Session: Sixth meeting of the Facilitative Working Group (FWG) of the Local Communities and Indigenous Peoples Platform (LCIPP)

Location: Scottish Event Campus, Glasgow - Online, Zoom.

Dates: October 29, 30, 31.

Participants: Facilitative Working Group of the LCIPP, Secretariat, Observers.

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Links

- LCIPP Resource Hub - https://lcipp.unfccc.int/resource-hub

Thursday, 28, 2021

Item 1: Opening and organizational matters

Notes by: Deb L. Morrison, University of Washington
Initial networking conversations and conversations happened between 9-11 am with many folks not being able to be present until closer to 11 due to challenges with entering the venue and ensuring all COVID protocols were completed.

Conversations in the room included:

- Maxine Burkett
    - Maxine Burkett <burkettm@hawaii.edu>
    - Now with the state department on Kerry's team

    - Law professor from the University of Hawaii
- Reynaldo Antonio Morales Cardenas
    - Northwestern - Buffett Institute for Global Affairs
    - ramoralesc@northwestern.edu
    - Working on international effort around indigenous communications capacity building
- Alberto Saldamundo
    - Indigenous Environmental Network
    - alberto@ienearth.org

Morning prayer was given by an elder from the Ojibway Nation - Mary.

Patricia Espinoza also provided welcome

Item 2: The implementation status of LCIPP initial workplan activities

Notes by Emily Hite, University of California (affiliate) hite.emily@gmail.com

Agenda adopted

Workflow overview (couldn't see by who)
COP21: LCIPP was established in Paris 2015 to address climate change in a holistic, integrated way
2016: an incremental approach to operationalize LCIPP
2017: decided overall purpose and functions of LCIPP
2018: parties established FWG of LCIPP to facilitate 3 functions
2019: July- FWG initial 2 year work plan, later that year they welcomed it, and that is what they are reporting this morning
2021: parties review work of LCIPP, outcomes of FWG and consider next 2 year work plan.
FWG is in charge of facilitating three functions:

1. Knowledge
2. Capacity building
3. Climate change policy and actions

12 activities to complete these 3 functions

Knowledge:

Bridge knowledge holders through thematic meetings and regional gatherings, ID indigenous curricula;

Capacity: recognize diverse ways of knowing, communication and outreach engages diverse

channels of communication. The draft set of recommendations of how to engage IP.
Climate change policy and actions: map landscape of existing policies and funding opportunities.
Promote work of LCIPP at regional and national levels.

Activities 4, 5, 6, 7, 9, 10, 11 are completed to date.

Activity 4: Annual thematic training workshops

Notes by Emily Hite, University of California (affiliate) hite.emily@gmail.com and Panchali Saikia, Stockholm International Water Institute (SIWI), panchali.saikia@siwi.org

Thomas Cameron co-chair and Dalee Sambo Dorough reporting on Activity 4.
(Internet issues for Emily)

Dalee: This activity is under the capacity for engagement, mandate or pillar of the Facilitative Working Group, and in this regard, the objective was to increase the capacity of state party members to recognize and respect indigenous knowledge.

In context to indigenous knowledge, she highlighted that it becomes important to recognize that indigenous knowledge has been sometimes manipulated or accessed in ways that are unethical, inequitable, and putting indigenous. This kind of situation put the holders in a difficult position because of the knowledge they hold, especially the knowledge they hold in relation to climate change, and so the objective of this series of training workshops was to increase the capacity of state party members too. Ultimately, respect and recognize indigenous knowledge consistent with the rights of indigenous peoples, and in this regard, referring specifically to Article 30. Article 31 affirms the right of Indigenous peoples to their knowledge, ownership, control and management

With these objectives, under activity 4, four virtual webinars were conducted from Nov 2020 to March 2021.. 15 knowledge holders across different sociocultural regions of the indigenous world.

The work they accomplished belongs to the local communities and Indigenous peoples who participated in these workshops.

There were many issues connecting with rural communities in this process, and sometimes attempts were unsuccessful. Due to low internet connectivity issues, many groups were not able to attend. Dalee highlighted that this raises the need for infrastructure development for equitable participation to host different events.

The draft report is under review now by those who participated to ensure accuracy.

The links to watch the recordings of the training webinars are below:

https://lcipp.unfccc.int/lcipp-webinar-1-trust-and-respect-contours-indigenous-knowledge

https://lcipp.unfccc.int/calendar-events/lcipp-webinar-2-what-does-ethical-and-equitable-engagement-indigenous-knowledge-climate-change-look

https://lcipp.unfccc.int/lcipp-webinar-3-utilization-indigenous-knowledge-knowledge-synthesis-and-co-production

https://lcipp.unfccc.int/lcipp-webinar-4-measures-ensuring-ethical-engagement-indigenous-knowledge-climate-change

Thomas:

The workshops were very useful for capacity building. Found a variety of different protocols and some cohesion in respect to the knowledges discussed. Some similarities of what people think equitability would look like.

Activity 5: Outreach and dissemination plan and training materials

Notes by Emily Hite, University of California (affiliate) hite.emily@gmail.com and Panchali Saikia, Stockholm International Water Institute (SIWI), panchali.saikia@siwi.org

FWG has developed an outreach and dissemination plan to familiarise indigenous peoples, local communities, parties, and other stakeholders with the work under the LCIPP and encourage other active participation.

- Promoting and disseminating results achieved
- Build relationship LCIPP and stakeholders within UNFCCC
- That includes diverse communication formats, including written outputs, multimedia, and events to raise awareness and engage people with their work.
- Moving forward, the FWG has proposed utilizing and refining this communication and dissemination plan to implement the draft second three-year work plan and use different communication formats to increase impacts.

Activity 6: Engagement and inputs (across the UNFCCC process)

Notes by Emily Hite, University of California (affiliate) hite.emily@gmail.com

Andrea: We did not choose the name LCIPP, it was chosen for us in Paris.

She made distinctions between what defines local communities and Indigenous peoples—highlighting that Indigenous peoples groups are now recognized as a formal constituency that was created at the first Earth Summit in 1992. And that the local community groups need to define themselves and go through their own process.

Hindou: The FWG LCIPP can help inform local peoples groups

Activity 7: Existing policies and practices for the participation of indigenous peoples and local communities

Notes by Emily Hite, University of California (affiliate) hite.emily@gmail.com

Presented by Yow.
Conducted mapping with the Center for International Environmental Law. Captured results in a technical paper are available for viewing now.
Identified gaps and opportunities to enhance participation of local communities and Indigenous peoples.
They invite relative bodies to exchange and share existing policies, and the involvement of LCIP groups.
The work will continue to evolve over time and need an update of the mapping activities in the 2nd 3-year work plan and then disseminate findings on the Platform.
Thomas added: this was primarily a paper-based activity, but will enable more engaged work going forward.

