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Co-organizers

United Nations University – Institute of Advanced Studies, Secretariat of the United Nations Permanent Forum on Indigenous Issues, North Australian Indigenous Land and Sea Management Alliance (NAILSMA)

**INTERNATIONAL EXPERT GROUP MEETING ON
INDIGENOUS PEOPLES AND CLIMATE CHANGE**

DARWIN, AUSTRALIA

APRIL 2-4, 2008

SUMMARY REPORT

1. Introduction

1. This International Expert Group Meeting recognizes and acknowledges that indigenous peoples, particularly those living on Small Island Developing States, the Arctic Region, high altitude areas, tropical forests and coastal and desert regions are already dealing with the impacts of climate change in their daily lives. Indigenous peoples therefore have a legitimate right to be included in decision-making fora established to address these issues. States and other actors must also engage comprehensively and inclusively with indigenous peoples, ensuring their full and effective participation, honouring principles of free prior and informed consent set out in the Declaration on the Rights of Indigenous Peoples.

2. In combating the climate change impacts already being experienced by many indigenous peoples and communities, governments and other actors must engage comprehensively and inclusively with indigenous peoples, ensuring their full and effective participation and honouring the right to self determination and the principle of free, prior and informed consent as set out in the United Nations Declaration on the Rights of Indigenous Peoples.

3. This includes effective engagement on:-

1. The development of policies, legal and administrative actions and other strategies to deal with migration and forced relocations as a result of climate change;
2. Research and information gathering;
3. All actions that may cause cultural and environmental impacts on indigenous peoples;
4. Mitigation and adaptation processes; and
5. Process leading up to the fifteenth meeting of the Conference of the Parties to the UN Framework Convention on Climate Change (UNFCCC), in Copenhagen in 2009 and beyond.

2. Opening of the International Expert Group Meeting

4. Participants were welcomed to the Meeting by Donna Jackson and Peter Browne, on behalf of the Larrakia Nation. Mr Paul Henderson, Chief Minister of the Northern Territory, gave the opening address, and welcoming remarks were also provided by Ms Victoria Tauli-Corpuz, Chairperson of the United Nations Permanent Forum on Indigenous Issues (UNPFII); Ms Helen Garnett, Vice-Chancellor, Charles Darwin University; Ms Lidia Brito, Council Member, United Nations University; Mr Peter Yu, Independent Chair, North Australian Indigenous Land and Sea Management Alliance; and Ms Henrietta Marrie, Programme Director for Australia, The Christensen Fund.

5. The speeches at the opening of the International Expert Group Meeting introduced important challenges and issues that are presently confronting indigenous peoples and the rest of the world regarding climate change. They included the need to consider the options and plans for addressing climate change mitigation measures; the need to identify partnerships in the international community; and that business,

environmentalist and indigenous peoples should work together on climate change issues in the Northern Territory. Other experts pointed to the need for indigenous peoples to be fully and effectively involved in the negotiations on climate change. Mitigation measures and important issues such as indigenous peoples, social equity, responsibility and transfer of technology must be taken into account. There is a need to be creative with the opportunities that mitigation measures may present. Indigenous peoples are presently being negatively impacted by mitigation measures. The need to build capacity amongst indigenous people and organisations to effectively participate in the mainstream economy but at the same time maintaining the integrity of indigenous peoples' cultures is vital.

3. Organisational matters

6. Ms Victoria Tauli-Corpuz was elected as Chair of the International Expert Group Meeting and Mr Michael Dodson was elected as the Rapporteur of the International Expert Group Meeting.

7. The Chairperson and Rapporteur of the UNPFII provided an introduction to the role of the UNPFII.

8. The International Expert Group Meeting adopted the Agenda and the Programme of Work in document 2007/WS.1, with the addition to Theme 1 of "mitigation".

9. The list of participants in the International Expert Group Meeting is contained in Annex I.

10. The documents before International Expert Group Meeting are listed in Annex II.

4. Theme 1 – Outlining the effects of climate change on indigenous peoples

11. Expert presentations were made by Ms Patricia Cochran, Chair of the Inuit Circumpolar Council, on *The Arctic: Indicator of Global Change*, and Mr Fiu Elisara, Executive Director of O Le Siosiomaga Society Incorporated (OLSSI, Samoa), on *Effects of Climate Change on Indigenous Peoples: A Pacific Presentation*.

