

Indigenous Peoples and the climate negotiations

Decisions of the Climate Negotiations in Copenhagen and Cancún: their impacts on indigenous peoples and perspectives of cooperation for environmental organisations

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Draft up for comment

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GLOSSARY

AWG-LCA	Ad-hoc Working Group on Long-Term Cooperative Action
CDM	Clean Development Mechanism
REDD	Reducing Emissions from Deforestation and Forest Degradation
FPIC	Free Prior and Informed Consent
MRV	Measurable, Reportable, Verifiable
SBSTA	Subsidiary Body on
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples

Title photograph: Bärbel Henneberger

Another working paper on „Indigenous Peoples and Climate Politics“ was written in 2009 by Dr. Heidi Feldt on behalf of Deutsche Gesellschaft für Technische Zusammenarbeit (gtz). The author wishes to thank Francesco Martone from Forest Peoples Programme for his assessments and comments on the results of Cancún and the negotiations upcoming in 2011.

Executive Summary

With their sustainable way of life, over centuries indigenous peoples have made a great contribution to biodiversity and climate protection. Today they are among the first who are affected by climate change as well as mitigation measures. Therefore they demand the comprehensive recognition of their rights at the climate negotiations and the implementation of the decisions taken. Having reached major success at the negotiations in Copenhagen 2009 and in Cancún 2010, it is now crucial to monitor the concrete implementation of the measures on national level as well as in international programs. Among others, the German government is in demand to actively support the demands of the indigenous peoples. Numerous linkages exist for environmental organisations which up to now are hardly used.

1. Indigenous Peoples and Climate Change

Indigenous People make up approximately 3 - 5 % of the world's population, counting for 250 – 300 million people. They manage around 11 % of the earth's forests and use circa 22 % of its surface. They manage some estimated 80 % of the earth's biodiversity and live in or near 85% of the world's protected areas.¹

Although they have contributed least to climate change, indigenous peoples are among the first to feel its impacts. Their traditional life styles are closely linked to their natural surroundings – be it in the rainforests of Amazonia, Southeast Asia and Africa, in the arctic, the Andean mountains or the grasslands of Eastern Africa. Over centuries they have developed economic systems which led to the conservation of ecosystems and an increase in biodiversity. They have a close spiritual relation to their environment, and their cultural life is deeply connected to nature. Spiritual beings live in forests, springs and mountains, and central feasts, which also determine the social life of the communities, take place in relation to natural events.

“For thousands of years, we indigenous peoples have lived in close relationship with our lands and with nature. The plants and animals in our territories are the source of our food, medicines, and livelihoods. Our waters and lands are not only useful for us, we also hold them sacred. Many of us still live a way of life where we produce and harvest what we need, but also ensure that our natural resources will be there for our children and future generations.”

What is REDD? S. 12

Each change of the climate and the ecosystems therefore has deep impacts on the life and survival of indigenous peoples. Their food basis, their health, their economy, their traditional lifestyle and culture and – connected to this - their human rights and sovereignty as indigenous peoples are threatened by climate change.

¹ Galloway McLean, Kirsty (2010), p. 6

The Inuit village of Shismaref on the coast of Alaska towards Behring Strait has reached sad fame. The melting of the sea ice renders the coast without protection from storms. Together with the melting of the permafrost this has led to a dramatic increase of erosion. The complete village is therefore forced to relocate to interior land. In addition, the melting of the ice also impacts winter hunting and ice fishing in many parts of the arctic.

In the highlands of Peru the melting of glaciers threatens animal husbandry and with it the traditional lifestyle of indigenous Quechua and Aymara communities. As some glaciers have completely melted away, animals don't find water and grass anymore in some areas. Even if the indigenous population has well adapted to extreme temperature variances, frozen water and sparse vegetation, the extent of drought currently taking place due to climate change threatens their very existence.

The Intergovernmental Panel on Climate Change (IPCC) and die International Union for Conservation of Nature (IUCN) confirm that those regions where most indigenous peoples live – the arctic, tropical forests, high mountains, savannas, island states – will be among those most affected by climate change and their populations will suffer most from its impacts².

However, not only climate change itself, also measures for climate protection can have severe impacts on the living circumstances of indigenous peoples. Projects for the protection of forests (REDD) or under the Clean Development Mechanism (CDM) can infringe upon the land rights of indigenous peoples, their access to land and food and thus on numerous other rights.

