



International Indian Treaty Council
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COMBATTING THE CLIMATE CRISIS, RECOGNIZING INDIGENOUS PEOPLES RIGHTS AND KNOWLEDGE: SOME SHORTFALLS AND SOME ADVANCES AT COP 26



Indigenous Knowledge holders and Facilitative Working Group members at the closed knowledge sharing session for Indigenous Peoples on November 6, 2021, at COP 26 in Glasgow Scotland.

Photo credit: UNFCCC Secretariat

Glasgow, Scotland: As in past years, the most recent United Nations Framework Convention on Climate Change (UNFCCC) Conference of the Parties (COP), which concluded November 13 in Glasgow, Scotland, fell short of achieving the strong commitments needed from State Parties (countries) to halt the growing climate crisis.

But there were also some advances. The COP 26 outcome document affirmed that greenhouse gas emissions must be significantly reduced to levels that will limit the global temperature increase to no more than 1.5 degrees centigrade over pre-industrial levels. The scientific community has confirmed that if this level is exceeded, the extinction of a million species, the decimation of many ecosystems, and the destruction of Indigenous Peoples' traditional lifeways and food systems cannot be averted.

The final COP decision adopted on November 13 by consensus of the State Parties also recognized for the first time that fossil fuels were the primary driver of the climate crisis and committed to cut back on government subsidies for non-sustainable energy production. However, after two weeks of hard negotiations among almost 200 State Parties, China and India waited until the final plenary session to object to draft language regarding coal, the dirtiest of fossil fuels, insisting that the language be changed from “phasing out” to “phasing down”. Many Parties, including the European Union and the Small Island Developing States, expressed their disappointment with the watered-down language and lack of transparency in the decision-making, but could do little about it since the outcome document had to be agreed by consensus of all the State Parties. “They decided to accept progress over perfect” in the words of one Indigenous observer who witnessed the process until its conclusion.

Other issues of great concern to the over 150 Indigenous Peoples’ delegates from all regions of the world were kicked down the road until COP 27, which will take place in Egypt in 2022. This included compensation for Loss and Damage caused by climate change, including “non-economic losses” such as sacred sites and culturally-important places, cultural practices, and traditional food and ecosystems.

Indigenous Peoples achieved a significant victory in the final hours of COP 26 after a 6-year battle to achieve recognition of their rights in Article 6 of the Paris Rulebook, which provides the details for implementation of the 2015 Paris Agreement. Article 6, the last section to be agreed, addresses market and non-market approaches and international cooperation for the mitigation of climate change. Of great concern to many Indigenous Peoples are its provisions regarding market mechanisms such as carbon trading and forest offsets, which they see as false solutions.

Indigenous Peoples were firmly united regarding the need to ensure the inclusion of rights safeguards in Article 6 to prevent negative impacts on Indigenous Peoples as a result of projects initiated through this process. Those could include mega projects such as dams and plantations, forced relocations, and forest protections in some regions being used by states and corporations to “offset” destructive development projects impacting Indigenous Peoples in other regions. At the end of the day, Indigenous Peoples and their allies from a range of rights-based constituencies as well as many of the State Parties insisted on including safeguards for human rights and the rights of Indigenous Peoples in the text. The language that was already agreed in the Paris Agreement preamble states in part that “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...” This language was inserted as a “chapeau”, or opening paragraph, in the final adopted text of Article 6 and was also referenced in several of its provisions as the criteria that a “supervisory body” will use to approve projects carried out under this Article. There is also a grievance process for Indigenous Peoples and others who have suffered damages as a result of such projects.

Ghazali Ohorella from Maluku, Pacific region, was one of the leaders for the International Indigenous Peoples Forum on Climate Change (the Indigenous caucus) on this issue. He pointed out that while we achieved the inclusion of Indigenous Peoples’ rights in the 2015 Paris Agreement preamble, we were not able to get it into the operative sections due to the opposition of some states. “This language is now included in the operative sections of the Paris Rulebook, a big advance for us in this process,” he stated.

