

ENSURING INDIGENOUS PEOPLES'
AND FOREST-DEPENDENT COMMUNITIES' RIGHTS
IN REDD (REDUCING EMISSIONS FROM
DEFORESTATION AND FOREST DEGRADATION)



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Summary Report and Recommendations

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ENSURING INDIGENOUS PEOPLES' AND FOREST-DEPENDENT COMMUNITIES' RIGHTS IN REDD (REDUCING EMISSIONS FROM DEFORESTATION AND DEGRADATION)

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SUMMARY REPORT AND RECOMMENDATIONS

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EXECUTIVE SUMMARY

On October 29th, 2009, the International Forum on Globalization (IFG) convened a landmark meeting in Washington, D.C. that unified an unusual cross-section of climate leaders from around the world, including indigenous representatives, conservation groups, development organizations, human rights advocates, and key funders.

The meeting focused on ensuring the rights of indigenous peoples and forest-dependent communities in efforts by the United Nations Framework Convention on Climate Change (UNFCCC) to establish a global regime to Reduce Emissions from Deforestation and Degradation (REDD). REDD is considered by many to be an essential element of any global climate deal, and thus any successful outcome in the Copenhagen climate negotiations scheduled for December 7-19th, 2009. REDD is critical because nearly twenty percent of annual global greenhouse gas emissions come from tropical deforestation (almost as much as both the United States and China currently each emit annually), so reducing deforestation is needed to not only cut emissions but also to save one of the planet's greatest carbon storage systems found in the last vast tracts of tropical forests in the Americas, Africa, and Asia.

Tropical forests are largely located on lands that have been occupied for millennia by countless indigenous communities. Aside from forests' native inhabitants, The Nature Conservancy reports that nearly 90 percent of the 1.2 billion people living in extreme poverty worldwide depend on forests for their livelihoods. Until now, forests communities have been routinely excluded from participating in international efforts to protect forests, even though they are often their best custodians. **IFG's meeting helped to create a consensus on how non-indigenous NGOs can best ensure indigenous rights in REDD: support the positions of the Indigenous Caucus, the informal body which coordinates efforts by indigenous peoples in UNFCCC.**

Developed countries are most eager to set up such this scheme since they see REDD as a way to reduce their own costs of complying with new rules to cut carbon by allowing them to earn credits for helping reduce emissions in other countries, which can be much cheaper than cutting carbon emissions at home. As a result, tropical forests—and the people who inhabit them—face billions of dollars of inward investment that have the potential to both help and/or hurt the rights of indigenous peoples and forest dependent communities.

Questions about how to structure, measure, and finance REDD have created much controversy, however almost all players agree that it is important to ensure the rights of indigenous peoples and forest dependent communities in REDD, including the right to reject or refuse REDD if it does not ensure their well-being. But despite general agreement—and an explosion of indigenous involvement in REDD negotiations—there has been little unity among non-indigenous groups on how best to ensure forest communities' rights.

An important instrument indigenous groups want to apply in REDD is the recent United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Adopted by the UN General Assembly in September 2007 by a vote of 144-4, UNDRIP set an international standard of protection for nation-states to achieve whereby indigenous peoples' "collective rights" to traditional land territories and resources should be recognized. UNDRIP also recognizes indigenous peoples' rights to "free, prior, and informed consent" for any proposed development or international agreement which can impact their communities and/or traditional lands. Establishing UNDRIP was a 25-year effort by indigenous peoples, and the fact that it was not immediately incorporated into REDD negotiations at the early stages has caused outrage among indigenous peoples. Indigenous Peoples have been actively coordinating their UNFCCC efforts through the Indigenous Caucus at the UNFCCC, whose REDD Working Group Chair was involved in the planning of, and also participated directly in, the IFG meeting.

At its concluding session, IFG's meeting resulted in agreement by all participating groups to support the positions of the UNFCCC's Indigenous Caucus in the December 2009 Copenhagen climate meeting, and beyond. While some groups immediately authorized their unconditional support, all others agreed "in principle" and committed to consult

internally within their own organizations to seek a more formal decision (see participant list in Annex section). One reason such an agreement was achieved—a result which one participant called “political alchemy”—was the engagement of a balance of participants in the meeting who formed a triangle of accountability: indigenous representatives, climate campaigners, and supporting foundation officers.

The REDD debate has so far seen broad consensus that forest communities should be involved in its rulemaking, and that protecting all the rights of indigenous peoples and forest communities is essential, but there is little agreement on exactly how this should happen. The establishment of effective processes for participation in rule-writing is essential to establishing concrete mechanisms for ensuring collective and individual rights, such as those elaborated in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). There is also the need to establish procedures for “the full and effective participation” of all forest-dependent communities who may not be indigenous peoples (and are therefore not covered by UNDRIP) but whose rights, interests, and livelihoods are at stake.

This contents of this report include a brief overview of indigenous peoples’ involvement in the REDD debate since the December 2007 UNFCCC meeting in Bali, Indonesia, and a more detailed discussion of the International Forum on Globalization’s October 2009 meeting with indigenous leaders and non-indigenous NGOs. At this meeting participants discussed in detail the content of rights and interests in REDD, their current efforts and case studies of applications to their work, and the possibility of their organization’s support for including them in any outcome from Copenhagen. The meeting finished with important commitments from several leading non-indigenous NGOs deeply involved in the REDD debate to actively support the positions of the Indigenous Caucus during the Copenhagen negotiations. The dialogue also explored the implications for the same non-indigenous NGOs to withdraw their support for REDD in the event that the rights of indigenous peoples and forest dependent communities are excluded from any agreements at Copenhagen.

The aim of this report is to not only share these collective findings with a wider audience of civil society during this critical meeting in Copenhagen, but to mobilize that support as a tool for catalyzing commitment from an even bigger player: the United States. Ultimately, we want the U.S. to recognize that free, prior, informed consent is fundamental to the success of any REDD program. To do this requires a broad-based alliance among NGOs and indigenous participants in order to encourage the U.S. UNFCCC negotiating team at every opportunity to insert and/or endorse the rights of indigenous peoples and other forest dependent communities in the UNFCCC’s negotiating texts.

INDIGENOUS INVOLVEMENT IN REDD IN THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE (UNFCCC): FROM BALI TO BARCELONA

Presented by Victoria Tauli-Corpuz (*Igorot*, The Philippines)
Director, Tebtebba Foundation and Chair, United Nations Permanent Forum on Indigenous Issues (UNPFII)

Indigenous peoples have increased their participation in all sorts of international discussions and processes. They have moved into the international arena because they have made limited progress in their own countries, so they are forced to develop international policies to counterbalance the power of national governments.

For some indigenous leaders, the issue of exclusion from REDD negotiations and the potential violation of their rights that will result as a consequence are only the latest iterations in a long line of contentions over major development trends in the past several decades. Indigenous peoples have been consistently raising the issue of indigenous rights during all the major international environmental meetings and agreements. Starting with approaching the United Nations in the late 1970s, the UN Working Group on Indigenous Issues was created in 1982, and out of this emerged the first draft declaration on indigenous peoples' rights by 1985. Shortly thereafter, the 1992 UN Earth Summit at Rio brought new dimensions of territorial disputes with the acceleration of "debt-for-nature swaps," the Global Environmental Facility (GEF), and intellectual property issues in the UN Convention on Biological Diversity (CBD). Tauli-Corpuz also noted that, for much of recent history, some of the conservation organizations participating in the IFG meeting had seen episodes of sharp antagonism with indigenous communities and with one another over conservation initiatives, territorial control, and obtaining consent.

Indigenous peoples were also present when the UNFCCC was originally announced and formed, but what is different today is the unprecedented pledge of support for indigenous peoples' rights from former adversaries in NGOs. The UN Permanent Forum on Indigenous Issues (UNPFII) was first formed in the year 2000, and shortly after that, the Indigenous Caucus to coordinate indigenous inputs throughout the international system. Indigenous peoples international efforts scored an historic achievement in September 2007 when the United Nations' General Assembly adopted the Declaration on the Rights of Indigenous Peoples (UNDRIP), which has become an important international instrument for asserting rights at all levels of policymaking, but especially within REDD. As a result of partnerships formed at meetings such as the so-called Accra Caucus (formed in August 2008 at the UNFCCC meeting in the Ghanaian capitol, Accra) and the Ecosystem Climate Alliance, indigenous and non-indigenous NGOs have recently forged working alliances in REDD negotiations.