By creating additional opportunities to gain profit from forests, REDD creates new desires to put them into use. Indigenous representatives therefore fear that governments will have less interest in recognizing

REDD (+)

Forests store large amounts of carbon dioxide. Approximately 17-20 % of carbon emissions stem from deforestation and the degradation of forests. Under the motto „Reducing Emissions from Deforestation and Forest Degradation” (REDD) numerous programs are currently initiated aiming at the prevention of deforestation and forest degradation. Important programs are *UN-REDD*, which is jointly managed by the UN institutions FAO (Food and Agriculture Organization), UNDP (United Nations Development Programme) and UNEP (United Nations Environment Programme), and the World Bank's Forest Carbon Partnership Facility (*FCPF*).

With the support of these programs several states currently draft so called *readiness* plans on the basis of which specific REDD projects are to be designed. Since the climate summit in Poznan in 2008 there is consensus that REDD should also serve to support existing forests and sustainable forest management practices (REDD +). While reforestation has been supported by the Clean Development Mechanism (CDM) which was established under the Kyoto Protocol, it may also become part of REDD+ which includes projects for the “enhancement” of forests.

indigenous rights on their forests and may even withdraw former concessions. Demarcation processes to secure indigenous land might be stalled. New protected areas for the protection of forests as carbon storage could be created ignoring the forests' other functions. In consequence traditional economic practices, notably shifting cultivation, but also the collection of fire wood, construction material and non-timber products, could be criminalized. Already now, numerous indigenous peoples have to fight the allegation that their traditional economy is harmful to the climate.³

² Cf. Feldt (2009), S. 2

³ What is REDD? S. 65 ff.

At the same time indigenous peoples are not only victims, but also have a tremendous wealth of traditional knowledge which can make a great contribution to the prediction of climate changes at local level as well as to the development of mitigation and adaptation measures. In many regions of the earth, indigenous peoples have great skills in predicting weather on the basis of profound nature observation. For example, the sea nomads living on the coast of Thailand could escape the tsunami of December 2004 due to their elders' knowledge.⁴

The Intergovernmental Panel on Climate Change (IPCC) also concludes that traditional and local knowledge are an important element and the Arctic Climate Impact Assessment (ACIA) already includes traditional indigenous knowledge in its assessments together with scientific analysis.⁵

"The climate crisis threatens our very survival, particularly forest-dependent, ice-dependent peoples, peoples in voluntary isolation, and the indigenous peoples of small island states and local communities. Addressing such vulnerabilities requires recognition, respect and strengthening of the traditional knowledge of indigenous peoples, and strengthening the resilience of ecosystems and Indigenous Peoples and local communities' capacities to adapt to climate change. Ecosystem-based adaptation based on holistic indigenous peoples' systems and rights can deliver significant social, cultural, spiritual and economic values to Indigenous Peoples and local communities as well as to the biodiversity of indigenous lands and territories. This should be considered with the full participation of indigenous peoples in the planning, design, implementation, monitoring and evaluation of these measures. The empowerment of Indigenous peoples and local communities is critical to successful adaptation strategies to climate change."
IIPFCC policy statement 27.9.2009

For all these reasons the full and effective participation in the climate negotiations and the comprehensive respect for their concerns and rights in the negotiations is a crucial request of indigenous peoples.

2. Indigenous Peoples: Recognition of their rights in the international negotiations

The indigenous peoples' request for their full and effective participation is based on a number of agreements and declarations recognizing their rights.

This includes the United Nations' Covenant on Economic, Social and Cultural Rights of 1966, which acknowledges the right to self-determination and determines that no people may be deprived of its means of subsistence; the ILO Convention 169 on indigenous and tribal peoples of 1989 which acknowledges the rights of indigenous peoples to define their own priorities for their development and to participate in state measures affecting them; and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), which additionally acknowledges indigenous land rights and the right to free, prior and informed consent (FPIC) to legislation and projects affecting them and their land.

While the UN Convention on Biological Diversity (CBD) explicitly mentions the importance of indigenous peoples and their knowledge for the preservation and sustainable use of biological resources,

⁴ Galloway McLean, Kirsty (2010), S. 12

⁵ Galloway McLean, Kirsty (2010), S. 13

the acknowledgement of the rights and importance of indigenous peoples is missing in the UN Climate Convention. Nonetheless, since 2000 indigenous representatives have undertaken great efforts to voice their concerns in the negotiations of the state parties and various subsidiary bodies and working groups. To achieve this goal, the International Indigenous Peoples Forum on Climate Change⁶ was founded.

