



Addressing Indigenous Peoples' Marginalisation at International Climate Negotiations: Adaptation and resilience at the margins

Claudia Comberti, Thomas F. Thornton & Michaela Korodimou
Environmental Change Institute, University of Oxford, UK

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Addressing Indigenous Peoples' Marginalisation at the International Climate Negotiations: Adaptation and resilience at the margins

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Environmental Change Institute, University of Oxford, UK

Abstract

Indigenous Peoples (IP) are a critical and inadequately considered population in the climate change crisis. IP represent much of the world's cultural diversity – and this environmental knowledge and adaptability should be considered a crucial source to contribute to global solutions. Yet IP globally face systemic discrimination and exclusion from political and economic power. IP face three tiers of marginalisation – political, geographical and economic – and these are also present at the United Nations Framework Convention on Climate Change (UNFCCC). Yet it is precisely this arena that IP can contribute significantly. Specifically, a) Environmental knowledge of IP can improve understanding of climate impacts at the local level; b) A wide diversity and capacity in adaptation solutions amongst IP can inform solutions; c) The relatively new workplan on Loss & Damage, especially Non-economic Loss & Damage (NELD), is particularly relevant for, and should be developed in participation with, IP; and d) Improved participation of IP at the negotiations constitutes human rights, including the right to self-determination.

This paper presents observations and interviews from COP21 in Paris to present the case for a restructuring of the UNFCCC to improve participation of IP. We conclude with recommendations to improve the situation: 1) Promote IP to full member status at the UNFCCC; 2) Employ IP as experts in work-streams and decisions around adaptation and loss & damage; 3) Direct and restructure financial streams, including the Green Climate Fund, towards increasing the autonomy and voice of IP; and 4) Ensure respect for IP and their rights and livelihoods at all levels of the negotiations, and decisions and programmes arising therefrom.

Introduction

Indigenous peoples (IP)¹ around the world are a critical and inadequately considered population in the climate change crisis. IP, numbering over 370 million people across 90 countries, and representing as many as 5,000 distinct cultures, account for most of the world's cultural diversity (UN 2009). This diversity incorporates traditional environmental knowledge (TEK), developed over many generations of close interactions with the environment (Berkes 2008). It should be appreciated and supported – not least because it will be a valuable source of adaptive capacity and resilience in responding to environmental change (Ford et al. 2016; Thornton & Manasfi 2010; UNESCO 2008).

Yet IP, globally and almost without exception, are marginalised – politically, economically and geographically. Representing just 5% of the total global population, they nevertheless make up one-third of the world's “extremely poor rural people” and face systemic discrimination and exclusion from political and economic power (UN 2009). Having faced long histories of discrimination and violence, IPs tend to exist in geographical regions amongst the most impacted or threatened by climate change – including mountainous lands, dry regions, tropical forests, and arctic regions. This makes them amongst the world's most exposed and vulnerable to climate change (Nakashima *et al.* 2012).

There is much more to the story, though, than vulnerability. IP have been co-evolving with environmental change over centuries, even millennia. They have generally forged sustainable adaptive lifeways even despite colonisation of their lands. IP are a force of resilience, and sources of local environmental knowledge, with diverse livelihoods, histories, cultural memories and adaptation pathways. Along with historical experiences engrained in cultural memory comes a potentially invaluable source of wisdom and diversity to inform adaptation options, relevant in successfully navigating the current climate crisis globally (Thornton & Manasfi 2010; Ford et al. 2012a; Orlove et al. 2014; Maru et al. 2014; Ford et al. 2016). This knowledge, and the adaptation processes that do and can arise, should be more closely considered, understood, and given voice, in international discourses on

adaptation, particularly through the work of the United Nations Framework Convention on Climate Change (UNFCCC).

It's a human rights issue too. As the IIPFCC (International Indigenous Peoples Forum on Climate Change), the body representing Indigenous Peoples at the UNFCCC, has put forth: 'solutions to climate change ... have serious implications to the rights of indigenous peoples' (IIPFCC 2015). Choosing how to adapt is fundamental to the right to self-determination². Successful and appropriate adaptations often already exist, having been developed autonomously by communities already having to respond. Adaptation then should not by default be imposed by external actors on local peoples – as is frequently the case (Thornton & Comberti 2013; IISD et al. 2003). To maximise the potential for adaptation to be positive and empowering for local and Indigenous peoples, we instead need to better understand the adaptation processes that are already happening at the local level and how best to support them (Thornton & Comberti 2013). The global community of academics, policy-makers and practitioners, must pay more attention to on-the-ground adaptation and its potential for various climate change scenarios, and for various regions. It is important to work out how to increase the potential of these options, rather than let climate change reduce them.

This is especially relevant for the UNFCCC work programmes on Adaptation, and on Loss & Damage, as decisions arising from these will particularly affect IP – and thus their rights to self-determination. Input from IP is thus important for at least two main reasons: 1) to incorporate the wealth of intelligence, knowledge and diversity of Indigenous approaches and actions, to improve the success of the programmes and resulting activities; and 2) to ensure that these activities support – rather than limit – cultural persistence and the right to self-determination. Such input, however, is severely lacking.

Section 1 of this article explores reasons for this, and analyses the current state and role of IP at the UNFCCC and their continued marginalisation, using a case-study from COP21 in Paris. Section 2 then presents the case for increased involvement of IP at the UNFCCC, based on observations and interviews with Indigenous leaders at

COP21. It centres around three main points: 1) Indigenous environmental knowledge as a source for understanding and addressing the problem; 2) Adaptation, and diversity solutions amongst IP in responding to change; and 3) Loss and damage, as experienced by, and requiring input from, IP. Section 3 then presents recommendations, based on the demands of Indigenous leaders and representatives, to right the scales of the current situation. We call for a restructuring of the UNFCCC process, to 1) increase negotiating power of IP by promoting IP to full member status at the UNFCCC; 2) Employ IP as experts in working groups and decisions in Adaptation and Loss & Damage; 3) Direct and restructure financial streams, including the Green Climate Fund, towards increasing the autonomy and voice of IP at the UNFCCC; and 4) Uphold commitments to respecting the rights, livelihoods and traditional ecological knowledge of IP at the negotiations, and decisions arising therefrom.

