### **COMMUNICATION OF INFORMATION RELATED TO IMPLEMENTATION**

1. In accordance with Article 4, paragraph 1, each Party shall communicate to the Conference of the Parties, through the secretariat, the following elements of information:

- (a) A national inventory of anthropogenic emissions by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol, to the extent its capacities permit, using comparable methodologies to be promoted and agreed upon by the Conference of the Parties;
- (b) A general description of steps taken or envisaged by the Party to implement the Convention; and
- (c) Any other information that the Party considers relevant to the achievement of the objective of the Convention and suitable for inclusion in its communication, including, if feasible, material relevant for calculations of global emission trends.

2. Each developed country Party and each other Party included in Annex I shall incorporate in its communication the following elements of information:

- (a) A detailed description of the policies and measures that it has adopted to implement its commitment under Article 4, paragraphs 2 (a) and 2 (b); and
- (b) A specific estimate of the effects that the policies and measures

referred to in subparagraph (a) immediately above will have on anthropogenic emissions by its sources and removals by its sinks of greenhouse gases during the period referred to in Article 4, paragraph 2 (a).

3. In addition, each developed country Party and each other developed Party included in Annex II shall incorporate details of measures taken in accordance with Article 4, paragraphs 3, 4 and 5.

4. Developing country Parties may, on a voluntary basis, propose projects for financing, including specific technologies, materials, equipment, techniques or practices that would be needed to implement such projects, along with, if possible, an estimate of all incremental costs, of the reductions of emissions and increments of removals of greenhouse gases, as well as an estimate of the consequent benefits.

5. Each developed country Party and each other Party included in Annex I shall make its initial communication within six months of the entry into force of the Convention for that Party. Each Party not so listed shall make its initial communication within three years of the entry into force of the Convention for that Party, or of the availability of financial resources in accordance with Article 4, paragraph 3. Parties that are least developed countries may make their initial communication at their discretion. The frequency of subsequent communications by all Parties shall be determined by the Conference of the Parties, taking into account the differentiated timetable set by this paragraph.

6. Information communicated by Parties under this Article shall be transmitted by the secretariat as soon as possible to the Conference of the Parties and to any subsidiary bodies concerned. If necessary, the procedures for the communication of information may be further considered by the Conference of the Parties.

7. From its first session, the Conference of the Parties shall arrange for the provision to developing country Parties of technical and financial support, on request, in compiling and communicating information under this Article, as well as in identifying the technical and financial needs associated with proposed projects and response measures under Article 4. Such support may be provided by other Parties, by competent international organizations and by the secretariat, as appropriate.

8. Any group of Parties may, subject to guidelines adopted by the Conference of the Parties, and to prior notification to the Conference of the Parties, make a joint communication in fulfilment of their obligations under this Article, provided that such a communication includes information on the fulfilment by each of these Parties of its individual obligations under the Convention.

9. Information received by the secretariat that is designated by a Party as confidential, in accordance with criteria to be established by the Conference of the Parties, shall be aggregated by the secretariat to protect its confidentiality before being made available to any of the bodies involved in the communication and review of information.

10. Subject to paragraph 9 above, and without prejudice to the ability of any Party to make public its communication at any time, the secretariat shall make communications by Parties under this Article publicly available at the time they are submitted to the Conference of the Parties.

## **Article 13**

### **RESOLUTION OF QUESTIONS REGARDING IMPLEMENTATION**

The Conference of the Parties shall, at its first session, consider the establishment of a multilateral consultative process, available to Parties on their request, for the resolution of questions regarding the implementation of the Convention.

## **Article 14**

### **SETTLEMENT OF DISPUTES**

1. In the event of a dispute between any two or more Parties concerning the interpretation or application of the Convention, the Parties concerned shall seek a settlement of the dispute through negotiation or any other peaceful means of their own choice.

2. When ratifying, accepting, approving or acceding to the Convention, or at any time thereafter, a Party which is not a regional economic integration organization may declare in a written instrument submitted to the Depositary that, in respect of any dispute concerning the interpretation or application of the Convention, it recognizes as compulsory *ipso facto* and without special agreement, in relation to any Party accepting the same obligation:

(a) Submission of the dispute to the International Court of Justice; and/or

(b) Arbitration in accordance with procedures to be adopted by the Conference of the Parties as soon as practicable, in an annex on arbitration. A Party which is a regional economic integration organization may make a declaration with like effect in relation to arbitration in accordance with the procedures referred to in subparagraph (b) above.

3. A declaration made under paragraph 2 above shall remain in force until it expires in accordance with its terms or until three months after written notice of its revocation has been deposited with the Depositary.

4. A new declaration, a notice of revocation or the expiry of a declaration shall not in any way affect proceedings pending before the International Court of Justice or the arbitral tribunal, unless the parties to the dispute otherwise agree.

5. Subject to the operation of paragraph 2 above, if after twelve months following notification by one Party to another that a dispute exists between them, the Parties concerned have not been able to settle their dispute through the means mentioned in paragraph 1 above, the dispute shall be submitted, at the request of any of the parties to the dispute, to conciliation.

6. A conciliation commission shall be created upon the request of one of the parties to the dispute. The commission shall be composed of an equal number of members appointed by each party concerned and a chairman chosen jointly by the members appointed by each party. The commission shall render a recommendatory award, which the parties shall consider in good faith.

7. Additional procedures relating to conciliation shall be adopted by the Conference of the Parties, as soon as practicable, in an annex on conciliation.

8. The provisions of this Article shall apply to any related legal instrument which the Conference of the Parties may adopt, unless the instrument provides otherwise.

