

Subsidiary body to operationalise indigenous peoples' platform on climate change

Kuala Lumpur, 28 Nov (Hilary Chiew) – The 22nd Conference of the Parties (COP 22) to the UN Framework Convention on Climate Change (UNFCCC) has agreed that the Subsidiary Body on Scientific and Technological Advice (SBSTA) will undertake work on operationalising the platform for the exchange of experiences and sharing of best practices of local communities and indigenous peoples on mitigation and adaptation in relation to climate change.

This decision was arrived at during the COP closing plenary in the early hours of 19 Nov, when Parties agreed with the proposal by COP22 Vice President, **Khalid Abuleif (Saudi Arabia)** for an “incremental approach” and for SBSTA to undertake work on the operationalisation of the platform.

This was the result following divergences that arose during the informal consultations on the matter, as regards the status of the platform among Parties.

(The informal consultations were held at the request of **Bolivia** and **Ecuador** to consider paragraph 135 of Decision 1/CP.21 and conducted by **Hamza Tber** on behalf of the COP 22 Presidency. Para 135 of the Paris decision reads: *‘Recognizes the need to strengthen knowledge, technologies, practices and efforts of local communities and indigenous peoples related to addressing and responding to climate change, and establishes a platform for the exchange of experiences and sharing of best practices on mitigation and adaptation in a holistic and integrated manner.’*)

Some Parties pointed out that the Paris decision adopted last year in this regard (para 135 of decision 1/CP.21) had already established the

platform and all that was needed in Marrakech was its operationalisation. The **European Union (EU)** wanted an incremental and cautious approach and to not move too quickly on the matter.

The Marrakech climate talks began on 7 Nov and ended early morning of 19 Nov.

At the first informal consultations held on 14 Nov, **Ecuador** and **Bolivia** supported the request by indigenous peoples' organisations to deliver their interventions before Parties as “they were the key actors of the platform”.

The **International Indigenous Peoples Forum on Climate Change (IIPFCC)** representative welcomed the process and reminded Parties that meaningful participation must be ensured as provided in the Paris Agreement with regards to acknowledgement of respecting the rights of indigenous peoples as enshrined in the UN Declaration on the Rights of Indigenous Peoples.

Parties were then asked to provide their views on the scope, content and structure of the platform.

Bolivia said besides acknowledging and strengthening the knowledge of indigenous peoples on climate change, the platform was also about creating a holistic perspective on mitigation and adaptation as an integrated way to address climate change. It was also about the technologies that are maintained and used by indigenous communities and their efforts in responding to the impacts of climate change.

Bolivia was of the view that the platform should work as a permanent forum to be held at each

COP and inter-session as a body under the UNFCCC discussing specific issues.

It expected COP22 to agree on developing the full programme of work and the institutional arrangements of the platform at the next subsidiary bodies meeting with a proposal to be forwarded to COP23 (2017) for consideration and approval and also to have a high-level event on the knowledge and practices of indigenous peoples on climate change at the next COP.

Ecuador saw the discussion of the platform beyond para 135 and in the wider context of the preamble of the Paris Agreement (referring to Parties' obligation to respect, promote and consider the rights of indigenous peoples). It said the protection of indigenous peoples' traditional knowledge should also be linked to Article 8(j) of the Convention of Biological Diversity (CBD).

(Article 8(j) of the CBD states: *Each contracting Party shall, as far as possible and as appropriate, subject to national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilisation of such knowledge, innovations and practices.*)

Ecuador wanted a website for the exchange of information of practices and knowledge, a high-level event and a COP decision mandating the SBSTA at its next session to include in its agenda an item to develop the modalities of the platform in accordance with para 135.

Guatemala supported the full participation of indigenous peoples under the COP and called for the establishment of an advisory group for indigenous peoples from seven regions. (It did not elaborate on the seven regions.) The platform, it said should be supported with the

means of implementation in capacity-building, finance and technology as well as in participating more closely in the Intergovernmental Panel on Climate Change (IPCC) process.

Canada said it is committed to renewing its relationship with indigenous peoples. It saw value in their participation in the UNFCCC as traditional knowledge holders. It was of the view that the platform should play a role in capturing information of the contributions and leadership of indigenous peoples and climate-related process including adaptation plans.

Supporting Bolivia and Ecuador, it said there needed to be commitment to a meaningful platform and not a token symbol. It wanted exchange of knowledge rather than extraction of indigenous knowledge and that the exchange should be reciprocal in helping to improve the well-being of indigenous communities.

The **EU** preferred step-by-step progress and cautioned that Parties need to approach the matter in a way to make sure that the platform can be agreed by all Parties and live up to the result.

Panama supported Bolivia, Ecuador, Guatemala and Canada.

UN Special Rapporteur on the rights of indigenous peoples, Victoria Tauli-Corpuz said the platform to share experiences and practices of indigenous peoples in bringing solutions to climate change is in the interests of the states. "This is a historical milestone in the climate change negotiations and I certainly hope this will come to reality. The main guiding principle is inclusivity and transparency. Indigenous peoples should be included in the platform which will be a key contribution to the climate change Convention," she added.

At the informal consultations held on 16 Nov, **Hamza Tber**, recalled discussions held on 14 Nov where Parties were divided with some calling for the operationalisation of the platform while others expressed concerns in moving too quickly without preparatory work.

