

Advancing climate policy: harnessing Indigenous knowledge at the science-policy interface

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Contents

Introduction	4
Wading in from the edge: Indigenous Peoples' journey at the COP	5
Human rights at the heart of Indigenous Peoples' advocacy.....	7
From Indigenous rights to Indigenous knowledge	8
A seat at the table: Strategies and challenges	9
Looking ahead: Reflections on COP27.....	9
References	11

Transformation is not accomplished by tentative wading at the edge.

–Robin Wall Kimmerer (2013), “Braiding Sweetgrass: Indigenous Wisdom, Scientific Knowledge, and the Teachings of Plants”

Key messages

- **Over the past two decades, Indigenous Peoples have succeeded in inserting critical provisions in the Paris Agreement that represent their needs, priorities and aspirations. This makes the Agreement the first legally binding, multilateral climate change instrument to recognize human rights.**
 - **Indigenous Peoples' sustained mobilizations both under and outside the UNFCCC are the result of momentum gradually gained from limited engagement in the early years.**
 - **Despite progress achieved through the Paris Agreement, challenges embedded in the design and implementation of negotiation processes continue to hinder Indigenous Peoples' participation and the inclusion of Indigenous knowledges in implementing the Agreement.**
 - **The politics of knowledge – i.e. whose knowledge is counted and how – in the science-policy interface must be recognized and addressed to ensure effective and just climate policies.**
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Introduction

Environmental policies cannot be democratic and impactful without full and meaningful inclusion of Indigenous Peoples and Indigenous knowledge in the science-policy interface. Indigenous Peoples have rights to be part of global environmental policymaking by virtue of their “inherent dignity” and “equal and inalienable rights” as “members of the human family” (UN General Assembly, 1948), Article 18 of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) (United Nations, 2007), the historic responsibilities of states to them (Göcke, 2013), the many forms of marginalization they have encountered (Shea & Thornton, 2019), and the value of their knowledge (Whyte, 2018).

Policies must be informed by knowledge that is salient, credible, legitimate and usable (Cash et al., 2003; Clark et al., 2016). They thus must represent different voices, knowledges and lived experiences, including those of Indigenous Peoples, and be based on reciprocal relationships and inter-generational sustainability. Engaging with Indigenous knowledge helps broaden the scope of science, challenge hegemonic epistemological foundations, and contribute to just, equitable and inclusive knowledge pathways (Mistry & Berardi, 2016; Smith, 2021; Tengö et al., 2017). By recognizing and respecting the diversity and complexity of knowledge systems, we can move towards a more holistic and sustainable approach to environmental policy (de Sousa Santos, 2018).

However, bridging Indigenous and scientific knowledge systems is not a simple task. It requires the active engagement of Indigenous knowledge holders and institutions in policy processes at different scales (Tengö et al., 2017). An uncritical approach to knowledge integration can even further marginalize and disempower Indigenous knowledge (ICCROM & UNDRR, 2022). By working collaboratively and respectfully, we can create more effective and equitable policies that serve the needs of everyone and uphold the principles of dignity enshrined in the Universal Declaration of Human Rights.

This working paper focuses on a case study of Indigenous Peoples' experience in climate policy negotiations under the United Nations Framework Convention on Climate Change (UNFCCC), with the Paris Agreement as a key milestone. Through literature review, key informant interviews and face-to-face engagements during COP27, we trace the role and advocacy of Indigenous Peoples at the Conference of the Parties (COP) as well as key actors, priorities, challenges and lessons learned leading up to and after the Paris Agreement.

Wading in from the edge: Indigenous Peoples' journey at the COP

Indigenous Peoples' climate change engagement and advocacy is preceded by and situated in a long history of Indigenous organizing, activism and social movement. For instance, the first meeting of the World Council of Indigenous Peoples took place in British Columbia in 1975, 20 years before the first session of the COP. Indigenous Peoples' role in climate change negotiations thus must be understood in relation to a long historical context of Indigenous mobilizations with sustained advocacy efforts on a transnational scale and through connections with other environmental and human rights actors (Anaya, 2004).