## **Article 15**

### **AMENDMENTS TO THE CONVENTION**

1. Any Party may propose amendments to the Convention.
2. Amendments to the Convention shall be adopted at an ordinary session of the Conference of the Parties. The text of any proposed amendment to the Convention shall be communicated to the Parties by the secretariat at least six months before the meeting at which it is proposed for adoption. The secretariat shall also communicate proposed amendments to the signatories to the Convention and, for information, to the Depositary.
3. The Parties shall make every effort to reach agreement on any proposed amendment to the Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the meeting. The adopted amendment shall be communicated by the secretariat to the Depositary, who shall circulate it to all Parties for their acceptance.
4. Instruments of acceptance in respect of an amendment shall be deposited with the Depositary. An amendment adopted in accordance with paragraph 3 above shall enter into force for those Parties having accepted it on the ninetieth day after the date of receipt by the Depositary of an instrument of acceptance by at least three fourths of the Parties to the Convention.
5. The amendment shall enter into force for any other Party on the ninetieth day after the date on which that Party deposits with the Depositary its instrument of acceptance of the said amendment.
6. For the purposes of this Article, "Parties present and voting" means Parties present and casting an affirmative or negative vote.

## **Article 16**

### **ADOPTION AND AMENDMENT OF ANNEXES TO THE CONVENTION**

1. Annexes to the Convention shall form an integral part thereof and, unless otherwise expressly provided, a reference to the Convention constitutes at the same time a reference to any annexes thereto. Without prejudice to the provisions of Article 14, paragraphs 2 (b) and 7, such annexes shall be restricted to lists, forms and any other material of a descriptive nature that is of a scientific, technical, procedural or administrative character.
2. Annexes to the Convention shall be proposed and adopted in accordance with the procedure set forth in Article 15, paragraphs 2, 3 and 4.
3. An annex that has been adopted in accordance with paragraph 2 above shall enter into force for all Parties to the Convention six months after the date of the communication by the Depositary to such Parties of the adoption of the annex, except

for those Parties that have notified the Depositary, in writing, within that period of their non-acceptance of the annex. The annex shall enter into force for Parties which withdraw their notification of non-acceptance on the ninetieth day after the date on which withdrawal of such notification has been received by the Depositary.

4. The proposal, adoption and entry into force of amendments to annexes to the Convention shall be subject to the same procedure as that for the proposal, adoption and entry into force of annexes to the Convention in accordance with paragraphs 2 and 3 above.

5. If the adoption of an annex or an amendment to an annex involves an amendment to the Convention, that annex or amendment to an annex shall not enter into force until such time as the amendment to the Convention enters into force.

## **Article 17**

### **PROTOCOLS**

1. The Conference of the Parties may, at any ordinary session, adopt protocols to the Convention.

2. The text of any proposed protocol shall be communicated to the Parties by the secretariat at least six months before such a session.

3. The requirements for the entry into force of any protocol shall be established by that instrument.

4. Only Parties to the Convention may be Parties to a protocol.

5. Decisions under any protocol shall be taken only by the Parties to the protocol concerned.

## **Article 18**

### **RIGHT TO VOTE**

1. Each Party to the Convention shall have one vote, except as provided for in paragraph 2 below.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States that are Parties to the Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

## **Article 19**

### **DEPOSITARY**

The Secretary-General of the United Nations shall be the Depositary of the Convention and of protocols adopted in accordance with Article 17.

## **Article 20**

### **SIGNATURE**

This Convention shall be open for signature by States Members of the United Nations or of any of its specialized agencies or that are Parties to the Statute of the International Court of Justice and by regional economic integration organizations at Rio de Janeiro, during the United Nations Conference on Environment and Development, and thereafter at United Nations Headquarters in New York from 20 June 1992 to 19 June 1993.

## **Article 21**

### **INTERIM ARRANGEMENTS**

1. The secretariat functions referred to in Article 8 will be carried out on an interim basis by the secretariat established by the General Assembly of the United Nations in its resolution 45/212 of 21 December 1990, until the completion of the first session of the Conference of the Parties.
2. The head of the interim secretariat referred to in paragraph 1 above will cooperate closely with the Intergovernmental Panel on Climate Change to ensure that the Panel can respond to the need for objective scientific and technical advice. Other relevant scientific bodies could also be consulted.
3. The Global Environment Facility of the United Nations Development Programme, the United Nations Environment Programme and the International Bank for Reconstruction and Development shall be the international entity entrusted with the operation of the financial mechanism referred to in Article 11 on an interim basis. In this connection, the Global Environment Facility should be appropriately restructured and its membership made universal to enable it to fulfill the requirements of Article 11.

## **Article 22**

### **RATIFICATION, ACCEPTANCE, APPROVAL OR ACCESSION**

1. The Convention shall be subject to ratification, acceptance, approval or accession by States and by regional economic integration organizations. It shall be open for accession from the day after the date on which the Convention is closed for signature. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.
2. Any regional economic integration organization which becomes a Party to the Convention without any of its member States being a Party shall be bound by all the obligations under the Convention. In the case of such organizations, one or more of whose member States is a Party to the Convention, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under the Convention. In such cases, the organization and the member States shall not be entitled to exercise rights under the Convention concurrently.

3. In their instruments of ratification, acceptance, approval or accession, regional

economic integration organizations shall declare the extent of their competence with respect to the matters governed by the Convention. These organizations shall also inform the Depositary, who shall in turn inform the Parties, of any substantial modification in the extent of their competence.