12. Discussions on this item addressed the following issues:-

- a. Analysis of international standards and recommendations concerning the rights of indigenous peoples (including the United Nations Declaration on the Rights of Indigenous Peoples, UNFCCC, Human Rights Committee and other treaty bodies, Human Rights Council, UNPFII and the International Labor Organisation) relevant to climate change;
- b. Analysis of how the goals and needs of indigenous peoples in climate change arrangements differ from the needs and goals of other interested holders, especially in the climate change processes;
- c. Case studies outlining the effects of climate change on indigenous peoples;
- d. Strategies required to deal with the effects of climate change such as migration and forced relocation; and

- e. The critical effect of climate change on indigenous peoples.
13. The International Expert Group Meeting:-
- a. Notes that indigenous peoples have been adapting to climate change and are pursuing a variety of methods to cope with the effects of climate change, ranging from engagement with various systemic processes (local, national and global), to partnerships with philanthropic bodies, to creative strategies at local community level relocating entire villages themselves;
 - b. Notes the need to establish risk management and risk assurance measures;
 - c. Stresses the importance of working both inside UN processes but also outside, with bodies such as non-government organisations;
 - d. Notes the problems arising from the fact that many key terms are not well-defined or are problematic (such as “sustainable development” or “forests” with respect to Reduced Emissions from Deforestation and Degradation in Developing Countries (REDD) – e.g. native forests are excluded as carbon sinks);
 - e. Notes that indigenous peoples have many other daily life pressures which can result in a low priority being given to biodiversity conservation; however, it is a necessary part of achieving long-term adaptation goals and therefore important to raise the profile of biodiversity conservation;
 - f. Rejects the view that indigenous people are passive victims of climate change, but are in fact key actors and can provide many of the solutions and in many areas lead the way;
 - g. Expresses concern that some indigenous citizens of sovereign countries may soon become environmental refugees;
 - h. Acknowledges that the ability to adapt to the impacts of climate change in many indigenous communities is closely linked to access and land use rights;
 - i. Recognizes that climate change is not only about environmental conservation but comprehensively challenges the development path that countries are taking.
 - j. Expresses concern that many of the mitigation measures such as renewable energy, Clean Development Mechanism (CDM) and REDD may negatively effect indigenous peoples; and
 - k. Recognizes that climate change is a matter of life and death for many indigenous peoples living in vulnerable regions of the world.

5. Theme 2 – Mitigation and adaptation measures to climate change

14. Expert presentations were made by Ms Kimberly Smith of the Navajo Nation on *Climate Change on the Navajo Nation Lands* and Mr Rodion Sulyandziga on *Indigenous peoples of the North, Siberia and Far East and Climate Change. From participation to policy development and adaptation measures. Challenges and solutions.*

15. Discussions on this item addressed the following issues:-
- a. Ways that indigenous peoples could be involved in programs that support community level mitigation and adaptation measures and at the same time recognize the value of traditional knowledge of indigenous peoples that has

enabled them to maintain and interact with their environment in a sustainable way; and

- b. Instances where indigenous peoples are working as a community or in partnerships with governments, private sector companies, donor agencies to adapt to climate change.

16. The International Expert Group Meeting noted the following issues in this discussion:-

- a. Indigenous youth need to be effectively informed about climate change and engaged in ways to address it;
- b. The critical education needs – including social, cultural and environmental issues – for children about indigenous peoples concern;
- c. The unsustainably high rate of greenhouse gas emissions and pollution that is continuing with the expansion of extractive industries and unsustainable consumption;
- d. The threat to indigenous people by physical extinction, assimilation and destruction of their natural habitats and the danger of internal colonization;
- e. The gap between international policy development on climate change and implementation at the national level;
- f. The recognition of collective rights to lands as a basis for efficient adaptation measures;
- g. The adoption of meaningful targets for action and a commitment to achieving those targets through concerted international action by all countries;
- h. The responsibility of indigenous peoples' government organizations to become aware of the critical issues in order to help their people to adapt to climate change and to ensure that the necessary resources are available;
- i. The collective rights of indigenous peoples to their traditional knowledge;
- j. The importance of appropriate technologies in all situations and at all levels; and
- k. The need for decentralized energy systems for indigenous peoples to sustain and use for their own benefit.