3. Indigenous peoples' demands for the climate negotiations⁷

Recognition of the rights of indigenous peoples:

Indigenous peoples' central demand is their recognition as rights holders and the full acknowledgement and respect of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in all climate related decision processes and activities. This means that their rights to self-determination and free prior and informed consent (FPIC) must be respected in all programmes and projects that affect their land and their resources. This includes their right to say no to climate related projects.

Full and effective participation in all climate protection programmes:

It is of great importance for indigenous peoples to be able to participate in the design of climate protection programmes at all levels and in all phases, including scientific research, the planning, implementation and monitoring of national adaptation and mitigation plans as well as REDD programmes at international, national and local level. This requires their direct access to all programmes and measures established under the UNFCCC, inter alia those on capacity building and technology transfer as well as finance mechanisms.

Acknowledgement of the spiritual relation of indigenous peoples to their land and of their traditional knowledge:

Indigenous representatives emphasize that they are willing to contribute to scientific research with their knowledge and thus to enhance the knowledge about climate change, adaptation and mitigation strategies. At the same time they stress that when doing so their intellectual property rights must be guaranteed.

Securing indigenous territories:

An issue going beyond the climate negotiations is the indigenous peoples' demand that their territories, access to their land and the sustainment of their economies must be protected comprehensively. However, this is an essential precondition for successful mitigation of climate change which renders the acknowledgement and advancement of indigenous peoples' rights within the UNFCCC framework an urgency. This should entail that state parties respect indigenous peoples' rights to mobility (irrespective of administrative borders) and to remain on their land. It includes that indigenous peoples are protected from forced resettlement, can remain in voluntary isolation and regain access to land formerly expropriated.

A binding agreement with far reaching emission reduction obligations:

In order to protect their territories from the impacts of climate change, the indigenous representatives demand a binding agreement with comprehensive emission reductions. They demand that notably the

⁶ www.indigenousclimate.org

⁷ Cf. e.g. Anchorage Declaration (2009), IIPFCC (2009), International Indigenous Peoples' Technical Workshop (2010)

industrialized countries acknowledge their historical debt for global warming, expeditiously change their economies towards a low carbon future and correspondingly commit to binding emissions reduction to keep the impacts of climate change manageable. Their demand, based on the IPCC's calculations, for a 45 % reduction by 2020 and 95 % by 2050 (on the basis of 1990) corresponds to that of environmental organisations.

There is controversy among indigenous peoples whether REDD and market-based mechanisms should be rejected as a matter of principle or whether indigenous communities should give their free prior and informed consent (or rejection) on a case by case basis. Further controversy exists relating to fossil fuels: while many indigenous peoples stand up for the fastest phase-out possible and fight for a moratorium on new fossil fuel projects on or near their land, others stress that their right to development must be respected and aim at a slower phase-out.

The Indigenous Peoples' Caucus, i. e. the daily assembly of the indigenous participants of the climate negotiations, therefore decided in August 2009 to focus on three demands in its future work⁸:

- the recognition of the rights of indigenous peoples and local communities as well as explicit reference to the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in the UNFCCC documents;
- the recognition of the right to free prior and informed consent (FPIC);
- the recognition of the relevance of traditional knowledge.

4. The inclusion of indigenous demands: from Copenhagen to Cancún

The 15th Conference of Parties in Copenhagen (7 -18 December 2009) ended without a binding agreement and binding emissions reductions. Neither human rights nor indigenous peoples are mentioned in the so-called *Copenhagen Accord*. However, the necessity to protect forests is acknowledged and it was agreed to enhance development of the REDD mechanism⁹ and to provide further funding for this¹⁰, inter alia through emissions trading. The decision on REDD¹¹ in turn recognizes that indigenous peoples and local communities must be able to fully and effectively participate in the monitoring and reporting of REDD and acknowledges that their knowledge can provide important contributions¹². The development of guidelines for indigenous peoples' and local communities' participation in monitoring and reporting is encouraged, although with the constriction „as appropriate“¹³.