The Indigenous Caucus was disappointed, however, that they were not able to achieve stronger language regarding a consultation provision under paragraph 6.4. The language that was adopted by the States provides for consultation with Indigenous Peoples and others who might be affected according to “applicable domestic arrangements”. Indigenous delegates worked to include a reference to international standards to ensure compliance with the right of Indigenous Peoples to free, prior, and informed consent but were not able to gain the support of all State Parties for this addition as required in this consensus-based State negotiating process.

In another notable advance, the COP 26 President announced a new \$1.7 billion fund to support Indigenous Peoples in the protection of tropical forests through contributions from States and private funders. Details regarding the timeline and the process for applications and distributions were not provided. Indigenous Peoples, while recognizing the global importance of the tropical forests, requested that it be provided directly to Indigenous Peoples, rather than passing through the States; include support for Indigenous Peoples in other types of forests (boreal, etc.) and other vital ecosystems; be available to Indigenous Peoples from all regions, and include Indigenous Peoples in its development and implementation.

In what was perhaps the most historic achievement at COP 26, the Local Communities and Indigenous Peoples Platform’s Facilitative Working Group (FWG), a UNFCCC constituted body made up of 7 representatives of Indigenous Peoples and 7 representatives of State Parties, organized a Global Gathering of 28 Indigenous Knowledge Holders, 4 from each of the 7 regions. The two-day activity included a closed meeting for Indigenous Peoples in which the knowledge holders, which included elders, youth, women, spiritual leaders, and traditional food producers, shared their wisdom, insights, lived experiences, and traditional understandings about climate change. On the second day, they met with a number of State Parties as well as the COP Presidency to share their recommendations and solutions. These included strong messages to the State Parties about the urgent need to begin living in ways that respect and safeguard the natural world and that also respect the rights, lands, waters, food, and knowledge systems of Indigenous Peoples as an essential part of the solution.

Andrea Carmen, Yaqui Nation, Executive Director of the International Indian Treaty Council and one of the three FWG co-leads for this activity, shared the challenges of bringing 24 knowledge holders from around the world, some from very remote locations, while dealing with the COPs’ strict COVID-19 measures, on the ground logistics and a range of languages spoken. But she confirmed that “the outcomes, especially the closed meeting for Indigenous Peoples with the knowledge holders where they could share directly among themselves, was so inspiring, emotional, and informative for us all. It was well worth all the struggles it took to make it happen”.

A core aspect of this activity was the inclusion of 7 Indigenous youth from North America, Africa, Latin America, Russia, and Arctic regions among the 24 knowledge holders who attended in person (4 shared virtually due to language and COVID-19 concerns). Chris Honahnie, a traditional Hopi youth farmer, stated, “It was an honor to attend the LCIPP activities of COP 26 as an invited Indigenous youth knowledge holder from North America. I left the COP with more confidence in our Indigenous youth than I have in the States to take meaningful and effective action in adapting to Climate Change. It is us, the Indigenous youth, who will continue to experience the worst effects brought on by Climate Change, and it is us who will take the most effective action in addressing this global crisis.”

Anders Oskal, a Sámi from Norway and Secretary-General of the Association of World Reindeer Herders, was one of the knowledge holders selected to participate in this activity by the Arctic region. He shared with the other knowledge holders and with the States the Sámi traditional teaching for resource use which is “to not take more than you need, use all that you take, and share what you have” as a principle that could be applied by the States in solving the climate crisis based on a sustainable relationship with Nature. He also affirmed the importance of bringing Indigenous traditional food producers and knowledge holders together to share information and experiences with each other, and in doing so, also provide guidance for the deliberations of the States. Anders added, “I sincerely hope that the UNFCCC will continue and expand this type of engagement in future COPs because Indigenous Peoples can provide real solutions”.



Indigenous youth from North America, the Arctic, Latin America, Russia, and Africa shared their perspectives in one of four round tables during the knowledge holders exchange event on November 6th.

Photo credit: UNFCCC Secretariat

The International Indian Treaty Council (IITC) is an organization of Indigenous Peoples from North, Central, South America, the Caribbean and the Pacific working for the Sovereignty and Self Determination of Indigenous Peoples and the recognition and protection of Indigenous Rights, Treaties, Traditional Cultures and Sacred Lands.