



Indigenous Peoples ORGANISATION

28 November 2023

Dear FWG Secretariat

In response to the 'Report of the Conference of the Parties on its twenty-sixth session', and its decision 16/CP.26, para 12, please accept this submission from the Indigenous Peoples' Organisation-Australia for the consideration of this review.

Thank you for the opportunity to submit to this Review of the Facilitative Working Group (FWG) of the Local Communities and Indigenous Peoples Platform (LCIPP) of the United Nations Framework Convention on Climate Change (UNFCCC). The FWG and LCIPP provides a unique and critical opportunity for Indigenous peoples to provide input to the processes of the UNFCCC. It also establishes a firm foundation for the establishment of collaborative approaches between Indigenous peoples and Party Members. With the FWG and LCIPP being comparatively new mechanisms, this review provides a welcome opportunity to consider how to strengthen these significant mechanisms.

The Indigenous Peoples' Organisation-Australia (IPOA) is an Aboriginal and Torres strait Islander Coalition of more than 360 First Nations members, organisations and peak bodies committed to advocating for the rights of Indigenous peoples, nationally and globally.

The IPOA notes, The Paris Agreement, in paragraph 11 of the preamble, recognises the need when taking action to address climate change, to respect, promote and consider their respective obligations on human rights and the rights of indigenous peoples. Accordingly, we outline the following points for your deliberations:

RECOMMENDATIONS:

Maintaining the current Membership of the FWG as equal Indigenous and Party Members

Decision 2/CP.23, in particular paragraph 8, recommended the full and effective participation of indigenous peoples; equal status of indigenous peoples and Parties, including in leadership roles.

The IPOA is concerned at the potential addition of further representatives, through the possible addition of Local Community Members or other Members which would breach this balance. Additionally, there is a concern that conflating Indigenous peoples with local communities may lead to the undermining of Indigenous rights, given those rights don't apply to local communities, which may impede Indigenous rights being appropriately referenced and drawn upon across the work of the FWG. Accordingly, we recommend the FWG be maintained with the current balance of Indigenous Members and Party Members, with a focus on encouraging collaborations between Parties and Indigenous peoples. The current balance in membership of Party Members and Indigenous representatives is a unique strength of the FWG and provides a venue that encourages collaboration between those two equal parties.

Duration of Terms of Members

The Report of the Conference of the Parties on its twenty-fourth session, held in Katowice from 2 to 15 December 2018, in its Decision 2/CP.24 Para 8, determined that representatives of the FWG shall serve for a term of three years. However, this results in the full membership of the FWG completing every three years and the loss of corporate knowledge. Rather, it is recommended that the duration of terms of Members be staggered to continue the work of the FWG and assist the transference of corporate knowledge across the terms of the FWG. Other Indigenous mechanisms, such as the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) and the United Nations Permanent Forum on Indigenous Issues (UNPFII) serve for a three-year term and may be reappointed for one additional term. This duration would enable 50% of the current FWG Members to be extended for a further three years term, with a subsequent 50% spill of Members every three years. Aligning the term with other similar United Nations bodies, which allow for a second term appointment, would extend the term of FWG Members and would also enable FWG members to contribute to implementation of the next three year workplan, they contributed to developing.

Annual Reporting

While the IPOA notes, the FWG currently provides an annual Progress Report, there is currently not opportunity to provide a review annually to the SBSTA with associated recommendations to respond to those issues raised during the FWG's biannual sessions. The FWG currently provides this advice only once every three years, at the completion of three year term. This submission proposes more direct annual reporting processes would support the FWG to be more responsive in fulfilling its mandate and to better implement its workplan. It would also enable the FWG to propose initiatives to address the siloing of the FWG from broader COP processes.

Duration of the FWG

The IPOA recommends extending the duration of the FWG to one week, drawing on the precedent of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) and the United Nations Permanent Forum on Indigenous Issues (UNPFII) which has two weeks allocated for its deliberations. It is important to enable sufficient time for participants to contribute to the Workplan of the FWG, noting that the FWG is unique in engaging with a large number of its constituents, which is not a requirement of most other Constituted Bodies.