Key milestones of Indigenous Peoples in the UNFCCC process are arguably attached to the rise of deforestation and climate change adaptation issues on the Convention's agendas. Representatives of Indigenous Peoples of North America first participated in COP4 in Buenos Aires in 1998 (Powless, 2012) where they presented the Albuquerque Declaration, "the first articulation of indigenous concerns with regard to the disproportionate impact of climate change, variation, and extremes on Native Peoples in the international arena" (Gough & Spears, 1998, p. iv). In 2001, Indigenous Peoples Organizations (IPO) became an official constituency to the UNFCCC (Macchi et al., 2008). However, their engagement remained limited during the early years of their involvement, as climate change mitigation issues in developed countries dominated the Convention's agenda and Indigenous Peoples' concerns were not the priority.

It was not until 2005 that Indigenous Peoples became more vocal and active in the UNFCCC. In 2005, the reducing emissions from deforestation (RED) policy – which later evolved into REDD+¹ – was introduced to the Convention, galvanizing Indigenous Peoples as key rights holders whose livelihoods and relationship with the land would be impacted by the program. Indigenous advocates demanded that safeguards for their rights be included in the text addressing the RED policy in Cancun. In 2008, the Caucus for Indigenous Peoples under the UNFCCC – the International Indigenous Peoples Forum on Climate Change (IIPFCC) – was founded to further these aims. Through the IIPFCC, Indigenous voices became increasingly influential and Indigenous Peoples' rights "travelled from the margins to the centre" (Wallbott, 2014). In 2010, their rights and knowledge were finally acknowledged in the Cancun Agreement as part of REDD+ social safeguards (Ford et al., 2016b).

COP16 in 2010 was another critical juncture, as adaptation became an important priority in international climate policy discussions. This coincided with increasing recognition and references in UNFCCC decision texts of Indigenous Peoples and their knowledge and practices (Ford et al., 2016b). At subsequent COP sessions, Indigenous Peoples claimed further space to share their voices and wisdom through the Indigenous Pavilion and side events.

In 2015, the Paris Agreement became the first international climate policy document to include provisions recognizing the rights of Indigenous Peoples, their contributions and knowledge, and the need to strengthen their practices. Paragraph 135 of Decision 1/CP.21 on the Adoption of the Agreement facilitated the creation of the Local Communities and Indigenous Peoples' (LCIP) Platform, a formal space for Indigenous Peoples under UNFCCC. It was further operationalized through the establishment in 2018 of a Facilitative Working Group (FWG) of the LCIP Platform – a constituted body to support its work – and approval of a two-year workplan with 12 activities in 2019 (*Local Communities and Indigenous Peoples Platform Web Portal*, n.d.) (See **Box 1**).

¹ Reducing emissions from deforestation and forest degradation, and fostering conservation, sustainable management of forests, and enhancement of forest carbon stocks.

Figure 1. Important milestones in Indigenous Peoples' involvement in multilateral environmental policymaking on climate change



Human rights at the heart of Indigenous Peoples' advocacy

In the UNFCCC, Indigenous Peoples' advocacy takes human rights as enshrined through UNDRIP as a foundation, particularly the right to self-determination. This includes their rights to participate and to free, prior and informed consent (FPIC) (Osakada, 2021). During REDD+ negotiations at COP14, for instance, Indigenous attendees advocated with the slogan "No rights, no REDD+". And while Indigenous groups may have had different stands when it came to REDD+, Indigenous Peoples' rights served as the common ground for their collaboration and mobilization efforts (Claeys & Delgado Pugley, 2017).

Similarly, in advocacy efforts leading up to the Paris Agreement, the IIPFCC's major demands took a rights-based approach (IIPFCC, 2015a), calling for:

- Respect for Indigenous Peoples' rights under a broad human rights framework;
- Recognition of Indigenous Peoples' traditional knowledge and contribution, and respect for Indigenous Peoples' livelihoods;
- Ensuring full and effective participation of Indigenous Peoples; and
- Ensuring direct access to climate finance.

IIPFCC's demands had a strong influence at the Convention but were not fully addressed under the Paris Agreement. While the rights of Indigenous Peoples were recognized in the Preamble, they were not included in the legally binding operative section of the Agreement (IIPFCC, 2015b).