### **Article 23**

#### **ENTRY INTO FORCE**

1. The Convention shall enter into force on the ninetieth day after the date of deposit of the fiftieth instrument of ratification, acceptance, approval or accession.
2. For each State or regional economic integration organization that ratifies, accepts or approves the Convention or accedes thereto after the deposit of the fiftieth instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the ninetieth day after the date of deposit by such State or regional economic integration organization of its instrument of ratification, acceptance, approval or accession.
3. For the purposes of paragraphs 1 and 2 above, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by States members of the organization.

### **Article 24**

#### **RESERVATIONS**

No reservations may be made to the Convention.

### **Article 25**

#### **WITHDRAWAL**

1. At any time after three years from the date on which the Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depositary.
2. Any such withdrawal shall take effect upon expiry of one year from the date of receipt by the Depositary of the notification of withdrawal, or on such later date as may be specified in the notification of withdrawal.
3. Any Party that withdraws from the Convention shall be considered as also having withdrawn from any protocol to which it is a Party.

**Article 26**  
**AUTHENTIC TEXTS**

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

**IN WITNESS WHEREOF** the undersigned, being duly authorized to that effect, have signed this Convention.

**DONE** at New York this ninth day of May one thousand nine hundred and ninety-two.

**Annex I**

Australia  
Austria  
Belarus<sup>a</sup>  
Belgium  
Bulgaria<sup>a</sup>  
Canada  
Croatia<sup>a</sup> \*  
Czech Republic<sup>a</sup> \*  
Denmark  
European Economic Community  
Estonia<sup>a</sup>  
Finland  
France  
Germany  
Greece  
Hungary<sup>a</sup>  
Iceland  
Ireland  
Italy  
Japan  
Latvia<sup>a</sup>  
Liechtenstein\*  
Lithuania<sup>a</sup>  
Luxembourg  
Monaco\*

Netherlands  
New Zealand  
Norway  
Poland<sup>a</sup>  
Portugal  
Romania<sup>a</sup>  
Russian Federation<sup>a</sup>  
Slovakia<sup>a</sup> \*  
Slovenia<sup>a</sup> \*  
Spain  
Sweden  
Switzerland  
Turkey  
Ukraine<sup>a</sup>  
United Kingdom of Great Britain and Northern Ireland  
United States of America

## **Annex II**

Australia  
Austria  
Belgium  
Canada  
Denmark  
European Economic Community  
Finland  
France  
Germany  
Greece  
Iceland  
Ireland  
Italy  
Japan  
Luxembourg  
Netherlands

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<sup>a</sup> Countries that are undergoing the process of transition to a market economy.

\* *Publisher's note:* Countries added to Annex I by an amendment that entered into force on 13 August 1998, pursuant to decision 4/CP.3 adopted at COP.3.

New Zealand  
Norway  
Portugal  
Spain  
Sweden  
Switzerland  
United Kingdom of Great Britain and Northern Ireland  
United States of America

*Publisher's note:* Turkey was deleted from Annex II by an amendment that entered into force 28 June 2002, pursuant to decision 26/CP.7 adopted at COP.7.

Advance unedited version

## Decision -/CP.13 Bali Action Plan

*The Conference of the Parties,*

*Resolving* to urgently enhance implementation of the Convention in order to achieve its ultimate objective in full accordance with its principles and commitments,

*Reaffirming* that economic and social development and poverty eradication are global priorities,

*Responding* to the findings of the Fourth Assessment Report of the Intergovernmental Panel on Climate Change that warming of the climate system is unequivocal, and that delay in reducing emissions significantly constrains opportunities to achieve lower stabilization levels and increases the risk of more severe climate change impacts,

*Recognizing* that deep cuts in global emissions will be required to achieve the ultimate objective of the Convention and emphasizing the urgency<sup>1</sup> to address climate change as indicated in the Fourth Assessment Report of the Intergovernmental Panel on Climate Change,

1. *Decides* to launch a comprehensive process to enable the full, effective and sustained implementation of the Convention through long-term cooperative action, now, up to and beyond 2012, in order to reach an agreed outcome and adopt a decision at its fifteenth session, by addressing, inter alia:

- (a) A shared vision for long-term cooperative action, including a long-term global goal for emission reductions, to achieve the ultimate objective of the Convention, in accordance with the provisions and principles of the Convention, in particular the principle of common but differentiated responsibilities and respective capabilities, and taking into account social and economic conditions and other relevant factors;
- (b) Enhanced national/international action on mitigation of climate change, including, inter alia, consideration of:
  - (i) Measurable, reportable and verifiable nationally appropriate mitigation commitments or actions, including quantified emission limitation and reduction objectives, by all developed

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<sup>1</sup> Contribution of Working Group III to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change, Technical Summary, pages 39 and 90, and Chapter 13, page 776.

- country Parties, while ensuring the comparability of efforts among them, taking into account differences in their national circumstances;
- (ii) Nationally appropriate mitigation actions by developing country Parties in the context of sustainable development, supported and enabled by technology, financing and capacity-building, in a measurable, reportable and verifiable manner;
  - (iii) Policy approaches and positive incentives on issues relating to reducing emissions from deforestation and forest degradation in developing countries; and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries;
  - (iv) Cooperative sectoral approaches and sector-specific actions, in order to enhance implementation of Article 4, paragraph 1(c), of the Convention;
  - (v) Various approaches, including opportunities for using markets, to enhance the cost-effectiveness of, and to promote, mitigation actions, bearing in mind different circumstances of developed and developing countries;
  - (vi) Economic and social consequences of response measures;
  - (vii) Ways to strengthen the catalytic role of the Convention in encouraging multilateral bodies, the public and private sectors and civil society, building on synergies among activities and processes, as a means to support mitigation in a coherent and integrated manner;
- (c) Enhanced action on adaptation, including, inter alia, consideration of:
- (i) International cooperation to support urgent implementation of adaptation actions, including through vulnerability assessments, prioritization of actions, financial needs assessments, capacity-building and response strategies, integration of adaptation actions into sectoral and national planning, specific projects and programmes, means to incentivize the implementation of adaptation actions, and other ways to enable climate-resilient development and reduce vulnerability of all Parties, taking into account the urgent and immediate needs of developing countries that are particularly vulnerable to the adverse effects of climate change, especially the least developed countries and small island developing States, and further taking into account the needs of countries in Africa affected by drought, desertification and floods;
  - (ii) Risk management and risk reduction strategies, including risk sharing and transfer mechanisms such as insurance;
  - (iii) Disaster reduction strategies and means to address loss and damage associated with climate change impacts in developing countries that are particularly vulnerable to the