Section 1. IP at the UNFCCC: marginalisation and resilience

The three tiers of marginalisation: political, geographical, economical

Indigenous peoples at UNFCCC Conference of Parties (COP) events face at least three levels of marginalisation. Political marginalisation has been present for many centuries, and is inherent even in the term: all working definitions of ‘Indigenous’ stipulate a history of subjugation, exclusion and discrimination. The very origin of the word, ‘*Indígena*,’ dates from the fifteenth century colonisation of Latin America. It is rooted in the identification of marginalised people, referring to the ‘original’ and subsequently devastated inhabitants of the New World (Bowen 2000). Colonisation thus created the concept; before that, there were no indigenous peoples – just peoples (McIntosh 2002). IP today remain among the world’s most underprivileged minorities (Reed 2009). In the context of the UN, IP have tried to seek credentials and representation as sovereign nations since at least 1923, when Levi General Deskaheh, a traditional chief of the Iroquois Six Nations Confederacy, unsuccessfully petitioned the League of Nations for representation (Niezen 2003:31-36).

IP tend to exist in geographically marginal places. This is sometimes a direct result of their political status, when Indigenous groups have been forced out of native

homelands into isolated, barren, or otherwise 'undesirable' spaces. This is evident for many First Nations peoples in reserves across the USA and Canada, with current territories a fraction of the land they previously inhabited (UN 2011). The Navajo Nation, for example, exists in the driest corner of the vast territory previously inhabited by the Navajo people. Spanning Arizona and New Mexico, the region has been dominated by drought for the last two decades, and temperatures are rising faster than in any other region of the U.S. (Magil 2014).

Geographical marginalisation also can be a result of remoteness or decisions made by IP. In the Peruvian Amazon, many Indigenous groups choose to dwell deep in the forest, far from towns and roads, either as a result of cultural origins or a conscious strategy to avoid subjugation (Hecht & Cockburn 2011). These marginal lands inhabited by IP are often disproportionately affected by climate change. The drought-prone lands of the Navajo Nation, the rapidly changing arctic regions home to many Native Peoples across Canada, Alaska and Northern Europe, and the Andean mountain homelands of South America are all examples of this phenomenon (Nakashima et al. 2012; Perreault 2011). A tendency to depend more intensely and directly on the land, and its natural resources within those lands, and often residing far from the reaches of emergency aid, further increases the vulnerability of IP to climate change (IIED 2013; Nakashima et al. 2012; Ford 2012).

At a third level of marginalisation, IP represent a vastly disproportionate number of the world's poor and extremely poor (UN 2009). Many Indigenous peoples reside in less-developed countries, or economically marginal regions of developed countries. This increases the likelihood of shortages or vulnerabilities in development, infrastructure and aid (Kronik & Verner 2010; Nakashima et al. 2012). A lack of finances inhibits the attendance, participation and self-representation of IP at COP meetings (Roger & Belliethathan 2016). Less developed states already have reduced negotiating power compared to developed nations, which have resources to send around 40 negotiators and lobbyists for every one attending from a less developed nation. Reduced access to information and limited negotiating experience add to the barriers (Schroeder et al. 2012). This divide is much more pronounced for the Indigenous groups residing within less developed nations. As a result, Indigenous

representation and voice at COP meetings is extremely low; and economic interests of influential stakeholders in developing states play an outsized role in shaping climate change negotiations, further marginalizing IP.

When they are able to attend, Indigenous leaders are offered observer status: essentially the same rights and access as NGOs and research institutions. This does not reflect the status and diversity of Indigenous peoples, nor recognise their governance institutions or decision-making processes (UNFPII 2016; UN 2011). Theoretically, the states within which they reside speak on their behalf; yet the history of marginalisation and discrimination by these same states undermines the viability of their representation on behalf of indigenous peoples (Jackson & Warren 2005; Stavenhagen 2002). There are some movements to improve this situation, such as a commitment from the UN General Assembly to consider improvements for participation of IP throughout UN bodies (UN 2016a). The resulting consultation process reported that IP “overwhelmingly requested that the UN establish a new specific category of Indigenous Peoples to facilitate their participation at the UN” (UN 2016b), adding that this “would be consistent with a range of articles of the United Nations Declaration on the Rights of Indigenous Peoples” (UNDRIP) such as recognising the rights of indigenous peoples to participate in decision making (Article 18), the obligation of states to consult with indigenous peoples (Article 19), and the right of self-government and autonomy (Articles 3 and 4). However, to date, no substantive improvements in indigenous representation have yet been made.

Marginalization of indigenous knowledge in international climate institutional settings isn’t limited to the UNFCCC. A similar situation has been identified in the Intergovernmental Panel on Climate Change (IPCC) process, despite a rhetoric of inclusiveness (Ford *et al.* 2016).

Involvement of IP at recent UNFCCC COP events is largely limited to side-events, and an Indigenous Pavilion, a space located outside of the main conference zone dedicated to Indigenous peoples and communities. Whilst the permanent space for gathering and events organised by IP from all over the world is an important development, as we point out later, it doesn’t allow IP representation to transcend

the margins. It has been argued by authors such as Hale (2006) that the participation of IP and other civil society organisations is a political strategy that aims to subdue these political ‘others’ to keep them placated. The ‘*indio permitido*’ (permitted Indian; see Hale 2004) goes unheard and un-included and to a certain extent, uninspired to fight for change. Dissent from the mainstream social norm is suppressed and disciplined whilst inequitable processes continue – with the “*development of the few conducted at the expense of the most*” (Riamit 2015, pers. comms. with MK).

