

SBSTA 52-55 Agenda Item 6
Informal Consultation on Local Communities and Indigenous Peoples Platform
Nov 5, 2021, | 11:15-12:15
Notetaker: Alexandra Anderson, Northwestern University

Summary of key events:

I attended the SBSTA Informal Consultation on Local Communities and Indigenous Peoples Platform yesterday, which was the final of three consultations to finalize the LCIPP draft text. From previous meetings, there was a remaining disagreement on the inclusion of a footnote stating that this workplan does not add “any new rights or obligations under international law.” This was resolved by compromising to keep the footnote but moving it lower in the document so that it does not appear on the first page. The delegates speaking on behalf of the Indigenous caucus had hoped that this would not appear in the text at all.

Paragraphs 10 and 11 were also removed as to not mandate work that is already being done by the IPLC. Paragraph 15 was removed for similar reasons, because it stated that the FWG would convene a side event, which has already taken place at this COP and will continue to occur with no need for a mandate from the text. Russia moved to keep climate justice in quotations and to keep all language consistent with the Paris Agreement where relevant.

The draft conclusions can be read online.

Notes:

Cofacilitator: Welcome to third and final informal consultation on LCIPP. Thank you for engagement. We have updated draft text and shared with delegates, posted online.

Open floor for reflections on draft text-

- Russian Fed: amendments to be added. In preamble, noting importance of ensuring integrity of all ecosystems, would like climate justice to be put in inverted commas in line with Paris Agreement. Paragraph 6: would like tropical forests to be changed for all types of forests.
- Bolivia: Paragraph 3: recognize by some countries as Mother Earth. Paragraph 7.
- Australia: primary requests for inclusion of paragraph 8 in this text.
- EU: Flag general concerns. Do not want to touch on agreed language from Paris, support Russian delegation. Would have major concerns with Paragraphs 10, 11, 15. 10 and 11 because including these paragraphs in these decisions would undermine design of platform. Both parties and IP came to consensus on what to do, so we don't see merit to cross this with starting negotiations across these three years. Support similar approach from 3 years ago to give mandate to working group. Don't want to renegotiate something we negotiated and discussed in detail. Paragraph 15: no need to organize side event. Already organized one during this COP without mandate.
- Indonesia: Echo Russian federation on paragraph 6.
- Ecuador: don't see reflection of requests to add paragraph 8 of CP: 23. Important for explaining how FWG will operate.
- Norway: Support EU and other parties not to touch language lifted from elsewhere. Void burdening work of FWG with too frequent reviews (10, 11). Propose “natural forest” or “forests”. Ask U.S. to consider removing U.S. Apparently also brought this up yesterday. Urge parties to refrain from non-essential edits.
- Co-facilitator: echo last statement.
- U.S.: U.S. was not part of WG discussions to negotiate this language. Our instructions from home were to open work plan and get these edits made. Forcefully pushed back against these requests, want to respect joint nature of work plan. Compromise for not seeking edits to work plan, need

some type of notation. One: could move footnote down to paragraph five so it is less visible. Could soften language.

- Canada: virtually, think text reflects strong consensus in room. Hope to finalize today. Comments: paragraph 12, add mandate for FWG to create draft third three-year workplan. Consistent with approach in 2CP24. Don't want FWG to lose whole year developing workplan. Echo support for comments made by EU and Norway. Echo comments from Australia and Ecuador to reiterate paragraph 8 in preamble.
- Norway: Know it is important for IP, suggest to U.S. interjection a reference to UN declaration of rights of IP Article 46, which in our view should reflect exactly what U.S. seeks. This should safeguard interest of U.S. and similar issues brought up. Support interjection by Canada.
- EU: want to remind that decisions CP23 and 24 both had careful context in preamble that sets out the sensitivities of all actors involved in this platform. We think we should avoid touching this balance to extent possible. Therefore, would recognize that U.S. showed flexibility.
- Costa Rica: recognize fact that in workplan that includes action at local level. In reference to most contentious issue of possibility to reference in preamble to rights. Suggestion: make general reference to declaration, not specific elements.
- Norway: withdraw proposal to reference specific elements of UNDRIP.
- New Zealand: Support proposal of Australia and Ecuador. Would like to see language consistent with CP24 as proposed by Canada
- Micronesia: echo EU and Canada on third three-year workplan at appropriate time. Happy to see relevant language from previous relevant decisions reflected in draft text.

Co-facilitator: no time to go paragraph by paragraph. Is preamble acceptable based on amendments proposed by Russia and others? Include reference to paragraph 8 as suggested.

- EU: want to broaden goals of Paris Agreement in fourth preamble paragraph. Flexible.

Co-facilitator: no interventions on first four paragraphs. Note that U.S. proposed moving footnote to paragraph five. Invite you to include 5bis, reading decides to continue mandate of facilitative working group. Intervention on paragraph 6: all types of forests, natural forests, or just forests. Suggest deleting word tropical, remain as forests.

- EU: flexible but wondering why singling out forests and Arctic while there are many other ecosystems. No reason to single this out, just approaches to managing ecosystems—covers all ecosystems.
- Norway: accept that in name of making progress. Purpose was to highlight ecosystems where IP play significant role.
- Micronesia: as representing islands, we would be happy for reference to ocean, but recognize phrasing of other ecosystems which covers oceans.
- Peru: prefer just to mention of all ecosystems.

Co-facilitator: EU suggestion to remove paragraphs 10 and 11. See nodding of heads, take it that it's acceptable.

- EU: minor edit on 8 and 9 to be consistent. Replace with in addressing and responding to climate change.

Co-facilitator: will change to reflect same language. Paragraph 12, suggestion to include "invites to develop draft, three-year work plan." See no objections. Everything else clean until P 15. Suggestion to remove reference to side events because these events exist without mandate to do so. In paragraph 16, will include references to parties that have contributed today to the great work of platform.

Invite representative of indigenous peoples to address floor.

- Indigenous peoples: begin by saying that I am reflecting views expressed by indigenous caucus. Thank co-facilitators and parties who have demonstrated an obvious interest and feeling of participation in work of LCIPP and facilitative body FWG. Thank you for interest and participation. Product of months and months of consultation of IPs and state parties. Like to remind everyone of essential principles by which IP entered into work to develop with state

parties' operationalization of platform through full and effective participation (challenge in covid), equal status and standing (achieved), self-selection (achieved), adequate funding (challenge). Like to remind and reiterate what co-chair said: urgency in range of ecosystems. Thank delegate from Norway to select one article from UNDRIP, decision by COP24 called for respect of UNDRIP in entirety. Continue to base work in FWG and engagement of caucus. Question the need for footnote but appreciate softening. Of course, this does not create rights, long way to go.

Co-facilitator: thanks for active and considerate engagement.