

SUMMARY NOTES ON COP22 AND THE FORUM ON BUSINESS AND HUMAN RIGHTS

7-18 November 2016, Marrakech

14-16 November 2016, Geneva

The summary notes are reports of the most important UN meetings on indigenous rights and are issued twice a year. They are only available in an electronic version and sent by mail.



Note on limitation to these Summary Notes:

Due to the two conferences having overlapping dates, the current notes cover only the first week of the COP22 (7-11 November) and some events of the Forum on Business and Human Rights. The COP22 summaries cover the events that occurred at the Indigenous Peoples' Pavilion, and they have been selected in an attempt to represent in the most impartial way the 7 indigenous regions since it was not possible to cover all events. With regard to the Forum on Business and Human Rights, the events reported are the ones that have indigenous peoples' rights as the main focus in the discussions since here too it was not possible to cover them all. Our concern is to try to provide indigenous peoples with neutral and impartial information to the best of our ability.

The detailed program and concept notes of the events of the Indigenous Peoples' Pavilion at COP22 for the whole length of the conference can be found [here](#).

The detailed program and concept notes of the events of the Forum on Business and Human Rights can be found [here](#).

Events attended at the Indigenous Peoples' Pavilion during the first week of COP22

1. Background information

In 1992, the Earth Summit was held in Rio de Janeiro, at which time the UN Framework Convention on Climate Change (UNFCCC) was created. It entered into force in 1994, and it relates to the adoption of international agreements during the Conference of the Parties (COP), which takes place each year. Last year, in 2015, the Parties to the Convention also adopted the Paris Agreement,¹ which is currently open to signatures of the Parties as a further commitment to efforts to reduce climate change and implement mitigation measures. The Subsidiary Body for Implementation of the UNFCCC adopted a report² in 2004 to enhance indigenous peoples' participation in the COP process. It has evolved over time, mainly thanks to the several recommendations realized through the UN Permanent Forum on Indigenous Issues (UNPFII), as well as to lobbying efforts realized by indigenous peoples' representatives themselves during the conferences.

Indigenous peoples' organizations that already have ECOSOC status now have observer status during the COP. The negotiations held during the COP are very important since most of the discussions concern land management and natural resources management. One of the core initiatives of the Parties has been the Reducing Emissions from Deforestation and Forest Degradation (REDD) initiative, which aims at increased protection of forests through financial aid to projects that would preserve natural areas. This mechanism is controversial with respect to considering indigenous peoples' rights in its implementation. Ultimately, REDD became REDD+.

¹ [FCCC/CP/2015/L.9/Rev.1](#)

² [FCCC/SBI/2004/10](#), pp. 105-109.

which is a mechanism that "creates a financial value for the carbon stored in forests by offering incentives for developing countries to reduce emissions from forested lands and to invest in low-carbon paths to sustainable development. Developing countries would receive results-based payments for results-based actions. REDD+ goes beyond mere deforestation and forest degradation, and it includes the role of conservation, sustainable management of forests and enhancement of forest carbon stocks."³

In the context of the adoption of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), indigenous peoples decided to put in place through their Global Indigenous Caucus a Platform for the COP called the International Indigenous Peoples Forum on Climate Change (IIPFCC). One of the most important outcomes of the IIPFCC concerns participation at the last COP21, in Paris, with the setting up of the first Indigenous Pavilion, which served as a civil society zone for indigenous peoples' side events, workshops and meetings, and which included the presence of numerous indigenous delegates.

According to the Paris Agreement, indigenous peoples' traditional knowledge is recognized in Article 7(5), and the text also further defines the establishment of a platform for the exchange of experiences in recognition of indigenous peoples' actions to respond to climate change. The COP22 in Marrakech was considered the Action COP in that it involved taking concrete steps towards the full implementation of the Paris Agreement, which included at the end discussions on the establishment of the platform, with ongoing negotiations in that regard. All the related documents from the IIPFCC can be found [here](#).