Activity 9: Engagement of indigenous peoples and local communities in UNFCCC policies, actions, and communications

Notes by Jamie Haverkamp, James Madison University, haverkja@jmu.edu

Co-leads: Alick Bulala Muvundika & Hindou Oumarou Ibrahim

Alick– introduces the work to date on Activity 9 under the function of Climate change policies and actions. The objective here is to map how IPs are included and reflected in NDCs, NAPs, submissions and surveys. The working group has documented findings in a technical paper that identified "gaps" in the engagement with Indigenous Peoples and Local Communities through UNFCCC policies, actions and communications. Emphasizes the need to consider continued updates to Activity 9 as parties are submitting new NDCs and NAPs – will need to update the technical paper because of new submissions regularly.

Hindou: Thanks to Alick for the co-leads synthesis. Recommendation for more work on how National policies want to/can include IPs and LCs in climate actions. This is also linked to activity 6.

Activity 10: Good practices for the inclusion of indigenous peoples and local communities in national climate policymaking

Notes by Jamie Haverkamp, James Madison University, haverkja@jmu.edu

Activity co-lead Mr. Alick Bulala Muvundika
Alick provides synthesis – Activity 10 falls under the third function of climate policy of the LCIPP and attends to good practices for Indigenous and local peoples' participation in national-level climate policy.The working group invited IPs and LCs, parties and other entities to share good practices for engaging IPs in national climate

policy. The virtual dialogue session happened in June 2021. Outcomes of the dialogue emphasize:

- Self-determination and rights of IPs as central in engagements of national climate policy
- Challenges of integration and disintegrated data; and language barriers, which have a significant impact on the full and meaningful participation of IPs
- The submission process could be made more accessible to IPs

Alick concluded by encouraging the LCIPP to share these good practices to help bring diverse ways of knowing into climate policy and action at all levels.

Tom – Gives thanks to Alick for sharing this review of Activity 10 and congratulates the FWG on the productive virtual dialogue meeting last June related to this activity.

Activity 11: Existing funding in the UN system and additional funding options for indigenous peoples and local communities

Notes by Jamie Haverkamp, James Madison University, haverkja@jmu.edu

Activity Co-leads: Mr. Rodion Sulyandziga and Ms. Irina Barba
Irina provides a synthesis of activity 11, stating that LCIPP aims to enhance the engagement of IPs across the UNFCCC and as such, funding is a guiding principle.

The working group has mapped existing funding under the UNFCCC and additional funding for the participation of Indigenous Peoples in climate activities. Their outputs include a synthesis document that is also augmented by an online tool that compiles funding resources available to IPs. These can be found on LCIPP web portal.

This work also includes the documentation of discussions from FWG3 and FWG4, where members highlighted existing challenges to accessing funding for IPs, including: complex fund government structures: multistaged accreditation processes; eligibility requirements; long proposal approval processes, and; multiple years.

To address the challenges, the activity has identified ways to assist, including appointing a UN Program Specialist to assist with navigating the funding mechanisms and establishing advisory groups.

The working-group calls for greater support of IPs to be included in UNFCCC processes and sessions, as well as targeted training sessions for Indigenous communities to assist with access to funding opportunities.

Irina acknowledges the Secretariat and gives thanks for assistance with gathering together the materials and information (from various locations) required to carry out the work for activity 11.

Tom– Concludes and then opens the floor to FWG member comments:

Andrea – Provides an Activity 2 update as a whole, first acknowledging her co-leads: late brother Estebancio Castro-Diaz and Irina. Andea suggests this is one of the most important activity – regional gatherings with Indigenous Peoples and some state engagements as well – under the knowledge function. The main purpose is to bring together knowledge-holders, youth, elders, women, and everyone to talk about what we are doing on the ground to address climate change and also what we want to share with the states in our regions about changes in their climate change policy and practices. Andrea notes that related Activity 1 has been a struggle. Bringing knowledge-holders together on a global level (at the COP) but that the working-group is going forward with it. Similarly, the working groups hopes to hold trans-continental gatherings in the Americas at the beginning of the year – keeping with the plans that Estebancio and Andrea had developed. Andrea stresses that gatherings of Activity 2 were not put off– these gatherings were decidedly put on hold until we can bring our knowledge-holders together in-person [a reference to the global Covid pandemic and safe gathering].

Dalee – In regards to Activity 11, since the conclusion of this report Dalee states that we are starting to see the breakdown of the “false dichotomy” for IPs in terms of the “Global North” and “Global South”. The UN Food System Summit also generated a dialogue around the false dichotomy. She suggests that it would be really interesting if there was a future update to this conversation– i.e. tracking the changes of IP’s access to funding over time, holding this conversation across these spaces. Dalee acknowledges that the breakdown of the Global North and Global South dichotomy is a delicate question in the context of the UNFCCC, but in the context of IP’s it’s a matter of equity and diminishing the marginalization of IPs in the so-called Global North. This, the “North/South” dichotomy, is a central issue in regards to funding.The Secretariat and Particia Espinoza spoke of such funding needs and it is important that IPs, regardless of their geographic position in the world, have access to this.

Pasang – Activity 11 is very important for all of us. In the assessment of Activity 11, Pasang notes that access to climate funds for IPs is *very* low. Pasnag comments that IPs are just a “tick-mark” on a paper that says if they have been included or not. Consultative processes do not work. IPs need to have meaningful inclusion in climate action and guided access to the fund needs to be carried out right away.

Hindou – comments that we [FWG members] did a really great job during Covid to carry out the activities. Activities were online though and it was really difficult. Hindou remarks that, “sometimes, I was the only one representing all of Africa – *it was not acceptable at all*!" She also draws attention to time differences that were also a barrier to global meetings and that we must realize that many of the IPs will be left behind if we do not change how we work with IPs. Most importantly, is how the recommendation can be implemented – how can it be realized on the ground where people are living? How will activities on the ground be enacted that also consider Indigenous knowledge? Hindou stressed that these activities should have on the ground reach yet IPs often had barriers to participation "because of the new systems–internet of whatever".This needs to be considered as this work carries forward with the new FWG members, it does not end in this three-days FWG meeting time.

Andrea– Some IPs in our region saw a lot of climate activities that were not as useful as they wanted them to be. Regarding the activity relating to implementation of policy

on the national level (Activity 10) only two states established a mechanism for including the input of IPs in NDCs (Canada and New Zealand). Some mentioned IPs but setting up a process for the inclusion/input of IPs is not common practice in national climate policy. (Speaking from Andrea's sociocultural region) In the US, neither recent administrations had a sustained conversation with IPs – and the Trump administration "was a total loss for us" on Climate Change issues. Suggest using the results of Activity 10 to push for inclusion of IPs in the development of NDCs at the national level.