17. Some experts believed that in the face of the climate change crises there could emerge opportunities and it was necessary therefore to consider potential benefits as well as threats, although the threats may appear to outweigh benefits at this time. An analysis of threats alone could limit opportunities to adapt and create victim mentalities. In the midst of crises it would be beneficial to be solutions oriented.

18. The International Expert Group Meeting discussed benefits and potential benefits of climate change and climate change response activities. These included, but were not limited to:-

- a. Increased respect for and valuing of traditional knowledge;
- b. Increased indigenous participation in land and sea management;
- c. Opportunities to retain or revive traditional practices such as fire-stick farming, fire management and water management; and
- d. Promotion of more sustainable communities through innovative climate change responses such as development of alternative sustainable energy

including small scale hydro, solar and wind or small scale (undercover) agriculture in the sub-Arctic;

- e. Increased recognition of the importance of healthy ecosystems and for indigenous retention and control of indigenous territories;
- f. Opportunities to preserve forests and vegetation on traditional territories as recognition of mitigation values and promotion of adaptation through healthy and resilient ecosystems;
- g. Increased opportunities for partnerships and participation in science; and
- h. Biodiversity enhancement and recognition of cultural heritage and values.

19. The International Expert Group Meeting noted that biodiversity will have to adapt to climate change, and land/sea management practices will have to allow this to happen. Indigenous peoples are best positioned to implement and manage such management systems, with their local knowledge, innovations and practices. Combined with carbon trading opportunities, biodiversity stewardship payments may be an opportunity for improving livelihoods. Indigenous peoples should be engaged to plan and undertake such biodiversity adaptation stewardship schemes and this planning should begin in spite of the current focus on market based and financial mechanisms for greenhouse gas abatement (market based mechanisms).

6. Theme 3 – Carbon projects and carbon trading

20. An expert presentation was made by Ms Jean Fenton of North Australian Indigenous Land and Sea Management Alliance that provided a case study on a fire abatement agreement between an indigenous group, government and a private company regarding tropical savannah fire management.

21. The International Expert Group Meeting considered the following issues in its discussion of this item:-

- a. A number of positive examples of carbon trading which take into account indigenous peoples' values and can form part of the culture base economy;
- b. The Fire Abatement Agreement in Western Arnhem Land in North Australia as an example of a project that supports indigenous peoples and reduces greenhouse gas emissions;
- c. The lack of awareness about carbon trading and the need to inform indigenous peoples about this issue;
- d. The impact of carbon trading on forced relocation and migration of indigenous peoples;
- e. The negative impact of the CDM and other market-based mechanisms on indigenous peoples including the loss of access, ownership and control of their traditional lands and resources;
- f. The negative impact of rising food prices due to the promotion of biofuels; and
- g. The negative impact of biofuel plantations on indigenous people.

7. Theme 4 - Factors that enable or obstruct indigenous peoples' participation in the climate change processes

22. Expert presentations were made by Mr Estebancio Castro Diaz, of the Global Forest Coalition, on *Climate Change, Forest Conservation and Indigenous Peoples' Rights* and Mr John Scott, of the Secretariat on the Convention on Biological Diversity, on the relevant work of the Convention on Biological Diversity, including the outcomes of the *International Expert Meeting on Responses to Climate Change for Indigenous and Local Communities and the Impact on their Traditional Knowledge Related to Biological Diversity – The Arctic Region* held in Helsinki from 25-28 March 2008 and other relevant work across the international system including by member agencies of the Inter-Agency Support Group on Indigenous Issues.

23. Discussions on this item addressed the following issues:-
- a. Examples of effective participation in decision-making at the national level;
 - b. Examples where indigenous peoples are working in partnership with UN agencies, governments, the private sector and/or donor agencies on monitoring and assessment of climate change;
 - c. Whether indigenous peoples have public access to information on climate change measures;
 - d. Measures of accountability and integrity in decision-making and implementation of policies at the international and national levels regarding climate change processes;
 - e. Obstacles, including lack of relevant statistics, lack of information and lack of understanding of technical and scientific language of climate change arrangements;
 - f. Barriers to effective participation of indigenous peoples in the climate change process; and
 - g. The role of the donor community and the private sector in enhancing or weakening indigenous peoples' participation in the climate change process.