2. Details

Monday, 7 November

The Benefits of Global Climate Funds and the Engagement of Indigenous Peoples and Local Communities (IPLCs) in Climate Action, with case studies of the Dedicated Grant Mechanism (DGM) and the Capacity Building Program of the Forest Carbon Partnership Facility (FCPF) in Africa

This event, jointly organized by Mainyoto Pastoralists Integrated Development Organization (MPIDO) and Conservation International, introduced the Dedicated Grant Mechanism (DGM).⁴ This mechanism is an initiative for engaging and strengthening indigenous peoples' participation in the context of REDD+. It is designed by the Climate Investment Fund (CIF),⁵ which is an emanation from the World Bank, through the Forest Investment Program (FIP).⁶ The DGM has two main components: a global component, which aims at designing global policy through the exchange of national experiences where DGM is implemented; and a national component, which corresponds to the pilot countries that are beneficiaries of the FIP — Brazil, Burkina Faso, the Democratic Republic of Congo (DRC), Ghana, Indonesia, Lao PDR, Mexico and Peru. Indigenous peoples' representatives from Burkina Faso, the Democratic Republic of the Congo, Congo-Brazzaville, and Ghana, along with a representative from the World Bank, were the panelists for this event. It was strongly emphasized by the speakers that a bottom-up approach is necessary to enhance indigenous peoples' participation in the process of REDD+. The program provides grants directly to indigenous organizations in order that they may manage the funds themselves and establish activities that would be suitable for indigenous peoples' communities as well as for the

³ For more information, see [here](#).

⁴ <http://www.dgmglobal.org/>

⁵ <http://www-cif.climateinvestmentfunds.org/about>

⁶ <http://www-cif.climateinvestmentfunds.org/fund/forest-investment-program>

implementation of REDD+. The representative from the World Bank clearly recognized the role played by indigenous peoples in the sustainable management of the forests, and he further explained that the empowerment of indigenous peoples through REDD+ would allow for the implementation of more projects. Various indigenous peoples' representatives expressed the ways in which their communities, and the national indigenous peoples' capacity, have been strengthened thanks to the implementation of this program. The representative from the DRC encouraged other indigenous peoples' organizations to engage with this process at the national level, with the link made with the communities, in order to share indigenous peoples' traditional knowledge for the implementation of REDD+. The representative from Burkina Faso insisted on the importance of the two components of the DGM—the global and the national—and the complementarity between them: as such, the DGM aims to reinforce the local communities' links and also to benefit everyone as much as possible in the field. The representative from Ghana reminded those gathered of the importance of sustainable forest management, as well as the ways in which the DGM has facilitated forest management for the benefit of his community. The representative from the Congo-Brazzaville emphasized how the program gave more visibility to indigenous peoples, such that they would be taken into account during the national implementation policies in the aftermath of the Paris Agreement. Furthermore, each year a regional training on these issues is held that is open to all indigenous organizations that wish to participate.

Tuesday, 8 November

Opening Ceremony for the Pavilion

The opening ceremony for the Pavilion included the following participants: Ms. Hindou Oumarou Ibrahim, one of the co-chairs of the IIPFCC; Mr. Driss El Yazami, President of the Moroccan National Council for Human Rights; Ms. Laurence Tubiana, the Climate Champion of France, COP21; Ms. Joan Carling, one of the members of the UNPFII; Ms. Everildys Cordoba Borja, the Cocomasur Manager (Association of Afro-Colombian Families), and Mr. Leif-John Fosse, a representative of the Norwegian Government. Ms. Hindou Oumarou Ibrahim, in her opening remarks, thanked the Government of Morocco for the Pavilion and also the Government of Norway for the funding to allow for such a space. She also underlined the commitment of indigenous peoples to the climate change negotiations, through the advocacy realized during the previous year's COP21 and Paris Agreement, which provided more visibility to indigenous peoples' claims. Ms. Laurence Tubiana emphasized the importance of preservation of indigenous peoples' traditional knowledge and noted how crucial this knowledge is when it comes to realizing positive actions to face climate change and mitigate its negative consequences. She further elaborated on how the international climate change process has given more space to indigenous peoples, and she encouraged a level of participation on the part of indigenous peoples that would allow for the sharing of good practices and experiences in this area. She also focused on the issues of food security and water management, including ideas about how the States could be inspired by indigenous peoples' management of those resources. Ms. Joan Carling highlighted the key messages from indigenous peoples related to climate change issues: (1) that indigenous peoples are part of the solution and not the problem; (2) that the list of countries with high rates of carbon footprint activity is increasing, and that this causes serious and adverse impacts on climate change, without considering indigenous peoples' livelihoods; (3) that the current solutions to climate change constitute a threat to the existence of indigenous peoples and undermine their rights to natural resources and self-governance. Indigenous peoples worldwide are partnering with States to propose solutions to continue to develop traditional knowledge. Ms. Everildys Cordoba Borja noted the strong link that indigenous peoples have with their land, urging indigenous communities to get together in order to defend the development model that indigenous peoples have used for centuries. Mr. Leif-John Fosse presented the important role that the space of the

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Pavilion occupied within the realm of the COP, to make sure that indigenous peoples' voices were being heard. He further underlined the importance of indigenous traditional knowledge and its role in mitigation and resilience with respect to climate change.