Irena – Thanks Dalee for her comments on Activity 11 and stresses not talking in terms of the "global north" and "global south", but prefers "developed" and "developing". For IPs in the "developed" world, funding pathways are less clear than those of the so-called "developing" countries. The challenge is that of "sensibilizing" the governments of the world regarding the need to create mechanisms for access to funds for IPs in both "developing" and "developed" contexts.

Yow– reflect on the two-year workplan and suggests putting these insights into the global Stocktake as a vehicle for communicating these beyond the LCIPP.

Comments from Observers

- Frank Ashwaki American Indians
    - spoke about lifting the work going on in Indigenous communities
    - Tribal Nations work is not being considered within the National NDCs
- Reynaldo talked about the need for more than just states - Indigenous peoples but also holding business accountable to the work.

<u>Activity 11 session.</u>
Notes by Emily Hite, University of California (affiliate) hite.emily@gmail.com

Update by Andrea on Activity 2, she co-lead.
They held regional gatherings and dialogue with states. They brought together youth, elders, women, knowledge holders, and practitioners on the ground.
They were not able to hold meetings virtually. Struggled on a global level to get all to participate due to covid. The activity will be rolled into next 3 year plan with hope to bring together North America, Latin America, and Caribbean regions.

Dalee:
Activity 11, there is a false dichotomy between the Global North and South when it comes to Indigenous peoples regarding access to funding. No matter where Indigenous peoples live, it is difficult to access funding and engage in the action of climate change.

Hindou: Great job despite Covid. There were many challenges in her region with wifi, no electricity, the time zone. So many Indigenous peoples will be left behind if there are not changes. Action is needed in addition to the dialogue.

Andrea: Need implementation on a national level. Only 2 states established a mechanism for including Indigenous peoples in the NDC discussion, New Zealand and Canada. But no countries have a process for gathering input from Indigenous peoples. For Indigenous peoples in the developed world, the path is not clear. The governments of developed countries need to create a mechanism for Indigenous peoples to access financial funds and clearly illustrate how to get them.

Contributors:
Frank, National Congress of American Indians.
Addressed the issue of NDC and lack of inclusion of the Indigenous peoples in the process. His community is contributing to reducing emissions, in what he calls Indigenous Determined Contributions.

Gustavo:
Questioned autonomy and calls for expansion of Indigenous autonomy so that they can be more included in the process of finding solutions.

Reynaldo, Peruvian Amazon council of Indigenous peoples
Indigenous peoples there manage 3 million hectares of land but it is all in danger of being destroyed by corporations that are not held accountable. There must be a way to address the corporations that are acting illegally to destroy the forests. Corporations have too much influence on the way states are acting. Corporation's agendas are determining government politics and they need to be stopped and regulated.
Need strategies to call out corporations.
Need more broad participation and access for Peruvian attorneys and others; he is representing many Indigenous groups.
Critical of the NGOs claiming to represent Indigenous groups.

Coco:
The UNFCCC is happy to organize information sessions to folks interested in getting accreditation to the COPs.

Item 2: The implementation status of LCIPP initial workplan activities (Continued)

Activity 1: Annual thematic meeting

Notes by: Deb L. Morrison, University of Washington

- there were many challenges in bringing knowledge holders to this international venue given COVID
- Annual gathering of knowledge holders

- Part 1 - initial workshop will be held Saturday, november 6 with Indigenous only participants
    - 9-1700 GMT at Edinburgh climate change centre
    - 24 knowledge holders from all regions of the world
- Part 2 - monday november 8 will be second phase that will include parties. Meeting Room 3, 1500-1800
    - central principle is around rights based framing

Activity 3: Indigenous curricula and materials

Notes by: Deb L. Morrison, University of Washington

- activity not completed, still continuing
- challenge is that Indigenous knowledge is not always in school format but is often on the land and intergenerational
- There will be a session on Dec 8 for this task
    - Work on outreach for this to link Dalee, Jane, and Pasang
- Reynaldo also asked for summary paper/briefing around history of different terms
    - Hindou stated that in Paris negotiations “Indigenous People’s Traditional Knowledge” is the term that was officially decided.

Notes by Jamie Haverkamp, James Madison University, haverkja@jmu.edu

Activity 3
Co-leads Dalee and Pasang

Dalee – the focus of the activity is on Indigneous knowledge and pulling together curriculum and materials by IPs concerning climate change. IPs have profound knowledge about their surrounding and natural environment. Our (indigneous) knowledges and ways of knowing are diverse, but the objective is to look at how IK is reflected in educational curriculum and materials.

The activity is not complete. FWG will continue to plan this activity. Seeking to engage those involved in education and curriculum concerning climate change. Dalee reminds that this is not always in the form of Western formal education, but rather IK is derived from “being on the land with the land”, and an intergenerational production of knowledge within Indigenous peoples’ families and communities – “this is not just classroom materials and curriculum”.She suggests that while COP is a “flurry of activity” the chance to focus on curriculum and education – with ministers of education in dialogue – may be better suited for outside of the COP by direct invitation.

On December 8th, the FWG will have a roundtable dialogue concerning curriculum and materials. Asks participants to consider your outreach with those in curriculum and on IK's ethical and equitable engagement through education.

Pasang– Agrees with Dalee's review and emphasizes the essence of Activity 3. Reflects that most negotiators are following finance-focused agendas but that the knowledge is really important – thinking with the women and people on the ground and the need to pass it to the future generation. "This is a big gap in climate action": How are we educating our young children and the need to pass on indigenous knowledge and wisdom through education and at home.

Comments that her own dissertation topic focused on education, IK and climate change were directed to be reinvented to be of more relevance to the academic community. Although this activity has no event at COP, Pasang stresses the importance of this activity.

Item 2: The implementation status of LCIPP initial workplan activities (Continued)

Activity 8: Multi-stakeholder in-session workshop

Activity 12: Promoting the LCIPP at the regional and national levels

Notes by Emily Hite, University of California (affiliate), hite.emily@gmail.com

Presented by Yow:

Activity 12 is to promote the Platform to stimulate synergy of what they do in the Convention and what is done at national and regional levels, and what could be done. 2 main deliverables:

1. briefing note prepared on work of Platform disseminated to Indigenous peoples, parties, local communities and other stakeholders. Draft is ready.
2. compilation of good practices for developing platforms, to inform and inspire further development of such platforms.

Launched an online survey for feedback at different levels to reflect best practices. Deliverables will be finalized by the end of November.

Additional reflections from FWG Members

Andrea:

Impressed by the consultation mechanism created in Costa Rica between the government and the Indigenous groups there that provides a process for FPIC.