The model and organisational structure of the UNFCCC COP meetings appears to create an illusion of inclusion for Civil Society and IP. This is in line with what some have termed ‘neoliberal multiculturalism’ (Hale 2004), giving an illusion of change whilst incentivising citizens to consent to a repressive system of power. Neoliberal multiculturalism “addresses ethnic or cultural concerns without dealing with redistributive ones” Richards (2010:66). We argue that this dynamic exists within the UNFCCC and its treatment of IP and other members of Civil Society, and is problematic.

Why is the marginalisation of IP a problem?

This section addresses the main problematic elements of the marginalisation of IP from UNFCCC negotiations and decisions. These cover four significant areas. 1) Environmental knowledge: IP globally hold knowledge that is crucial to understanding the local impacts of climate change; 2) Adaptation: IP retain much diversity in adaptive responses and solutions; 3) Loss and Damage: a new work-programme that needs to consider and engage IP on their exposure to climate change; and 4) Human and Indigenous rights issues: a primary justice concern embedded in climate change governance.

1. Environmental knowledge

A significant gap exists in understanding precisely how climate change plays out at local levels. Yet the collective cultures of IP thus represent the most environmentally-attuned knowledge system in the world. IP, existing in regions of

every environmental and climate type, are arguably amongst the most qualified to make detailed observations of environmental change at local scales, due to a) a long history of connectedness with the natural environment, held in a system of traditional ecological knowledge (TEK; Berkes 2008); and b) the significance of climate change impacts on livelihoods and culture. IP present a rich and critical source of empirical information that cannot be gained through climate models; and should be considered central to improving understanding of climate change impacts at local scales. Yet rather than engage with this, the UNFCCC displays neglect of Indigenous knowledge and perspectives. Similar to the neglect identified across the IPCC (Ford et al. 2016), this is part of a much wider privileging of positivist 'Western' science at the expense of diverse local knowledge, simultaneously and systematically silencing many millions of Indigenous and traditional peoples (Ford et al. 2012, 2016; Castree et al. 2014).

2. Adaptation

Along with a detailed understanding of the impacts of climate change, the diversity of knowledge and culture held by IP is vital for successful adaptation. Adaptation, whether at the population, individual or genetic level, requires diversity (Thornton & Manasfi 2010; Dawkins 1989); and IP represent the majority of the world's cultural diversity (UN 2009). Further, they are already being forced to respond, mostly with limited external influence or support. Thus, IP collectively are a source of diversity in solutions and culturally appropriate adaptation practices. A mastery of survival skills embedded in traditional knowledge may become increasingly important in rapidly changing and potentially life-threatening social-ecological circumstances (Nakashima et al. 2012). Conversely, a loss of traditional knowledge and skills will increase vulnerability to climate change impacts by reducing the pool of responses and wisdom from which to draw (Maffi & Woodley 2010, Bernard 1992). Alternatively, traditional knowledge systems can benefit from new knowledge gathered through scientific studies to complement understandings of climate patterns and local environmental responses, so as to adapt local practices to changing conditions.

This is not to suggest that indigenous or community-based adaptation solutions are always viable, but rather that they should be specifically examined and supported as potential adaptation solutions. As Nelson et al. (2009:272) point out, too often climate debates have focussed on large-scale, one-size-fits-all solutions, ignoring the “important role that individuals, cultures, and societies play in constructing and living out an adaptation dynamic.” The development literature faces similar critiques (Escobar 1995; Ferguson 1994; Shiva 1989); and amongst existing national plans, whether addressing adaptation or development, very few have paid sufficient attention to the critical role of local peoples, institutions, and cultures (Thornton & Manasfi 2010).

Linkage of these local and regional scale solutions can lead to larger scale solutions to the climate crisis. To dismiss them is to deny the adaptation heritage of most human societies; and the current lack of engagement with IP at the UNFCCC regarding adaptation is problematic.

3. Loss & Damage and NELD

‘Loss and Damage’ is a significant new work-plan under the UNFCCC, increasingly seen as a third pillar of work alongside mitigation and adaptation (Vulturius & Davis 2016; ClimateFocus 2016). Loss and damage can be conceived as the residual impacts of climate change; or, put more simply, what happens when mitigation of climate change is insufficient and adaptation is inadequate (Harmeling et al. 2015). Since there is sufficient evidence to conclude that, given the rates of mitigation are well below what is needed to avoid catastrophic climate change, we are likely to surpass the point at which adaptation can be sufficient in all cases. Thus, the work programme on Loss & Damage is crucial – and will only become more-so with time (Warner et al. 2013).

Although the issue of loss and damage was first raised by the Alliance of Small Island States (AOSIS) at the inception of the UNFCCC in 1991 (Vulturius & Davis 2016), it took a further 16 years for the term to feature in an official UNFCCC decision, in the Bali Action Plan of 2007. The Paris Agreement (UNFCCC 2015) is the first text to

acknowledge its importance in any meaningful way - albeit with stringent safeguards fought for by industrialised nations such as the USA, that specifically rule out any issues of compensation or liability. The Paris Agreement thus simply encourages “cooperation and facilitation to enhance understanding, action and support” (UNFCCC 2015).