Amazon Indigenous Peoples: Forest and Ancestral Wisdom as Climate Solutions

This event was organized by the Coordinator of the Indigenous Organizations of the Amazon Basin (Coordinadora de las Organizaciones Indígenas de la Cuenca Amazónica - COICA) and aimed to demonstrate indigenous peoples' expertise in reducing the carbon rate within their forests. The panelists came from indigenous communities of Ecuador, Brazil and Honduras. The moderator first discussed the high rates of carbon present within the Amazon rainforest and how the relatively lower rates in certain areas corresponded to indigenous territories thanks to indigenous peoples' management of the forest. This is based upon scientific data, and it could allow indigenous communities to put in place their own REDD. The biggest issue for the Amazon remains deforestation, and the preservation of the forest is associated with recognition of indigenous peoples' territories, which is what COICA is trying to accomplish. The representative from the Confederation of Indigenous Nationalities of Ecuador (CONAIE) of Ecuador affirmed the capacity existing within indigenous communities for managing their own territories and resources. They have the ability to demand that local and national governments respect their livelihoods and rights, and they must advocate strongly in this regard. The representative from the Coordination of the Indigenous Organizations of the Brazilian Amazon (Coordenação das Organizações Indígenas da Amazônia Brasileira —COIAB) emphasized the need for indigenous organizations in Brazil to get together and to put in place initiatives that would also be able to carry on a dialogue with the authorities. The representative from Muskitia Asla Takanka, of Honduras, expressed the need for States to help indigenous peoples to preserve their traditional knowledge in order to better preserve and manage the forests.

Wednesday, 9 November

Climate Change and Indigenous Peoples: The Russian Case

This event, co-organized by the Centre for Support of Indigenous Peoples of the North (CSIPN), the Russian-German Office of Environmental Information and the International Working Group on Indigenous Affairs (IWGIA), presented knowledge gathered from indigenous peoples from Russian communities, including Arctic-related issues and the challenges they are facing in boreal forests. The moderator, Ms. Kathrin Wessendorf from IWGIA, related that there are currently 41 indigenous peoples' groups officially recognized in Russia. Mr. Rodion Sulyandziga, co-chair of the IIPFCC, from the CSIPN and representative from the Udege community, welcomed the Paris Agreement and expressed his community's willingness for Russia to ratify the text. He further stated that the people of his community, the Udege People, come from boreal forests in the Far East of Siberia and sustain their livelihoods from the forest. Unfortunately, as with many other indigenous peoples in Russia, his people are barely involved in the national discussions on development of the territories, even though this development leads to a great deal of stress on these territories. The threats are diverse and include such activities as timber logging, soil exploration from extractive industries, large-scale development projects, etc. He then discussed the Bikin Tiger Forest Carbon project. It is the first REDD+ project using the Joint Implementation (JI) mechanism of the Kyoto Protocol under the UNFCCC processes. According to the official project design,⁷ the two main objectives of the project are the following: (1) to protect this area of living from any logging activities and (2) to

⁷ Joint Implementation land use, land-use change and forestry, Project Design document form —Version 01, UNFCCC, in effect as of 1 October 2006, available at http://ji.unfccc.int/JI_Projects/DB/ULD19J1NDCZQ6A5GRW1ZC5C2A17CE0/PublicPDD/52ZLCD3NWXK59AC6KTL9VCF3Z2400/view.html.