Dalee:

Much success in the Arctic regions. At least 2 arctic working groups are presenting

side events at COP26.

Hindou:

Many African countries met virtually. Indigenous peoples and governments worked together to implement an understanding of the LCIPP.

Activity 12 hopefully implemented in the next few years.

Additional reflections from contributors

Notes by: Deb L. Morrison, University of Washington

- Crystal from Inuit asking for more involvement from indigenous youth - what might a concept note look like
- New Zealand folks trying to think about communications work on how we take what is happening within the LCIPP into local communities
-

Notes by Emily Hite, University of California (Affiliate), hite.emily@gmail.com

Tunga, from Nepal.

The way we see the world is distinct in how we interact with nature. Need to make that clear on the Platform and in climate discourse. Need to improve the "software" meaning the value and knowledges of Indigenous peoples. The "hardware" is the technology, finance, mitigation and adaptation tools. Action is really lacking behind discourse because we need the software to connect the hardware to the ground level. This Platform must bring their worldview to the stage without it being stolen, undermined, or overseen. Requests that the FWG at LCIPP see things from the Indigenous peoples perspective - need to shift paradigm.

Deb Morrison, Turtle Island

Link article 6 to the Convention. Doha is being renegotiated and the LCIPP is foundational to what goes into the Doha negotiations. Calling for a rights based structure that includes values and not just narrow visions of knowledge to go forward.

Lola (in Spanish, rough translation by Emily)

Many rural communities do not have access to the meetings. This space is very important. Indigenous women haven’t been heard and it is hard for them to access these spaces. We need specific action to strengthen the capacity of women and youth and others who can’t attend in person. Countries need to strengthen the capacity for Indigenous peoples to participate in this space.

Chrystal, ICC delegate

Requests a concept note so there are actual steps that can be taken to ensure that the Indigenous youth are part of the negotiations.

Alison, Wakataki tribes, Aotearoa, NZ

Reflected on the privilege of representation and being at the meeting. How can this all be translated to aunties, uncles, and others back home who don't have the capacity to process this bureaucratic, technical, and culturally specific information of the UNFCCC? She wants to see LCIPP address adaptation concerns regarding culturally sensitive sites and the environmental defenders being targeted and killed. This is a colonized space, intimidating, we need to manifest Indigenous values here.

Speaker:

Wants clarification of the use of Indigenous knowledges, TEK, ecological knowledges etc. Academics and NGOs and advocacy groups refer to their knowledge in different ways. States that Indigenous peoples in this Platform should define it themselves and how it can be used. Knowledge has been taken from them and used without FPIC.

Closing remarks

Friday, October 29, 2021

Overview of day 2 by co-leads

Item 3: Review of all LCIPP initial two-year workplan activities achieved

- Knowledge
- Capacity for engagement
- Climate policies and actions

Notes by Hannah Hughes, Cardiff University Hughesh8@cardiff.ac.uk and Rosario Carmona, University of Bonn, s5rocarm@unibonn.de

Key points:

- The implementation of the first work plan is considered successful and congratulated by the attendees.
- It is necessary to address the challenges that climate change poses to indigenous knowledge. As well as the multiple barriers that communities face in positioning responses to climate change.
- There should be other possibilities to disseminate the Platform's activities, as not all communities have access to the internet.

Koko: Identifies the security preparations, which meant that the decision was taken to move to online format.

Tom opens the session: What are the key achievements of LCIPP? High-level reflection. Notes: There are indigenous members on different bodies, e.g. task force on non-economic loss, some adaptation bodies and there's a sense FWG is gaining some traction in the wider UNFCCC process. Questions for session: key achievements and maybe some gaps? What more can be done?

Andrea: Identifies the importance of the rights-based framework, which was confirmed at COP 24 when LCIPP established - declaration of its entirety of IP rights. FWG were consistent that a rights-based protocol be adopted before the web Portal went up. Important in relation to Activity 2 (A2) and then A1 - global gathering. Existing rights framework and impact - they are now formal and official deliverable products and very important that these were laid down in the first three years and made the basis of work going forward.
Bringing in the knowledge holders at Glasgow a key achievement, although haven't been able to go into the territories because of pandemic.

Dalee: Speaks in relation to comments made yesterday in terms of evaluation from an indigenous perspective is still important, not necessarily in relation to SBSTA review, but to ensure mandate and structure is responsive to IP priorities. Suggests taking on the feedback of sister Alison from Wakitaki tribes, Aotearoa, as well as others from other sociocultural regions - if the effort is to be responsive to IP and the use of the FWG to be responsive to concerns, rights and interests and would give members more clarity on how to move forward even on different elements of the second WP.
In relation to the HR framework, Dalee notes that FWG consistently refers to the UN declaration of IP, but also needs to recognize all other relevant HR instruments not solely specific to IP as well as the specific IP frameworks (ILO convention 169 and the American rights to IPs).

In terms of Activity 4 (A4), Dalee notes in her assessment, as well as the evaluation of others, the series of webinars on IP knowledge and even more on ethical and equitable engagement was really important precedent - not just within this space within the UNFCCC but broadly speaking in terms of other international areas and other comparisons e.g. Artic Council.

Tom: Supports Dalee and indicates he also found A4 helpful in thinking of the three functions of the Platform. Groundbreaking in terms of IP giving the training.

Andrea: Identifies in relation to participation in the WIMS non-economic losses group and constitutive body that she has seen a sudden interest in the participation and the point of view of IP in the last two years or so. She identifies this as a real change in terms of wanting to listen to how IPs see these issues. What do we mean when we say non-economic valuation? Indigenous food systems? Economic and non-economic and the complexity of our culture and ways of knowing? She notes that this

participation has moved beyond participation as identified as presence in the room compared to listening to the perspectives IP bring in, and notes feeling the change in different constitutive bodies, a change of attitude and climate that can be felt. She does not attribute just to FWG and the LCIPP, and identifies that many of the IP Caucus have been participating for years in these bodies. Emphasizes that FWG must stay focused on the FWG and the LCIPP and help realize that IP participation moves beyond FWG to IP participation overall.

Pasang: Notes difficulty in getting to venue which move to online today has made easier. Identifies the challenge that the FWG has faced not being a technical constitutive body, which has meant that a lot of rights issues are still on the surface.

Hindou: Identifies what she likes around A9. She notes the big gap between IP being in the room and having participation, and asks how do we measure meaningful IP participation? Reference in the document? In the action of the group? Changing law or new programme? Suggests that inclusiveness needs to be redefined. She also asks what IP participation looks like in terms of FWG and LCIPP: Exchange between regions? Equity between regions? And what does it mean participation in the virtual world for IP and LC who cannot gain access? Are we excluding them? She identifies these issues as needing to be discussed and possibly implemented in the new WP. She also suggests that it's now not the time for negotiation, but time for implementation and to respond to 1.5. She emphasizes the need to align the needs of the body with communities on the ground who are waiting and acting.