Bali meeting of the UNFCCC in December 2007

At the 13th meeting of the Conference of the Parties (COP) of UNFCCC in December 2007 in Bali, Indonesia, the whole issue of REDD came to the fore for indigenous peoples after several new references to REDD and indigenous peoples appeared in the draft texts. Moreover, a version of REDD was launched by the World Bank, which had a controversial history as a result of ignoring indigenous peoples' concerns.

In Bali, the World Bank announced its multi-donor trust fund for forests, the Forest Carbon Partnership Facility (FCPF). Tauli-Corpuz helped to lead a protest by indigenous peoples against the World Bank's FCPF process at Bali, publicly confronting World Bank President Robert Zoellick at the FCPF launch in Bali by challenging him to include indigenous peoples. These direct actions—supported by non-indigenous NGOs—forced the Bank to change their charter and bring in indigenous peoples into the FCPF's own policy board. Tauli-Corpuz was invited onto the board for the Bank, but she opted not to participate because the Bank seemed mostly concerned with positioning itself as the main channel for funding REDD programs and expediting REDD development projects in the developing world.

One part of the United Nations' Bali Action Plan—the formal decision by the UNFCCC COP mandating negotiations for future enhancements of the Convention—established the Ad-Hoc Working Group on Long-term Cooperative Action (AWG-LCA) to consider a specified set of issues on REDD with a view to reaching agreement by the December 2009 Copenhagen meeting (UN Doc FCCC/CP/2007/L.7/Rev.1). The views of parties requested at COP 13 were compiled by the Secretariat into a document, which was then considered in June 2008. At that time, the Subsidiary Body for Scientific and Technological Advice (SBSTA) compiled a list of methodological issues that had been identified requiring further examination.

UN Permanent Forum on Indigenous Issues (UNPFII) meeting on Climate Change in May 2008

In April 2008, the seventh session of the United Nations Permanent Forum on Indigenous Issues (UNPFII) chose climate change as its special focus, and recommended that:

“...the renewed political focus on forests stimulated by current policy debates on reducing emissions from deforestation and degradation (REDD) under the United Nations Framework Convention on Climate Change be used towards securing the rights of indigenous peoples living in forests and rewarding their historical stewardship role and continuing conservation and sustainable use of forests. According to the principle of free, prior and informed consent, indigenous peoples must not be excluded from, and should be centrally involved in and benefit from, deciding forest policies and programmes at all levels that deliver justice and equity and contribute to sustainable development, biodiversity protection and climate change mitigation and adaptation.”

The Forum also noted that:

“... new proposals for avoided deforestation or reduced emissions from deforestation must address the need for global and national policy reforms and be guided by the UNDRIP, respecting rights to land, territories and resources; and the rights of self-determination and the free, prior and informed consent of the indigenous peoples concerned.”

Accra meeting of the UNFCCC meeting in August 2008

The Accra Caucus on Forests and Climate Change is a group formed by representatives from civil society and indigenous peoples' organizations from nearly 30 countries that had been following REDD negotiations in the UNFCCC at August 2008 in Accra, Ghana. It continues to be an important space for coordination among indigenous rights advocates, non-indigenous forest dependent communities, and climate campaigners.

Poznan meeting of the UNFCCC in December 2008

At the 14th meeting of the Conference of the Parties (COP) of UNFCCC in Poznan, Poland, in December 2008, indigenous peoples' gained momentum in their efforts to be included in REDD's negotiation process, garnering more support from civil society groups and even some government delegations who were willing to take up the issue in the formal negotiations. Ultimately, coordinated attempts to insert language referring to UNDRIP suffered setbacks due to the Bush Administration's refusal to accept principles such as “free, prior, informed consent.” One US official told Tauli-Corpuz that they were afraid to support it because, if they did, then “our Indians would sue us.” Such a racist remark from a government official startled and even embarrassed other US officials. But the reaction by indigenous peoples resulted in the development of a firmly grounded position: “No Rights, No REDD.”

Anchorage Indigenous Peoples' Global Summit on Climate Change - April 2009

Over 500 indigenous peoples from around the world met in Anchorage, Alaska in April 2009 to strategize on their common approach to a global climate deal in Copenhagen. In the ensuing Anchorage Declaration, point 5 of the call-to-action declared that, "All initiatives under Reducing Emissions from Deforestation and Degradation (REDD) must secure the recognition and implementation of the human rights of Indigenous Peoples, including security of land tenure, ownership, recognition of land title according to traditional ways, uses and customary laws and the multiple benefits of forests for climate, ecosystems, and Peoples before taking any action."

Bangkok meeting of the UNFCCC - October 2009

Presented by Joseph Ole Simel, (*Maasai*, Kenya)

Chair, Indigenous Caucus' Working group on REDD, and Director, Mainyoto Pastoralist Integrated Development Organization (MPIDO)

The Indigenous Caucus convened around the edges of the UNFCCC's October 2009 meeting in Bangkok and produced a set of agreed principles to guide indigenous people's policy positions in the ongoing climate negotiations. Ole Simel reported that the Indigenous Caucus would take these principles to guide its positioning in Barcelona, as well as Copenhagen, as they develop text and react to what governments propose.

A consultation dialogue is already underway with the Indigenous Caucus and the Accra Caucus (which is also focused on REDD but includes non-indigenous participants) to coordinate policy positions, and the divisions are disappearing. The Indigenous Caucus and the Accra Caucus are not competing with one another; they're sharing intelligence and positions. The Indigenous Caucus believes in dialogue and also wants to sit down with governments. They see the need to have a unified statement and to say the same thing to demand all governments recognizes indigenous rights.

The Indigenous Caucus wants to know what concerns of limitations conservation organizations might have that would prevent them from accepting and supporting the principles and proposed text of the Indigenous Caucus. There is a need to put all concerns on the table so that they can all reach a common platform and build a strong alliance, since this will only strengthen our position vis-à-vis the U.S. and all other country governments. There is a minimum standard that indigenous peoples cannot go below since they will not sacrifice their dignity for their rights.

Ole Simel also noted that it is imperative that indigenous peoples' participation in the UNFCCC be effective.

THREE KEY PRINCIPLES FOR THE INDIGENOUS CAUCUS

1. UNDRIP needs to be the minimum standard of any UNFCCC agreement.
2. Free, Prior, Informed Consent (FPIC) is fundamental, especially in REDD.
3. Traditional knowledge must also be recognized.

Non-Indigenous, Forest-Dependent Communities

Presented by Tonya Rawe, Policy Advocate on Government Relations
CARE

CARE strongly supports the rights of indigenous peoples, as detailed in the UN Declaration on the Rights of Indigenous Peoples, and is advocating the recognition and protection of those rights in REDD mechanisms at the international and domestic levels. However, not all communities whose livelihoods depend on forests are composed of indigenous peoples. Other communities often also live in extreme poverty and depend on forest resources for food, fuel and medicines. Many of these communities are, in similar fashion to indigenous peoples, stewards of forests. REDD presents opportunities and risks which are equally relevant for them, but they do not, in many cases, have the same protections as indigenous peoples. As a case in point, the UN Declaration on the Rights of Indigenous Peoples does not apply to or protect all forest-dependent communities. Therefore, we must ensure that social safeguards and standards that address the way communities are engaged in REDD activities include robust protections for all forest-dependent communities.

FOUR KEY PRINCIPLES FOR PROTECTING NON-INDIGENOUS FOREST-DEPENDENT COMMUNITIES

1. Full and effective participation by communities;
2. Equitable sharing of benefits' from REDD;
3. Legal mechanism or remedy to address complaints and violations of rights
4. Including social issues in the monitoring and reporting processes
("non-carbon issues")

REPORTS FROM THE FIELD: INDIGENOUS EXPERIENCES WITH REDD

“Indigenous peoples seem to suffer the most whenever there is any ‘development.’ We see that is the same for the REDD process, simply because of shortcomings of commitments made... We hear about poverty alleviation and effective and meaningful participation. Is this really taking place? No. The gap between the rich and the poor continues to widen, regardless of how many commitments we make and what agreements we put on paper. It will continue to widen.”

— *Chief Kokoi (Wapichan), Amerindian Peoples Association, Guyana*

“The Pygmies essentially live in the forest; we are gatherers and hunters, so the forest is everything for us. It’s our livelihood. It takes care of us – it’s like our mother – and we also take care of it... We didn’t know it up to now, but forests are the mother of the entire global community. Forests are the livelihood of the world.”