ensure the integrity of forest and carbon stocks⁸ in the project area. According to the partners of the project, *"it has demonstrated that projects dealing with reducing emissions from forest degradation in terms of quality standards and finance mechanisms can also work for the benefit of local livelihoods and biodiversity in temperate/boreal forests and in non-REDD countries"*.⁹ Due to the unique characteristics of the boreal forest, there are ongoing processes for it to be subscribed within the UNESCO natural and cultural heritage. Mr. Gennady Schukin, from Taimyr Indigenous Peoples Association, exposed how climate change has affected the lifestyle of indigenous peoples living in the Arctic. He explained how the food chain has changed and the consequences it has had on traditional livelihoods. The permafrost is melting, the temperature of the water is increasing, and there are rivers that are disappearing. The climate has become unpredictable, which leads to loss of traditional knowledge since the latter relies on past experiences, and this does not correspond to the reality faced by the younger generations. Mr. Vyacheslav Shadrin, President of the Yukagir Council of Elders, presented the consequences of climate change on the health and way of life of indigenous peoples living in this area. Because of the melting of the permafrost, instances of anthrax and the plague are reappearing. Also, food is becoming more and more scarce since the reindeer are not supported sufficiently under the new climate conditions and their breeding habits are challenged due to flooding of the lands. The same problems affect fishing activities, which has led to the disappearance of many species of fish. Natural resources have also become more accessible to extractive industries, which leads to land conflicts. The preservation of indigenous peoples' traditional knowledge must be a priority at all levels.

Experiences of Non-Timber Resources in Protected Areas by Indigenous Peoples and Forest Communities

This event highlighted initiatives in Guatemala and Brazil, with representatives from the Earth Innovation Institute explaining and commenting on their work on forest conservation through indigenous peoples' traditional knowledge. In Guatemala, under the Law on Protected Areas, the Government granted forest concessions in the multiple-use zone of the Maya Biosphere Reserve to community members who were already making use of the area's resources. There are currently nine active community forest concessions that have been recognized both nationally and internationally for their excellence in natural resource management. The law allows for the creation of cooperatives, whose financial resources come from the sustainable management of timber and tourism. This cooperative method allows for sharing the benefits among the members, with 10% of the profits dedicated to education and healthcare. The second part of the event introduced activities being conducted in Brazil, in the State of Acre, located in the north of the country within the Amazon. The State has implemented the Acre's State System of Incentives for Environmental Services (SISA), which is known to be the first jurisdictional REDD+ initiative.¹⁰ The ecosystem services included in SISA are carbon sequestration, maintenance of water and hydrological services, conservation of soils, conservation of biodiversity, and valuation of traditional knowledge, most of which do not yet have specific regulations. SISA supports the sustainable commercialization of Brazil nuts to increase families' income. It has also developed a program for indigenous peoples, supporting 117 agro-forestry projects in 36 indigenous areas, while also funding ritual spaces for the spiritual component of forest conservation.

⁸ According to the FAO's *Global forest resources assessment update 2005*, carbon stock is the quantity of carbon contained in a "pool", meaning a reservoir or system that has the capacity to accumulate or release carbon. Available at <http://www.fao.org/docrep/007/ae156e/ae156e00.htm>.

⁹ Bikin Tiger Carbon Project, Russia Far East, GFA Consulting Group, 19 February 2013, available at http://www.gfa-group.de/Habitat_of_Amur_Tiger_Protected_by_REDD_Project_3628007.html.

¹⁰ <http://www.cifor.org/redd-case-book/case-reports/brazil/acres-state-system-incentives-environmental-services-sisa-brazil/>

Thursday, 10 November

Press Conference on Standing Rock Pipeline

This event was organized by Te Kāpehu Whetū, an organization of indigenous peoples from the Pacific. For the past few months, there has arisen a growing protest regarding the oil access pipeline intended to cross territories around the Missouri and Mississippi rivers, including areas within Sioux ancestral land in North Dakota. The pipeline is also being constructed through sacred areas and ancestral burial grounds of the Standing Rock Sioux and other indigenous peoples of the area. It does not respect indigenous peoples' rights since construction of this pipeline was decided without the Free, Prior and Informed Consent (FPIC) of the Sioux community. This protest has become a global issue in that it represents an example of indigenous peoples' claims worldwide and their fight to preserve natural resources on their ancestral territories, with the spiritual and cultural connection that the Earth signifies to them. Furthermore, since September of this year, the use of militarized police to counter the water protectors has increased the attention given by the media and has transformed a peaceful protest into a violent conflict. Indigenous peoples' representatives from various indigenous regions appeared at the press conference event in order to express their solidarity with the fight at Standing Rock. These included: Mr. Roberto Mukako Borrero, from the Caribbean region, representative of the International Indian Treaty Council (IITC), Mr. Alberto Saldamando, from the North America region, representative of the Indigenous Environmental Network, Ms. Jannie Staffansson, from the Arctic region, representative of the Sami Council, Ms. Te Tui Shortland and Mr. Teanau Tuiono, both from the Pacific region, and representatives of the Te Kāpehu Whetū organization. Numerous indigenous peoples' representatives added their voices to stand in solidarity for the Sioux community against the Standing Rock pipeline, including individuals from Brazil, Ecuador, Morocco, Chad, Guatemala, Canada and Algeria. The IIPFCC also released a statement during the COP22, available online.¹¹ The event was a call for indigenous peoples and other stakeholders to raise their voices for the protection of Mother Earth.