Joanna MacDonald (Inuit Circumpolar council): sub-committee on the development of the web portal. Identifies the Portal as a great resource and very unique for bringing together party and indigenous reps. Indicates there’s lots of room for it to grow with each region having its own page and each activity having a page and serves as a helpful tool for those not so familiar with LCIPP.
In relation to A4, she suggests the webinars set a great precedent and brought multiple stakeholders on to those online platforms.
She indicates that she would like to see connections made at the national and regional level, further enhanced in the coming years.

Nikita Shiel-Rolle (Bahamas): Identifies this as an incredible space and the importance of being able to have this dialogue. Her feeling is that community voices are a minority in the space, acknowledging that we all face extreme challenges and she is inspired by being present with knowledge that she feels able to learn from and share. She has concerns about engaging her community in this space and identifies continued uncertainty in how LC, especially in Bahamas where there is no longer a presence because of colonialism, how can the LCIPP be a shared space and place and presence for LC? How do you build community where that doesn't necessarily exist? How do we bring people together around new shared visions for climate solutions?

Quinn Buchwald: Questions how you disseminate to IP without internet access and identifies the lack of representation in Africa and suggests regional gatherings as a possible activity.

Tom: In response, highlights that there is also a low bandwidth version of the Portal and asks whether the Secretariat could also give a little more detail in response.

Helen Magata: Respond to financial needs in enhancing their traditional knowledge and practices at regional and national levels and building IP capacity in identifying their needs and priorities in national programming and developing capacities of IP and ensuring their voices in decision making at different levels. She requests to hear more about the report on the Green Climate Fund (GCF) in providing technical support in the mapping of funding for participation of IP and suggests that she would also want to follow this up at the G7 level and make sure it's accountable to the reporting to the COP.

Tom: In response, indicates that the GWF contributed to the mapping in identifying funding sources but the co-leads of Activity 11 or Secretariat have further details.

Funding opportunities were identified.
However, there are many questions regarding the implementation of the GCF. It poses many barriers to access for indigenous communities.

It is intended to promote a special fund for indigenous peoples in the framework of the UNFCCC, to be administered by the communities themselves.

Chad Tudenggonbu (Secretariat): A11 document and online tool - GCF advisory group in their IP policy introduced in 2018 a group to be established and looking on doing that this year modelled on the FWG. They also have a programme specialist to support IP to access funding. To LCIPP we are engaging GCF and was one of the recommendations from A11 and into A6. This information is to be made available via the Portal as well as as the event mentioned earlier.

Tiana Carter (NZ): Congratulates the Platform for progress and thanks the FWG members. In terms of reflections, it is very encouraging to hear how IP perspectives and views and knowledges and systems are incorporated, supports the Platform, and shares the views on the access and any dissemination needs to respect and safeguard IP. Particularly interested in how to raise the profile of the Platform.
Will continue to support Maori to share insights including through reps in the delegation and ask other Parties to consider including IP representation - amazing views like Alison Cole yesterday.

Tom: Speaks to the benefit of including IP on official delegation.

Andrea: Comes back to words regarding the partnership and asks what's that terminology from the GCF in their publications? She doesn't recall FWG deciding to enter into a partnership, acknowledging a relationship as with other bodies. Identifies that the IP has always maintained GCF funding must be made available directly to IP. Concerned that calling it a partnership is too formal and would like to see what is printed and go back to the criteria.
She suggests making some policy proposals in keeping with the mandate: a proposal for a specific fund under the UNFCCC which is managed and distributed directly to IP so it doesn't disrupt funding already established between developing countries through GCF. Again reiterates that FWG should not allow partnerships to be established without agreement and consensus and terms of reference established between members.

Tom: Indicates that he doesn't think it's an official partnership and asks the Secretariat to post in the chat.

Tnutiak Katan (translated by Veronica): During COP 26 there will be several announcements on public and private funds but shares the concern that not directed to IP and LC - a priority for the LCIPP is to ensure that this happens. The November 2nd announcement of private funds will support IP and LC but they have not consulted and don't reflect concerns and views. He proposes the the LCIPP creates a funding mechanism at the global level - even the GCF is having a lot of problems with getting the funds to states (have to wait 2-3 years) and it would be even more challenging for LC and IP. He invites to make this fund that can be directly distributed and we need at least one or two governments to support our forests and nature. Working as coordinator of global alliance with several IP he thinks it's important to invite the UK government in order to encourage other states.

Charles Clatanoff (USA): Echoes colleague in NZ on success of 2 year WP and in drafting second WP. In the US, since rejoining Paris Agreement, renewed commitment to listening to diverse voices, and Special Envoy has met with youth and IP representatives, including Andrea.
On much greater funding required - governments are going to come up with 100 billion and we need to think outside the box in the LCIPP and other places for rest required.

NazairMOUNDZOUNGUELA Président de l'OI-T : Suggests sensitivity is needed with this
issue around funding - conflict sensitive approach to not create new ones. Suggests that their organization is working on the issue and can share the approach adopted to develop a strategic intervention.

[11:17] Dalee Sambo Dorough (Guest)
Thank you for your commentary Mr. Clatanoff and your encouraging words concerning the work of the FWG. Allow me to note that 227 of the 574 "federally recognized"

Tribes and Traditional Councils in the United States are based in Alaska. It is my hope that you and others within the administration and engaged directly in this process have the opportunity to directly dialogue with the representatives of this significant number of Tribes and Traditional Council, especially in light of the dramatic impacts of climate change in Alaska. Again, thank you.

Fosse Leif John: Identifies that Parties should contribute as well. In response to Tontitak, forest funds for the community directly aimed at (LEAF coalition). Identifies a learning curve for the donors and participants in this kind of financial arrangement - based on territorially based forest and local communities. This kind of arrangement within the UNFCCC and with private arrangements, suggests that there is no way not to involve governments (same way as countries are Parties to Convention). Indicates that announcements on funding are made next week will highlight that we are doing our best to ensure funds will reach the ground through the best arrangements that we are aware of, although not all will be happy with not having direct access and in having to go through governments.

Item 5: Discuss draft input paper to the global Stocktake.