⁸ Forest Peoples Programme (2010a), S. 5

⁹ Paragraph 6 of the Copenhagen Accord reads: „We recognize the crucial role of reducing emission from deforestation and forest degradation and the need to enhance removals of greenhouse gas emission by forests and agree on the need to provide positive incentives to such actions through the immediate establishment of a mechanism including REDD-plus, to enable the mobilization of financial resources from developed countries.“

¹⁰ Paragraph 10 of the Copenhagen Accord: “Scaled up, new and additional, predictable and adequate funding as well as improved access shall be provided to developing countries, in accordance with the relevant provisions of the Convention, to enable and support enhanced action on mitigation, including substantial finance to reduce emissions from deforestation and forest degradation (REDD-plus), adaptation, technology development and transfer and capacity-building, for enhanced implementation of the Convention.” In 2010-2012 30 bn USD, up to 2020 annual 100 bn USD shall be raised and mainly provided for the countries most under threat. As the establishment of a *Green Climate Fund* was integrated into the *Copenhagen Accord*, the clarification of its modalities was postponed postponed to the COP 16 however, the funds will be disbursed through international mechanisms like UN-REDD and the World Bank facility FPCF as well as bilaterally

¹¹ (4/CP.15)

¹² „Recognizing the need for full and effective engagement of indigenous peoples and local communities in, and the potential contribution of their knowledge to, monitoring and reporting of activities relating to decision 1/CP.13, paragraph 1 (b) (iii).“; 1/CP.13, Abs. 1 (b) (iii) refers to the decision in the Bali Action Plan on strengthened mitiga-

This constitutes a strong retrogression compared to the progress achieved in the pre-negotiations of various working groups throughout 2009¹⁴. These had included reference to the UN Declaration on the Rights of Indigenous Peoples and FPIC, although in a non-binding way and in brackets, i.e. without the consent of all state parties. In addition, the relevance of *safeguards* for the affected population was mentioned several times and indigenous land use methods were acknowledged in the chapter on agriculture. This is especially relevant as shifting cultivation practiced by indigenous peoples is often considered a driver of deforestation and criminalized. Notably the negotiations on REDD+ were quite advanced before Copenhagen and the recognition of indigenous peoples' rights seemed achievable. In the highly political negotiations at the end of the COP however, this progress could not be accomplished and the relevant documents were not finalized.

These drafts provided an important starting point for the negotiations in 2010 however. At the same time after Copenhagen the danger arose that REDD would be pushed ahead by financial commitments of the industrialized countries without the rights of the affected population being protected. Also, in Copenhagen it was completely ignored to analyse drivers of deforestation in the industrialized countries.

For indigenous peoples the results of Copenhagen led to a focus on the following main areas for the subsequent negotiations¹⁵:

- to build on and expand the existing references to indigenous peoples
- to influence the development of methodologies towards the full and effective participation of indigenous peoples and local communities, not only in relation to monitoring and reporting but planning and implementation as well
- to evaluate and draw conclusions from the on-going REDD programmes and projects
- to work towards the development of measures for the avoidance of deforestation and forest degradation in developing and industrialized countries

Cancún

The overall assessment of the results of COP 16 in Cancún varies among indigenous organisations as much as among environmentalists. Some indigenous representatives welcome the states' commitment to keep global warming below 2 degrees Celsius and to re-assess whether this goal should be strengthened towards 1.5 degrees¹⁶. The actual goal of the Indigenous Peoples' Forum on Climate Change is however the even more ambitious target of 1 degree Celsius, as only this would suffice to preserve the particularly threatened ecosystems in which many of them live. Other indigenous organisations put more emphasis on the facts that actual commitments by the state parties are far below

tion measures including: "Policy approaches and positive incentives on issues relating to reducing emissions from deforestation and forest degradation in developing countries; and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries;"

¹³ „3. *Encourages*, as appropriate, the development of guidance for effective engagement of indigenous peoples and local communities in monitoring and reporting;"

¹⁴ For a comprehensive description of the processes in the run-up to Copenhagen and of decisions on REDD and indigenous peoples see Forest Peoples Programme (2010a), for a description of the negotiations in Bonn from 31 May to 10 July 2010 see Forest Peoples Programme (2010b).

¹⁵ Tauli Corpuz (2010)

¹⁶ Cf. e.g. servindi (2010)

what is necessary to even reach the 2 degree goal. In addition, they strongly condemn the continued focus on market based mechanisms for emission reductions which delays a comprehensive change of the economy in the industrialized countries¹⁷.