NDC: Opportunities and Challenges for Indigenous Peoples

This event introduced ways in which the Intended Nationally Determined Contributions (INDC), also commonly found under the acronym NDC (Nationally Determined Contributions), could be useful for indigenous peoples' development. It was organized by the Indigenous Peoples' Foundation for Education and Environment (IPF), the Promotion of Indigenous and Nature Together (POINT), the Ethnic Community Development Forum (ECDF), Nepal Federation of Indigenous Nationalities (NEFIN), and IWGIA. The NDCs are officially induced under the Paris Agreement; they are contributions presented by each State in order to meet the objective of reducing greenhouse emissions by enough to stay within 2°C of warming.¹² The NDCs can be one of two types: either focused on mitigation measures or adaptation measures with regard to climate change. States can choose one or the other or both of these types when presenting their proposed NDCs for combating climate change. Mr. Kittisak Rattanakrajangsri, a representative of the IPF from Thailand, expressed the need to find different mechanisms related to the NDCs that would not be focused only on mitigation and adaptation, but would also cover wider issues such as communication, transportation, etc. To include indigenous peoples' issues within the NDCs represents a unique opportunity to benefit from indigenous peoples' traditional knowledge. During the implementation of the NDCs, indigenous peoples should be part of the discussions in a meaningful and effective participation. Unfortunately, the NDCs do not include a reference to

¹¹ <http://cdn6.iitc.org/wp-content/uploads/Final-Version-IIPFCC-in-solidarity-with-Standing-Rock-Sioux-Tribe.pdf>

¹² The detailed list of the NDCs submitted by each country can be found at <http://www4.unfccc.int/Submissions/INDC/Submission%20Pages/submissions.aspx>.

indigenous peoples' land rights, which denies them social and environmental safeguards. Mr. Tunga Sampang Rai, representative of NEFIN, discussed the current situation faced by Nepal's indigenous peoples, who represent 38% of the population in the country. The NDC activities in Nepal are affecting the livelihoods of indigenous peoples, and there should be more opportunities for indigenous peoples to share their experiences for national implementation of NDCs. The indigenous peoples' traditional knowledge is key for the process, in addition to full inclusion of indigenous peoples in the discussions. Today in Nepal, indigenous communities are severely affected by natural disasters, so it is particularly important to hear indigenous peoples' voices. Ms. Mi Ka Moon, a representative of ECDF from Myanmar, related the threats related to this region regarding customary land tenure. There are more than 135 ethnicities in Myanmar. The customary practices provide environmental protection, so it is important for them to be included within the discussions over land management. Mr. Hla Doi, a representative of POINT also from Myanmar, explained the sustainable management of the forest by the various ethnic groups present in his country. He underlined the crucial need that the forest represents and the role it plays in keeping the local economies and social structures in place. He also discussed the issues of extensive land grabbing, ethnic armed conflicts and unclear tenure, but he also referred to keeping the light of hope alive through UNDRIP and the NDC.

Friday, 11 November

Role of Biocultural Diversity in the Capacity for Resilience with Respect to the Impacts of Climate Change

This event was organized by local Moroccan organizations in order to demonstrate how the protection of marine areas is important for improved development of local economies and communities through preservation of biodiversity. Mr. Houssine Nibani, President of the Integrated Resources Management Association (Association de Gestion Intégrée des Ressources —AGIR), discussed the creation of a protected marine area in the national park Al-Hoceima. It is an area with high biodiversity that suffers extensive stress due to human activity. He emphasized how the practice of industrialized fishing using dynamite has serious negative consequences for the biodiversity and fish stocks in that area. On the other hand, he noted, traditional ways of fishing were allowing the fishing stock to be replenished quickly in a way that was not harmful to the biodiversity. AGIR has realized conservation actions together with more than 200 fishermen, which has resulted in improved marine resources, increased incomes for fishermen and restoration of biotopes. A representative from the Agency for Social Development of Morocco concluded by recognizing how important these initiatives on the part of the communities were for the social development of the territory. They reduce vulnerabilities and poverty, while increasing economic opportunities such as job creation.