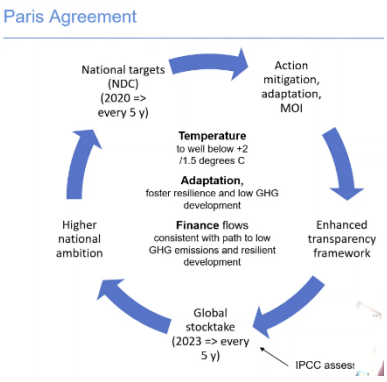
- What is the global Stocktake?
- Draft outline for FWG input to the GST
- Reflections from FWG members
- Dialogue with contributors

Notes by Panchali Saikia, Stockholm International Water Institute (SIWI), panchali.saikia@siwi.org

Paris agreement is an instrument, review of the implementation of the agreement at the Global Stockatake, as articulate in article 14. The global stocktake of the Paris Agreement (GST) is a process for taking stock of the implementation of the Paris Agreement with the aim to assess the world's collective progress towards achieving the purpose of the agreement and its long-term goals. The first GST will take place from 2021 to 2023 and the process will be repeated every 5 years thereafter. https://unfccc.int/topics/global-stocktake

A presentation was made about the Global Stocktake

Global Stocktake- what it is ?



Under the Paris Agreement Article 14, it is highlighted that

- Take stock of the implementation of the Paris Agreement- assess collective progress towards achieving its purpose and its long-term goals
- First GST will be held in 2023, and then it will be every 5 years
- Outcome shall inform Parties in updating and enhancing NDCs and enhancing international cooperation for climate action

<u>The modalities i.e., the How?</u>

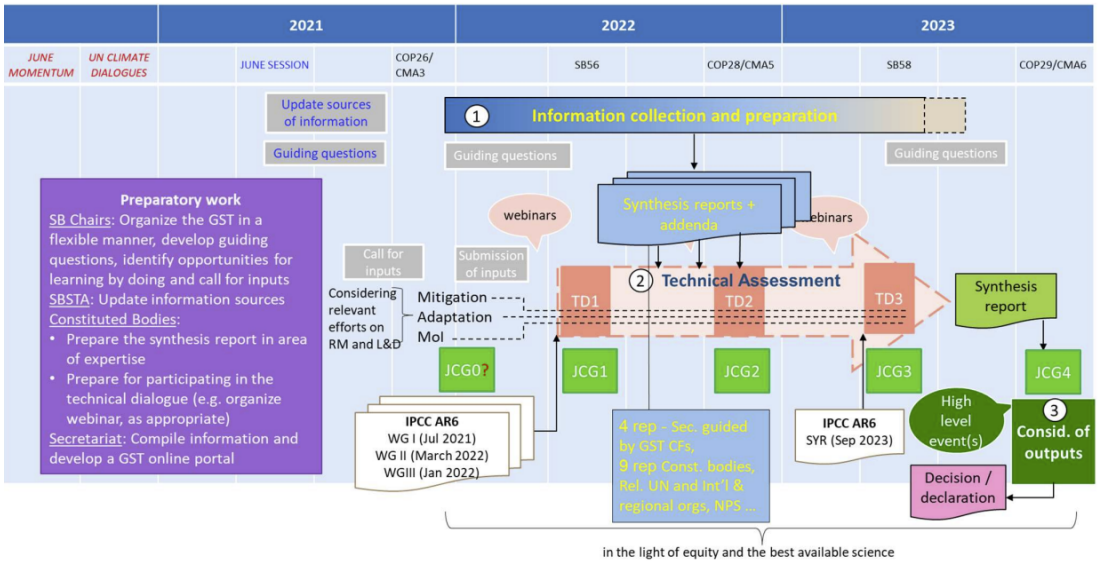
At Katowice climate package: decision 19/CMA. 1

- Information collection and preparation
- Technical assessment
- Consideration of output

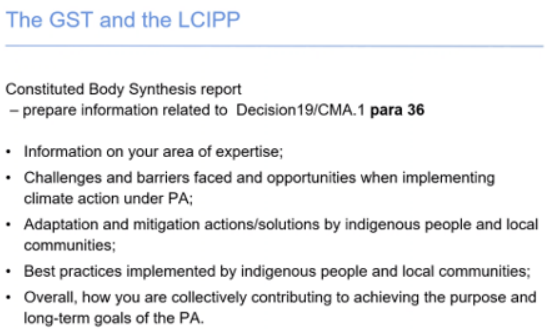
The different themes of the Global Stocktake includes:

Mitigation, Adaptation, Finance flows and means of implementation and support, Cross-cutting (fairness consideration including equity as communicated by Parties in their NDCs), and RM and L& D(Address the social and economic consequences and impacts of response measures; Avert , minimize and address loss and damage associated with adverse effects of climate change

Timelines of the first global Stocktake and some of its inputs and mandated activities



Non-paper developed by the SBSTA and SBI Chairs, to aid in preparation for the global Stocktake, can be accessed here <u>https://unfccc.int/sites/default/files/resource/Non-paper%20on%20Preparing%20for%20GST1_0.pdf</u>



In the conclusion of the presentation, a proposal was put forward to the FWG members, on how LCIPP could contribute to GST through the Constituted Body Synthesis report.

Comments from FWG members:

- Andrea: The Global Stocktake is not about progress or opportunity for participation but saving lives of people on the ground. IPCC study shows that emissions are not being reduced, which needs much more efforts and the contribution that the LCIPP can make by showing realities from the ground, recommendations from the knowledge holders.
- Dalee: International Climate policy making process, and in reference to the GST, potentially there will be more reaction and response from indigenous communities, apart from the contribution made by LCIPP through the Synthesis report. But it is crucial to capture the reactions from the wider indigenous communities from different region. If there is a distinct pathway for indigenous people to make the kinds of contributions that they want, whether in writing form or some other medium to share information for the GST. Citing what indigenous representative, Frank had shared about the example of United States, the status of tribes and climate change, taking initiative themselves from their own standard, measuring using criteria around contributing to climate change, which provides a clear directive that this is the indigenous contribution to the GST and how indigenous people themselves measure the progress and whether or not progress has been made. Tools like this can be contributed and generated from the national level, and that you know we as the Facilitative working group bear some responsibility for how we can actually do this . In addition, Government State party members could work in collaboration in a positive environment with indigenous peoples to create this pathway and to make the kinds of contributions that they possibly can from that from the national level to the international level.
- Graeme Reed: FWG provides a pathway to engage more indigenous communities, and opportunity through an institutional approach to contribute to the GST. Therefore, must explore how to engage different contributions of the indigenous people. we need to be clear that indigenous peoples participate broader than just the FWG and that they need to have direct input into the global stocktake
- Koko shared around questions raised around the key questions to be addressed and responded from the constituent bodies as contribution to GST. GST is a formal process, formal decision making process, in COP 2023. Countries had to make a decision together on how they reach the commitment that they agreed in the Paris agreement. This is cited in article 14 explains about the GST. Parties will look at what are the substance they will take up in the GST to assess collective progress in mitigation, adaptation, finance etc. The decision made at Katowice: decision 19/CMA. 1: https://unfccc.int/sites/default/files/resource/cma2018_3_add2_new_advance.pdf (Para 24 and 36). Para 24 is the process and 36 is substance

The parties decided need technical information, technical assessment phase that starts early next year. FWG and other constituted body have been asked to submit the inputs around some of the key questions.