- adverse effects of climate change;
- (iv) Economic diversification to build resilience;
- (v) Ways to strengthen the catalytic role of the Convention in encouraging multilateral bodies, the public and private sectors and civil society, building on synergies among activities and processes, as a means to support adaptation in a coherent and integrated manner;
- (d) Enhanced action on technology development and transfer to support action on mitigation and adaptation, including, inter alia, consideration of:
  - (i) Effective mechanisms and enhanced means for the removal of obstacles to, and provision of financial and other incentives for, scaling up of the development and transfer of technology to developing country Parties in order to promote access to affordable environmentally sound technologies;
  - (ii) Ways to accelerate deployment, diffusion and transfer of affordable environmentally sound technologies;
  - (iii) Cooperation on research and development of current, new and innovative technology, including win-win solutions;
  - (iv) The effectiveness of mechanisms and tools for technology cooperation in specific sectors;
- (e) Enhanced action on the provision of financial resources and investment to support action on mitigation and adaptation and technology cooperation, including, inter alia, consideration of:
  - (i) Improved access to adequate, predictable and sustainable financial resources and financial and technical support, and the provision of new and additional resources, including official and concessional funding for developing country Parties;
  - (ii) Positive incentives for developing country Parties for the enhanced implementation of national mitigation strategies and adaptation action;
  - (iii) Innovative means of funding to assist developing country Parties that are particularly vulnerable to the adverse impacts of climate change in meeting the cost of adaptation;
  - (iv) Means to incentivize the implementation of adaptation actions on the basis of sustainable development policies;
  - (v) Mobilization of public- and private-sector funding and investment, including facilitation of carbon-friendly investment choices;
  - (vi) Financial and technical support for capacity-building in the assessment of the costs of adaptation in developing countries, in particular the most vulnerable ones, to aid in determining their financial needs;

2. *Decides* that the process shall be conducted under a subsidiary body under the Convention, hereby established and known as the Ad Hoc Working Group on Long-term Cooperative Action under the Convention, that shall complete its work in 2009 and present the outcome of its work to the Conference of the Parties for adoption at its fifteenth session;
3. *Agrees* that the process shall begin without delay, that the sessions of the group will be scheduled as often as is feasible and necessary to complete the work of the group, where possible in conjunction with sessions of other bodies established under the Convention, and that its sessions may be complemented by workshops and other activities, as required;
4. *Decides* that the first session of the group shall be held as soon as is feasible and not later than April 2008;
5. *Decides* that the Chair and Vice-Chair of the group, with one being from a Party included in Annex I to the Convention (Annex I Party) and the other being from a Party not included in Annex I to the Convention (non-Annex I Party), shall alternate annually between an Annex I Party and a non-Annex I Party;
6. *Takes note* of the proposed schedule of meetings contained in the annex;
7. *Instructions* the group to develop its work programme at its first session in a coherent and integrated manner;
8. *Invites* Parties to submit to the secretariat, by 22 February 2008, their views regarding the work programme, taking into account the elements referred to in paragraph 1 above, to be compiled by the secretariat for consideration by the group at its first meeting;
9. *Requests* the group to report to the Conference of the Parties at its fourteenth session on progress made;
10. *Agrees* to take stock of the progress made, at its fourteenth session, on the basis of the report by the group;
11. *Agrees* that the process shall be informed by, inter alia, the best available scientific information, experience in implementation of the Convention and its Kyoto Protocol, and processes thereunder, outputs from other relevant intergovernmental processes and insights from the business and research communities and civil society;
12. *Notes* that the organization of work of the group will require a significant amount of additional resources to provide for the participation of delegates from Parties eligible to be funded and to provide conference services and substantive support;
13. *Strongly urges* Parties in a position to do so, in order to facilitate the work of the group, to provide contributions to the Trust Fund for Participation in the UNFCCC Process and the Trust Fund for Supplementary Activities for the purposes referred to in paragraph 12 above and to provide other forms of in kind support such as hosting a session of the group.

## ANNEX

### Indicative timetable for meetings of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention in 2008

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#### Session Dates

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|           |                                                                                            |
|-----------|--------------------------------------------------------------------------------------------|
| Session 1 | March/April 2008                                                                           |
| Session 2 | June 2008, in conjunction with the twenty-eighth sessions of the subsidiary bodies         |
| Session 3 | August/September 2008                                                                      |
| Session 4 | December 2008, in conjunction with the fourteenth session of the Conference of the Parties |

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# The Anchorage Declaration

24 April 2009

From 20-24 April, 2009, Indigenous representatives from the Arctic, North America, Asia, Pacific, Latin America, Africa, Caribbean and Russia met in Anchorage, Alaska for the Indigenous Peoples' Global Summit on Climate Change. We thank the Ahtna and the Dena'ina Athabascan Peoples in whose lands we gathered.