Events attended during the 5th Session of the Forum on Business and Human Rights, Focused on the Rights of Indigenous Peoples

1. Background information

The UN started to reflect on the relationship between Human Rights and Business through the efforts of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, Mr. John Ruggie, who held the office from 2005 until 2011. The Special Representative compiled data on severe Human Rights violations due to business activities and presented an initial report in 2008, with the "Protect, Respect and Remedy" Framework, which introduced three pillars of action intended to prevent Human Rights violations: 1. State duty to protect against Human Rights abuses by third parties, which includes

parties in the business sector; 2. Responsibility for the business sector to respect Human Rights; and 3. Access to remedy for the victims of the abuses. In its final report in 2011,¹³ the Special Representative introduced the final Guiding Principles on Business and Human Rights, ultimately adopted in June 2011 by the Human Rights Council,¹⁴ which also took the opportunity to establish a Working Group on the matter. The first session of the Forum on Business and Human Rights was organized in 2012 following the establishment of the Working Group, and it gathered together representatives from the financial sector, companies, civil society and academia.

This year's session included three main pillars¹⁵ to be discussed:

- State leadership and leverage
- Business leadership and leverage
- The role of financial institutions

The program of work¹⁶ established a plenary session per day, with several additional sessions on various issues related to the main focus of discussion.

Indigenous peoples have become a central issue in this matter since the issues faced by them concern the lack of respect for their rights by the sectors of the extractive industries, the financial sector, and the State, which does not comply with the international standards recognizing indigenous peoples' rights to FPIC, self-determination and rights to land and natural resources.

Mr. Zeid Ra'ad Al Hussein, UN High Commissioner for Human Rights, used his statement¹⁷ to focus on indigenous peoples and the issues faced by them, and he questioned the logic behind the killings of human rights defenders, referencing as an example the murder of Berta Cáceres earlier this year.

2. Details

Monday, 14 November

The SDGs and the Rights of Indigenous Peoples

This event was organized by Gáldu, a Norwegian organization that advocates for indigenous peoples' rights, and it was moderated by Tuomas Aslak Juuso. Ms. Ing-Lill Pavall, Chairwoman of Gáldu, conveyed how the situation concerning the place of indigenous peoples within the discussions had changed over the 14 years of workflow realized to this point. Next year, the mandate of Gáldu will change, and it will be part of the Norwegian Human Rights institution. This brief presentation was followed by a video presented by AIPP on the SDGs and indigenous peoples.¹⁸ Ms. Danika Littlechild, Vice-President of the Canadian Commission for UNESCO, stated that indigenous peoples are among the poorest populations in the world. Because of this, they must be included within the development plans of the States in the realm of the SDGs, even though there is an ongoing discussion on how to include the international standards in these plans. For indigenous peoples these standards can be found in ILO Convention 169 and the UNDRIP, where implementation of the SDGs is tied to recognition of their linkage to their ancestral lands, as well as to the right to self-determination (as expressed in the UNDRIP, Article 3, which also refers to the right to development). There is little mention of indigenous peoples in the SDGs —only in Goals 2 and 4. Ms. Joan Carling, member of the UNPFII, expressed that indigenous peoples must

¹³ [A/HRC/17/31](#)

¹⁴ [A/HRC/RES/17/4](#)

¹⁵ For more information, see <http://www.ohchr.org/EN/Issues/Business/Forum/Pages/2016ForumBHR.aspx>.

¹⁶ <http://www.ohchr.org/Documents/Issues/Business/ForumSession5/PoW.pdf>

¹⁷ [His statement](#) was delivered during the plenary session on the second day, Tuesday, 15 November.

¹⁸ The video is available [here](#).

partner with the business sector in order to implement successfully the various goals. However, since renewable energy projects can also provoke displacement of indigenous peoples from their livelihoods, these projects should be carried out only by first respecting their right to FPIC. The engagement of the private sector with indigenous peoples has to be conducted on a basis of equality since indigenous peoples own and manage the resources. The business sector should consider this as a basis for partnering with indigenous peoples in order to respect their rights and their culture.