- Pasang: In the history of UNFCC, this is the first time this space for indigenous people has been created therefore it provides a positive opportunity. However, one of the most challenging aspect is how we can have this implementation, policy engagement at the international level brining the issues and concerns from the country and ground level. This part is very weak, especially at the country level. The awareness level is now slowly increasing around indigenous people's contribution, but it is not enough without full efforts, and building capacity of both indigenous people and the parties on how IPs can contribute to climate policy. It is much needed not just as representing as a constituent body but as well as be in the negotiation tables.
- Yow shared that there might be space for Observers, indigenous communities to contribute.
- Hindou: Recognise the progress that has been made, since the Paris agreement with indigenous people's engagement. There is a progress that has been made. The experiences that communities are facing in everyday life, facing climate change impacts with challenges such as floods and droughts. These conversation needs to be highlighted, with concrete examples from the indigenous communities. Through all the NDCs, which must be enhanced and make it more ambitious. It is not ambitious enough to keep to 1.5. It is not just technological knowledge but also include indigenous people's knowledge who can contribute, while designing the programmes, NDCs. Hindou stated that we need to focus on the opportunities. Also need to look beyond FWG through the Caucus to contribute to GST.
- 6 weeks to provide the inputs to SABSTA and SBI
- Structure: assessment part, receiving inputs from knowledge holder. through multi Stakeholder Workshop that can help provide inputs that would showcase the opportunities provided by indigenous., assessment of the opportunities, capacity building of state parties, meaningful engagement on NDC's and other climate policies and the potential layer that needs to be strengthened.
- Submit its report by February 2022.

Item 4: Plans for implementing activities under the proposed second three-year workplan

- Review contents of the draft second three-year workplan
- Initial reflections from FWG members on possible sequencing of the workplan activities

Notes by Jamie Haverkamp, James Madison University, haverkja@jmu.edu

Hindou (co-Chiar)– Welcome back from Lunch Break. Invites Chad Tudenggongbu (Secretariat) for a brief presentation of the second three-year workplan

Chad Tudenggongbu – Presents the second three-year workplan via slides:

- FWG met in June to put forward second three-year workplan
- 2022 and 2023 regional or bi-regional gatherings
- Indigenous curricula – plans for disseminated indigenous curricula and dialogue sessions
- Regarding function 1 of the LCIPP: Build capacity of indigenous peoples and local communities to engage in UNFCCC process– the workplan includes workshops for this purpose.
- Regarding function 2 of the LCIPP: Build capacity of parties to engage with indigenous peoples and local communities – the workplan includes workshops for this purpose.
- Stives to enhance the engagement of IP and LC across the UNFCCC process.
- Multi-stakeholder workshops under the first two-year workplan will continue under the second three-year workplan
- Dedicated activity to continue to engage indigenous youth
- Envisions engagement with participants to the LCIPP
- FWG meetings

Hindou opens the floor for reflections on the second three-year workplan from FWG members.

Dalee – [giving context to the workplan] We wanted to align more with the priorities of IPs in this workplan and also wanted to have measurable activities in terms of their effectiveness. At least we paired it down to 9 activities… it could have been much more. At the end of our term as members, we did not want to "saddle" or impose certain responsibilities upon new incoming FWG members. The successor for the arctic sociocultural region is here and hopefully the transition will be smooth– passing onto the next member.

Hindou– Echoing Dalee, we will not be members but we want to leave a legacy and transition smoothly. Current members can continue to play a supportive role.

Andrea– Continues this conversation. Outgoing members are designing a workplan that new members will continue. We need continuity – we will serve as ongoing resource persons. We all did a lot of consultation with our regions. More to consider on:

- Activity 6 to the SBSTA
- How are we involving Indigenous Youth in ongoing activities, e.g., for the global gathering, we are asking all sociocultural regions to send atleast one youth and one woman. Recognizing Inidigenous youth as knowledge keepers and practitioners is central to us. Referencing her own community, Andrea state that our regional prophecies say that in difficult times “the old ones will start coming back” and they will start out as babies”… age is not the only determinant of knowledge and wisdom.
- Uphold and safeguard the rights of IPs (i.e. FPIC)– that is essential and needs to underpin the work that the UNFCCC will be doing in the future.

- I think we did well to reduce the number of regional activities, as Dalee said.

Hindou – Introduces the idea of capturing activities in an annual report

Tom (co-Chair) – On behalf of my party-region, I share that we tried to be strategic with the work plan although there is alot more we can do. Tom suggests focusing on activities that "maximize" peoples' time. When we implement these activities, Tom encourages stacking them back to back so that people are not flying in having badge issues, hotel issues, or economic difficulties but rather that the processes are streamlined and made as easy on particiaptns as possible.

Hindou - Opens the floor to party-member comments:

Hindou – encourages more state-parties to engage and voice their thoughts on the second three-year workplan or other related topics.

Alison Cole, (on Mic #3) a youth representative of Wakataki tribes, Aotearoa, NZ, shares that she is of sharing people, a "high consensus culture", and a "high contributing culture". Inquires about what modalities there are to bring Indigenous and local people into cooperation/collaboration with the LCIPP workplan activities. Adds that, "we are also a co-design culture" – we are very insistent on collaboration. However, like other IPs and local peoples, Ms. Cole. points out that "its not like we have paid jobs to come participate here" and this can be a real barrier. Seeks the FWG members guidance on how this might be addressed.

Koko Warner (Secretariat) – Responds to Ms. Cole with three pathways for IPs and local peoples to get engaged with the workplan specifically: (1) Secretariat's informal briefings – they are zoom calls, every few weeks, and open to everyone; (2) [Missed this]; and (3) to share your experiences, your practices, and the results from the on-the-ground (IPLCs) perspectives (Koko stresses the importance of this function of the LCIPP). There is the webportal to submit this information to and an email to the LCIPP and/or Secretariat. Koko ensures that " we will help you make you make those connections".

Andrea– responding to Ms. Cole's comment: As FWG members– we are representatives of our regions – each of us was selected by IPs in our regions– it was an extensive and participatory process in the US. IPs have input directly through the regional processes of the FWG members. This is very different from the United Nations Permanent Forum on Indigenous Issues (UNPFII), where there are individual Indigenous experts… here we are representatives, and I do not take positions here that my region does not support and that we have not talked about. Andrea also suggests the importance of regional meetings, especially for those of our members who do not want to come to the UN fora.