— *Adrien Sinafase (Pygmy), Dignité Pygmée-Association of Pygmy Organizations, Democratic Republic of the Congo*

“Forests have values that far exceed tons of carbon or economic prices; forests contribute to all of humanity and form a part of our world’s biological and cultural diversity. We need to be sure that indigenous peoples and non-indigenous peoples agree that our forests are not going to be a business venture... Our forests are sacred, and need to be recognized as such.”

— *Hipolito Acevei (Guarani), Coordination for Indigenous Peoples Self-Determination, Paraguay*

Indigenous leaders from Asia, Africa, and the Americas were present at the IFG meeting on REDD in order to ground the conversation in actual experiences from communities involved in REDD. They raised a number of concerns about REDD processes at all levels. Chief among these were issues of participation, access to information, ensuring the accountability of governments and development agencies involved in REDD, advancing the spirit of UNDRIP into REDD processes, and increasing the exposure of indigenous peoples’ REDD issues in a variety of places.

The reports presented by indigenous representatives from the Democratic Republic of the Congo (DRC), Guyana, Ecuador, and Paraguay particularly reveal a range of participation experiences in REDD discussions at home.

The national REDD committee in the DRC, for example, has positions for two natives and an additional seat occupied by a native person on a civil society task force. It was mentioned, however, that even with these key positions, native peoples are still unable to influence the process. Even less satisfactory conditions were reported by representatives from Guyana, Ecuador, and Paraguay who all expressed their outrage at government-led consultation processes that lacked quality, meaningful participation by indigenous peoples.

In Guyana, for example, communities are left in the dark and then suddenly presented with highly technical information that they are expected to digest in less than a week, while the government is proactively discrediting the Amerindian Peoples Association for their defense of land

rights and the principle of free, prior, informed consent. Chief Kokoi (*Wapishana*) further explained how even raising a concern over REDD issues is being used by the Guyanese government in a political smear campaign by labeling the APA as “anti-development” and “anti-government” and ultimately leading to divisions within the broader Amerindian movement.

Similarly, communities in Ecuador have very little access to information, while those in Paraguay lack information and simple recognition of their lands. In all of these cases, governments are rushing forward to establish their REDD programs in the name of ‘readiness’ at a pace that excludes or marginalizes indigenous communities and their organizations.

These reports suggest that further work needs to be done to improve domestic-level participation, consultation, and decision-making processes. As Tito Puanchir (*Shuar*, President of CONFENIAE – The Confederation of Indigenous Peoples of the Ecuadorean Amazon) pointed out, “we are open to dialogue with the government, but there is a fundamental need for equalizing the negotiations.”

At the UN level, participation of indigenous peoples in the UNFCCC process is improving but still has a long way to go. For example, it is rare that indigenous organizations, representatives, or individuals can arrange to bring their legal counsel with them to UNFCCC meetings. On the other hand it was reported that several indigenous leaders have been invited to join country delegations. Thus far, these governmental delegations include indigenous representatives: the Philippines, Bolivia, Norway, Ecuador, and Guatemala. And as these advancements show real progress, indigenous leaders are also working on creating an “Expert Group” on indigenous issues within the UNFCCC. Improvements in all of these areas can enhance the degree of participation of indigenous peoples in all the critical international decisions that will affect them in the future.

Another issue of concern raised by indigenous participants is the accountability of the World Bank and its attempt to establish itself as the lead agency for REDD-related policies and funding. Indigenous representatives wondered why the Bank is not following even its own weak internal policies protecting indigenous peoples. This apparent oversight is alarming not only as an indicator for how the Bank expects to proceed with its

FCPF programs, but also how it will manage the implementation of palm oil plantations or hydroelectric facilities under the UNFCCC’s Clean Development Mechanism (CDM). It remains to be seen whether REDD and CDM will become yet another branch of Bank hegemony over indigenous lands, territory, and resources, or whether the Bank will follow its own guidelines and protect the rights of indigenous peoples in all stages of REDD processes.

There were also a number of concerns raised by indigenous participants over the need for legal advancements for language and principles in a number of areas. Victoria Tauli-Corpuz identified UNDRIP Articles 18, 19, 28, 29, 30, and 32 as particularly relevant for informing civil society and country delegations on the role of free, prior and informed consent in the UNFCCC REDD negotiation process. It is worth further elaborating on a few of those here:

Article 19 – States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Article 29.1 – Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall take establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.

Article 32.2 – States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

Proposals to apply UNDRIP to REDD are supported by almost all countries, so it is imperative to persuade the few countries who still do not recognize UNDRIP — Canada, New Zealand and the United States—to support it, especially the United States.

WHAT WILL THE UNITED STATES SUPPORT?

Establishing REDD and some sort of forest offset regime is important to the US and its most polluting industries in order to minimize compliance costs with any new rules to reduce emissions. The US is preparing to establish its own unilateral regime with other countries via domestic legislation but they are aiming to integrate it with multilateral efforts in the UNFCCC.

President Obama has put on the table for Copenhagen a 17% target below 2005 levels by 2020 (which translates to 4% below 1990 levels by 2020; by contrast, Europe's target is 20% Japan's 25%, and Norway's 40% -all below 1990 levels by 2020). But the Washington DC-based Institute for Policy Studies points out that if the US target is achieved using bills now proposed by Congress, one hundred percent of those so-called cuts could be realized using two billion tons of carbon offsets per year. This outrageous quantity means the U.S. could claim "cuts" that are neither "real, measurable nor verifiable," nor made at home but rather in other countries. Thus, a central part of the US strategy for reducing emissions depends on storing carbon in other countries' forests, which sets up extremely high stakes for indigenous peoples and forest-dependent communities to either be helped or harmed by REDD.

The United States, under former President George W. Bush, was one of only four countries (US, Canada, New Zealand, and Australia) who voted against the adoption of UNDRIP in the UN General Assembly in 2007. Although Australia has since elected Prime Minister Kevin Rudd who adopted UNDRIP, the United States under the Obama Administration has yet to indicate any new position.

There are two major fronts in the battle for the US to support UNDRIP. One is at the UNFCCC negotiations where it is imperative to intensify political pressure on the

Obama Administration to adopt or not block references to UNDRIP. The second is within US Congress, where efforts are underway to include social safeguards for indigenous peoples and forest-dependent communities in pending climate legislation's provisions governing offsets. Whatever the US Congress decides could also become the de facto position of the US negotiators at UNFCCC, so efforts to influence both must be coordinated. However, without clear new marching orders from the White House on UNDRIP, there will be no movement by the US State Department's lawyers to do anything different in UNFCCC or REDD.

US opposition to UNDRIP often focuses on two key concepts: "Free, Prior, Informed Consent (FPIC)" and "collective rights." Both are routinely dismissed by US officials as being against the US Constitution, or even undermining US participation in international conventions to ban whaling and control tobacco. However, some indigenous advocates point to current and past behavior by the US government in its treatment of Native Americans and conclude that not only is there no contradiction between the US Constitution and UNDRIP, but, in fact, the US already practices FPIC with some communities and recognizes in some policies the collective rights of others.

UNDRIP is not a treaty, so it does not need to be ratified by the US Senate. Indeed, UNDRIP is an "aspirational document," essentially a political declaration, and the President of the US could easily sign it without further deliberations. Once again, global justice may come down to what one country decides to do, which places a lot of responsibility on US NGOs to educate and mobilize support within the US to adopt—or at least not block recognition of—UNDRIP and its principles.

APPEAL BY THE INDIGENOUS CAUCUS TO NON-INDIGENOUS NGOS

An appeal to non-indigenous organizations was made by the Chair of the Indigenous Caucus, asking for support of their position in REDD, as articulated by the four principles above, and in the form of their position on the latest UNFCCC text. Because the latter can change suddenly during the negotiations, it is important for groups to be grounded in the principles, and to also agree to follow the lead of the Indigenous Caucus in regards to text as the state of play in the negotiations can change.

The Chair of the Indigenous Caucus' REDD Working Group, Joseph Ole Simel, explained that its members have agreed that they need and want the cooperation and support of non-indigenous organizations that are campaigning on climate, especially on REDD. Non-indigenous groups can play a very, very important role in efforts to protect indigenous rights in REDD. Of course, indigenous organizations must lead efforts to fight for their own rights, but support by broader civil society may be decisive in including indigenous concerns in any Copenhagen outcome or any final global climate deal.