Tuesday, 15 November

Using Leverage to Forge Leadership: Indigenous Peoples' Rights in Business Operations

This event was organized by AIPP, IWGIA, Tebtebba, and the Lawyers' Association for Human Rights of Nepalese Indigenous Peoples (LAHURNIP), and it was moderated by Ms. Joan Carling, also Secretary General of the AIPP. Mr. Hector Jaime Vinasco, representative of the Resguardo Cañamomo Lomaprieta territory in Colombia, reported on how this territory is being sold to extractive industries, in particular for mining. However, there are initiatives to preserve the ancestral way of mining, realized by the community itself, which also benefits from its own legislation and regulation. This traditional mining method does not allow the use of any product that could cause damage to the environment, which prompted the community to advocate to have it recognized by the legislative system of Colombia. As a result, the community maintains self-governance on the territory, and land grabbing for mining on those lands is deterred. Ms. Jannie Lasimbang, representative of the Indigenous Peoples Network of Malaysia, underlined the need to respect the right to FPIC of indigenous communities. She explained the consequences of the palm oil industry in Bama on indigenous peoples' lands and how it destroys livelihoods. According to her, helping the authorities to draft guidelines on how to correctly implement the right to FPIC to engage with indigenous peoples is already a good step for partnering with companies. It provides the companies with a social license to operate and allows communities the opportunity to have their land rights respected. It is important to have this multi-stakeholder dialogue and to see how this kind of indigenous peoples' leadership can be advanced. Mr. Jonson Ole Kaunga of Kenya, representative of the Indigenous Movement for Peace Advancement and Conflict Transformation (IMPACT), expressed his concerns regarding the implementation of windmill farms on indigenous territories and the consequences that this has on the communities. The threat concerns energy production since this is one of the primary causes of indigenous displacement worldwide. It also disconnects people from their livestock and means of production since in Kenya there is no land titling or recognition of customary land tenure. The main challenge is to make sure that the community has enough capacity to understand the impacts of such projects. Thus, there are activities to invest in capacity-building and empowerment projects, such as the organization of journalistic trainings for the communities to report on the damages caused to the environment and the impacts of such projects on their livelihoods. It underlines the importance of the use of the media —social media and other media —and how it is very strategic. Ms. Varvara Korkina, an indigenous rights activist from Russia, explained how indigenous peoples of the Arctic in Canada have received some 600,000 km² of land in accordance with land claim agreements established in 1973 and how this is an ongoing process.¹⁹ It has allowed capital transfers of over \$3.2 billion, protection of traditional ways of life, access to resource development opportunities, participation in land and resources management decisions, certainty with respect to indigenous peoples' land rights in approximately 40 per cent of Canada's land mass, and associated self-government rights and political recognition. On the contrary, in Russia, the companies and the State violate the rights of indigenous peoples, using land grabbing and population displacement for the benefit of the extractive industries. Thus, in Russia, the corporate social responsibility of the companies is

¹⁹ For more information, see [here](#).

matching the companies' interests, but it is not operational if indigenous peoples do not have leverage. Canada's example shows how indigenous peoples and companies can work together sustainably, but in Russia, since there is no social corporate possibility, opportunities for indigenous peoples' leverage are reduced. Mr. Pavel Sulyandziga of Russia, Chair of the UN Working Group on Business and Human Rights, related how the violation of indigenous peoples' rights and murders of indigenous rights activists have become part of a trend, which has been generating more and more conflicts over the years. The UN has a role to play in stopping this trend. Another important issue for discussion concerns the Standing Rock Access Pipeline,²⁰ where indigenous peoples have come out in defense of their rights in the United States, eventually prompting an escalation of violence. Businesses try to develop their own profits using natural resources, which are usually owned by indigenous peoples who are not in a position to withstand this pressure. The Working Group on Business and Human Rights will prepare a report in 2017 for the UN General Assembly (UNGA) that will include a chapter on justice and access to justice.

Wednesday, 16 November

Making consultations with indigenous peoples work: how to overcome the lack of national capacities?

