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Arctic Region:

Submission on the Review of the Facilitative Working Group of the Local Communities and Indigenous Peoples' Platform

November 28th, 2023

1. Background

The second three-year mandate of the Facilitative Working Group (FWG) of the Local Communities and Indigenous Peoples Platform (LCIPP) is only halfway through, but the FWG should, as requested, report on its outcomes, the draft second three-year workplan, and on the activities of the Platform.

The Subsidiary Body for Scientific and Technological Advice (SBSTA) will review the outcomes and activities of the FWG and make recommendations to COP 29 (with an intention for the COP to adopt a decision on the outcome of this review). The review will form the basis for determining the extension of the FWG mandate.

In this regard, the Arctic Region is grateful for the opportunity to provide the following considerations in reviewing the FWG. It is our hope that a comprehensive review of the body will ensure that forthcoming decisions are based on the perspectives and input from those it is intended to serve – Indigenous Peoples. In the estimation of the Arctic Region, Indigenous Peoples' views are crucial in this process and central in the consideration of an extension or revision of the FWG mandate. Overall, we look forward to continuing to work through the FWG to move forward the rights and interests of Indigenous Peoples.

Clarifying the Roles of the FWG and the IIPFCC

It is important to note that the FWG does not solely represent Indigenous Peoples in UNFCCC affairs. Indigenous Peoples' Organizations (IPOs) are a formal, distinct constituency within the UNFCCC,¹ and were recognized as such at COP 7 in 2001. Since 2008, the IIPFCC has served as the caucus for Indigenous Peoples and organizations participating in the UNFCCC processes. "The IIPFCC represents the caucus members who attend the official UNFCCC COPs and intercessions of the SBSTA/SBI bodies in between COPs. Its mandate is to come into agreement specifically on what Indigenous Peoples will be negotiating for in specific UNFCCC processes."² It is, therefore, essential that the role of the LCIPP-FWG not be confused with the IIPFCC, which continues to serve as the official constituency representative for Indigenous Peoples within the UNFCCC.

¹See Note at https://unfccc.int/files/parties_and_observers/ngo/application/pdf/constituencies_and_you.pdf

²<http://www.iipfcc.org/>



2. Positive Takeaways

The LCIPP FWG has had many successes, and the FWG has continued to implement its mandate to operationalize the Platform and its three functions: knowledge exchange, capacity for engagement, and climate policies and actions. From our perspective, Indigenous Peoples have a unique opportunity through the LCIPP FWG to ensure that our Knowledge, visions and needs are one step closer to being properly recognised and that our participation enriches our joint work for effective climate action. The second three-year workplan's activities have been responsive to engaging and elevating Indigenous Peoples' perspectives and have brought people together through representative inclusion and collaborative approaches, and facilitated for Knowledge exchange and capacity building on an ongoing basis for Indigenous Peoples, Parties, Constituted Bodies and other actors on the UNFCCC scene.

Activities 1 and 8 - the annual gatherings of Knowledge holders and Indigenous youth - has allowed for Indigenous Peoples to have a dedicated space to help center Indigenous Peoples' Knowledge systems within a UNFCCC context, and helped strengthen the participation of Indigenous Peoples in the LCIPP's work. We find it important to note that the LCIPP FWG could build on its own momentum in engaging Indigenous Peoples by learning from other international fora focusing on climate change, including from an Arctic context through the work of the Arctic Council. Within both processes, Indigenous Peoples participate and come to the table with a holistic perspective on climate change, nature and biodiversity loss, and impacts on our livelihoods and culture, and the FWGs activities may be augmented by exploring similar activities, joint opportunities, and advising capacities present in the Arctic Council working groups.

The LCIPP Joint Regional Gathering of the Arctic Region, arranged under **Activity 2** of the work plan, was held in Girkonjárga in October of this year. This gathering succeeded in building bridges between Indigenous Peoples, various international fora, Party representatives, and other organizations and institutions of relevance by bringing together the work of the LCIPP and the Arctic Council. This coordination allowed the opportunity for our Knowledge holders to share across fora and scales, ensuring that our messages, Knowledge, and priorities could be captured by both bodies and elevated from the local to the international level. It also allowed for intergenerational Knowledge exchange, provided Knowledge holders the space to share their experiences of climate change impacts, and facilitated the cross-sharing of priorities, needs, and solutions on climate action across multiple Indigenous Peoples' homelands. The gathering provided Indigenous Peoples' representative organizations the opportunity to organize the gathering in a self-determined and Indigenous-centered manner. We hope to see this reflected again in the next LCIPP workplan.

