

Office of the United Nations High Commissioner for Human Rights
16 May 2017

Response to the UNFCCC Secretariat request for submissions on: possible elements of a Local Communities and Indigenous Peoples' Traditional Knowledge Platform, Decision 1/CP.21, FCCC/CP/2015/10/Add.1, paragraph 135.

REQUEST FOR SUBMISSIONS ON POSSIBLE ELEMENTS OF THE LOCAL COMMUNITIES AND INDIGENOUS PEOPLES' TRADITIONAL KNOWLEDGE PLATFORM

The 21st Conference of Parties (COP21) to the United Nations Framework Convention on Climate (UNFCCC) recognised “*the need to strengthen knowledge, technologies, practices and efforts of local communities and indigenous peoples related to addressing and responding to climate change and establishe[d] a platform for the exchange of experiences and sharing of best practices on mitigation and adaptation in a holistic and integrated manner.*”¹

The Office of the United Nations High Commissioner for Human Rights (OHCHR) welcomes the opportunity to provide inputs on the potential purpose, content and structure of the Knowledge Platform and emphasizes the importance of respecting and promoting the rights of local communities and indigenous peoples in the context of its operation.

BACKGROUND

The impacts of climate change will disproportionately affect local communities and indigenous peoples that live in and rely on fragile ecosystems, damage to which threatens their homes, livelihoods and cultural survival. Efforts by States to mitigate or adapt to climate change can also negatively impact local communities and indigenous peoples threatening their rights to self-determination, development, food, water, land and culture among others.

However, the knowledge of local communities and indigenous peoples can support climate change adaptation efforts. The Intergovernmental Panel on Climate Change (IPCC) has found that “recognition of diverse interests, circumstances, social-cultural contexts and expectations can benefit decision-making processes”. In other words, a rights-based approach, involving widespread participation, is more effective for tackling the threat of climate change.² For example, indigenous peoples’ traditional knowledge can increase the effectiveness of adaptation measures.³ According to the IPCC, “indigenous, local and traditional knowledge systems and practices, including indigenous peoples’ holistic view of community and environment, are a major resource for adapting to climate change.”⁴ By empowering indigenous peoples and guaranteeing them control over their traditional knowledge, lands, territories and resources, as called for in the United Nations Declaration on the Rights of

¹ UNFCCC, “Decision 5/CP.17 - Report of the Conference of the Parties on its twenty-first session, held in Paris from 30 November to 13 December 2015 - Addendum, Part Two: Action taken by the Conference of Parties at its twenty-first session”, FCCC/CP/2011/10/Add.1, para. 135.

² IPCC, AR5, p. 19

³ Ibid.

⁴ Ibid.

Indigenous Peoples, States can simultaneously improve climate mitigation and adaptation efforts and the situation of indigenous peoples.

The Local Communities and Indigenous Peoples' Knowledge Platform should therefore strengthen the connection of local communities and indigenous peoples with international climate action at the UNFCCC while protecting indigenous peoples rights and those of local communities. States must, for example, respect and promote the right to self-determination of all peoples. Article 1 of the International Covenant on Civil and Political Rights and Article 1 of the International Covenant on Economic, Social and Cultural Rights both state that *"All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."*

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) articulates the collective and individual rights of indigenous peoples including their right to effective, meaningful and informed participation in matters that affect them.⁵ The UNDRIP recognises *"the fundamental importance of the right to self-determination of all peoples, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development"*.⁶ It further states that, *"Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources."* The World Conference on Indigenous Peoples (WCIP) recognised in resolution A/69/L.1 *"the importance of the participation of indigenous peoples, wherever possible, in the benefits of their knowledge, innovations and practices."*⁷ The ongoing consultation process by the President of the General Assembly as requested in resolution A/RES/70/232 continues to focus on the participation of indigenous peoples and their representatives in meetings, both internationally and nationally, on issues affecting them.

It is integral to protecting the rights of local communities and indigenous peoples in climate action that they be empowered to contribute to the formulation and implementation of action to mitigate and adapt to climate change. Article 7 of the Paris Agreement states 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, traditional knowledge, knowledge of indigenous peoples and local knowledge systems, with a view to integrating adaptation into relevant socioeconomic and environmental policies and actions, where appropriate."*

Indigenous peoples' rights should be fully protected in climate action including their rights to lands, natural resources, territories, and to benefit from the use of their knowledge, innovations and practices.⁸ The UNDRIP recognises indigenous peoples' right to *"maintain,*

⁵ United Nations General Assembly, "United Nations Declaration on the Rights of Indigenous Peoples", A/RES/61/295, (2 October 2007), Articles 5, 18, 27 and 41.