Positive perceptions of the Cancún Agreement include that:

- an agreement has been reached at all within the United Nations
- the goal to keep global warming below 2 degrees was accepted and a mechanism for a possible tightening to 1.5 degrees was established
- mechanisms for emissions reductions were established for industrialized countries as well as developing countries which should lead to a reduction of 25 – 40 % of industrialized countries until 2020 (with 1990 as the baseline) and offer international support to developing countries
- a compromise for the international verification of emissions reductions was found (verification on national level along internationally accepted criteria)
- fast track finance of 30 bn \$ until 2012 was promised as well as a fund for long term finance under the COP established, the board of which will be composed equally by industrialized and developing countries
- negotiations on a 2nd phase of the Kyoto Protocol will continue, the findings of the International Panel on Climate Change (IPCC) are accepted as a basis and the Clean Development Mechanism and Joint Implementation will be continued
- structures were created to support adaptation measures and capacity building in developing countries

Cf. e.g. <http://servindi.org/actualidad/37114>

Central criticism of the Cancún Agreement includes that:

- the so-called “consensus” was created under massive pressure and objections of developing countries were ignored
- no binding emissions reductions were established which would make the 2 degree goal achievable and that current commitments of the state parties would lead to global warming of 4 degrees instead
- the Green Climate Fund will be managed by the World Bank and there is no agreement on how the funds will be secured
- a focus on market based solutions persists with which the industrialized countries can circumvent profound reorientation of their economies and which can lead to further land expropriations
- carbon capture and storage (CCS) is included in the Clean Development Mechanism and will likely be used as a justification for the construction of a new generation of coal power plants which will pre-determine the further use of fossil fuels for decades

Cf. e.g. Indigenous Environmental Network (2010)

Regarding the recognition of their rights, indigenous peoples have achieved considerable progress compared to Copenhagen.¹⁸

The preamble of the Cancún Agreements takes note of a report of the UN Human Rights Council on *Human Rights and Climate Change*¹⁹ (although not officially endorsing it) and thus strengthens a rights based approach. The chapter on the shared vision explicitly mentions indigenous peoples and it is acknowledged that their effective participation is essential to create effective measures on all aspects of climate change. The mentioning of the UNDRIP in this important chapter could not be achieved, nor is there any commitment to FPIC in the final document. Nonetheless, the Cancún decisions constitute

¹⁷ Cf. e.g. Indigenous Environmental Network (2010)

¹⁸ www.unfccc.org, oral communication with Francesco Martone / Forest Peoples Programme, Feb. 2011

¹⁹ OHCHR (2009)

an important step towards the recognition of the mostly affected groups not only as victims, but as rights holders.

The decisions on REDD stipulate the full and effective participation of indigenous peoples and local communities in the development and implementation of national strategies and plans, as well as the compliance with *safeguards*. The annex on guidance and safeguards for REDD+ includes provisions that the knowledge and the rights of indigenous peoples and local communities should be respected. Besides international obligations and national circumstances and laws the UN Declaration on the Rights of Indigenous Peoples is referred to, and the full and effective of relevant stakeholders, in particular indigenous peoples and local communities is stipulated as well. The text only states that these safeguards should be „promoted and supported“, without bindingly demanding compliance, and UN-DRIP is only “noted”. Nonetheless these paragraphs – which were highly contentious at the COP and were temporarily deleted from the drafts, but were reinstated in the end – constitute a major success of the indigenous representatives at the climate negotiations and form an important step towards the recognition of their rights. In addition, the chapter on agriculture refers to the rights of indigenous peoples and traditional cultivation techniques.

Other important paragraphs which were included in draft texts do not appear in the final documents. This holds especially true for the issue of *Monitoring, Reporting and Verification* (MRV). This issue was – as well as binding commitments for emissions reductions and for financial support – highly contentious in all areas of negotiations, so that in relation to REDD+ only the establishment of an information system is foreseen by which states are to monitor and report on the implementation of measures for forest protection. The Subsidiary Body on Scientific and Technical Assistance (SBSTA) is commissioned to develop an information system on the implementation of safeguards. Nor was there a decision on the role of emissions trading for financing REDD+. It is of great concern that a three phase approach was adopted which allows for the establishment of carbon markets before safeguards have been developed and become binding. These discussions will be continued at the next COP in Durban and in the run-up towards it.

5. The German position

The before mentioned report by the high commissioner on human rights regarding climate change and human rights²⁰ emphasizes the obligation of state parties to avert the threat emerging from climate change on the right to self-determination and the social and cultural identity of indigenous peoples. As this threat emanates mainly from the industrialized countries which contribute mostly to climate change, Germany also has an obligation to specifically support indigenous peoples.