Intersessional Work of the FWG

It is recommended the FWG be enabled to progress its work intersessionally, given the number of actions in the workplan and the requirement to engage with and attend other Constituted Bodies, as representatives of the FWG. Additionally, funding and support should be provided to attend those sessions where Members are representing the FWG.

Operational Issues

The IPOA recommends that the LCIPP supports Knowledge Holders to attend the FWG, given Indigenous Knowledge Holders aren't currently funded to attend the Facilitative Working Group but are funded to attend FWG sessions at COP. This results in Indigenous Knowledge Holders not fully understanding the context of their input, which limits their capacity to contribute effectively to the FWG or to COP processes.

Additionally, the IPOA supports a recommendation for Indigenous Members to be supported to attend COP. Currently Indigenous Members aren't funded to attend COP despite FWG implementing key components of its workplan during COP and its relevance to the overall work and objectives of the FWG. While most State representatives of the FWG are able to attend COP, this reflects a structural inequity between Party Members and Indigenous Members of the FWG.

Additionally, I note that the Pacific includes a number of Small Island States and nations that are economically marginalized. This economic marginalization is frequently more extreme for the First

Nations Knowledge Holders who may attend COP and contribute to the work of the LCIPP and sessions of the FWG. To enable the participation of these marginalized groups, the IPOA also requests that funds be made available for Knowledge Holders to also cover essential items not currently covered such as the costs of visas and application processes.

Establishment of Pacific Regional FWG Bodies/Hubs

The IPOA supported the Pacific Indigenous socio-cultural Member to hold the LCIPP Pacific Regional Gathering, in Port Douglas, Australia, from 16-20 October 2023, in meeting Activity 2 of the FWG Workplan. During the Gathering 96 participants attended, including Pacific knowledge holders, Party delegates, representative from constituted bodies, NGOs, UN agencies and other stakeholders, including 54 First Nations Peoples. The Pacific Regional Gathering formulated a series of recommendations that were universally endorsed by the Gathering, with a number of these related to the need to provide enhanced regional targeted strategies that connect local communities and Indigenous Peoples to existing Pacific processes and enhance meaningful engagement, collaboration and partnerships. Specifically, it called for further structures within the region to strengthen connectivity and called for the creation of a Pacific Local Communities and Indigenous Peoples Regional Hub for research, sharing of resources, networking, capacity building and engagement.

The IPOA notes that this proposal also aligns with the Report of the Conference of the Parties on its twenty-fourth session, held in Katowice from 2 to 15 December 2018, Decision 2/CP.24 Para 16 which invited *'Parties, local communities and indigenous peoples to take into consideration the Local Communities and Indigenous Peoples Platform and its functions at the local, national and regional level in order to enhance the engagement and inclusion of indigenous peoples and local communities to facilitate the exchange of experience and the sharing of best practices and lessons learned on mitigation and adaptation in a holistic and integrated manner'*.

In response to those recommendations from the LCIPP Pacific Regional Gathering, the IPOA proposes the establishment of a Pacific Regional LCIPP Body/Hub with regional FWG Members appointed to progress the work of the FWG at the regional level. A regional body is recommended as necessary to appropriately respond to the particular vulnerability of Pacific Island Nations and Indigenous peoples in the Pacifica Ocean Continent. A Pacific Regional FWG would effectively implement and respond to the regional priorities of the LCIPP and build collaborative approaches between Indigenous peoples and Party Members, to develop regionally targeted mitigation and adaptation strategies in response to global warming. A Pacific Regional FWG body would facilitate more effective engagement and integration between Pacific Parties, Indigenous peoples and Constituted Bodies, academics and other stakeholders.

The IPOA notes that this proposal may align in a cost effective way with an extended mandate of the UNFCCC Regional Collaboration Centre for Asia-Pacific, which was established in September of 2015 by UN Climate Change and the Institute for Global Environmental Strategies (IGES), to provide hands-on support to governments, NGOs and the private sector in Asia and the Pacific region to develop their mitigation efforts through capacity building, direct technical assistance, and strategic networking - sourcing the know-how and resources to drive clean development.

Thank you for the opportunity to contribute to these significant deliberations.

Yours Sincerely,

Cathryn Eatock
Co-Chair Indigenous Peoples Organisation-Australia