Conservation groups often have capacities that indigenous groups often do not, such as highly specialized policy analyses or expert legal opinions. They may also have strong abilities with communications technologies or media professionals to project messages into the general public, or the press. These abilities can influence how indigenous issues are covered, or not even covered at all. Their abilities to lobby governments and mobilize peaceful protests can also be quite powerful. The decision by conservation groups and their supporters to endorse the demands of indigenous peoples and forest-dependent communities may result in millions of people being either helped or harmed by REDD.

It was noted that some conservation groups take indigenous issues so seriously that they have already

either adopted UNDRIP as their own internal policy, or they are in the process of assessing how they would do that in practice. Some groups see support for indigenous rights and forest-dependent communities as inherent to their organizational mission, and therefore inseparable from the policy positions. Other groups may view respect for indigenous rights as one of several criteria that will determine their ultimate support or rejection of REDD; some of these groups are currently consulting internally to decide where support for forest communities' rights fits into the mix of issues their organization cares about most in REDD.

Finally, and most importantly, indigenous leaders appealed to the non-indigenous organizations attending the meeting to actively assist them in increasing the exposure of their cause by:

- *amplifying the voice of the indigenous caucus to official government delegations at the UNFCCC;*
- *encouraging all NGOs to adopt UNDRIP and the principle of FPIC as organizational policy;*
- *mobilizing the directors of NGOs to pressure the Obama Administration to adopt UNDRIP;*
- *supporting the advancement of indigenous rights within the Organization of American States.*

The Indigenous Caucus REDD Working Group Chair was sufficiently pleased with the tenor of the discussion that he felt comfortable making a direct appeal to the participating organizations to support their positions on REDD. (The responses from groups present at the meeting are in the following section.

RESPONSES BY NON-INDIGENOUS NGOS

Non-indigenous participants' responses to the Indigenous Caucus' appeal for support of its positions:

ORGANIZATIONS GIVING SUPPORT "UNCONDITIONALLY"

Some conservation groups present were able to authorize immediate and unqualified support for the Indigenous Caucus' position:

- International Forum on Globalization (meeting organizer)
- Friends of the Earth
- Institute for Policy Studies
- Rainforest Action Network
- Rainforest Foundation-UK
- Forest Peoples' Programme
- Amazon Watch
- FERN

ORGANIZATIONS GIVING SUPPORT "IN-PRINCIPLE"

Some organizations present were only able to authorize organizational support "in principle" for a number of reasons.

- CARE
- Oxfam

Both CARE and Oxfam authorized support "in principle" since they are also accountable to non-indigenous, forest-dependent communities, and unconditional support for UNDRIP could possibly complicate their commitments to be accountable to non-indigenous communities in the event that UNFCCC's reference to UNDRIP is not obtainable. Both groups' representatives said they first needed to check with their institutional leaders before making further commitments

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**ORGANIZATIONS GIVING SUPPORT “IN-PRINCIPLE”
(continued)**

- Conservation International
- Institute for the Study of the Amazon (IPAM)
- The Nature Conservancy
- Woods Hole Research Institute

These four groups (along with the Environmental Defense Fund, who was not present) agreed that the Indigenous Caucus position was in alignment with the joint position that they recently issued calling for UNDRIP’s application in REDD, including FPIC. However, each said they would report back after consulting with their organizational leaders since it was not clear how their organizations’ overall positions on REDD would be impacted in the event that references in UNFCCC did not include UNDRIP.

- World Wildlife Fund

WWF has officially adopted UNDRIP as organizational policy and is in the process of implementing it into its many programs and policy positions so their representative first needed to consult with institutional leadership to see how adoption of the Indigenous Caucus Principles would work within the process that they are already engaged in.

- Center for International Environmental Law (CIEL)
- Bank Information Center (BIC)
- Forest Trends

These three groups also agreed in principle but the representatives present were not able to fully authorize unconditional support; they expressed the need to consult internally and report back as well.

RECOMMENDED ACTIONS FOR COPENHAGEN AND BEYOND

Groups identified a number of activities they could take collectively for Copenhagen:

• Stand in Solidarity with the Indigenous Caucus

Many non-indigenous NGOs in attendance, as well as some who were unable to join the meeting, already have several years, if not decades, of experience working with indigenous peoples. These efforts have not gone unnoticed and demonstrate a growing sense of respect for indigenous peoples. Some of the most important ways that organizations and individuals involved in climate issues can act on their convictions for defending indigenous rights are by

- generally supporting the efforts of the Indigenous Caucus,
- staying informed of their moves as the meeting progresses, and
- continuing to improve the advancements for indigenous rights and climate justice in the post-Copenhagen process.

The Indigenous Caucus has generated a few key documents in the second half of 2009 leading up to their participation in Copenhagen. Among these include two that were created at the Bangkok round of meetings in September 2009: the International Indigenous Peoples Forum on Climate Change (IIPFCC) Policy Paper on Climate Change, and the IIPFCC list of four guiding principles formulated to shape the forthcoming discussions in Barcelona and Copenhagen. Indigenous leaders refer to the views of the Indigenous Caucus as expressed in these documents, and appeal for assistance at Copenhagen and beyond in multiple ways. What their testimonies and the bullet points above emphasize is a call for broad-based support for incorporating the rights that indigenous leaders have been working tirelessly to get recognized over the last few decades. This is a call not only to assist the Indigenous Caucus in making formalized advances in negotiating text, but also in creating a long-term network of organizations and individuals committed to advancing indigenous rights.

• Defend the Indigenous Caucus' effort to apply UNDRIP to UNFCCC

The overall direction guiding the Indigenous Caucus' movements derives from UNDRIP. With respect to UNDRIP's application in REDD, the foremost effort in play is the language currently contained (as of the meeting date of 29 October 2009) in paragraph 4(e) of the AWG-LCA Non-paper No. 18. Towards the close of the Bangkok meeting, and with the assistance of the Philippine and Norwegian delegations, indigenous leaders successfully lobbied for the inclusion of this passage as a bracketed text for further negotiations at Copenhagen and beyond:

The delegation of the Philippines proposes for Paragraph 4 (e) of AWGLCA Non-Paper No. 18:

In accordance with applicable universal human rights instruments and agreements [including the United Nations Declaration on the Rights of Indigenous Peoples,] and taking into account national circumstances, and legislation that is in compliance with universal human rights standards, ensure respect for the knowledge and rights of indigenous peoples, including their rights to lands, territories and resources, and the rights of members of local communities and to ensure their full and effective participation [including free prior and informed consent,] in actions referred to in paragraphs 2 and 5 above;

This passage embodies the Caucus' three principles paper, which invokes similar elements:

1. Recognize and respect the rights of indigenous peoples and local communities, in particular their rights to lands, territories and all resources, in accordance with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and other relevant international human rights instruments and obligations.
2. Ensure the full and effective participation of indigenous peoples and local communities, in accordance with their right to free prior and informed consent.

3. Recognize the stewardship role and contribution of indigenous peoples' traditional knowledge, innovations, and practices.

Both sets of language refer to recognizing established international declarations, ensuring participation and consent, and strengthening the role of traditional knowledge. They also embody some of the core principles contained within UNDRIP.

It was expressed at the IFG meeting that while the broader success of recognizing indigenous rights requires long-term cooperation and commitment from non-indigenous NGO to support all the positions of the Indigenous Caucus, one focus at Copenhagen will clearly be paragraph 4(e) of Non-paper No. 18. It is an ongoing discussion that may continue to evolve as the Copenhagen meeting unfolds, and it is highly possible that some governments will want to strike any references that recognize indigenous rights within it.

For their part, indigenous leaders and the Indigenous Caucus will be working to not only defend the language as it currently stands in the form above, but also to actively improve it, and they want the support of non-indigenous NGOs to accomplish this. It was repeated a few times at the IFG meeting that the language contained in paragraph 4(e) is considered a minimum starting point for indigenous acceptance of REDD and REDD+ ideas, and consequently any compromise of the protections for indigenous peoples in that language could jeopardize the support of the Indigenous Caucus for those programs.

