

INTERNATIONAL INDIGENOUS PEOPLES FORUM ON CLIMATE CHANGE

UPDATED ADVOCACY DOCUMENT

Prepared by: Ad-hoc Working Group De-Conflation

June 5, 2025

This advocacy paper introduces several examples of potential textual edits for negotiations at the UN Framework Convention on Climate Change, drawing on past precedent¹, the guidance of UN-bodies focused on Indigenous Peoples², and the four principles adopted by consensus by the IIPFCC at COP 28. In broad strokes, they were:

- Reaffirming the distinct status and rights of Indigenous Peoples, as affirmed within the UN Declaration, and calling on States to use this language as a standard and framework in the development of any documentation or agreement;
- Agreeing on the need to amend the current practice of combining the terms in any decisions, names of bodies and programs within the UNFCCC;
- Affirming the necessary to uphold and maintain the clear distinction between the “knowledge of Indigenous Peoples” and “local knowledge” in all UNFCCC texts, ending the use of the term “Indigenous and local knowledge”; and
- Calling on State Parties to uphold the distinct rights and standing of Indigenous Peoples in their national-level programs and policies related to climate change.

The conflation of Indigenous Peoples with undefined terms such as ‘local communities’ is unacceptable, devaluing the collective rights of Indigenous Peoples and slowly undermining them through UN resolutions and decisions. We propose several alternative framings of text to avoid this conflation, with the anticipation of further work and strategies on acting on the direction of the four principles outlined above.

The following alternative text is proposed:

To end the conflation of the rights of Indigenous Peoples:

- “This [decision] affirms, recognizes and upholds the distinct individual and collective rights [and/or knowledge] of Indigenous Peoples, as well as the human rights of other rights-holders.”

Rationale: Indigenous Peoples are collective rights-holders under international law, and affirmed under the UN Declaration. The specific rights of local communities are unclear, however, they possess human rights like all other humans.

To address the knowledge of Indigenous Peoples:

- “....traditional knowledge, the knowledge of Indigenous Peoples, and local knowledge”

¹ For example, the Agreement under the UN Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction (“BBNJ” or “the High Seas Treaty”) and the UN Secretary-General’s Panel on Critical Energy Transition Minerals.

² <https://www.ohchr.org/sites/default/files/documents/issues/indigenouspeoples/sr/statements/outcome-document-rome-feb-2024-meeting-un-mechanisms-indigenous-peoples-rights.pdf>

Rationale: Indigenous Knowledge—sometimes referred to as traditional knowledge, Indigenous knowledge systems, or Indigenous sciences—are complex knowledge systems based on the distinct worldviews of Indigenous Peoples. These are distinct systems that are place-based, cumulative, and dynamic, reflecting sacred relationships that Indigenous Peoples have with their natural world. This is different to local knowledge, which could be place-based.

To address the **grouping together of Indigenous Peoples** and the term 'local communities':

- Encourages Parties, Indigenous Peoples as well as local communities to actively engage...
- Acknowledging the role and contributions of Indigenous Peoples and of local communities in...

Rationale: This editorial change is the bare minimum to separate Indigenous Peoples and the term 'local communities'. It uses grammar to indicate a difference between the two. Separate sentences would also support this.



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Position of the International Indigenous Peoples Forum on Climate Change (IIPFCC) regarding the distinct status, rights and knowledge of Indigenous Peoples at the UNFCCC

*Adopted by Consensus of the IIPFCC at UNFCCC COP 28
in Dubai on December 10, 2023*

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| 1. The IIPFCC reaffirms the distinct status and rights of Indigenous Peoples, as affirmed within the UN Declaration on the Rights of Indigenous Peoples ('UN Declaration') and calls on States to use this language as a standard and framework in the development of any documentation or agreement implicating the rights and status of Indigenous Peoples. |
| 2. The IIPFCC agrees on the need to amend the current practice of combining the terms "Indigenous Peoples" and "Local Communities" in their decisions, names of bodies and programs within the UNFCCC. |
| 3. The IIPFCC affirms the necessity to uphold and maintain the clear distinction between "knowledge of Indigenous Peoples" and "local knowledge" in all UNFCCC texts and cease the use of the term "Indigenous and local knowledge". |
| 4. The IIPFCC reiterates its call on State Parties to uphold the distinct rights and standing of Indigenous Peoples in their national-level programs and policies related to climate change, including their development of their NDCs, NAPs and other relevant climate policies. |

IIPFCC ad hoc working group on de-conflation of Indigenous Peoples with ‘Local Communities’

Latest edited 16.11.2024

In our further pursuit of demarcating or de-conflating the term ‘local communities’ with Indigenous Peoples, this advocacy paper offers a few examples of precedence text as well as alternative language. Finally, the advocacy paper includes some examples of the consequences of conflation.