IP are amongst the most significant groups when considering loss and damage. The aforementioned three tiers of marginalisation mean IP are more vulnerable to climate change; and the risk of loss and damage is thus higher. Further, the concept of loss and damage, and particularly ‘non-economic loss & damage’ (NELD), is of great significance for IP. NELD, the least developed aspect, refers to impacts that are difficult or impossible to quantify economically, such as losses in knowledge, livelihoods, and cultural heritage; losses arguably more profound and affecting for IP than many other groups. Moreover, the impacts of this are potentially irreversible. The traditional knowledge at risk may be crucial for good adaptation and cultural persistence, meaning that loss and damage of this sort can increase vulnerability and initiate a negative cycle of loss.

Yet current work to develop the concept of loss and damage apparently doesn’t consider these possibilities. It is currently assumed that “[i]ncreasing the amount of adaptation (higher adaptation cost) will also reduce loss and damage” (Fankhauser et al. 2014: 4). Yet adaptation amongst IP, especially if externally imposed and rapid, can involve loss and damage. The relocation of a community can be seen as an adaptation, yet can mean a devastating loss of cultural integrity if, for example, it involves a community moving away from sacred lands, or traditional livelihoods becoming untenable. The assumption that more external adaptation investment automatically reduces losses is flawed, and clearly lacking insights from local and Indigenous peoples.

IP and local peoples should be at the centre of informing and developing understanding of what loss and damage means; and central to making and safeguarding decisions taken to address it.

4. Human and Indigenous Peoples Rights

“Climate change is not just an environmental issue; it is a human rights issue and the melting of the Arctic is impacting all aspects of Inuit life. Therefore the final text must make the rights of Indigenous Peoples operative.... We have the right to be cold” (ICC 2015).

This quote from the Inuit Circumpolar Council (ICC) Chair, Okalik Eegeesiak encompasses the importance that IP rights play in climate change discussions. Denying IP a voice at the negotiations equates to a loss of rights, including the human right to self-determination (as defined in the UN Charter, International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights).³ Decisions made at COPs, especially when coupled with other initiatives such as adaptation financing and development aid, affect them perhaps more than any other population group; yet they have limited influence or input. Severely impacted groups, such as the Inuit of the Arctic, must join together as a single delegation; and even then can only obtain the status of “observer” in the COP forum.

Despite the marginalisation and challenges that IP groups around the world have faced, they have also achieved significant milestones, and the rise of the Global Indigenous Movement is ever increasing its presence and space in the political arena. The International Indigenous Peoples’ Forum on Climate Change (IIPFCC) laid out a set of “key demands” prior COP21 (IIPFCC 2015a). These revolved around the respect of IP rights, recognition of the importance of IP contributions and knowledge, the importance of IP participation and facilitated access to climate financing funds. In addition to these demands, the IIPFCC embraced the ‘high ambition’ coalition’s goal of limiting global warming to 1.5 degrees Celsius. These demands were not fully met in the COP 21 Paris Agreement, prolonging the legacy of indigenous marginalization. More indigenous involvement is needed to ensure that climate mitigation and justice are firmly embedded in future climate agreements.

Can this happen under conditions of marginalization? Recent participation by indigenous peoples at COP meetings holds some clues as to how IP position themselves and seek to gain recognition, rights, and justice within the UNFCCC/COP framework, and the struggles they face whilst doing this. The following section uses COP21 in Paris, 2015, as a case study to examine whether IP can achieve their goals and adequate representation under the current system of organisation.

Marginalisation of Indigenous Peoples’ under the UNFCCC: A case study of COP21, Paris

The ways in which IP engage at COP conferences can be divided into ‘inside’ and ‘outside’ domains. Inside refers to those spaces accessible only to those with official accreditation, permitted to access the main conference arena. ‘Outside’ refers to the space in and around the main conference zone, accessible to the public, and centring on the ‘Indigenous Peoples’ Pavilion’. There is a clear divide between the two domains and those ‘inside’ to rarely cross the boundary to the ‘outside’. The IIPFCC aims to represent IP during inside the conference, working towards coordination of IP to speak “with one voice, in spite of their extreme diversity ... [to defend] their fundamental rights” (IIPFCC 2015b). This is achieved through regional and global organisation under the auspice of the IP caucus, to establish a position, strategy and lobby for their demands. Several observations made during COP21 and shared below highlight the inclusion (or lack of) of IP in the decision-making processes, supporting the theory of the illusion of inclusion of IP at COP events.

Organisation of space was a major factor. The few IP able to gain accreditation to access to the inner space were provided with maps, but they were poorly organised and uninformative. The map provided at COP21 (see Fig. 1) shows a blue boundary separating the ‘inside’ and ‘outside’; the public outside space, named the ‘Green Zone,’ and confusingly coloured orange. The physical layout of spaces further incentivised secrecy and segregation. Hall 6, where the ‘important’ discussions occurred, was far removed from Hall 4, the Civil Society space, physically distancing discussions from civil society. The heavily guarded entrance to Hall 6 added to a

heightened sense of secrecy and exclusion. Many discussions were completely closed off from civil society, despite specific promises to the contrary.



Figure 1: Map of the COP21 conference space in Paris, 2015. Source: unfccc.int

The side events, purportedly key spaces for civil society to present their views and ideas, took place in the 15 lecture rooms of Hall 4. Fully equipped with microphones, translation booths, and headsets for each audience member, they gave the impression that all voices and messages would be heard. However, a key component was missing: the translators. Civil society was expected to supply their own, yet with limited capacity to even provide spokespeople, this small detail ensured that the voices of the marginalised others were largely silenced.

The annual COP meetings are confusing rituals to follow to the uninitiated, whether on the inside or outside. To even get on the 'inside' can prove very difficult; and once in, one must be indoctrinated into both the official protocols and other rules of the game. Some IP leaders and representatives have engaged in the processes of negotiation over several years and understand the process enough to make their

voices heard. However, for the majority, limited experience and language barriers mean the conference can be opaque and overwhelming.