Furthermore, the FWG is the only constituted body under the UNFCCC that has equal representation between Party representatives and self-selected Indigenous Peoples. This composition has been successful in building relationships between those representatives. The FWG's representative selection



process is thus an important and positive step forward for UN bodies and we look forward to continuing this process in the future.

3. Limitations and Areas for Improvement

The FWG holds a unique position to provide expertise to the various UNFCCC thematic areas, processes, Parties, Constituted Bodies, and other Subsidiary Bodies under the Convention. To ensure that the Knowledge and rights of Indigenous Peoples, including the right to self-determination, is adequately considered and reflected in the outcomes of the UNFCCC processes, the FWG should consider advancing strategic and focused work that supports its important role in providing expert advice and guidance to these bodies in this regard. Engaging in this work will further enhance the influence of the FWG and the expertise of Indigenous Peoples, ultimately contributing to better understanding of Indigenous Peoples' visions, solutions, and policy actions to achieve the objectives of the Convention. By demonstrating our insights and perspectives, it will be more evident why recognising the rights of Indigenous Peoples' is not only for the benefit of Indigenous Peoples, but for humanity.

Limitations in Implementing the LCIPP Workplan

The current workplan is ambitious and focuses on critical work, but it seems challenging to implement in the provided three year period. Having a limited and focused workplan, or a longer implementation period, would allow the FWG to more effectively and strategically implement the activities. This may ultimately lead to more meaningful engagement of both Indigenous Peoples, Parties and Constituted Bodies, and more effective influence within the various UNFCCC processes. In addition, Indigenous Peoples' organizations and representatives are operating with very limited financial and human resources combined with expansive workloads. FWG members often take on the work of the FWG in addition to their day to day work. The UNFCCC should therefore consider how to better support the capacity of Indigenous Peoples to participate fully in this process.

Turnover in the FWG Representation

The current turnover of FWG members challenges the operations of the body, in particular during transition between the cohorts. To better support smooth operations and evolution of the FWG, we could adjust the current process of member appointment. For example, changing only half of the members at once or introducing a staggered changeover would support the retention of institutional memory and could provide a more effective structure to the FWG's work while continuing to bring in new expertise, voices, and perspectives.

Limitations in the FWG Language of Operation

The Arctic Region finds it important to note the gap in language accessibility in LCIPP activities and FWG meetings. English remains the primary language of operation for the platform and body. In order for Indigenous members to participate equitably in the LCIPP activities and meetings, the FWG must aspire to, and operationalize, a wider range of language options so Indigenous Peoples may participate



regardless of language skills and capacities. Numerous activities, summaries, technical papers, and other outcome documents, as well as FWG events, fail to provide interpretation and translation services into the major languages spoken by Indigenous Peoples, including Russian and Portuguese, among others. While we acknowledge the financial and logistical challenges associated with addressing this within the period of this workplan, it will continue to be a limitation for the FWG until all Indigenous Peoples are able to participate fully and effectively in their own languages. We therefore recommend implementing measures that ensure that the FWG provides for a meeting environment that is based on meaningful, transparent, and inclusive participation, with appropriate support provided where needed.

Need for Indigenous Knowledge Safeguards

While some of the work plan activities have been responsive to elevating Indigenous Peoples' Knowledge, perspectives, and capacity, there remains concern regarding the equitable and ethical use of this Knowledge. The UNFCCC system lacks understanding of what Indigenous Knowledge systems represent, and does not provide the necessary safeguards for how to interact with and use Indigenous Knowledge. As confirmed in Article 31 of the United Nations Declaration on the Rights of Indigenous Peoples, "Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions..." The FWG should consider possible actions, mechanisms, and tools to effectively recognize, safeguard and equitably and ethically engage with Indigenous Knowledge in the UNFCCC space. This would be a crucial part of the FWG's role in developing and providing guidance on various topics and themes.

The Issue of Local Communities

Indigenous Peoples' distinct status and rights have been recognized and affirmed in national laws and policies as well as in various international human rights instruments, the United Nations, and within other intergovernmental bodies, including through the United Nations Declaration on the Rights of Indigenous Peoples. The Arctic Region recommends not conflating Indigenous Peoples and local communities in UNFCCC decision making, or in any of its subsidiary bodies in the context of our legal status, our human rights, and our role as distinct Peoples within diverse local, national, regional, and international political arenas and intergovernmental fora. Relating to decision 2/CP.24, Paragraph 4 (COP 24) on including additional seats in the FWG for representatives of local communities, we strongly recommend that we return to this discussion only after local communities have been recognized as a formal Constituency within the UNFCCC and clarify their representation and process.