The German government partially fulfils this obligation. It supported reference to UNDRIP in the negotiations on REDD. A further commitment to strengthen indigenous peoples' rights is not discernable, however. The position of the German government as well as of the EU as a whole remains therefore disappointing. In how far this is due to the fact that in Germany the Ministry of Environment (Federal Ministry for the Environment, Nature Conservation and Nuclear Safety, BMU) is in charge of the climate negotiations and the Federal Ministry for Economic Cooperation and Development (BMZ) of indigenous peoples' issues cannot be judged from outside. The German government should however

²⁰ OHCHR (2009)

urgently reassess its position and comprehensively fulfil its human rights obligations towards those groups mostly affected by climate change.

One of Germany's central programmes supporting climate protection measures is the International Climate Initiative (ICI)²¹. It uses income generated from emissions trading to support the transformation towards a climate friendly economy in developing, newly industrialising and transformation countries and REDD projects. Until 30 September 2010 the ICI supported 184 projects with ca. 360 million Euros; 120 m EUR are available annually. Started in 2008, the ICI is a major contribution to fast start finance, i.e. the short term financial support for the support of developing countries agreed upon in the climate negotiations. The projects are thematically diverse, ranging from the creation of carbon markets in Africa to the establishment of protected areas at coasts and in forests. Some project descriptions state that implementation is conducted in cooperation with the local population. In how far this is done systematically and which criteria are followed, e.g. if free, prior and informed consent of the population is obligatory, is not discernable. By being located in the Ministry of Environment (BMU) a clear connection to the developmental and human rights policies of the Development Ministry (BMZ) is lacking.

In addition, through its implementing agency Gesellschaft für technische Zusammenarbeit (gtz, now Gesellschaft für Internationale Zusammenarbeit, giz), the German government supports regional indigenous organisations in building up expertise in order to formulate well-founded coordinated positions on climate change, adaptation, REDD+.²²

At the same time the German government has committed 24.5 m USD to the FCPF Readiness Fund for 2011 and thus advanced to be second largest donor after Norway. Further funds were pledged to the FCPF Carbon Fund which is to provide the amounts actually paid for avoided deforestation.²³ This is of great concern for indigenous representatives, as it is totally unclear in how far the rights of indigenous peoples will be safeguarded in this process²⁴. On the one hand FCPF acknowledges the developing safeguards of UNFCCC, and indigenous and non-governmental organisations have observer status in FCPF's decision bodies. FCPF also supports some indigenous organisations directly and stresses that various stakeholders, including indigenous peoples, are increasingly involved in national REDD processes and in some countries²⁵ indigenous organisations are represented in the national REDD+ working groups²⁶. However, a report²⁷ by the non-governmental organisations Forest Peoples Programme (FPP) and (FERN) of March 2011 shows that FCPF rather dilutes than strengthens the Bank's standards. The study concludes that rights of forest dwellers are not recognized in the *readiness* plans and no solutions are offered for land conflicts. No appropriate national consultations took place, state tenure of forest resources (instead of local communities' tenure) is stressed and carbon stock taking is given priority over the protection of livelihoods, biodiversity and cultural values.

²¹ International Climate Initiative (2010)

²² Spohn (2010)

²³ FCPF (2010), p. 26. The commitment for 2011 constitutes almost 40 % of the overall funds, altogether (2009 – 2012) the German contribution is 16 %.

²⁴ This issue was for example raised by indigenous representatives at a conference organized by BMZ on "Indigenous Peoples and Human Rights" on 29 March 2011 in Berlin.

²⁵ DR Congo, Kenya, Panama and Uganda

²⁶ FCPF (2010), p. 13

²⁷ FERN (2011), cf. also

<http://www.forestpeoples.org/sites/fpp/files/news/2011/03/Smoke%20and%20Mirrors%20Press%20Release%20March%202011.pdf>

According to Joji Carino from Tebtebba Foundation, in 21 out of 22 *readiness* plans presented until 2010, an analysis of land tenure was missing²⁸. In addition, the three phase approach agreed upon in Cancún allows for markets to be created and emissions trading established, before criteria and safeguards being determined. This reinforces the concern of indigenous representatives that REDD and FCPF will entail further violations of their rights. The German government is urgently called upon to use its influence in the international bodies to achieve that the participation of the local communities in *readiness* plans and respect for their land rights will be a strict precondition for financial support. Bilateral cooperation should as well be focussed – besides direct support for indigenous organisations – on raising the issues of indigenous peoples and land tenure in intergovernmental dialogues. E. g. advice should be offered to partner governments on how to implement the rights of indigenous peoples, inter alia FPIC, can be transposed into national law and national programmes. Especially states which have signed UNDRIP or wish to take part in REDD programmes, should be required to take account of these issues.