The Indigenous caucus continued to pursue these rights-focused demands in subsequent COP sessions and in the implementation of the Paris Agreement. At COP22, for instance, the IIPFCC's opening statement emphasized the importance of Indigenous Peoples' participation in the formulation of NDCs and inclusion in climate finance mechanisms, specifically calling for the Green Climate Fund to adopt an Indigenous Peoples policy (IIPFCC, 2016). At COP24, the IIPFCC continued to advocate for Indigenous rights and expressed disappointment at the closing plenary that human rights language was missing from the Rulebook text (IIPFCC, 2018). At COP26, the IPO asserted that Indigenous Peoples' Rights must not only be reiterated in Article 6 but also operationalized, as it is not enough for the Paris Agreement to only support Indigenous Peoples' rights in theory (Indigenous Peoples Caucus (IPO), 2021). In addition, the caucus also advocated for Indigenous food sovereignty, the Gender Action Plan with respect for Indigenous women, and the recognition of persons with disability as a formal constituency.

According to Andrea Carmen, Executive Director of the International Indian Treaty Council (IITC) and co-chair of the FWG in 2020–2021, thanks to Indigenous Peoples' organizing and influence, the UNFCCC is where the most significant institutional progress has been made in recognizing the rights of Indigenous Peoples in a legally binding environmental convention (A. Carmen, personal communication, 10 September 2021). She noted the establishment of LCIP Platform and FWG as a historic moment within the United Nations. For the first time in over 40 years of Indigenous Peoples' engagement in the UN System, Indigenous Peoples could represent themselves in decision making on an equal basis with state representatives, rather than being represented by purported "independent experts" selected by state bodies.

From Indigenous rights to Indigenous knowledge

Operating from a rights-based perspective, Indigenous Peoples have positioned themselves as key actors with valuable contributions to global policymaking processes (Claeys & Delgado Pugley, 2017). Thanks to human rights frameworks such as the UNDRIP, more progress has been achieved on the legal front, such as the adoption of the language of respect, as well as the protection and fulfillment of human rights. However, according to Antonio La Viña, a Filipino human rights lawyer who has been involved in key climate change negotiations since the start of the UNFCCC process, integrating Indigenous knowledge in climate change processes remains a challenge (T. La Viña, personal communication, 3 September 2021).

Indeed, most of the references to Indigenous Peoples in the Paris Agreement are in the Preamble and concern the rights of Indigenous Peoples. There is little inclusion of Indigenous knowledge in the main text; Article 7, paragraph 5 of the Agreement specifies the inclusion of Indigenous knowledge in adaptation action, but with a qualification “where appropriate” (**Box 2**).

BOX 1. REFERENCES TO INDIGENOUS KNOWLEDGE IN THE PARIS AGREEMENT

Decision, V. Non-Party Stakeholders, para 135: *Recognizes the need to strengthen knowledge, technologies, practices and efforts of local communities and indigenous peoples related to addressing and responding to climate change, and establishes a platform for the exchange of experiences and sharing of best practices on mitigation and adaptation in a holistic and integrated manner.*

Agreement, Article 7, para 5: *Parties acknowledge that adaptation action should follow a country-driven, gender-responsive, participatory and fully transparent approach, taking into consideration vulnerable groups, communities and ecosystems, and should be based on and guided by the best available science and, as appropriate, traditional knowledge, knowledge of indigenous peoples and local knowledge systems, with a view to integrating adaptation into relevant socioeconomic and environmental policies and actions, where appropriate.*

Researchers have found limited references to Indigenous Peoples and knowledge in Nationally Determined Contributions (NDC) documents in the implementation of the Paris Agreement (Shea & Thornton, 2019). In most cases, Indigenous Peoples are listed among “vulnerable groups”, without the recognition of the complex construction of vulnerabilities or the contribution of Indigenous Peoples as actors (Shea & Thornton, 2019). Indigenous communities are often seen as victims or beneficiaries and their knowledges overlooked and discounted as “non-scientific”. Further, Andrea Carmen shared that, according to a survey by the FWG, only two countries had official engagement mechanisms for Indigenous Peoples to participate in creating their NDCs (A. Carmen, personal communication, 10 September 2021).

Furthermore, while the Working Group II contribution to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change (IPCC) has also made increased references to Indigenous knowledge, discussions often remain in vague language with a broad scope and little substantive presentation of the complexities of Indigenous knowledge systems and histories (Ford et al., 2016a; T. La Viña, personal communication, 3 September 2021). Dominant regimes of knowledge, as such, clearly favor certain types of experts and expertise in decision making processes over Indigenous knowledge.