24. The International Expert Group Meeting noted the following issues in this discussion:-
- a. That it is the younger generation that will be hit the hardest by climate change; however, to date this group has not been adequately included in discussions, or consulted about processes related to climate change;
 - b. The lack of full and effective participation of indigenous peoples in the development of any policies, programmes and projects that impact directly on their communities tends to lead to the failure of such projects as well as a loss of biodiversity;
 - c. The right to self-determination and the right to land and territories of indigenous peoples must be clearly established and effectively protected; and
 - d. It is imperative that UNFCCC and international organisations, recognize and respect the free prior informed consent of indigenous peoples.

8. Recommendations

The International Expert Group Meeting,

1. *Recommends* that the United Nations Declaration on the Rights of Indigenous Peoples be used as the overarching framework for climate change policies that affect indigenous peoples;
2. *Endorses* the Indigenous Peoples' Global Summit on Climate Change in Anchorage, April 2009;
3. *Warmly welcomes* the apology by the Australian Parliament to the members of the Australian Indigenous Stolen Generations and the Australian Government's ratification of the Kyoto Protocol;

Recommendations to States and other actors

4. *Recommends* all States that have not done so support the United Nations General Assembly Resolution 61/295 of 13 September 2007 adopting the United Nations Declaration on the Rights of Indigenous Peoples;
5. *Urges* States with indigenous peoples to hold workshops, seminars and other appropriate processes with indigenous peoples and communities to discuss climate change policies;
6. *Urges* States to ensure that the measures developed to further develop the commitments of the Parties to the UNFCCC specifically recognize the special needs and roles of indigenous peoples in addressing climate change;
7. *Recommends* that States and other donors establish a Global Trust Fund to support the survival, growth and sustainability of indigenous peoples, their cultures and customs through mitigation and adaptation strategies;
8. *Recommends* States and other organisations incorporate into education systems traditional knowledge and impacts of climate change on indigenous peoples;
9. *Recommends* that States provide financial and human resources that are specifically dedicated to translate into plain language and local languages climate change projections and climate impact assessments on indigenous managed and owned lands. This recommendation is made to enable and encourage discussions between indigenous leaders and their communities to decide their own priorities for developing climate adaptation strategies;
10. *Recommends* that States acknowledge the role and value of learning from indigenous knowledge about climate and weather, as recognised in the Intergovernmental Panel on Climate Change's (IPCC) *Fourth Assessment Report* (2007) Working Group II, cross-chapter case studies which state

"recent studies have emerged that explore how indigenous knowledge can become part of a shared learning effort to address climate-change impacts, mitigation and adaptation, and links with sustainability";

11. *Expresses concern* over the possibility that the carbon market may further complicate land tenure matters for indigenous peoples and *recommends* that States, the World Bank, the private sector and other relevant actors that emissions trading schemes must recognize and respect indigenous peoples' land rights and land tenure systems;

Recommendations to the United Nations Permanent Forum on Indigenous Issues (UNPFII)

12. *Recommends* that the UNPFII welcome the initiative of UNU-IAS in establishing a centre devoted to Traditional Knowledge and urge the Australian Government to support this initiative;
13. *Notes* the report of the *International Expert Meeting on Responses to Climate Change for Indigenous and Local Communities and Their Impact on Their Traditional Knowledge Related to Biological Diversity – the Arctic region, facilitated under the auspices of the Convention on Biological Diversity, in Helsinki, 25-28 March 2008*, as a useful contribution with broad ranging implications, to discussions concerning indigenous peoples and climate change and therefore *recommends* the report, including its recommendations, be broadly distributed and made available to the 7th session of the UNPFII for its full consideration;
14. *Strongly urges* that the UNPFII continue its existing practice of encouraging the participation of indigenous youth at its meetings and ensuring that youth are engaged in all UNPFII discussions related to climate change;
15. *Recommends* the UNPFII to:
 - a. Adopt the issue of climate change impact on indigenous peoples as a permanent agenda item;
 - b. Encourage, support and broaden the efforts of indigenous organizations and communities that are undertaking case studies to assess the impact of climate change and climate change response activities on indigenous peoples and their communities;
 - c. Advocate the establishment of a global indigenous taskforce to investigate and deliver a report urgently to the Economic and Social Council and to the United Nations Framework Convention on Climate Change (UNFCCC) on the risk and opportunities of mitigation and adaptation strategies required to respond to indigenous 'hotspot' communities;