We express our solidarity as Indigenous Peoples living in areas that are the most vulnerable to the impacts and root causes of climate change. We reaffirm the unbreakable and sacred connection between land, air, water, oceans, forests, sea ice, plants, animals and our human communities as the material and spiritual basis for our existence.

We are deeply alarmed by the accelerating climate devastation brought about by unsustainable development. We are experiencing profound and disproportionate adverse impacts on our cultures, human and environmental health, human rights, well-being, traditional livelihoods, food systems and food sovereignty, local infrastructure, economic viability, and our very survival as Indigenous Peoples.

Mother Earth is no longer in a period of climate change, but in climate crisis. We therefore insist on an immediate end to the destruction and desecration of the elements of life.

Through our knowledge, spirituality, sciences, practices, experiences and relationships with our traditional lands, territories, waters, air, forests, oceans, sea ice, other natural resources and all life, Indigenous Peoples have a vital role in defending and healing Mother Earth. The future of Indigenous Peoples lies in the wisdom of our elders, the restoration of the sacred position of women, the youth of today and in the generations of tomorrow.

We uphold that the inherent and fundamental human rights and status of Indigenous Peoples, affirmed in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), must be fully recognized and respected in all decision-making processes and activities related to climate change. This includes our rights to our lands, territories,

environment and natural resources as contained in Articles 25–30 of the UNDRIP. When specific programs and projects affect our lands, territories, environment and natural resources, the right of Self Determination of Indigenous Peoples must be recognized and respected, emphasizing our right to Free, Prior and Informed Consent, including the right to say “no”. The United Nations Framework Convention on Climate Change (UNFCCC) agreements and principles must reflect the spirit and the minimum standards contained in UNDRIP.

## **Calls for Action**

1. In order to achieve the fundamental objective of the United Nations Framework Convention on Climate Change (UNFCCC), we call upon the fifteenth meeting of the Conference of the Parties to the UNFCCC to support a binding emissions reduction target for developed countries (Annex 1) of at least 45% below 1990 levels by 2020 and at least 95% by 2050. In recognizing the root causes of climate change, participants call upon States to work towards decreasing dependency on fossil fuels. We further call for a just transition to decentralized renewable energy economies, sources and systems owned and controlled by our local communities to achieve energy security and sovereignty.

In addition, the Summit participants agreed to present two options for action: some supported option A and some option B. These are as follows:

A. We call for the phase out of fossil fuel development and a moratorium on new fossil fuel developments on or near Indigenous lands and territories.

B. We call for a process that works towards the eventual phase out of fossil fuels, without infringing on the right to development of Indigenous nations.

2. We call upon the Parties to the UNFCCC to recognize the importance of our Traditional Knowledge and practices shared by Indigenous Peoples in developing strategies to address climate change. To address climate change we also call on the UNFCCC to recognize the historical and ecological debt of the Annex 1 countries in contributing to greenhouse gas emissions. We call on these countries to pay this historical debt.

3. We call on the Intergovernmental Panel on Climate Change (IPCC), the Millennium Ecosystem Assessment, and other relevant institutions to support Indigenous Peoples in carrying out Indigenous Peoples’ climate change assessments.

4. We call upon the UNFCCC’s decision-making bodies to establish formal structures and mechanisms for and with the full and effective participation of Indigenous Peoples. Specifically we recommend that the UNFCCC:

- a. Organize regular Technical Briefings by Indigenous Peoples on Traditional Knowledge and climate change;
- b. Recognize and engage the International Indigenous Peoples’ Forum on Climate Change and its regional focal points in an advisory role;
- c. Immediately establish an Indigenous focal point in the secretariat of the UNFCCC;
- d. Appoint Indigenous Peoples’ representatives in UNFCCC funding mechanisms in consultation with Indigenous Peoples;
- e. Take the necessary measures to ensure the full and effective participation of Indigenous and local communities in formulating, implementing, and monitoring activities, mitigation, and adaptation relating to impacts of

climate change.

5. All initiatives under Reducing Emissions from Deforestation and Degradation (REDD) must secure the recognition and implementation of the human rights of Indigenous Peoples, including 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, and Peoples before taking any action.

6. We challenge States to abandon false solutions to climate change that negatively impact Indigenous Peoples' rights, lands, air, oceans, forests, territories and waters. These include nuclear energy, large-scale dams, geo-engineering techniques, "clean coal", agro-fuels, plantations, and market based mechanisms such as carbon trading, the Clean Development Mechanism, and forest offsets. The human rights of Indigenous Peoples to protect our forests and forest livelihoods must be recognized, respected and ensured.

7. We call for adequate and direct funding in developed and developing States and for a fund to be created to enable Indigenous Peoples' full and effective participation in all climate processes, including adaptation, mitigation, monitoring and transfer of appropriate technologies in order to foster our empowerment, capacity-building, and education. We strongly urge relevant United Nations bodies to facilitate and fund the participation, education, and capacity building of Indigenous youth and women to ensure engagement in all international and national processes related to climate change.

8. We call on financial institutions to provide risk insurance for Indigenous Peoples to allow them to recover from extreme weather events.

9. We call upon all United Nations agencies to address climate change impacts in their strategies and action plans, in particular their impacts on Indigenous Peoples, including the World Health Organization (WHO), United Nations Educational, Scientific and Cultural Organization (UNESCO) and United Nations Permanent Forum on Indigenous Issues (UNPFII). In particular, we call upon all the United Nations Food and Agriculture Organization (FAO) and other relevant United Nations bodies to establish an Indigenous Peoples' working group to address the impacts of climate change on food security and food sovereignty for Indigenous Peoples.

10. We call on United Nations Environment Programme (UNEP) to conduct a fast track assessment of short-term drivers of climate change, specifically black carbon, with a view to initiating negotiation of an international agreement to reduce emission of black carbon.