**• Take a cue from the Indigenous Caucus:
“No Rights, No REDD”**

We are optimistic that a positive outcome can be reached at the Copenhagen meeting. However, we also must be mindful that there are still country delegations that are unwilling to support UNDRIP, or even those that find the notion of FPIC problematic. At the Bangkok meeting, the Indigenous Caucus developed a position that clearly states their affirmation of FPIC and their rights to land, territory and resources as a necessary component for endorsement of any agreement. This is their baseline. In the event the Caucus determines a negotiating text has passed below a threshold supporting these principles and rights, they have pledged to withdraw their support for REDD:

“If there is no full recognition and full protection for Indigenous people’s rights, including the rights to resources, lands and territories, and there is no recognition and respect of our rights of free, prior and informed consent of the affected indigenous peoples, we will oppose REDD and REDD+ and carbon offsetting projects, including CDM projects.”

Therefore, as part of a pledge of support the Indigenous Caucus is asking supporting organizations to adopt a similar position. (It was also noted that the proposition that REDD could succeed without the support of indigenous peoples and forest-dependent communities is flawed.)

• Raise the issue of indigenous rights in every appropriate opportunity at Copenhagen

Indigenous leaders stressed the fact that non-indigenous NGOs will be in contact with hundreds, if not thousands of people, on multiple levels, and in varying degrees of formality at the Copenhagen meeting. They ask that NGOs, both as individuals and organizationally, advocate for the Indigenous Caucus at every appropriate opportunity. Some possible opportunities may include:

- meetings or interviews with the press;
- organizational communications through established internal and external networks such as email listserves, blogs, SMS or Twitter messages, and leaflets and/or other printed publications;
- sharing updates through formal or informal, individual or small group meetings, particularly with country delegates;
- raising the issues in plenary meetings.

The general idea is that rather than limiting an organization’s commitment to a verbal endorsement of what the Indigenous Caucus is working for, the Indigenous Caucus would like to catalyze a network of groups who actively promote indigenous rights in all of their dealings throughout the Copenhagen meeting and beyond. Indigenous peoples’ positions will be strengthened by the collective action of a non-indigenous support network as well as the capacity of non-indigenous NGO’s and individuals to enter in to the discussion in every platform, corner and side event at the meeting relevant to indigenous concerns.

SUMMARY

In summary, the meeting organized by the International Forum on Globalization on Ensuring Indigenous Peoples' and Forest-Dependent Communities' Rights in REDD resulted in the bringing together, for the first time, a unique group of key leaders in the REDD debate in order to find common approaches to REDD.

Participants agreed that there is a need for much work to be done to follow-up, especially over the next year (2010) in order to

- maintain the unity of policy positions while essential UNFCCC negotiations continue
- consolidate the support of groups at the meeting who could only agree "in principle," and
- deepen solidarity with forest communities.

International Indigenous Peoples Forum on Climate Change

Foro Internacional de los Pueblos Indígenas sobre Cambio Climático

STATEMENT OF PRINCIPLES

DECLARACIÓN DE PRINCIPIOS

1. Recognize and respect the rights of indigenous peoples and local communities, in particular their rights to lands, territories and all resources, in accordance with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and other relevant international human rights instruments and obligations

1. Reconocer y respetar los derechos de los pueblos indígenas y comunidades locales, particularmente sus derechos a las tierras, territorios, y todos sus recursos, en conformidad con la Declaración de la ONU sobre los Derechos de los Pueblos Indígenas y otros instrumentos y obligaciones internacionales sobre derechos humanos;

2. Ensure the full and effective participation of indigenous peoples and local communities, in accordance with their right to free prior and informed consent

2. Asegurar la participación plena y efectiva de los pueblos indígenas y comunidades locales, de acuerdo al derecho al consentimiento libre, previo e informado;

3. Recognize the stewardship role and contribution of indigenous peoples' traditional knowledge, innovations and practices

3. Reconocer el rol primordial, la contribución de los conocimientos, innovaciones y prácticas tradicionales de los pueblos indígenas.

October 2009

Octubre 2009



The Anchorage Declaration

24 April 2009

From 20-24 April, 2009, Indigenous representatives from the Arctic, North America, Asia, Pacific, Latin America, Africa, Caribbean and Russia met in Anchorage, Alaska for the Indigenous Peoples' Global Summit on Climate Change. We thank the Ahtna and the Dena'ina Athabaskan Peoples in whose lands we gathered.

We express our solidarity as Indigenous Peoples living in areas that are the most vulnerable to the impacts and root causes of climate change. We reaffirm the unbreakable and sacred connection between land, air, water, oceans, forests, sea ice, plants, animals and our human communities as the material and spiritual basis for our existence.

We are deeply alarmed by the accelerating climate devastation brought about by unsustainable development. We are experiencing profound and disproportionate adverse impacts on our cultures, human and environmental health, human rights, well-being, traditional livelihoods, food systems and food sovereignty, local infrastructure, economic viability, and our very survival as Indigenous Peoples.

Mother Earth is no longer in a period of climate change, but in climate crisis. We therefore insist on an immediate end to the destruction and desecration of the elements of life. Through our knowledge, spirituality, sciences, practices, experiences and relationships with our traditional lands, territories, waters, air, forests, oceans, sea ice, other natural resources and all life, Indigenous Peoples have a vital role in defending and healing Mother Earth. The future of Indigenous Peoples lies in the wisdom of our elders, the restoration of the sacred position of women, the youth of today and in the generations of tomorrow.

We uphold that the inherent and fundamental human rights and status of Indigenous Peoples, affirmed in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), must be fully recognized and respected in all decision-making processes and activities related to climate change. This includes our rights to our lands, territories, environment and natural resources as contained in Articles 25–30 of the UNDRIP. When specific programs and projects affect our lands, territories, environment and natural resources, the right of Self Determination of Indigenous Peoples must be recognized and respected, emphasizing our right to Free, Prior and Informed Consent, including the right to say “no”. The United Nations Framework Convention on Climate Change (UNFCCC) agreements and principles must reflect the spirit and the minimum standards contained in UNDRIP.

Calls for Action

1. In order to achieve the fundamental objective of the United Nations Framework Convention on Climate Change (UNFCCC), we call upon the fifteenth meeting of the Conference of the Parties to the UNFCCC to support a binding emissions reduction target for developed countries (Annex 1) of at least 45% below 1990 levels by 2020 and at least 95% by 2050. In recognizing the root causes of climate change, participants call upon States to work towards decreasing dependency on fossil fuels. We further call for a just transition to decentralized renewable energy economies, sources and systems owned and controlled by our local communities to achieve energy security and sovereignty.

In addition, the Summit participants agreed to present two options for action: some supported option A and some option B. These are as follows:

A. We call for the phase out of fossil fuel development and a moratorium on new fossil fuel developments on or near Indigenous lands and territories.

B. We call for a process that works towards the eventual phase out of fossil fuels, without infringing on the right to development of Indigenous nations.

2. We call upon the Parties to the UNFCCC to recognize the importance of our Traditional Knowledge and practices shared by Indigenous Peoples in developing strategies to address climate change. To address climate change we also call on the UNFCCC to recognize the historical and ecological debt of the Annex 1 countries in contributing to greenhouse gas emissions. We call on these countries to pay this historical debt.

3. We call on the Intergovernmental Panel on Climate Change (IPCC), the Millennium Ecosystem Assessment, and other relevant institutions to support Indigenous Peoples in carrying out Indigenous Peoples' climate change assessments.

4. We call upon the UNFCCC's decision-making bodies to establish formal structures and mechanisms for and with the full and effective participation of Indigenous Peoples. Specifically we recommend that the UNFCCC:

- a. Organize regular Technical Briefings by Indigenous Peoples on Traditional Knowledge and climate change;
- b. Recognize and engage the International Indigenous Peoples' Forum on Climate Change and its regional focal points in an advisory role;
- c. Immediately establish an Indigenous focal point in the secretariat of the UNFCCC;
- d. Appoint Indigenous Peoples' representatives in UNFCCC funding mechanisms in consultation with Indigenous Peoples;
- e. Take the necessary measures to ensure the full and effective participation of Indigenous and local communities in formulating, implementing, and monitoring activities, mitigation, and adaptation relating to impacts of climate change.

5. All initiatives under Reducing Emissions from Deforestation and Degradation (REDD) must secure the recognition and implementation of the human rights of Indigenous Peoples, including security of land tenure, ownership, recognition of land title according to traditional ways, uses and customary laws and the multiple benefits of forests for climate, ecosystems, and Peoples before taking any action.