This event was organized by the International Labour Organization (ILO), with the presence of Mr. Pavel Sulyandziga, Chair of the UN Working Group on Business and Human Rights, and it was moderated by Ms. Manuela Tomei, Director, Conditions of Work and Equality Department at the ILO. She began by underlining the inefficient application of the Convention's provisions related to indigenous peoples' rights. The handbook²¹ on ILO Convention 169 gives some indications on how the provisions of this Convention should be implemented by the States Parties. Mr. Roberto Suarez, Secretary-General of the International Organization of Employers, noted that it was necessary to place this Convention back into its historical context since it was introduced in 1989 during a period of post-colonialism. He further detailed the need to recognize the importance of investment for a country, which has to be taken into account when speaking of indigenous peoples' right to development. He also referred to the necessity to address these issues with a practical perspective, taking into account that it is not only about indigenous peoples' right to FPIC; above all, it involves seeking solutions for them to enjoy their right to development, such as funding mechanisms for indigenous peoples' organizations and capacity building. The institutions currently do not have the capacity to realize such consultations since they barely understand what it involves. Ms. Raquel Gonzalez, Director of the Geneva-based Office of the International Trade Union Confederation, highlighted the ratifications of ILO Convention 169²² and the overrepresentation of Latin American countries. It is a crucial issue for this region since it appeals as well to economic migration, which often concerns indigenous populations. The ILO should advocate more for increased ratification of this Convention and for expanding it in regions outside Latin America. Providing technical assistance to States to implement the provisions of this Convention is crucial. Mr. Geyner Blanco Acosta, Advisor on Indigenous Affairs from the Government of Costa Rica, emphasized the idea that the consultation with indigenous peoples relates to their self-development. The consultation mechanisms are non-existent for the time being, and it has to be done through a harmonization process of administrative processes and indigenous cosmovisions. In Costa Rica this matter is taken seriously; what is needed is to realize capacity building jointly with indigenous communities in order to start to implement this right. Ms. Gloria Esperanza López Corea of Honduras, representative of the Red de Mujeres Indígenas y Afrohondureñas, noted the need for the communities to establish a dialogue among themselves and within the communities as well. The full and effective participation of indigenous women is also very important. Consultation is a

²⁰ See previous section: Press Conference on Standing Rock Pipeline during COP22.

²¹ Available [here](#).

²² 22 countries have ratified the Convention as of November 2016. For details, see [here](#).

process through which indigenous peoples may anticipate an opportunity for more investment in the preservation of their culture and ways of life. It is important to keep in mind that indigenous peoples all have to stand together in order to institutionalize their rights as much as possible. Ms. Diana Chávez, Director of the UN Global Compact Regional Center for Latin America, stressed that this process has to go through trust building for the strengthening of each actor that is party to the consultation. The FPIC has to be an exercise realized in good faith by all the various actors, which requires that the company be transparent and recognize its duties. ILO Convention 169 offers a tool to create more sincere dialogue between indigenous peoples and the economic powers.

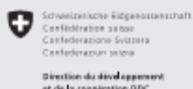
ANNEX I —LIST OF ABBREVIATIONS

AGIR	Association de Gestion Intégrée des Ressources Integrated Resources Management Association
AIPP	Asia Indigenous Peoples Pact
CIF	Climate Investment Fund
COIAB	Coordenação das Organizações Indígenas da Amazônia Coordination of the Indigenous Organizations of the Brazilian Amazon
COICA	Coordinadora de las Organizaciones Indígenas de la Cuenca Amazónica Coordinator of the Indigenous Organizations of the Amazon Basin
CONAIE	Confederación de Nacionalidades Indígenas de Ecuador Confederation of Indigenous Nationalities of Ecuador
COP	Conference of the Parties
CSIPN	Centre for Support of Indigenous Peoples of the North
DGM	Dedicated Grant Mechanism
DRC	Democratic Republic of the Congo
ECDF	Ethnic Community Development Forum
EMRIP	Expert Mechanism on the Rights of Indigenous Peoples
FBHR	Forum on Business and Human Rights
FCPF	Forest Carbon Partnership Facility
FIP	Forest Investment Program
FPIC	Free, Prior and Informed Consent
IIPFCC	International Indigenous Peoples Forum on Climate Change
IMPACT	Indigenous Movement for Peace Advancement and Conflict Transformation
IPF	Indigenous Peoples' Foundation for Education and Environment
IPLC	Indigenous Peoples and Local Communities
IITC	International Indian Treaty Council
IITF	International Indigenous ICT Task Force
ILO	International Labour Organization
IWGIA	International Working Group on Indigenous Affairs
JI	Joint Implementation
LAHURNIP	Lawyers' Association for Human Rights of Nepalese Indigenous Peoples
MPIDO	Mainyuito Pastoralists Integrated Development Organization
NEFIN	Nepal Federation of Indigenous Nationalities
POINT	Promotion of Indigenous and Nature Together
REDD	Reducing Emissions from Deforestation and Forest Degradation
SISA	Acre's State System of Incentives for Environmental Services
SRRIP	Special Rapporteur on the Rights of Indigenous Peoples
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNFCCC	United Nations Framework Convention on Climate Change
UNGA	United Nations General Assembly
UNPFII	United Nations Permanent Forum on Indigenous Issues

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