Objectification and patronisation of IP at COP meetings adds significantly to their marginalisation. Many of the observations mentioned in this paper were made whilst acting as a translator and support member for several IP leaders from the Peruvian Amazon. Whilst accompanying leaders dressed in traditional clothing and wearing headdresses, we noted a shameful lack of cultural sensitivity. IP leaders were stared at and treated as a novel. Every few steps photos were demanded of them, often without any attempt to ask permission. There is a clear process of 'othering' occurring even at the international arena, which contributes to further marginalise and silence them, despite the importance of what IP can bring to the conference. As one IP representative stated, "*we are the ones already providing solutions to climate change and we are completely being ignored*".

When IP surmount all these challenges to make their voices heard at COP events, differing cultural models of discourse mean that messages are often poorly received. After a speech made by an Indigenous leader, which related cultural stories to warn of the dangers of inaction one audience member commented, "It's nice for them that they are here, but it wasn't a very well structured presentation. I mean, they didn't really convey any ideas very clearly, so I didn't really follow". The cultural model under which the UNFCCC forum operates is not conducive to including peoples and cultures outside the dominant Western scientific and policy frames, thus marginalising Indigenous knowledge and modes of communication. The lack of acknowledgement of this problem is clear.

When engaging with the COP text and negotiations, despite having clear strategic goals and demands, IP face barriers in even proposing them. One of these is the requirement to expend time and energy fighting nation-state fears of empowering IP, despite universal recognition Indigenous Peoples rights since 2007 (UNDRIP). During COP21, a lengthy and heated debate centred around the proposed elimination of the 's' in 'Indigenous Peoples.' Since the rights of IP are defined as collective rights, the apparently trivial removal of the 's' thus threatened these

rights, including the ‘right to self determination’. Having to fight such primitive battles diverts attention and energy from pursuing their higher goals.

IP, similar to smaller nations are already severely under resourced and must spread themselves very thinly to have any significant engagement across the COP. Most recognise that an agreement that leaves out the combined objectives, e.g. IP rights and ecosystems integrity, would “*hurt more than it will help*” (RSWG member, field notes, 4th December 2015)⁴. Yet often groups are forced to select just one issue to push for – as due to the frantic and pressurised arena of communications, asking for a number of additions to the text can lead to rapid and total disengagement. “*By pushing issues too much, everything could be lost*” (field-notes, 4th December 2015). IP and civil society are thus forced to fight against each other over their diverse but aligned aims, further weakening their strength and influence.

The atmosphere changes completely when venturing to the COP meetings’ ‘outside’ space, where at COP21 entrance did not require accreditation. The ‘Green Zone’ is a lively and colourful scene, and the space where the IP pavilion is located. The IP pavilion was funded by UNDP and the Norwegian Government. Ironically, Norway was at one stage vocally blocking IP and human rights in the operative text on the ‘inside’, whilst placating IP on the ‘outside’ with a beautiful space to host presentations, songs, art and stories. The events are organised to follow a daily regional theme, with ‘Arctic Day’ and ‘Pacific Day,’ to aid cross-pollination of ideas and strategies, as well as focus on areas where inhabitants already face crises due to changing climate. The positive aspects of the space are that it is accessible to the public, thus engaging people and informing them of IP issues and knowledge. It is also an ideal hub for networking and exchange among participants in the global indigenous movement. However, the space is rarely visited by Insiders negotiating the COP agreement. In this way, IP are zoned out of the main forum, watching and voicing from the margins.

This case study shows that IP participation at COP events as currently enacted is far from ideal. Despite their knowledge, experience and capacity to help inform and guide solutions to adaptation and other negotiating streams, IP are unable to

participate effectively and sufficiently. Marginalised at the sidelines, often belittled with inadequate levels of inclusion, additional layers of patronisation and impenetrable negotiation processes ensure that they remain there. The next section uses interviews with Indigenous leaders and observations from COP21 to illustrate the depth and diversity of knowledge and value that IP could add to the UNFCCC COP events.

Section 2. Diversity, Adaptation, Loss & Damage: IP as the experts.

This section elaborates on the themes of Section 1 relating to what IP can and should be bringing to the UNFCCC negotiations. Building upon interviews conducted with Indigenous leaders and further observations from COP21, we revisit the issues of 1) Environmental knowledge; and 2) Adaptation and diversity, to demonstrate the potential and necessity for IP contributions to the negotiations.

1. Environmental Knowledge: IP as expert witnesses

People, especially the most exposed and vulnerable populations, are already feeling the effects of climate change. Yet at the international level, little is understood about what is happening at the local scale. IP can support in understanding the physical implications and changes as a result of climate change

Amongst the Indigenous leaders interviewed during COP21, changes are already strongly noted. As Duphing Bayang Ogan from the National Federation of Indigenous Peoples in the Philippines explained, traditional seasonal cycles between dry and wet periods are shifting notably. “Now it’s no longer following that sequence. So there really is climate change.” Unprecedented extreme events are also occurring, as Chief Tashka Yawanawa of the Yawanawa People of the Brazilian Amazon. The flood of 2014 was the biggest ever seen in his community’s history, and “Things that have never happened have happened”; “It’s all because of climate change. It’s the only explanation we have for that.” Alternatively, across some Pacific Islands, as Isso Nihmei of the Pacific Indigenous Network explains, “sea level rise is currently the worst impact we’re facing.” Table 1 below consolidates the range of perceived climatic changes noted by IP worldwide, communicated through interviews with Indigenous leaders at COP21.