6. We challenge States to abandon false solutions to climate change that negatively impact Indigenous Peoples' rights, lands, air, oceans, forests, territories and waters. These include nuclear energy, large-scale dams, geo-engineering techniques, "clean coal", agro-fuels, plantations, and market based mechanisms such as carbon trading, the Clean Development Mechanism, and forest offsets. The human rights of Indigenous Peoples to protect our forests and forest livelihoods must be recognized, respected and ensured.

7. We call for adequate and direct funding in developed and developing States and for a fund to be created to enable Indigenous Peoples' full and effective participation in all climate processes, including adaptation, mitigation, monitoring and transfer of appropriate technologies in order to foster our empowerment, capacity-building, and education. We strongly urge relevant United Nations bodies to facilitate and fund the participation, education, and capacity building of Indigenous youth and women to ensure engagement in all international and national processes related to climate change.

8. We call on financial institutions to provide risk insurance for Indigenous Peoples to allow them to recover from extreme weather events.

9. We call upon all United Nations agencies to address climate change impacts in their strategies and action plans, in particular their impacts on Indigenous Peoples, including the World Health Organization (WHO), United Nations Educational,

Scientific and Cultural Organization (UNESCO) and United Nations Permanent Forum on Indigenous Issues (UNPFII). In particular, we call upon all the United Nations Food and Agriculture Organization (FAO) and other relevant United Nations bodies to establish an Indigenous Peoples' working group to address the impacts of climate change on food security and food sovereignty for Indigenous Peoples.

10. We call on United Nations Environment Programme (UNEP) to conduct a fast track assessment of short-term drivers of climate change, specifically black carbon, with a view to initiating negotiation of an international agreement to reduce emission of black carbon.

11. We call on States to recognize, respect and implement the fundamental human rights of Indigenous Peoples, including the collective rights to traditional ownership, use, access, occupancy and title to traditional lands, air, forests, waters, oceans, sea ice and sacred sites as well as to ensure that the rights affirmed in Treaties are upheld and recognized in land use planning and climate change mitigation strategies. In particular, States must ensure that Indigenous Peoples have the right to mobility and are not forcibly removed or settled away from their traditional lands and territories, and that the rights of Peoples in voluntary isolation are upheld. In the case of climate change migrants, appropriate programs and measures must address their rights, status, conditions, and vulnerabilities.

12. We call upon states to return and restore lands, territories, waters, forests, oceans, sea ice and sacred sites that have been taken from Indigenous Peoples, limiting our access to our traditional ways of living, thereby causing us to misuse and expose our lands to activities and conditions that contribute to climate change.

13. In order to provide the resources necessary for our collective survival in response to the climate crisis, we declare our communities, waters, air, forests, oceans, sea ice, traditional lands and territories to be "*Food Sovereignty Areas*," defined and directed by Indigenous Peoples according to customary laws, free from extractive industries, deforestation and chemical-based industrial food production systems (i.e. contaminants, agro-fuels, genetically modified organisms).

14. We encourage our communities to exchange information while ensuring the protection and recognition of and respect for the intellectual property rights of Indigenous Peoples at the local, national and international levels pertaining to our Traditional Knowledge, innovations, and practices. These include knowledge and use of land, water and sea ice, traditional agriculture, forest management, ancestral seeds, pastoralism, food plants, animals and medicines and are essential in developing climate change adaptation and mitigation strategies, restoring our food sovereignty and food independence, and strengthening our Indigenous families and nations.

We offer to share with humanity our Traditional Knowledge, innovations, and practices relevant to climate change, provided our fundamental rights as intergenerational guardians of this knowledge are fully recognized and respected. We reiterate the urgent need for collective action.

Agreed by consensus of the participants in the Indigenous Peoples' Global Summit on Climate Change, Anchorage Alaska, April 24th 2009

Letter by the Indigenous Peoples of the Brazilian Amazon About Climate Change

On September 7th, 2009, in Manaus, Amazonas, representatives from dozens of indigenous tribes, with the help of the Coordination of the Indigenous Organizations of the Brazilian Amazon (COIAB), held a conference about climate change with the hopes of systemizing indigenous peoples' proposals for the fifteenth meeting of the United Nations Climate Change Conference (COP 15) and for Brazilian policies on climate change. After two days of discussion, the participating leaders decided to take to the Brazilian government and official indigenous meetings in preparation for COP 15 the following proposals:

Regarding the negotiations for a new international system on climate:

- That the decisions of the Climate Convention that will be made in Copenhagen include within the text the necessity that the UN Declaration on the Rights of Indigenous Peoples and Convention 169 of the International Labor Organization be respected and integrally applied. We reiterate the need for support for our proposals to the Brazilian and other governments.
- We affirm our preoccupation with the impacts that climate change will have on our lives and the planet, and therefore require that the countries and the UN urgently prioritize mitigation and adaption actions focused on indigenous peoples. We propose the recognition and valorization of our social and cultural systems and our traditional knowledge as fundamental references for the construction of new climate change strategies.
- Our territories are proven to be more effective in avoiding deforestation and sequestering carbon, thus we demand that the recognition and application of our territorial rights be prioritized as one of the most important strategies in countering climate change and that all governments assume the responsibility of immediately guaranteeing the territorial rights of indigenous peoples and reinstate traditional indigenous territories.
- That all governments, especially the Brazilian government and those of the other countries in the Amazonian Basin, evaluate the consequences of and revise the large development and infrastructure programs and projects that threaten forests, indigenous peoples, and their territories and that cause extensive deforestation as well as social, cultural, and environmental damage.
- That the Brazilian government and the other signatories of the Climate Convention formally recognize the environmental and climate change mitigation services provided by indigenous peoples through protecting, conserving, and avoiding deforestation in the Amazon Rainforest. They must formally recognizing the right of indigenous peoples to the carbon stocks in their territories, and implement financial mechanisms to reward indigenous peoples for these services.
- That all the strategies of the carbon market, whether formal or voluntary, integrally respect indigenous rights, assuring that they get their due carbon credits, in accordance with national legislation and the international treaties that protect indigenous rights.
- That the Climate Convention and the Brazilian government assure the effective participation of indigenous peoples in the elaboration and implementation of programs and projects relating to climate change, guaranteeing them the right to free, prior, and informed consent in the application of any methods of climate change adaption and mitigation within indigenous territories, including the right to say "yes" or "no."
- That the Annex 1 and emerging countries, including Brazil, effectively move their economic model from development and consumerism to a low carbon economy, keeping in mind that the 5% goal of the Kyoto Protocol is small and

insignificant, and that they create a new goal during COP 15 of reducing greenhouse gas emissions of at least 40% by 2020 and 80% by 2050. We also recommend that the new international system create mechanisms for economic penalties for countries that do not fulfill these agreed-upon goals.

- That the compensations for carbon emissions, which are called flexible mechanisms, are not permitted without there first being a proven and effective reduction in rich countries and that there will be limits on the compensation mechanisms for buying carbon credit for these countries.

Regarding Brazilian policies on climate change:

- We express our preoccupation with the Brazilian government's National Climate Change Plan, which was created without consulting indigenous peoples and without including recognition of and strengthening actions for indigenous territories, for it lacks adaptation measures focused on these peoples and recognition of their role in forest conservation. We assert the necessity for effective participation by indigenous peoples in revising this plan, currently planned for 2010.
- We also demand that the National Congress guarantees indigenous participation in the discussion of climate change laws that arise in the House and Senate, including recognizing within these laws indigenous peoples' rights to the carbon stocks in their territories.

ON THE AMAZONIAN FUND AND INDIGENOUS PEOPLES:

- We express to the Brazilian government and the Development Bank our preoccupation with the difficulty indigenous peoples have in accessing the Amazonian Fund due to the inadequacies of established requirements for presenting projects relating to our social and cultural needs.
- That the Brazilian government create, along with indigenous participation, a financial fund specifically for indigenous peoples as a way of assuring that all the resources resulting from the climate and environmental services rendered by indigenous peoples and their territories effectively reach the communities.

The Amazonian Fund and other climate change adaptation and mitigation funds must aid projects that institutionally and technologically strengthen regional and local indigenous organizations so that they have the necessary conditions to help indigenous communities in the construction, implementation, and monitoring of programs, projects, and social controls stemming from these funds.

**Amazon Environmental Research Institute (IPAM) ~ Conservation International
Environmental Defense Fund ~ The Nature Conservancy ~ Woods Hole Research Center**

Joint Position on Indigenous Peoples and Local Communities and REDD+

Indigenous Peoples and local communities¹ (IPLC) depend on ecosystems and in particular, native forest for their livelihoods, using plants, animals and their products for food, clothing, fuel, medicine, and shelter. The economy, social organization, identity, and cultural and spiritual values of these communities are closely linked to their biological diversity.