A seat at the table: Strategies and challenges

The achievements of Indigenous Peoples at the UNFCCC are the result of over four decades of incremental but sustained and strategic engagement in global policy arenas within and beyond the Convention (Leanness, 2017). According to La Viña, Indigenous Peoples' participation in the UN Permanent Forum on Indigenous Issues and the Convention on Biological Diversity shortened the learning curve for Indigenous Peoples in UNFCCC negotiations (T. La Viña, personal communication, 3 September 2021). Insights from soft law approaches, such as through the Arctic Council, have emboldened their involvement in multilateral processes (Forsgren, 2019; Koivurova & Heinämäki, 2006; Poto & Fornabaio, 2017). Indigenous Peoples have also brought government representatives' and other UNFCCC actors' attention to issues affecting Indigenous communities in meetings and workshops outside the COP sessions, ultimately strengthening their arguments in UNFCCC negotiations (Belfer et al., 2019; Wallbott, 2014, 2016).

Yet there remains a gap between what Indigenous advocates and activists have achieved and their desired goal of full and equal participation with State parties (Osakada, 2021). To have their voices heard, Indigenous Peoples' mobilizations at global platforms do not only assert and maintain their position as owners of traditional knowledge and as rights holders. They have also strategically adopted the "professionalization of Indigenous Peoples' negotiation practices", adapting their language and communication style to fit with and integrate their knowledges into the dominant technocratic framing of the UNFCCC and global climate politics (Wallbott, 2016). While this tactic arguably contributed to the progress discussed above, it risks leading to the co-opting of Indigenous knowledges and lived experiences and even further exclusion of other Indigenous voices (Wallbott, 2016).

Indigenous Peoples' knowledge and practices currently have limited influence over the science-policy interface on global environmental issues. Even with the IIPFCC and LCIP Platform, Indigenous Peoples continue to participate in COP negotiations under the observer status, or as a delegation member represented by a nation state that may have a long history of colonization and marginalization (Comberty et al., 2019). The lack of resources to participate, limited speaking rights, language and cultural barriers, and restricted entry into the main zone have curtailed their ability to influence outcomes (Belfer et al., 2019; Comberty et al., 2019; Shea & Thornton, 2019). This has prompted some Indigenous activists to consider their presence in COP sessions as tantamount to just being "seen but not ... heard" (Horn-Muller, 2022) or an "afterthought" (Luymes, 2022).

Looking ahead: Reflections on COP27

At COP27 in Egypt – six years after the Paris Agreement and 14 years since the creation of the Indigenous caucus – Indigenous Peoples, including Indigenous youth and Indigenous women, raised their voices loudly for their own agendas (Gutman, 2022). Yet many of the same structural and bureaucratic challenges continue to limit their influence over policymaking. Activists at COP27 reiterated the disproportional difficulties that Indigenous attendees had to overcome to make it to the COP, ranging from COVID-19-related measures to security clearance to fundraising. The inclusion of Indigenous Peoples at COP27 was arguably still tokenistic, as experienced at COP26 the year before (Board, 2021; Kottasová, 2021; Lakhani, 2021).

While COP27 had the highest attendance of Indigenous Peoples to date (Cultural Survival, 2022), some Indigenous delegates were banned from attending partway through the event. More importantly, despite increased presence, language safeguarding human rights and Indigenous Peoples' rights were still belatedly removed in the final text of COP27 (International Work Group for Indigenous Affairs (IWGIA), 2022). In COP26's cover text, Indigenous Peoples were mentioned eight times; in COP27, only twice (Selibas, 2022). Much work, as such, remains to be done.



IIPFCC at COP27 © ALBERT SALAMANCA

Moving forward, multilateral environmental governance frameworks such as the Paris Agreement must be aware and respond to these challenges to ensure that Indigenous Peoples and their knowledges are meaningfully involved in discussions and negotiations. This would advance their collective rights, protect their welfare and ways of life, and contribute to resolving pressing environmental challenges. It is critical to ensure that, to paraphrase Andrea Carmen, Indigenous Peoples are not only provided a seat at the table but also served the same meal as others (A. Carmen, personal communication, 10 September 2021).

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