Table 1 Perceived climatic changes noted by Indigenous leaders, representatives and peoples at COP21

Perceived climatic change	Detail/quote	Indigenous Group & Region	Source
Changing seasonality	“What has been most visible has been variation in the in summer and winter seasons.... which before would be in a specific months and seasons ... Now, no-one knows what season it is.”	Inga de Aponte; Colombia, Latin America	Hernando Chindoi, President of the Court of Indigenous Peoples of Southwest Colombia; former Governor of the Inga people
	“A long time ago we have two kinds of season, the dry and the wet. ... but from now it’s no longer following that sequence. So there is really climate change.”	Katribu & Kalumaran; Mindanao, Philippines	Dulphing Bayang Ogan, Secretary General of Kalumaran; representing Katribu, National Federation of IP in the Philippines
	“... the seasons have changed. There are droughts when it should be winters.”	Witoto, Amazonia, Peru	Edwin Vasquez Campos, General Coordinator, COICA (Coordinator of Indigenous Organizations of the Amazon River Basin)
	“[We’re seeing] later freeze-up, later snow in the fall, and earlier break up in the spring”	Sámi; Norway, Europe	Gunn-Britt Retter, Representative of the Sámi Council
Unpredictable rainfall	“Sometime people’s expecting rain but the rain doesn’t arrive in the right time. That’s the time people hunt and fish. ... Like in state of Acre in 2008, for the first time it [didn’t] rain, [there was a] delay for more than five months.”	Yawanawa; Amazonia (Brazil)	Tashka Yawanawa, Chief of the Yawanawa People of the Brazilian Amazon
Extreme events	“We’ve got more storms, more tropical storms”	Marquesas Islands, French Polynesia	Pascal Erhel Hatuuku, Marquesas Islands, French Polynesia, organising member of 'Alternatiba' for the Pacific and Tahiti
	“... a lot of weather changes, from flooding to drought ... the extremes on both sides are being impacted.”	Dine & Navajo nations, Arizona, South Western USA	Anne Marie Chischilly, Executive Director - Institute for Tribal Environmental professionals
	“we’re seeing a huge increase in the size of cyclones, tsunamis. There was a devastating tsunami that happened in 2009. And that’s been the biggest so far”	Samoa, Polynesia	Carinnya Feaunati, Architect, Samoa/New Zealand
Droughts	“We’ve just had a summer [dry season] that lasted for seven months in the region. And generally the summers were not for more than two or three months. Seven months without water.”	Inga de Aponte, Colombia, South America	Hernando Chindoi, President of the Court of Indigenous Peoples of Southwest Colombia; former Governor of the Inga people
	We’ve seen a lot of drought. So it’s been very dry. We’ve seen a lot of watersheds and streams dry up over time. We’ve also seen some deforestation also, as part of that drought.”	Navajo & Hopi, New Mexico, South Western USA	Terry Sloan, Navaho and Hopi; Director of South West Native Cultures, Albuquerque, NM.
	A lot of our water systems are completely depleted, there’s areas in CA that don’t have access to water the whole week ... it’s pretty severe.”	Meshica, California, Western USA	Teresa Almaguer, representing environmental justice organisation PODER
	“We also are recognising reduction in the water table. We have dams, constructed dams; they are now drying up. Even the bore holes, sometimes ... are not enough.”	Karamojong, Uganda, West Africa	Ishmael Ochen, representative, lobby and advocacy officer of Karamojong people
	“We have more increased birch larvae attacks on the trees.”	Arctic	Gunn-Britt Retter, Representative of the Sámi Council

Sea Level Rise	“At the moment SLR is currently the worst impacts we’re facing. The sea keeps rising and the all the coastlines keep eroding and we’re trying to protect that but we can’t “The mangrove preserve has been damaged a lot because of the sea water rising”	Polynesia	Isso Nihmei of Vanuatu, representing the Pacific Indigenous Network
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2. Adaptation: Diversity, connectedness and a history responding to change

“We have been adapting since the conception of the world. Because if we had not been adapting, ... [we] would have died.” (Ochen, 2015)

Indigenous peoples are often amongst the most exposed to climate change, and least supported (Nakashima et al. 2012). At the same time, IP represent a huge diversity in cultures and livelihoods, and systems of knowledge that incorporate past environmental change. Combined with an inherent adaptability that results, IP collectively account for the majority of current adaptive responses to climate change. Contributing to this is history and cultural memory of past adaptations to historical environmental change (Pearce et al. 2015; Ford et al. 2014), TEK plays an important role in holding a diversity of response options in cultural consciousness, thus potentially reducing adversity to change and increasing the adaptive capacity of the populations applying it (Pearce et al. 2015). There is a growing recognition of the role for IP and TEK in informing adaptation research, planning and interventions, at the local, national and especially international level – as acknowledged by the IPCC (Adger et al. 2007), IUCN (IUCN 2016), and many others.

Yet knowledge and understanding of these options by the international community remains scarce, due to a lack of in-depth, local-scale research. Most attention on adaptation at the level of the UNFCCC is on top-down, prescribed, planned adaptation projects, analogous in type (and risk) to top-down development projects. If such plans are implemented without full participation of the peoples whom are to be affected, and without sufficient understanding and acknowledgement of traditional knowledge systems and practices, they risk altering or undermining livelihoods, cultural practices, adaptive capacity of communities – thus limiting the

success of the intervention (Thornton & Comberti 2013; ICHRP 2008; Cameron 2012; Fabricius et al. 2007).

In terms of adaptation amongst Indigenous peoples, for whom longstanding interactions with landscapes and particular activities are central to cultural persistence, “any change is a big change” (Pers. Comms., Chief Yawanawa, Brazil, 2015). A case of adaptation in Samoa is pertinent. Carinnya Feaunati, an architect of Samoan heritage working with Samoan communities and interviewed in Paris prior to COP21, explains that when recent increases in cyclones and tsunamis have forced people to leave their ancient settlements by the sea, the impact on culture is huge. Because people have moved inland, she says, “they’ve lost that direct connection to the ocean. ... They almost fear the ocean.” She goes on to explain the importance of place to identity in Samoan culture, meaning that history, and collective and personal identity is lost along with forced relocation inland.

