



Addressee: Member States, UN agencies, funds and programmes, and UN high-level representatives

Paragraph #31 Session #14 (2015)

Full Text

As a matter of indigenous human rights and consistent with article 18 of the United Nations Declaration, previous Permanent Forum recommendations and the outcome document of the World Conference, with particular consideration of paragraph 33, the right to participate in decision-making is highly relevant to fast-approaching and pivotal multilateral negotiations. In this regard, the Forum urgently requests all States, United Nations agencies and high-level representatives of the United Nations system to ensure the direct participation of indigenous peoples in the multilateral negotiations referred to below. The Forum also requests that all those actors advocate and ensure that there is explicit reference to indigenous peoples and their distinct human rights and status throughout the processes relating to:

- (a) The United Nations summit for the adoption of the post-2015 development agenda, to be held from 25 to 27 September 2015;
- (b) The high-level event on climate change, to be held in New York on 29 June 2015, and the twenty-first session of the Conference of the Parties to the United Nations Framework Convention on Climate Change and eleventh session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol, to be held in Paris from 30 November to 11 December 2015;
- (c) The third International Conference on Financing for Development, to be held in Addis Ababa from 13 to 16 July 2015.

Comments

A) – Post-2015/2030 Agenda

- Due to participation of indigenous peoples in the negotiations, the final resolution Transforming our World: The 2030 Agenda for Sustainable Development resolution (A/RES/70/1) refers to indigenous peoples 6 times and has an overall focus on human rights, equality, universality and environmental sustainability, which are all indigenous priorities. Other major priorities called for by indigenous peoples, such as free, prior and informed consent, collective rights, culturally sensitive implementation were not strongly reflected. PFII experts were engaged in the consultation process including meeting the co-chairs of the negotiations (28 April) and sending them letter with UNPFII inputs to the process (18 May). At the Sustainable Development Summit, PFII member Joan Carling gave a statement at the Interactive Panel on Building effective, accountable and inclusive institutions to achieve sustainable development.

(B) – Climate Change high-level event

- The final Paris Agreement includes two references to indigenous peoples:

Preambular: 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 and

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, 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.

- It is regarded as a positive achievement that the preambular paragraph above refers to “human rights” and a specific reference to the “rights of indigenous peoples” in the same paragraph (instead of being divided in to two paragraphs as in earlier drafts) – yet indigenous peoples still find this paragraph problematic. Yet indigenous peoples still find this paragraph problematic, because earlier drafts of the agreement included the protection of Indigenous rights in Article 2.2.

However, in the second week, this reference was annexed from the operative text from the part that is legally binding).

- Furthermore, it is regarded as problematic that the second to last preambular paragraph was weakened to read: “Recognizing the importance of the engagements of all levels of government and various actors, in accordance with respective national legislations of Parties, in addressing climate change” . This makes it difficult to invoke international human rights dimensions of impacts of climate change.

- Other critical issues: In the negotiations, a number of states were referring to indigenous human rights as only individual rights argument and removing the "s" from peoples. Furthermore, indigenous peoples in the developed world/"global north" should benefit from financial support as well as developing countries - to ensure real positive impact on the environmental conditions.

(C) - International Conference on Financing for Development

- Governments adopted Outcome Document, A/RES/69/313, the Addis Ababa Action Agenda of the Third International Conference on Financing for Development. Explicit references to Indigenous persons or Indigenous peoples are made in paragraphs 4 [acknowledging persistent inequalities], 12 [in context of a new social compact governments to provide fiscally sustainable and nationally appropriate social protection] and clearly most substantive paragraph 117: At the same time, we recognize that traditional knowledge, innovations and practices of indigenous peoples and local communities can support social well-being and sustainable livelihoods and we reaffirm that indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions.

- The issues raised by Indigenous peoples at the 14th Session of the UNPFII were though not reflected, especially related to the World Economic Forum, impacts of the private industry and the need for full implementation of the UN Guiding Principles on Business and Human Rights.

Area of Work

Participation