However, territories and lands of both Indigenous Peoples and local communities are often located in forested landscapes experiencing rapid social and economic change due to a combination of factors. These include the expansion of commercial farming and ranching, commercial logging, infrastructure development, mineral exploitation, immigration of settlers from other areas and climate change.

Many of the landscapes where Indigenous Peoples and local communities live are critical to global conservation and climate change efforts.

Indigenous Peoples and local communities are engaged in discussions on climate change to a limited extent both internationally and nationally. However, there are still information gaps on what threat global warming represents to their communities. There is a need to explore how REDD+² mechanisms will impact Indigenous Peoples and local communities, how they will ensure equitable distribution of benefits, and respect their rights. Additionally, Indigenous Peoples and local communities are at the forefront of the issue of adaptation yet have rarely been incorporated into the discussions at the national and international level regarding the development of adaptation strategies and funding mechanisms.

Indigenous Peoples and local communities, in the struggle for recognition of their basic human rights have made significant strides through international instruments such as the adoption of ILO Convention 169 and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). These internationally recognized instruments, when implemented at the national level, allow them to consolidate their traditional ways of life, address their land and resources rights, strengthen their organization, and promote autonomous sustainable development of their lands and territories, all of which are compatible with the efforts of environmental organizations.

As such, we the undersigned NGOs, recognize that we have a common interest to search for the best approaches for the conservation of biodiversity and ecosystems that provide for vital services for human well-being.

As established in the Bali Action Plan, we also recognize that the needs of Indigenous Peoples and local communities should be addressed when action is taken to reduce emissions from deforestation and forest degradation in developing countries. Moreover, these actions should ensure the full and effective participation of Indigenous Peoples and local communities in the design and implementation of climate change mitigation and adaptation processes, mechanisms and activities including mitigation and adaptation funds; as well as the recognition and respect for the rights of Indigenous Peoples and local communities, and the equitable sharing of benefits. In this respect, in relation to REDD+, the SBSTA meeting at COP 14, included in their decision under methodological guidance: “Recognizing the need to promote **the full and effective participation of indigenous people and local communities,**” taking into account national circumstances and noting relevant international agreements³. Therefore, we the undersigned NGOs, recommend that:

¹ The meaning of “Local Communities” here includes the forest-dependent communities that are not legally recognized as indigenous peoples, traditional communities in the national legislation.

² We support a mechanism that encompasses reduced emissions from deforestation and forest degradation (REDD) as well as restoration, environmentally appropriate native a forestation and reforestation, **sustainable management of native forests** and conservation of carbon stocks of native forests from the start of the mechanism.

³ Decision number FCCC/SBSTA/2008/L.23, Annex, 1(c) in COP 14, Poznan

The UNFCCC and member states ensure the recognition of the right to the *lands, territories and resources which IPLC have traditionally owned or occupied*⁴ in the implementation of any program that affects directly or indirectly indigenous peoples and local communities;

The UNFCCC and member states ensure that future REDD+ initiatives include the full and effective participation of Indigenous Peoples and local communities through a nationally appropriate body, which should report the fulfillment of this requirement to an official UNFCCC body created for this purpose;

A REDD+ framework embraces recognized rights instruments and the principles recognized under UNDRIP internationally, namely security of land tenure, resource rights, and traditional knowledge uses (and customary laws). These initiatives should also clearly include multiple benefits of forests for climate, ecosystems, and Indigenous Peoples and local communities;

Parties assure the broad participation of Indigenous Peoples and local communities in the design and development of their national REDD+ readiness strategies; and

The UNFCCC and member states recognize, respect and implement the principle of **Free Prior and Informed Consent (FPIC)** in all Climate Change mitigation and adaptation processes, mechanisms, and activities impacting Indigenous Peoples, local communities and other rights holders.

Additional Goals

The UNFCCC and member states recognize and incorporate **traditional knowledge and practice** as a fundamental resource in the development of mitigation and adaptation climate change strategies;

The UNFCCC and member states foster and create formal **structures and mechanisms** at national and international scales that provide for the **full and effective participation** of Indigenous Peoples and local communities in climate change mitigation and adaptation mechanisms;

The UNFCCC establish a fund to support Indigenous Peoples' and local communities' **full and effective participation** in all climate processes, including adaptation, mitigation, monitoring and transfer of appropriate technologies in order to provide funding for the, capacity-building, education, knowledge sharing, and skills transfer needed for such participation; and

The UNFCCC and member states recognize and support Indigenous Peoples' and local communities' **own sustainable development process**.

⁴ Art. 26, 1 UNDRIP

INTERNATIONAL FORUM ON GLOBALIZATION

ENSURING INDIGENOUS PEOPLES' AND FOREST COMMUNITIES' RIGHTS FOR REDD IN COPENHAGEN"

October 29, 2009
9:00 am – 5:00pm

United Nations Foundation
1800 Massachusetts Avenue #400, Washington, DC 20036

PROGRAM AGENDA

BACKGROUND AND PURPOSE:

When the United Nations Framework Convention on Climate Change meets in Copenhagen within six weeks, one area of the agenda that may advance is "Reducing Emissions from Deforestation and Degradation." REDD, in its many forms, stands to send billions of dollars in inward investment to tropical forests, where countless indigenous peoples and forest-dependent communities reside. What's at stake in Copenhagen is a growing concern since REDD's rules will impact not only forest but many livelihoods.

The REDD debate has so far seen broad consensus that forest communities should be involved in its rulemaking, and that protecting all the rights of indigenous peoples and forest communities' is essential, but there is little agreement on exactly how this should happen. The establishment of effective processes for participation in rule-writing processes is fundamental to elaborating concrete mechanisms for ensuring social safeguards and respecting recognized collective and individual rights and interests. There is also the question of forest-dependent communities who are not included in the UN Declaration on the Rights of Indigenous Peoples but whose rights, interests, and livelihoods are at stake.

The purpose of this gathering is to discuss the role of rights and interests in REDD, and to seek ways for all gathered NGOs, both Indigenous and non-Indigenous, to work toward campaigns and programs to actualize their full potential. At this meeting we will discuss in detail the content of rights and interests in REDD, describe current efforts and case studies of application of our work, and explore what additional means are at our disposal to include them in any outcome from Copenhagen. We also will identify opportunities at upcoming global gatherings where indigenous peoples and civil society can work together to find common agendas that support each other's goals.

#

WEDNESDAY 28 OCTOBER 2009

The Tabard Inn or Topaz Hotel

Arrival of out of town participants, check-in to hotel

THURSDAY 29 OCTOBER 2009

7:00 AM – Breakfast at the Tabard Restaurant for out of town participants

8:30 AM – Gather in Tabard Lobby to walk over to United Nations Foundation
1800 Massachusetts Avenue #400, Washington, DC 20036
Hospitality (Coffee, Tea, Pastries)

9:00 AM – Welcome, Agenda Review & Ground Rules for the Meeting

Victor Menotti and Claire Greensfelder, IFG

9:10 AM – Introductions of Indigenous Resource Persons (2 minutes each)

Victoria Tauli-Corpuz, (*Igorot*)
Tebtebba Foundation, Philippines

Joseph Ole Simel (*Maasai*)
Mainyoito Pastoralist Integrated Development Organization, Kenya

Chief Kokoi (Tony James) (*Wapichan*)
Amerindian Peoples Association of Guyana

Marcos Apurina, (*Apurina*)
Coord. Of Indigenous Orgs of the Brazilian Amazon (COIAB), Brazil

Tito Puanchir (*Shuar*)
Confed. of Indigenous of the Ecuadorean Amazon (CONFENIAE), Ecuador

Armstrong Wiggins, (*Miskito*)
Indian Law Resource Center, Washington, DC

Tom Goldtooth (*Diné and Mdewakanton Dakota*)
Indigenous Environmental Network, Minnesota

Hipólito Acevi (*Guaraní*)
Coordenadora por Autodeterminacion de los Pueblos Indigenas de Paraguay (CAPI), Paraguay

Adrien Sinafase, (*Pygmy*)
Association of Pygmy Organizations, Democratic Republic of Congo

Egberto Tabo (*Chipunavi*)
Coord. of Indigenous Organizations of the Amazon Basin (COICA), Bolivia

9:30 AM – Introduction of Non-Indigenous Participants
Go-Around/Self-Introduction: Name, organization, brief comment on how your work relates to REDD and hopes for the meeting (1 minute each)

10:00 AM – **INDIGENOUS AND FOREST-DEPENDENT INTERESTS IN UNFCCC: FROM BALI TO BANGKOK**

Overview of indigenous peoples' and forest-dependent communities' efforts to date in the UNFCCC; key concerns and potential impacts (15 minutes)

Victoria Tauli-Corpuz (Igorot) Tebtebba Foundation, the Philippines

Questions, Clarifications, Responses & Open Discussion (5 minutes)

10:20 AM

SETTING EXPECTATIONS FROM BARCELONA TO COPENHAGEN

Presentation of the Indigenous Caucus' position on REDD

What can we pull from it for forests and communities' rights and interests?