As this case, and countless others, demonstrate, adaptation can have significant impacts on communities, Indigenous knowledge, culture and wellbeing. Imposed adaptation plans that are not founded on close collaboration with and understanding of the peoples and their practices risk the rights of those peoples for self-determination of their futures. Thus, increased work to document and understand autonomous adaptation actions already taking place amongst Indigenous communities, such that these actions may be supported, is much needed.

The framework developed by Thornton & Manasfi (2010) helps document the diversity of adaptation responses to environmental change. At least 8 processes or modes of adaptation are mentioned, and include innovation, mobility, pooling, rationing, revitalisation, exchange, intensification and diversification. Descriptions, and examples of these processes arising from interviews with Indigenous leaders at COP21⁵ are listed in Table 2 below.

Table 2 - There exists a huge diversity of adaptation options amongst Indigenous Peoples worldwide. Some are listed below, grouped using the metalanguage of adaptation processes, as developed by Thornton & Manasfi (2010).

Adaptation process	Adaptation	Indigenous group, Region	Source/ Interviewee
Innovation <i>New, unplanned method or technique that arises to address a certain need</i>	Searching for and creating seeds that can withstand large temperature changes.	Inga, Colombia, South America	Hernando Chindoi, President of the Court of Indigenous Peoples of Southwest Colombia; former Governor of the Inga people
	Modifying cultivation techniques such as vertical farming, “to minimise the use of water, land, soil”	Various Native American communities, Southern USA	Terry Sloan, Navaho and Hopi; Director of South West Native Cultures
	Developing building techniques to make homes “cooler in summer and warmer in winter,” and utilising the sun’s position in summer and winter	Various Native American communities, Southern USA	Terry Sloan, Navaho and Hopi; Director of South West Native Cultures
	Re-structuring reindeer herds with more strong males, to deal with thicker ice layers brought about by more frequent freezing and thawing of ice	Sámi, Norway, Europe	Gunn-Britt Retter of the Sámi Council
Mobility <i>Seasonal movement or permanent migration to avoid risk or in search of better circumstance</i>	Moving to new regions, “places we have not been going ... to look for grass and water” to feed cattle during droughts	Karamojong, Uganda	Ishmael Ochen, representative, lobby and advocacy officer of Karamojong people
	Moving homes to higher ground, away from the banks of rivers, to escape flooding. Shifting location of farmland from riverbanks to higher land.	Yawanawa, Acre, Brazilian Amazon	Tashka Yawanawa, Chief of the Yawanawa people
Pooling <i>Sharing or linking of assets (wealth, labour, knowledge) across social groups</i>	Sharing knowledge across 5 native groups on increasing resilience of seeds	Inga, Colombia, South America	Hernando Chindoi, President of the Court of Indigenous Peoples of Southwest Colombia
	Collaboration between tribes within a region to develop adaptation strategies, which are then customised with “their own traditional knowledge, their own song and prayers”	Various Native American tribes, South West USA	Anne Marie Chischilly, Navaho & Dine. Executive Director - Institute for Tribal Environmental professionals
Rationing <i>Controlling the circulation or consumption of limited or critical resources among members of a group</i>	Storing grass for livestock for use during droughts	Karamojong, Uganda	Ishmael Ochen, representative, lobby and advocacy officer of Karamojong people
	Protecting and guarding sacred areas within their territories, “for the lives of everyone”	Inga, Colombia, South America	Hernando Chindoi, President of the Court of Indigenous Peoples of Southwest Colombia

Revitalisation <i>Organized reconfiguration of ideology and practices to reduce stress and create a more satisfying culture</i>	Returning to traditional housing styles – mud houses with dry leaf roofs, which retain ambient temperatures better than newer concrete steel-roof houses Using traditional methods of food preservation and storage, to buffer against climate-induced shortages	Tharu, Nepal Vanuatu, Pacific Islands	Sudarshan Chaudhury, representing Tharu people, Nepal Isso Nihmei of Vanuatu, representing the Pacific Indigenous Network
Exchange <i>Flow of material and symbolic goods and services between people</i>	Selling off livestock in anticipation of a bad season, to reduce the risk of losing livestock	Karamojong, Uganda	Ishmael Ochen, representative, lobby and advocacy officer of Karamojong people
Intensification <i>Increasing the availability of resources by boosting their yield within a certain space or time</i>	Increasing efforts in Brazil nut harvest to make up for crop losses after flooding events	Tacana II communities, Bolivian Amazon	Graciela Mora, Tacana II Native Peoples
Diversification <i>Increasing the variety of food, income production strategies, specialization, etc., to enhance livelihoods</i>	Seeking new sources of income from wage labour, in response to loss of resources after floods.	Tacana II communities, Bolivian Amazon	Monica Mejia Martinez, Tacana II Native Peoples

We need to understand how best to support these diverse and mostly autonomous adaptation responses, whilst safeguarding for TEK, cultural persistence of IP, and their rights to self-determination. This is particularly necessary in regions where climate change is occurring rapidly, and autonomous, incremental adaptation may be insufficient (Kates et al. 2012). The autonomy of IP to respond in ways they see fit is a crucial aspect of adaptability. Thus, transforming the landscape of the UNFCCC process, and activities that result from it, to make space to hear and incorporate Indigenous voices, is key.