6. Outlook: From Cancún to Durban

As the Cancún Agreement references indigenous peoples several times, recognizes the importance of their participation in all aspects of climate measures and takes note of UNDRIP in the annex to the chapter on REDD, the indigenous representatives have achieved a remarkable success. From an indigenous perspective it is however desirable that in addition UNDRIP would be acknowledged in the *shared vision* and FPIC a precondition for all projects and programmes.

For the upcoming negotiations in 2011 it will however be most crucial how the guidelines for implementation of the agreements in the various negotiations will be defined. The baseline studies on the current state of forests which will serve to assess the effectiveness of future REDD measures, drivers of deforestation, forest governance and land tenure issues must be included²⁹. NGOs like Forest Peoples Programme warn that various REDD programmes – especially FCPF and the Interim REDD+ Partnership which was created shortly before COP 15 in Copenhagen, but UN-REDD as well – downplay the importance of *safeguards* and dilute existing standards.³⁰ As described above, national implementation does not keep pace with the progress at international negotiations. It is therefore crucial that the fulfilment of comprehensive *safeguards* will be binding precondition for any kind of funding. This also means that no carbon markets may be created for REDD(+) before the relevant *safeguards* have been established and their fulfilment is guaranteed. In addition land tenure must be a central issue in the implementation of all climate related measures. In order to prevent that the affected population will be neglected in the national processes, indigenous peoples and local communities must fully and effectively participate in the development of indicators for reporting and monitoring of climate initiatives. In April 2011 indigenous representatives have started to develop their own indicators which they will feed into the further negotiation process.³¹ Another request of the indigenous representatives is the establishment of a permanent consultative body to guarantee participation of indigenous representatives in all negotiations affecting them or at least recognition of an official consultative status as it exists within the framework of the Convention on Biodiversity. Also, massive information sharing and capacity building on REDD (+) is necessary by the state parties and indigenous organisations them-

²⁸ Oral communication on the occasion of the conference „Indigenous Peoples and Human Rights“, organized by the German Ministry for Economic Cooperation and Development (BMZ) on 29 March 2011 in Berlin.

²⁹ Tebtebba Bangkok Press Statement (2011)

³⁰ Forest Peoples Programme (2011)

³¹ Tebtebba Bangkok Press Statement (2011)

selves in order to enable local communities to take well-founded decisions. Further support for indigenous organisations and their direct access to the structures for technical and financial support is needed.³²

7. The environmental movement and indigenous peoples: Perspectives for cooperation

For the environmental movement, there are several linkages and opportunities for cooperation with indigenous organisations.

Firstly, with their sustainable way of life indigenous peoples have greatly contributed to the preservation of natural livelihoods. In many cases they have fiercely resisted the exploration of fossil fuels. Although some indigenous communities nowadays opt for the commercial exploitation of resources, these rather present the minority of the indigenous population. Scientists³³ have concluded that the most intact forests exist where indigenous or local communities have the greatest control over their territories.

At the climate negotiations many demands by the indigenous organisations correlate to those of the environmental organisations. E. g. the indigenous representatives strongly advocate for a binding agreement with far-reaching commitments for emission reductions which should keep global warming to 1 degree Celsius. Many indigenous organisations are critical of market mechanisms, as they consider a comprehensive change in the industrialized countries a priority (while there is no overall rejection of carbon markets neither among indigenous nor among environmental organisations). Also, as members of the official delegations of several states, indigenous representatives can be instrumental in achieving a comprehensive information exchange.

It must be noted however that many environmental organisations show little interest in indigenous peoples' concerns and demands. They should urgently reconsider this position in order to achieve additional coalition partners and to enhance the protection of biodiversity and the climate by supporting indigenous peoples in their efforts to preserve their climate friendly way of life.

³² Tebtebba Bangkok Press Statement (2011)

³³ E. g. Agrawal (2007)

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