During the informal consultations, Tber informed Parties that the COP 22 President had proposed that the SBSTA conduct a multilateral dialogue in this regard at the May 2017 session to be held in Bonn, Germany. He also said that the COP President proposed the invitation of submissions from Parties and to also request the secretariat to operationalise the platform. The secretariat will be guided by the SBSTA Chair and the outcomes of the dialogue, said Tber further.

In response to this, **Ecuador** said that notwithstanding the usefulness of a dialogue, this could mean a one-time exercise, while what it wanted was establishing something more permanent. It sought clarification on the nature of the dialogue.

Tber replied that his understanding was not to presume anything about the dialogue and that this was the first step (in the process).

Ecuador in response said notwithstanding the incremental approach, this should not preclude the inclusion of a permanent space for the platform.

“A dialogue, frankly speaking, is a one-time exercise. We prefer a permanent space ... more faithful and it is what was decided as per para 135 of decision 1/CP.21... and that reflected something permanent which was a long-standing request of the indigenous peoples,” explained Ecuador further.

“The platform is permanent. We want to give voice to everyone via submissions,” it said further, stressing that the dialogue is to make the platform operational and was not about the (formation of) the platform itself.

Supporting Ecuador, **Bolivia** noted that while having a multi-stakeholder dialogue was important, what was really needed is a permanent structure for the platform. “The platform is already established so we need something in COP decision (saying) that we are going to move in that context. We need a stronger signal that it is already established ... a dialogue is not what we are expecting. We would like the COP

decision to have a strong understanding that we already have the platform as a permanent body to facilitate the dialogue”, said Bolivia.

It added further that Parties should move forward on the substantive issues as regards the platform in order to have it implemented at next COP with regards to the functions and the institutional arrangements regarding the platform. Bolivia could agree with the call for submissions from Parties and indigenous peoples’ organisations as a way to improve the discussions.

Bolivia said it could agree to a procedural COP decision that mandates the next COP to continue what Parties have been doing including having an “Indigenous Peoples’ Day” in the work of the high-level champions of the non-state actors initiative.

- I. (At COP 21 in Paris, it was agreed that mobilizing stronger and more ambitious climate action by all Parties and non-Party stakeholders is urgently required. In this regard, Parties agreed that two high-level champions will be appointed to act on behalf of the COP President to facilitate through strengthened high-level engagement in the period 2016–2020 the successful execution of existing efforts and the scaling-up and introduction of new or strengthened voluntary efforts, initiatives and coalitions.)

The **EU** reiterated that a lot of clarification is needed. It said that it is wise to follow incremental approach to ensure that this platform addresses the concerns of indigenous peoples. The EU representative said he needed to take the discussions back (to the EU constituency) as it was not on the formal agenda and sought clarification on how the matter would be reflected in the report of the COP.

At this point, **Ecuador** requested for proposals from the COP President in writing to enable Parties to use the remaining time of the session to consult.

Responding to the EU, Tber then instructed the secretariat to distribute a one-page proposal and invited Parties to discuss bilaterally.

The one-page proposal read as follows: “Elements for an outcome of the informal consultations on the indigenous peoples platform: -

- Adopt an incremental approach in developing the indigenous peoples platform
- Convene an open multi-stakeholder dialogue to be conducted by the SBSTA Chair during the May sessions on the operationalisation of the platform
- Invite submissions by Parties and non-Party stakeholders on the purpose, content and structure of the indigenous peoples’ platform to inform the above dialogue
- Request the secretariat, under the guidance of the SBSTA Chair, to operationalise the platform taking into account the submissions and the outcomes of this dialogue.”

Twenty five minutes later, Ecuador said without prejudging other views, it was comfortable with the idea of submissions but sought additional time to provide specific language on the COP decision to be adopted through email.

Tber responded that he would rather Parties fix the language in order to leave the session with a solution.

The **EU** welcomed the constructive proposal but noted that it would like to take the matter back to its constituency for consultation and wanted a step-by-step approach and to find common ground among all Parties. “It is important to go forward but not to be too ambitious as it might complicate things and make it difficult to take this first step,” it stressed.

Bolivia said that the idea is to move step-by-step but to move forward and not backward. “At this COP, we should open a process to operationalise the platform and not a process to discuss about the platform itself,” it urged.

Hindou Oumarou Ibrahim from the **IIPFCC** said it was urgent to move towards implementation of the platform and supported Bolivia, Ecuador and Guatemala about the next step. She lamented that on top of the short notice about the meeting, the indigenous peoples’ caucus was barred by security.

“The COP President should consult in good faith. It is urgent for us to work on the modalities of the platform. We are proposing to co-facilitate this process and the indigenous peoples’ representative will be elected from among ourselves and (he or she) must be given full accreditation and financial support as this is a long term partnership,” she added.

(Although the meeting was marked as ‘open’ on the CCTV display, UN security informed the IIPFCC delegates that the consultations were ‘closed’. They were eventually allowed in after Bolivia intervened on their behalf.)

In the absence of an agreement from the informal consultations, Tber said the only alternative was to inform the COP President that there was no outcome and to continue discussions next year, which he reckoned was not an outcome that anyone wanted.

Finally, Parties agreed to the proposal forwarded by the COP Presidency to adopt and “incremental approach” and for the SBSTA to undertake further work next year in the operationalization of the platform.

Edited by Meena Raman