



Thank you Madame Chair,

Expert members, State representatives, Indigenous relatives, ladies and gentlemen,

I address this mechanism, in my capacity as co-chair of the Indigenous Peoples Caucus convened under the International Indigenous Peoples Forum on Climate Change (IIPFCC). The IIPFCC was established in 2008, as a convening space for the Indigenous Peoples attending the sessions of the Conference of Parties, inter-sessional meetings of its subsidiary bodies, and other United Nations Framework Convention on Climate Change (UNFCCC) related meetings.

To provide for a rights-based framework that strengthens, promotes and protects Indigenous Peoples' traditional knowledge, the 2015 Paris Agreement acknowledges<sup>1</sup> the role of indigenous peoples' traditional knowledge in addressing climate change and reminds States in the preamble<sup>2</sup> of both the Decision and the Agreement to respect, promote and consider their human rights obligations when taking action to address climate change.

As called for in the Paris Agreement, the local communities and indigenous peoples (LCIP) platform is established to strengthen knowledge, technologies, practices and efforts of indigenous peoples related to addressing and responding to climate change, and for the exchange of experiences and sharing of best practices on mitigation and adaptation in a holistic and integrated manner.

We are currently in negotiations<sup>3</sup> on the modalities for the further operationalization of this platform. Some state proposals, particularly the two<sup>4</sup> preambular paragraphs and one<sup>5</sup> operative paragraph

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<sup>1</sup> See Paris Agreement, Article 7, para 5: "*Parties acknowledge that adaptation action should follow a country-driven, gender-responsive, participatory and fully transparent approach, taking into consideration vulnerable groups, communities and ecosystems, and should be based on and guided by the best available science and, as appropriate, with a view to integrating adaptation into relevant socioeconomic and environmental policies and actions, where appropriate.*" available at [http://unfccc.int/files/home/application/pdf/paris\\_agreement.pdf](http://unfccc.int/files/home/application/pdf/paris_agreement.pdf)

<sup>2</sup> "*Acknowledging that climate change is a common concern of humankind, Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity,*"

<sup>3</sup> See draft decision text by the co-facilitators available at <https://unfccc.int/process-and-meetings/conferences/bonn-climate-change-conference-april-2018/sessions/sbsta-48#eq-11>

<sup>4</sup> *[[Noting that the United Nations General Assembly has adopted the United Nations Declaration on the Rights of Indigenous Peoples, and that indigenous peoples have the right to participate in decision-making in matters which could affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own decision-making institutions,] [Emphasizing that any workplan of the Local Communities and Indigenous Peoples Platform or activities under the Local Communities and Indigenous Peoples Platform Facilitative Working Group may not be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.]]*

*[Fully respecting the basic principles of the United Nations as stipulated in its Charter, in particular "the principle of the sovereign equality of all its Members", ]*

<sup>5</sup> *[Decides that any workplan of the Local Communities and Indigenous Peoples Platform or activities under the Facilitative Working Group may not be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States;]*

selectively quote provisions of the UN Charter and UN Declaration referring to territorial integrity<sup>6</sup>. This creates an unbalanced view of those documents especially by leaving out objective reference to the UN Declaration detailing the inherent rights of Indigenous Peoples.

We believe that the full implementation of the Local Communities and Indigenous Peoples (LCIP) Platform depends upon reaching consensus and upholding the full range of rights affirmed in the Declaration. We urge Parties to attach a high priority to achieving a Decision text at the twenty-fourth session of the Conference of Parties in November 2018 that fully respects international legal instruments such as the Charter of the United Nations and the United Nations Declaration on the Rights of Indigenous Peoples.

The IIPFCC will continue to argue that the current negotiations should not only be based on goodwill, but on full respect for the UN Declaration to ensure the acclaimed human rights based approach<sup>7</sup> in this operationalization process, and the broader climate change regime. As we have stated in our co-chairs note<sup>8</sup>, any reference to and interpretation of international instruments, such as the Charter of the United Nations and the UN Declaration on the Rights of Indigenous Peoples must be objective and holistic, as the Declaration provides a strong normative framework for all climate action.

Therefore, we request the EMRIP to:

- Provide, pursuant to paragraph 2 of Human Rights Council resolution 33/25, and as a matter of urgency, technical advice on the implementation of the UN Declaration on the Rights of Indigenous Peoples, in the context of advancing objective and holistic interpretation of the UN Declaration, with the view to protect and preserve the spirit, purpose and integrity of the UN Charter and the UN Declaration, and advise against subjectively referencing provisions and principles in the operationalization process of the local communities and indigenous peoples platform under the UNFCCC.
- Advise the Human Rights Council to call upon the UNFCCC and its Parties to work in partnership with Indigenous Peoples to achieve the goals of the Paris Agreement, and to ensure the full, effective, direct and meaningful participation of Indigenous Peoples in matters affecting them, as reflected in Article 18.
- Urge the UNFCCC and its Parties to establish the facilitative working group at its twenty-fourth session of the Conference of Parties, and to continue the operationalization process of the platform in accordance with the provisions of the United Nations Declaration on the Rights of Indigenous Peoples.

Thank you Madame Chair,

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<sup>6</sup> It is stated by a Party that some provisions of the Charter, such as the principle on sovereign equality, reflects the "basic principles", which implies that other provisions are of a different nature. The IIPFCC argues that the UN Charter is a holistic and an interdependent document, meaning that all provisions should be read in conjunction with all the other principles.

<sup>7</sup> See, *inter alia*, the Deputy United Nations High Commissioner for Human Rights "Climate change and human rights", address to COP13 of the UN Framework Convention, December 2007.

<sup>8</sup> See 'IIPFCC Co-Chairs Note Upon Conclusion of the Bonn Climate Change Conference 2018' available at <http://www.iipfcc.org/blog/2018/6/28/co-chairs-note-upon-conclusion-of-the-bonn-climate-change-conference-2018>