⁶ Ibid. Preamble.

⁷ United Nations General Assembly, "Outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples", A/69/L.1, (2014), available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/69/L.1, para 22.

⁸ United Nations General Assembly, "Right to Development – Report of the Secretary-General and the United Nations High Commissioner for Human Rights", A/HRC/33/31, (26 July 2016), available at: <http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/33/31&Lang=E>, p. 13.

control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions... sciences, technologies and cultures.”⁹ The Local Communities and Indigenous Peoples’ Knowledge Platform must therefore respect indigenous peoples’ rights to meaningfully participate in climate action that affects them and to maintain, control, protect and develop their traditional knowledge. Actions likely to impact these rights should not be taken without their free, prior and informed consent.

PURPOSE OF THE PLATFORM

The purposes of the Local Communities and Indigenous Peoples Knowledge Platform are to:

1. Strengthen knowledge, technologies, practices and efforts of local communities and indigenous peoples related to addressing and responding to climate change; and
2. Establish a platform for the exchange of experience and sharing of best practices on mitigation and adaptation in a holistic and integrated manner.¹⁰

To achieve these purposes, a clear link must be maintained between the work of the UNFCCC and the Local Communities and Indigenous Peoples’ Knowledge Platform. Further, these processes must respect indigenous peoples’ rights and the rights of local communities. OHCHR considers that the following could be amongst the key functions of the Platform:

- Regularly provide advice to the COP based on local communities and indigenous peoples’ traditional knowledge, best practices and technologies relevant to climate change mitigation and adaptation;
- Facilitate participation of local communities and indigenous peoples in climate change action;
- Protect the rights of local communities and indigenous peoples to their traditional knowledge while supporting more effective climate action; and
- Support local communities and indigenous peoples’ capacity building for climate action.

CONTENT AND STRUCTURE OF THE PLATFORM

With an aim toward achieving these purposes and respecting the rights of local communities and indigenous peoples, OHCHR recommends the Knowledge Platform should ensure meaningful participation of local communities and indigenous peoples and safeguard their respective rights to their own traditional knowledge. Key elements of a Platform that would fulfil these responsibilities could include:

- **Strong links between the work of the Platform and other UNFCCC mechanisms and processes.** For example, by requiring annual reports on the activities and

⁹ United Nations General Assembly, “United Nations Declaration on the Rights of Indigenous Peoples”, A/RES/61/295, (2 October 2007), Article 31.

¹⁰ UNFCCC, “Decision 5/CP.17 - Report of the Conference of the Parties on its twenty-first session, held in Paris from 30 November to 13 December 2015 - Addendum, Part Two: Action taken by the Conference of Parties at its twenty-first session”, FCCC/CP/2011/9/Add.1, para. 135.

recommendations of the Platform be considered by the subsidiary bodies to the UNFCCC and other relevant mechanisms.

- **Two way communication between the UNFCCC and the Platform** so that the COP can request specific studies and the Platform can provide recommendations to the COP. There could also be an in-COP-session dialogue on the recommendations of the Platform.
- **An advisory committee to provide recommendations to the COP.** The advisory committee could develop the Platform's work programme on its own initiative and in response to COP requests for recommendations on particular policy themes or issues. It should include representatives of local communities, indigenous peoples and States, meet periodically, as deemed necessary, to fulfil its mandate and compose an annual report to the COP.
- **Expert working groups under the advisory committee.** Expert working groups could provide specific advice on requests for knowledge in relation to issues arising from the advisory committee's deliberations or COP decisions. These working groups should meet as directed by the advisory committee and be composed of experts from local communities and indigenous peoples.
- **Adequate resources to support the Local Communities and Indigenous Peoples' Platform to fulfil its mandate.** Adequate resources must be mobilised through either the UNFCCC budget, or specific donor Parties, to facilitate the formulation, constitution and work of the Platform. Key areas for consideration are:
 - **Establishing a unit within the UNFCCC Secretariat** tasked with supporting the Platform in achieving its mandate as well as monitoring, advising and updating all relevant stakeholders on progress towards the aims of the Platform; and
 - **Ensuring adequate funding and resources to enable the facilitative and expert meetings** of the Platform, in-session dialogue at the COP and other activities related to the Platform's mandate.