11. We call on States to recognize, respect and implement the fundamental human rights of Indigenous Peoples, including the collective rights to traditional ownership, use, access, occupancy and title to traditional lands, air, forests, waters, oceans, sea ice and sacred sites as well as to ensure that the rights affirmed in Treaties are upheld and recognized in land use planning and climate change mitigation strategies. In particular, States must ensure that Indigenous Peoples have the right to mobility and are not forcibly removed or settled away from their traditional lands and territories, and that the rights of Peoples in voluntary isolation are upheld. In the case of climate change migrants, appropriate programs and measures must address their rights, status, conditions, and vulnerabilities.

12. We call upon states to return and restore lands, territories, waters, forests, oceans, sea ice and sacred sites that have been taken from Indigenous Peoples, limiting our

access to our traditional ways of living, thereby causing us to misuse and expose our lands to activities and conditions that contribute to climate change.

13. In order to provide the resources necessary for our collective survival in response to the climate crisis, we declare our communities, waters, air, forests, oceans, sea ice, traditional lands and territories to be "Food Sovereignty Areas," defined and directed by Indigenous Peoples according to customary laws, free from extractive industries, deforestation and chemical-based industrial food production systems (i.e. contaminants, agro-fuels, genetically modified organisms).

14. We encourage our communities to exchange information while ensuring the protection and recognition of and respect for the intellectual property rights of Indigenous Peoples at the local, national and international levels pertaining to our Traditional Knowledge, innovations, and practices. These include knowledge and use of land, water and sea ice, traditional agriculture, forest management, ancestral seeds, pastoralism, food plants, animals and medicines and are essential in developing climate change adaptation and mitigation strategies, restoring our food sovereignty and food independence, and strengthening our Indigenous families and nations.

**We offer to share with humanity our Traditional Knowledge, innovations, and practices relevant to climate change, provided our fundamental rights as intergenerational guardians of this knowledge are fully recognized and respected.  
We reiterate the urgent need for collective action.**

***Agreed by consensus of the participants in the Indigenous Peoples' Global Summit on Climate Change, Anchorage Alaska, April 24th 2009.***

## **Global Consultation on REDD and Indigenous Peoples**

**November 12-14, 2008**

### **Excerpts of the Summary Report**

## **Recommendations**

### **Indigenous Peoples**

1. Indigenous peoples and forest-dependent communities to engage all UN processes and bodies relevant to tackling climate change.
2. Strengthen the existing Indigenous organizations and networks to address REDD issues, including through the establishment of Indigenous Peoples Working Groups on Climate Change at the national and regional levels.
3. IPs and local communities to undertake case studies, field research and develop and disseminate information packages to influence the discussions on redd/REDD at the national, regional and international levels in collaboration with the United Nations University (UNU), research bodies and universities and relevant partners.
4. Indigenous Peoples to establish an Indigenous Peoples Global Coordinating Body on Climate Change.
5. Indigenous Peoples to establish funds for climate change actions that are under their direction, control and management.

### **National level processes**

6. Develop a legal framework and consultation mechanisms for Indigenous Peoples based on Free Prior and Informed Consent, including consideration of customary laws, norms and practices.
7. Each REDD pilot country be required to report on the legal situation of Indigenous territories, lands and resources and rights of forest-dependent communities.
8. Enhance capacities of all actors and structures at the local, national, regional and international levels to act effectively and with responsibility on redd/REDD as a matter of urgency.
9. Conduct training on good governance for government officials involved in REDD and establishment of mechanisms to check on corruption.
10. Empower Indigenous peoples and forest-dependent communities by raising awareness on redd/REDD issues through learning activities (e.g. training community

leaders, train-the-trainer initiatives) and other media (e.g. community and national radio) with the involvement of Indigenous experts recognized by the community.

11. Improve the exchange of information and experiences, e.g. legal frameworks for implementation based on Free Prior and Informed Consent; underlying causes of deforestation; and evaluating compliance with government commitments concerning forests.

12. Improve the exchange of information and experiences, e.g. legal frameworks for implementation based on Free Prior and Informed Consent; underlying causes of deforestation; and evaluating compliance with government commitments concerning forests (including under CBD and the United Nations Forum on Forests).

13. Promote subnational processes and mechanisms that decentralize redd/REDD, including planning, consultation, benefit sharing, etc.

14. Government delegations to hold discussions with indigenous peoples and their organizations before relevant international meetings, including UNFCCC.

15. Evaluate the legal situation of land tenure and recognition of indigenous territories before the implementation of redd/REDD initiatives.

16. All REDD and climate mitigation activities should be subject to stringent and independent Environmental Impact Assessments (EIA) and Social/Cultural Impact Assessments (SCIA) with the full and effective participation of Indigenous Peoples. The EIA and SCIA should be done prior to acceptance and implementation of development projects (e.g. dams, commercial lumbering etc) by private investors and other donors.

17. Coordinate and share information with the UN agencies, specialized bodies and initiatives like CBD, UNFCCC, UNESCO, FAO, UNICEF, GEF, FCPF, UNDP, UN-REDD Programme, UNU Traditional Knowledge Centre, UNEP and others that are considered relevant for the purpose of implementing direct and articulated action on climate change and indigenous peoples.

18. Recognizing the close links between traditional knowledge, biodiversity and climate change, ensure close cooperation and more synergy between the CBD and UNFCCC on traditional knowledge and climate change, and supports the establishment of a working group on local level adaptation with the full and effective participation of Indigenous peoples.

19. The Joint Liaison Group of the CBD/UNFCCC/UNCCD to establish a Working Group/ Expert body on Traditional Knowledge and Climate Change.