Section 3: Recommendations going forwards – Up-scaling the voice and role of Indigenous Peoples in the UNFCCC

Based on the issues mentioned above and key demands from Indigenous organisations of the UNFCCC (IIPFCC 2015a, 2014; ILEPA 2015), we propose the following recommendations for future work involving climate change and Indigenous peoples at the UNFCCC:

1. Increase negotiating power: Promote IP to full member status at the UNFCCC

Promoting IP and their representatives to full member status at the UNFCCC negotiations would drastically improve the negotiation power and autonomy of IP. The system currently acknowledges only nation states as members. However, IP are often inadequately represented by the nation states within which they exist (and which often has historically, and in many cases continues to, discriminate against the Indigenous populations with their borders). Often their modes of self-governance too are not accounted for. Upgrading IP from observer to member status is necessary and appropriate; and in line with the human rights and the rights of Indigenous Peoples.⁶ This isn't unprecedented: in early 2016, the IUCN has done just that, admitting IP as full members to strengthen the role and presence of Indigenous organisations at the IUCN, and enable their full participation (IUCN 2016). This has set the precedent for other organisations to do the same. IP and their knowledge is central to the work of IUCN; and equally to that of the UNFCCC.

2. Acknowledge IP as experts in work streams and decisions around Adaptation and Loss & Damage

IP are the world's expert witnesses of climate change impacts, and skilled adapters. Given their global spread, existence in all world regions, and the huge cultural diversity they represent, IP are a source of knowledge crucial in understanding the impacts of climate change. IP are already adapting – and often hold recollections of historical adaptations in their cultural memories. This experience and environmental knowledge is crucial to developing understanding of climate change impacts and adaptation solutions and cannot continue to be ignored. Indigenous knowledge is also necessary for improving the least developed workstream, loss and damage.

IP are amongst the most affected by decisions made through these workstreams. To avoid repeating the destructive movement of top-down, culturally insensitive development, IP need to be involved in shaping these solutions. This is necessary for

'good practice'. As the UN consultation mentioned above states, "... "The most significant indicator of good practice is likely to be the extent to which indigenous peoples were involved in the design of the practice and their agreement to it."

This should include acknowledging traditional ecological knowledge (TEK) as a valid knowledge system. Whilst many studies acknowledge the importance of TEK for managing and adapting to climate change, it is still often viewed as an irrelevant or unnecessary alternative to mainstream science, and thus discriminated against (Ford et al. 2016).

As Feaunati explained at COP21, "We actually have some legitimate solutions. ... They might not come out the way that scientists talk, but it's hidden in there. It's hidden in the stories, and the history." This knowledge should be respected, understood, and prioritised. Yet it should be considered in its complexity, and not simply a tool inserted into programmes that don't challenge existing power structures. Specific work to integrate TEK and western science, at the level of the UNFCCC, whilst retaining the holistic complexity of TEK, is necessary.

3. Direct financial streams towards increasing the autonomy and voice of IP

Funding access and increased capacity at COP meetings

A key aspect of the marginalisation of IP at the UNFCCC is financial. This limits access of IP as costs for attendance and translation are prohibitive. Funding should be directed specifically to alleviate this. As the UN itself has acknowledged, 'an essential prerequisite to adequate participation of indigenous peoples at the UN is that they have access to adequate funding to allow for participation and that indigenous peoples are provided with the necessary information and training to allow for such participation' (UNFPII 2016). This should be considered a priority under the UNFCCC and necessarily requires major adaptation of the adaptation finance regime itself.

Green Climate Fund

The Green Climate Fund should engage more directly with IP, and grant them Direct Active Observer status for GCF Board meetings. An Indigenous Peoples Advisory Group to the GCF board should be established, particularly for matters or projects relating to IP.

Financing Cross-cultural knowledge sharing

Financial support should be provided for a platform for cross-cultural knowledge exchanges between IP. Sharing of experiences and adaptive solutions is key to strengthening resilience, and exchanges should be organised according to environmental region to enable TEK and adaptive innovations to be shared between groups. The COP meetings have become a forum for this to occur on a small scale; yet the potential benefits of scaling up this platform are huge. As a representative of the Sámi Council said at COP21, to effectively adapt, “we have to look into other regions of the world, how they conduct reindeer herding in warmer and wetter areas than we live in today. Because that will be the future in our area.”

4. Ensure respect for IP and their rights and livelihoods

Finally, it is imperative that a culture of respect for IP rights, livelihoods, and resilience in adapting to environmental change be promoted across all levels of society. Fundamental to this is the acknowledgement and respect for the longevity, diversity, TEK and IP Rights, including the right to Free, Prior, Informed Consent and the right to self-determination.

Acknowledgement and respect for TEK and Indigenous rights, including their adaptive and sustained historical existence and contemporary right to continue their cultural lifeways through self-determination under the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), is imperative. All climate and development “solutions” should be reviewed for potential omissions of indigenous knowledge and impacts on IP cultural wellbeing.

The inclusion and full participation of IP in the decisions and programmes relating to future climatic responses are essential for a just transition to a more equitable and stable world, for all.

Footnotes

- ¹ An understanding of the concept of “Indigenous and tribal peoples” is contained in article 1 of the 1989 Convention concerning Indigenous and Tribal Peoples in Independent Countries, No. 169, adopted by the International Labour Organization. <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C169>
- ² The right of self-determination of peoples is a fundamental principle in international law. It is embodied in the Charter of the United Nations and the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.
- ³ Common Article 1, paragraph 1 of these Covenants provides that:
“*All peoples have the rights of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.*”
- ⁴ This conversation is extracted from a meeting with the EU delegation regarding the bracketing of human rights and IP rights in article 2.
- ⁵ Respondents were interviewed during COP21 in Paris, with the exception of the two respondents from the Tacana II communities in Bolivia, who were interviewed in-situ in the Bolivian Amazon in October 2014.
- ⁶ See the UN Charter, International Covenant on Civil and Political Rights, Paragraph 1; the International Covenant on Economic, Social and Cultural Rights; and UNDRIP

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