Consolidating text: A process that MUST respect, recognize and promote indigenous peoples’ rights

Bangkok, 07 October (Maribeth Bugtong) — Reordering of paragraphs, framing of alternative texts and consolidation have been the order of last week’s meetings here in the ongoing Climate Change Talks in Bangkok. The goal is a short negotiating text on the next climate agreements to be approved by Parties in Copenhagen in December 2009.

The consolidations, however, are putting indigenous peoples around the world - who are experiencing the devastating impacts of climate change - in the brink of disregard. One reason for this is that Parties to the United Nations Framework Convention on Climate Change (UNFCCC) which did not vote in favor of the United Nations Declarations on the Rights of Indigenous Peoples (UNDRIP) are clearly not manifesting support for language respecting and recognizing indigenous’ peoples rights.

Much as indigenous peoples from the International Indigenous Peoples Forum on Climate Change (IIPFCC) want negotiating texts clearly recognizing their rights, consolidated texts barely speak of their rights.

This is notable in Non-paper No. 5 of the Contact Group on a Shared Vision for Long-Term Cooperative Action of the AWG-LCA dated 1 October. The AWG-LCA, or the Adhoc Working Group on Long-Term Cooperative Action, is a subsidiary body mandated to discuss the “building blocks” of the Bali Action Plan. These include: a) enhanced action on mitigation, b) enhanced action on adaptation, c) enhanced action on technology development and transfer to support mitigation and adaptation, and d) enhanced action of provision of financial resources and investments. Shared vision for long-term cooperative action has often been referred to as another building block.

Non-paper No. 5 has barely any reference to indigenous peoples. Development priorities and stakeholder participation do not mention indigenous peoples. Rightsholders, more than stake holders, indigenous peoples call for their full and effective participation in any climate change actions in accordance with the right to free, prior and informed consent (FPIC).
Furthermore, human rights, as stated in the Non-paper, is silent on the rights of indigenous peoples to their lands, territories and resources including the recognition of the role of their traditional knowledge, innovations and practices. For indigenous peoples, their traditional knowledge and use of land, water and sea ice, traditional agriculture, forest management, ancestral seeds, pastoralism, food plants, animals and medicines are crucial to their survival and well-being and are actively using these to mitigate and adapt to the impacts of climate change.

The text also uses the terminology “indigenous status.” The term “indigenous status” could be regarded as an attempt to redefine the existing internationally-accepted working definition of indigenous peoples and further undermine the principle of self-identification as a fundamental criterion for the identification of indigenous peoples.

Despite the roadblocks and the long way ahead, indigenous peoples find support from several Parties that have expressed support to put into the language the positions of indigenous peoples in the ongoing negotiations. In various arenas, indigenous peoples continue to call Parties to recognize international human rights instruments as framework in tackling climate change underscoring the fundamental moral and legal obligations to protect and promote full enjoyment of the rights enshrined in these instruments.

For indigenous peoples, what is essential is that the current climate negotiations recognize and ensure their full and effective participation, in accordance with the right to free, prior and informed consent; their rights to land, territories and resources accordance with the UNDRIP; and the recognition of the roles and contribution of traditional knowledge, innovations and practices of indigenous peoples.

Thus, consolidation in the name of a short, operational text must not delete but respect, recognize and protect indigenous peoples’ rights.