20. UN-REDD Programme and other funders should develop compliance guidelines.

21. UN-REDD Programme and other funders should have a grievance and recourse mechanism to ensure that Indigenous Peoples' rights are observed at the national and international levels.

22. Calls on the World Bank to have ongoing dialogue with indigenous peoples on issues of mutual interest, through a permanent mechanism.

23. Request UN-REDD Programme and the Forest Carbon Partnership Facility (FCPF), in cooperation with the United Nations Permanent Forum on Indigenous Issues (UNPFII) and appropriate indigenous institutions and organizations, to incorporate training and awareness on UN-DECRIPS in their consultations and national round-tables on REDD.

## **REDD Funds**

24. Tie funding to compliance and observance of Indigenous Peoples' rights and the Declaration.
25. UN REDD and other donors should have specific funds and facilities that Indigenous Peoples and forest dependant communities can access directly.
26. Specific funding should be set up for Indigenous Peoples and forest dependant communities, for start up and ongoing capacity building and climate actions.

## **Civil Society Organizations (CSOs)**

26. CSOs should be proactive in lobbying for indigenous peoples rights at all levels, regarding redd/REDD.
27. Establish an Independent Committee (including Indigenous peoples, NGOs, other stakeholders) to monitor all REDD activities at all levels.

## **ANNEX E**

DRAFT: September 9, 2009

FOREST INVESTMENT PROGRAM (FIP)

INDIGENOUS PEOPLES AND LOCAL COMMUNITIES DEDICATED INITIATIVE

# **FOREST INVESTMENT PROGRAM (FIP) INDIGENOUS PEOPLES AND LOCAL COMMUNITIES DEDICATED INITIATIVE**

## **Proposed Steps toward Terms of Reference for the Development of the Dedicated Initiative**

Article X of the FIP Design Document calls for a dedicated initiative to provide grants to indigenous peoples and local communities in connection with the Forest Investment Program. A transparent, consultative process is envisioned to develop this mechanism. This note outlines proposed steps to draft Terms of Reference for such a process. Such Terms of Reference would not be a proposed design of the dedicated initiative itself; rather, they would describe the consultative process that would subsequently be used to develop such a design. In order for this developmental process to move forward effectively, it is proposed that ToR be prepared in time for action by the FIP Sub-Committee meeting scheduled for October 29, 2009.

The FIP Design Document states that the ToR “should be drafted by the indigenous peoples and civil society representatives selected to participate in FIP design meetings (or a subset thereof), in consultation with indigenous communities and local communities, and a qualified consultant.” It is proposed that a small Task Force, as a subset of the larger group, take on this initial drafting and consultative work. The core of the Task Force could be the representatives of indigenous peoples who served on the working group that met in New York on May 21 and in Frankfurt on June 12 to discuss aspects of the FIP design document; this approach was envisioned in those very meetings. The Task Force could also include additional indigenous peoples and local communities representatives, plus self-selected civil society representatives.

The attached preliminary outline for a Terms of Reference, based on initial discussions, is intended as a way to seed discussion and collaborative development of the ToR. The Task Force could employ the following timetable to develop a draft ToR (including a budget for the projected design process) for the October FIP Sub-Committee meeting:

1. August 24 – September 14: Informal discussions among Task Force members and facilitator regarding this proposal; facilitator circulates any revisions accordingly. Based on such discussions, CIF Administrative Unit selects a consultant who, together with the facilitator, will support the Task Force in drafting the ToR. Taking account of results of informal discussions, facilitator works with the consultant to develop a preliminary draft ToR.

2. September 15: Facilitator circulates a preliminary draft of Terms of Reference to Task Force and solicits comments.
3. September 15 – October 15: Task Force members consult broadly on the preliminary draft and develop comments. Facilitator consolidates comments to the extent feasible to create a second preliminary draft.
4. October 15-16: Task Force meets in Buenos Aires to develop a complete draft ToR.
5. October 17-19: Additional reflections and consultations by Task Force in Buenos Aires; suggestions and comments arising consolidated and submitted with ToR to FIP Sub-Committee.
6. October 29: FIP Sub-Committee reviews ToR and budget.

Guided by the ToR, the wider process to design the dedicated initiative could then begin.

J. Radner, Facilitator  
University of Toronto

### **Preliminary Outline for Terms of Reference**

NOTE: This draft outline is intended as a seed for discussion. Additions and modifications to the outline are welcome, as well as comments on how to build it out into a full Terms of Reference. The final Terms of Reference need not be a lengthy document. Generally, a simple statement covering each of the points in Sections 1, 2 and 4 should suffice, together with a brief introduction for each section. The points in Section 3 need not be filled out at the ToR stage, since their development is the purpose of the larger process.

#### **1. BACKGROUND**

1. Purpose of Dedicated Initiative
2. Grounding in FIP Design Document and its collaborative design process
3. Introduction to Terms of Reference

#### **2. PRINCIPLES FOR DEVELOPMENT OF DEDICATED INITIATIVE**

1. Wide consultative process
2. Coordinated by working group of representatives of indigenous peoples and local communities
3. Supported by consultant, facilitator, Admin Unit
4. Co-Chairs representing indigenous peoples and local communities

### 3. MAIN TOPICS FOR DESIGN DOCUMENT

1. Background and Purpose (see FIP Design Document)
2. Governance
3. Funding modalities
4. Operational principles
5. Priorities and funding guidelines
6. Grant application and review procedures
7. Structure to include a global window for multi-country grants (e.g. lessons learned, capacity building) and country or regional windows for grants associated with FIP pilots