What does it mean for strategic alliances with non-indigenous groups?

Joseph Ole Simel (Maasai) MPIDO, Kenya (10 minutes)

Respondents: What are their worries about indigenous groups?

What are commonalities? What are departures?

(5 minutes each)

Forest-dependent communities' issues and relationships with indigenous rights and interests

Tonya Rawe, CARE

The role of environmental organizations

Johnson Cerda, Conservation International

Outcomes for COP 15: best and worst case scenarios

Kate Horner, Friends of the Earth

Questions, Clarifications, Responses & Open Discussion (15 minutes)

11:00 AM –

REPORTS FROM THE FIELD: LOCAL, GLOBAL & REGIONAL PERSPECTIVES

Experiences with indigenous and forest-dependent communities' rights and interests in existing REDD efforts. What's the reality on the ground?

(8-10 minutes each)

Chief Kokoi (*Wapichan*)

Amerindian Peoples Association of Guyana, Guyana

Marcos Apurina (*Apurina*)

Coord. Of Indigenous Orgs of the Brazilian Amazon (COIAB), Brazil

Adrien Sinafase (*Pygmy*)

Dignité Pygmée, Association of Pygmy Organizations, Democratic Republic of Congo

Tito Puanchir (*Shuar*)

Confederation of Indigenous Peoples of the Ecuadorean Amazon (CONFENIAE), Ecuador

Questions, Clarifications, Responses & Open Discussion (20 minutes)

12:00 PM REDD in other institutions: Other ongoing multilateral processes are moving REDD via various means and modes, including the World Bank's Forest Carbon Partnership Facility, UN-REDD, US and EU efforts: What are civil society responses? How are communities involved? What does the process tell us about what needs to happen in Copenhagen?

(8-10 minutes each)

- World Bank's Forest Carbon Partnership Facility, David Hunter, BIC
- UN-REDD Kristin Hite, CIEL
- REDD in US legislation, David Waskow, Oxfam

Open Discussion (20 minutes)

1:00 PM – Lunch: Served in Conference Room

1:30 PM – **WHAT WILL THE UNITED STATES SUPPORT?**

Among other “constraints” on the US negotiating position, Free Prior Informed Consent and broad references to rights are currently considered a no-go zone for the US. What are their key concerns and what are our responses? How do we frame our efforts for Copenhagen in the context of a longer-term push to support the full implementation of the UN Declaration on the Rights of Indigenous Peoples? How do we frame efforts to ensure the protection of the rights and interests of IPs and forest-dependent communities?

- Armstrong Wiggins (*Miskito*), Indian Law Resource Center
- Jorge Gastelumendi, The Nature Conservancy
- Dr. Robert Goodland, ex-Environment Department, World Bank

(10 minutes each)

Open discussion, questions, responses (20-30 minutes)

2:45 PM Coffee / Tea Break

3:00 PM **PM COLLABORATIVE ACTIONS AND NEXT STEPS**

- Can we make joint statement in support of something specific?
- Are there joint actions we should take together at upcoming meetings?
- What needs to happen in Washington?
- What's beyond Copenhagen?

4:45 PM Closing comments

5:00 PM – **CLOSE OF MEETING**

5:30 PM – Reception, drinks, light dinner served -- Tabard Inn, Second Floor

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UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

Adopted by General Assembly Resolution 61/295 on 13 September 2007

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, and good faith in the fulfillment of the obligations assumed by States in accordance with the Charter,

Affirming that indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such,

Affirming also that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind,

Affirming further that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust,

Reaffirming that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind,

Concerned that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests,

Recognizing the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources,

Recognizing also the urgent need to respect and promote the rights of indigenous peoples affirmed in treaties, agreements and other constructive arrangements with States,

Welcoming the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement and in order to bring to an end all forms of discrimination and oppression wherever they occur,

Convinced that control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs,

Recognizing that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment,

Emphasizing the contribution of the demilitarization of the lands and territories of indigenous peoples to peace, economic and social progress and development, understanding and friendly relations among nations and peoples of the world,

Recognizing in particular the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child,

Considering that the rights affirmed in treaties, agreements and other constructive arrangements between States and indigenous peoples are, in some situations, matters of international concern, interest, responsibility and character,

Considering also that treaties, agreements and other constructive arrangements, and the relationship they represent, are the basis for a strengthened partnership between indigenous peoples and States,

Acknowledging that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, as well as the Vienna Declaration and Programme of Action, affirm the fundamental importance of the right to self-determination of all peoples, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Bearing in mind that nothing in this Declaration may be used to deny any peoples their right to self-determination, exercised in conformity with international law,

Convinced that the recognition of the rights of indigenous peoples in this Declaration will enhance harmonious and cooperative relations between the State and indigenous peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith,

Encouraging States to comply with and effectively implement all their obligations as they apply to indigenous peoples under international instruments, in particular those related to human rights, in consultation and cooperation with the peoples concerned,

Emphasizing that the United Nations has an important and continuing role to play in promoting and protecting the rights of indigenous peoples,

Believing that this Declaration is a further important step forward for the recognition, promotion and protection of the rights and freedoms of indigenous peoples and in the development of relevant activities of the United Nations system in this field,

Recognizing and reaffirming that indigenous individuals are entitled without discrimination to all human rights recognized in international law, and that indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples,

Recognizing that the situation of indigenous peoples varies from region to region and from country to country and that the significance of national and regional particularities and various historical and cultural backgrounds should be taken into consideration,

Solemnly proclaims the following United Nations Declaration on the Rights of Indigenous Peoples as a standard of achievement to be pursued in a spirit of partnership and mutual respect:

Article 1

Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.

Article 2

Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

Article 3

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 4

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

Article 5

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

Article 6

Every indigenous individual has the right to a nationality.

Article 7

1. Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
2. Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

Article 8

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
2. States shall provide effective mechanisms for prevention of, and redress for:(a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;(b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;(c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;(d) Any form of forced assimilation or integration;(e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

Article 9

Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

Article 10

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

Article 11

1. Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artifacts, designs, ceremonies, technologies and visual and performing arts and literature.

2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Article 12

1. Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.

2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

Article 13

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.

2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

Article 14

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.

2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.

3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

Article 15

1. Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.

2. States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.

Article 16

1. Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.

2. States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity. States, without prejudice to ensuring full freedom of expression, should encourage privately owned media to adequately reflect indigenous cultural diversity.

Article 17

1. Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labor law.

2. States shall in consultation and cooperation with indigenous peoples take specific measures to protect indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.

3. Indigenous individuals have the right not to be subjected to any discriminatory conditions of labor and, inter alia, employment or salary.

Article 18

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Article 19

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Article 20

1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.

2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

Article 21

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.

2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

Article 22

1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.

2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

Article 23

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

Article 24

1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.

2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

Article 25

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

Article 26

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

Article 27

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

Article 28

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.

2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

Article 29

1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.

2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.

3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

Article 30

1. Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.

2. States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities.

Article 31

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

Article 32

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

Article 33

1. Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live.

2. Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

Article 34

Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

Article 35

Indigenous peoples have the right to determine the responsibilities of individuals to their communities.

Article 36

1. Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.

2. States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.

Article 37

1. Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honor and respect such treaties, agreements and other constructive arrangements.

2. Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.

Article 38

States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

Article 39

Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

Article 40

Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

Article 41

The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia,

of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.

Article 42

The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.

Article 43

The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

Article 44

All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.

Article 45

Nothing in this Declaration may be construed as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future.

Article 46

1. Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.

2. In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law and in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society.

3. The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.



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