The document follows up on the COP28 ad hoc working group which came up with four paragraphs approved by the IIPFCC, as well as the EMRIP, UNPFII and SRIP Outcome Document from the Rome February 2023 meeting, where Indigenous representative together with the mandate holders agreed on the outcome document aimed at the UN system:

<https://www.ohchr.org/sites/default/files/documents/issues/indigenouspeoples/sr/state-ments/outcome-document-rome-feb-2024-meeting-un-mechanisms-indigenous-peoples-rights.pdf>

The UN Declaration on the Rights of Indigenous Peoples affirms that Indigenous Peoples are Peoples equal to all other Peoples. The Declaration thus affirms Indigenous Peoples’ collective rights as well as their individual human rights.

Based on the inherent collective rights of Indigenous Peoples, and the recognition of Indigenous Peoples as peoples, the conflation of Indigenous Peoples with non-legal terms such as ‘local communities’ is unacceptable. Conflation devalues the collective rights of Indigenous Peoples and must be ended.

This advocacy paper of the International Indigenous Peoples’ Forum for Climate Change (IIPFCC) offers alternative text and approaches to ensure deconflation and ensure the distinct collective rights of Indigenous Peoples are not undermined through UN resolutions and decisions.

Precedence texts that can be drawn from in the push to implement de-conflation include:

- The Agreement under the UN Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction (“BBNJ” or “the High Seas Treaty”), in which article 7(k) reads:
 - “The respect, promotion and consideration of their respective obligations, as applicable, relating to the rights of Indigenous Peoples or of, as appropriate, local communities when taking action to address the

conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction”

- The report of the UN Secretary-General’s Panel on Critical Energy Transition Minerals affirms and consistently refers to “the individual and collective rights of Indigenous Peoples”, as well as uses language such as “and other rights holders”.

Suggested alternative wording/text:

- Always push for specific recognition of the **“individual and collective rights of Indigenous Peoples”** to be included. This makes it clear that the collective rights of Indigenous are affirmed consistently with the UNDRIP.
- Instead of ‘local communities’, include **“or of, as appropriate, other rights holders”** or **“or of, as appropriate, the human rights of other stakeholders”**.
- Where appropriate, an approach is also to push for **“Indigenous Peoples and their communities”**, instead of local communities.
- **“Representatives of Indigenous Peoples, as well as representatives of local communities”** (used at present COP).

Ideal sentences and on the Knowledge of Indigenous Peoples:

Ideally the rights and/or of knowledge of Indigenous Peoples, since Peoples are collective rights-holders under international law as Peoples with unique and distinct rights to self-determination, Free, Prior and Informed Consent and others, would be in a separate sentence from other rights holders with individual human rights.

Good text, approaches and explanations:

- Respecting and upholding [or the appropriate wording based on the specific topic] the individual and collective rights of Indigenous Peoples, (or the knowledge of Indigenous Peoples if that is the topic). Then in a separate sentence add “In addition with respect for, as appropriate, the human rights of other stakeholders.”
- The context and exact wording can be adjusted depending on the specific topic but the most important things are
 - 1) A separate sentence to emphasise the distinction between the collective (and individual) rights of Indigenous Peoples as Peoples as specified under international law ; and
 - 2) In terms of the reference to “other stakeholders”, Indigenous Peoples have certainly recognized human rights (as members of “the human family” in the words of the Universal Declaration on HR) but we must avoid the laundry list that seems to always now include “local communities”, as well as a growing list of other entities (peasants, Afro-descendants, women, etc. etc).

- We do not accept recognizing or adding language such as local communities/groups/minorities with **“ancestral land rights”** of any group in the Americas besides the original Indigenous Peoples. (Some white farmers and rancher families in the US claim “ancestral” rights to lands they have illegally occupied (based on Treaty rights) for several generations and we don’t want to further endorse this concept). “Ties to the land” is acceptable without the word “Ancestral”.
- Examples of consequences of conflation include Resource Ownership & Entitlement (from the Ridge to Reef Approach) which have condescending IPs implications in our “iTaukei” (Indigenous) Fijian perspective. The issue is that lands can be leased out to local communities and during their 30-50 years user rights lease tenureship, whereas fresh Waterways and seas/ oceans remain ancestral to Indigenous Peoples. Thus it is vital to narrate “ lands, fresh waterways, including natural springs, lakes and seas” to capture this demarcation between Indigenous Peoples from local communities.



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