### 4. BASIC STEPS IN DEVELOPMENT OF THE DEDICATED INITIATIVE

1. Initial working group formed from Buenos Aires meeting – can change as process goes forward (e.g. at larger November workshop)
2. Research and exploration of models and examples
3. November workshop, with larger group: models and examples presented, discussed; broad guidance to working group to develop design
4. Working group drafts design document for grant mechanism, circulated widely for comment
5. January larger group meeting to discuss draft design document
6. Working group circulates new version for final round of consultation and revision
7. Proposed design document, with budget, submitted to March FIP-SC for general comments
8. Proposal submitted to spring 2010 UN Forum
9. Proposal submitted to FIP-SC for approval by mail

### 5. BUDGET FOR DEVELOPMENT PROCESS (September 2009 – May 2010)

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World Meteorological Organization - <http://www.wmo.int>

# Acronyms:

## A

|         |                                                                    |
|---------|--------------------------------------------------------------------|
| A1      | - Annex 1                                                          |
| AAUs    | - Assigned Allowable Units                                         |
| ACIA    | - Arctic Climate Impact Assessment                                 |
| AD      | - Avoided Deforestation                                            |
| AR4     | - IPCC 4th Assessment Report                                       |
| AES     | - Applied Energy Services                                          |
| AWG-KP  | - Adhoc Working Group on Further Commitments for Annex 1 Countries |
| AWG-LCA | - Adhoc Working Group on Long Term Cooperative Action              |

## B

|     |                    |
|-----|--------------------|
| BAP | - Bali Action Plan |
|-----|--------------------|

## C

|                 |                                      |
|-----------------|--------------------------------------|
| CBD             | - Convention on Biological Diversity |
| CBRR            | - Community Based Rehabilitation     |
| CCS             | - Carbon Capture and Storage         |
| CDM             | - Clean Development Mechanism        |
| CERs            | - Certified Emission Reductions      |
| CFI             | - Community Forests International    |
| COP             | - Conference of Parties              |
| CO <sub>2</sub> | - Carbon Dioxide                     |

## D

|      |                                |
|------|--------------------------------|
| DLNG | - Darwin Liquefied Natural Gas |
| DRC  | - Democratic Republic of Congo |

## E

|     |                           |
|-----|---------------------------|
| ERU | - Emission Reduction Unit |
| ET  | - Emissions Trading       |
| EU  | - European Union          |

## F

|                 |                                                         |
|-----------------|---------------------------------------------------------|
| FACE Foundation | - Forests Absorbing Carbon Dioxide Emissions Foundation |
| FAO             | - Food and Agricultural Organization                    |
| FCPF            | - Forest Carbon Partnership Facility                    |
| FDI             | - Foreign Direct Investment                             |
| FIP             | - Forest Investment Program                             |
| FPCI            | - Fundación para la promoción de conocimiento indígena  |
| FPIC            | - Free, prior and informed consent                      |

## G

|      |                               |
|------|-------------------------------|
| GDP  | - Gross Domestic Product      |
| GE   | - Genetically Engineered      |
| GEF  | - Global Environment Facility |
| GHGs | - Greenhouse Gases            |
| Gt   | - Gigatonne                   |
| GtC  | - Gigatonnes of Carbon        |
| G77  | - Group of 77                 |

## H

|          |                                                                   |
|----------|-------------------------------------------------------------------|
| HIV/AIDS | - Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome |
| HRBA     | - Human Rights-Based Approach                                     |

**I**

- ILO - International Labour Organisation
- IPACC - Indigenous Peoples of Africa Coordinating Committee
- IPCC - Intergovernmental Panel on Climate Change
- IPR - Intellectual Property Rights
- IRF - International REDD Fund

**J**

- JFM - Joint Forest Management
- JI - Joint Implementation

**K**

- KP - Kyoto Protocol
- KWPP - Kaliakra Wind Power Project

**L**

- LDCs - Least Developed Countries
- LULUCF - Land Use, Land Use Change and Forestry

**M**

- MOP - Meeting of the Parties to the Kyoto Protocol
- MRV - Monitoring, Reporting and Verification
- MVCs - Most Vulnerable Countries

**N**

- NAILSMA - Northern Australia Indigenous Peoples Land and Sea Management Alliance
- NAMA - National Appropriate Mitigation Actions
- NAPA - National Adaptation Programmes of Action
- NGO - Non Governmental Organization

N<sub>2</sub>O

- Nitrous Oxide

**O**

- ODA - Official Development Assistance

**R**

- REDD - Reducing Emissions from Deforestation and Forest Degradation

**S**

- SBI - Subsidiary Body for Implementation
- SBSTA - Subsidiary Body for Scientific and Technological Advice
- SFM - Sustainable Forest Management
- SIDs - Small Island Developing States

**U**

- UK - United Kingdom
- UN - United Nations
- UNCED - UN Conference on Environment and Development
- UNDRIP - UN Declaration on the Rights of Indigenous Peoples
- UNEP - UN Environmental Programme
- UNFCCC - UN Framework Convention on Climate Change
- UNPFII - UN Permanent Forum on Indigenous Issues
- UN-REDD - Collaborative program of UN agencies on REDD
- UV - Ultraviolet
- UWA - Uganda Wildlife Association

**V**

VFPCs

- Village Forest  
Protection Committees

**W**

WB  
WMO

- World Bank
- World Meteorological  
Organization





**T**his publication aims to enhance indigenous peoples' knowledge on climate change so that we will be better equipped to participate more effectively in shaping relevant policies and actions taken to address this issue. It also aims to enlighten non-indigenous peoples on our own experiences and perspectives on climate change.



**TEBTEBBA**

Indigenous Peoples' International Centre  
for Policy Research and Education