- d. Further promote access by indigenous peoples to funds for mitigation and adaptation to climate change;
- e. Explore the possible establishment of an International Indigenous Foundation for mitigation and adaptation to climate change affecting indigenous peoples;
- f. Consider methods for enhancing the capacity of indigenous peoples to understand the market based mechanism;
- g. Urge indigenous academics, scientists and traditional knowledge holders to come together to consolidate their knowledge and experiences in climate change science and bring the results of their processes to the attention of the UNPFII, the IPCC and UNFCCC; and
- h. Invite States to provide information to the UNPFII on actions taken or proposed to address the impact of climate change on indigenous peoples and their communities, taking into account the nature of these impacts, the involvement/participation of indigenous communities in the formulation of policies and plans to address the impacts and the measures put in place to address the impacts of climate change on local indigenous communities;

Coordination with other bodies

16. *Recommends* the UNPFII to:

- a. Engage the United Nations University-Institute of Advanced Studies (UNU-IAS) and other relevant agencies and institutions in collaboration with indigenous peoples and their communities to undertake case studies to assess the impact of climate change and climate change response activities on indigenous peoples and their communities;
- b. Engage with the Convention on Biological Diversity (CBD) with the aim of developing guidance, through the Conference of the Parties, for the Global Environment Facility to building scientific and community capacity among indigenous peoples to monitor and adapt to the impacts of climate change;
- c. Urge the IPCC to undertake a specific assessment of the opportunities and threats for indigenous peoples arising from the various greenhouse gas emissions strategies that are currently and will potentially come into operation to mitigate the impacts of climate change and that this assessment be undertaken with the full and effective participation of indigenous peoples across the world;

- d. Request that the United Nations Human Rights Council and the expert mechanism on the rights of indigenous peoples continue to study the threats to the exercise and enjoyment of indigenous peoples' human rights arising from both the impacts of climate change and the various mitigation and adaptation strategies being implemented globally and within nation states;
- e. Coordinate workshops in partnership with the World Health Organisation (WHO) to raise awareness and develop strategies to address the health implications of climate change for indigenous peoples;
- f. Request the UN System in partnership with indigenous peoples to prepare a culturally appropriate definition of forests;
- g. Recommend the World Bank and other organisations working on carbon markets to urgently adopt effective codes of conduct for carbon trading agreements that fully reflect the importance of the need to respect indigenous peoples and their special needs and rights;
- h. Recommend the World Bank implement the recommendations they received from their consultations with indigenous peoples on the Forest Carbon Partnership Facility, to disseminate further their proposals and activities for facilitating and financing greenhouse gas abatement and to apply their Indigenous Peoples Policy 4.10 to these activities;

Coordination with the United Nations Framework Convention on Climate Change (UNFCCC)

17. *Recommends* the UNPFII to:

- a. Support the requests from indigenous peoples at previous UNFCCC meetings for the creation of an Intersessional Open Ended Ad hoc Working Group on Indigenous Issues and Climate Change;
- b. Recommend that Parties to the UNFCCC facilitate the full and effective participation of indigenous peoples in all processes related to climate change and its adaptation and mitigation mechanisms, including any discussion related to forests, and the UNFCCC establishes a Voluntary Fund to enable indigenous peoples' participation in the meetings of the UNFCCC;
- c. Recommend that Parties to the UNFCCC review and reconsider all forms of political and financial support to large-scale agrofuel production, monoculture tree plantations and other proposed mitigation strategies that impact on indigenous lands and waters and potentially violate the human rights of indigenous peoples;

- d. Recommend that Parties to the UNFCCC prioritize bans on deforestation and encourages sustainable forest management as important mechanisms to reduce greenhouse gases;
- e. Recommends that Parties to the UNFCCC establish a programme of work on indigenous peoples' issues concerning the impact of climate change and climate change responses create an position within the Secretariat of the UNFCCC to support this issue.

Annex 1 – Participants

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Annex 2 – List of Documents

Background documents

Impact of climate change mitigation measures on indigenous peoples and on their territories and lands (E/C.19/2008/10), Victoria Tauli-Corpuz and Aqqaluk Lyngé, prepared for the Seventh Session of the Permanent Forum on Indigenous Issues (21 April – 2 May 2008)

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Indigenous peoples of the North, Siberia and Far East and climate change: From participation to policy development and adaptation measures: challenges and solutions (2007/WS.8) Rodion Sulvanziga