Tunga Nepalese IP participant – Reminds us that as IPs we are diverse and distinct. Asking the FWG, how does the UNFCCC respond to the collective concern of IPs? How does it read and respond to the collective needs and issues of IPs? Speaking from an Indigenous perspective, "I am saying this because Indigenous communities run a distinct way of governance" and lifeways– it is not like the UN system. But, rather looks very different. Tunga asks state parties to communicate how IPs & LCs can participate and engage in climate actions in ways that reflect the ways of IPs.

Reminding us all broadly, he states that we forget the distinct nature of IPs – we are driven by individualism – but IPs as people have collective ways of living. His intervention is to draw our attention to this tension.

Matilda (representing Sami Parliament of Sweden) – Offers support of the workplan and activities, stating that there was a lot of discussions around not giving us too much work so that the plan was achievable and we could have results. In terms of barriers and access to participation and inclusion : (1) language– materials and concept notes need translation and need more respect to different time zones. Wishes to hold meetings in-person so time differences are not so challenging; (2) the LCIPP portal is a tool for outreach and dissemination – it provides ways to communicate our work.

Hindou – Responds to Matilda re-emphasizing the importance of “Leaving no one behind” and the importance of timezones and languages

Government party- state representative for NZ– Supports the activities of the FWG workplan and comments on streamlining. Remarks that Maori peoples are storytellers– this is how knowledge is shared and it would be awesome to create mechanisms that enable storing of knowledges. And that, if we do continue in the informal zoom meeting format in the future, scheduling can be as mindful of pacific time zones as possible (a regional zone often not prioritized in global meeting setting).

Hindou- Gives gratitude to participants’ comments both in-person and online. Turns back to FWG Members for comment:

Pasang – Apologizes for being a bit late. Regarding the proposal for the next three-years, she states that the effectiveness of these activities depends upon the FWG of the first two-years. It is not just activities that we "tick mark" but how effectively they have been able to raise the issues of IPs. One of the main challenges and issues on the local, national and international level for me is that awareness of issues facing IPs raises. However, we still have not moved to the right space referencing the "gaps" of activity 9 and the engagement of IPSs in forming and implementing national-level policies– this work needs to carry over to the incoming FWG.

Andrea raises a question for Koko Warner (Secretariat): What is the timeline and process for adopting the next three-year workplan?

Koko– What is scheduled for this COP is that parties will have sessions to negotiate and discuss the LCIPP– the recommendation from Katowice recommends to endorse the workplan (this can be found in the Annex). SBSTA will collect all state-party comments on the workplan review and will then move to a decision-making phase in the second week of the COP. The negotiation workstream is being arranged by the Secretariat. Secretariat acknowledges that "Of course your all anxiously awaiting" and ensures the FWG that scheduling is being done as carefully as possible. Taking into account "clash tolerance" the secretariat "machinery" will schedule the LCIPP negotiation sessions in ways that they don't conflict with the major events and side events associated with the LCIPP and IPs.

Hindou – Reminds FWG members and participants that we are not negotiating peoples– (we have no vote/negotiating power). She then asks those in the fora to please include us (FWG) in this decision. Whether there is an adoption or no work plan

by state parties, FWG will be deciding more on the workplan activities at the intersessional meeting.

Secretariat – Housekeeping note: (1) Group photo during meeting break

Item 6: Enhancing the coherence of the actions of the LCIPP

- Relevant processes and bodies under the Convention
- Relevant processes and bodies outside the Convention

Alfonso Pino (I missed this as it was in Spanish and the interpretation did not work again for me). Will check the webcast later to include notes

Saturday, October 30, 2021

Item 7: Any other matters

Including:

1. Draft FWG rules of procedure
2. Submission of resource via the LCIPP web portal
3. Relevant articles of the Paris Agreement

Notes* by: Joanna Cornelius, Faculty of Law, Lund University

*The notes are not word by word, it has strived to reflect the issues discussed, and should not be used as citations/reference.

Item 7, Any other matters

Thomas (Co-Chair): Today we are beginning with item 7 which is 'any other matters'. We have three sub items under this agenda item.

7 a. Draft FWG rules of procedure

Thomas (Co-Chair): Begin with the draft FWG working methods which was proposed by our colleague Dalee and I give the floor to Dalee to introduce them and then we will have discussion.

Dalee: At the very initial meeting of the FWG there was a lot of dialogue and discussion about exactly what is the FWG, and I think everybody brought forward their varying views about how the FWG can be responsive to indigenous peoples and there were a host of different points of view on the matter. But now that the FWG has undertaken a series of meetings, it became clear that in terms of basic protocol and working methods that nothing was in place. It is important for this particular body, especially because how distinctive it is from other constitutive bodies, that we should have some guidelines and basic provisions, or

principles and rules, by which we would function. It is typically called the ‘terms of reference’, but I have also come to know that specific words within this overarching UNFCCC political arena, have a host of different attachments to them. When you use the term ‘terms of reference’ it does not have exactly the same meaning as protocols or guidelines or rules or principles by which we should function. In this regard the arctic region specifically pulled together some basic guidelines and principles by which we believe the facilitative working group should function. Especially because of the nature of this new entity and the fact that we have state party members and representatives of indigenous peoples. And to that end the Arctic region has prepared a draft document that provide some basic principles or guidelines by which the facilitative working group should function. We have prepared this draft in consultation between the Inuit and the Sami. What the Arctic region would like to propose is the establishment of a small … working group to look at these methods of work and take the draft that the Arctic region has developed, wordsmith it to the extent that it is consistent with the mandate and composition of this particular body and then share it with all the facilitative working group members and allow for review and hopefully final adoption. Underscore that I am not talking about this in the context of what is otherwise known by other constitutive bodies as the ‘terms of reference’. Bringing it back to working methods in terms of basic principles and guidelines for how this body is functioning within UNFCCC but also how it is represented outside of the UNFCCC. And when I say a small … working group – talking about one state representative and one indigenous representative going over the draft that we have prepared. They could toss it all, they could start all over. But at a minimum we would have a starting point for a document that we could potentially adopt. And the other dynamic is that I think it is important for the institutional functioning but also the institutional memory of this entity within the system.

Thomas (Co-Chair): Are there any reflections from FWG members on Dalee’s proposal to form a little working group with some FWG co-champions to develop this?

Andrea: Whenever this has been raised, we have all seen that the secretariat sends terms of reference that already been decided. Wondering what assessment or analysis the Arctic region did to say what are the points that are not included there that we need to include. If you could give a couple of examples of those principles that you have developed in your draft. We already have a terms of reference, that we operate by consensus for example, what that consensus means we discussed to, cause it means something different sometimes within indigenous decision-making bodies. If you could give a couple of examples that the Arctic region feels is missing from what we already have that could supplement or add value to that?

Dalee: Two examples. Yesterday is a perfect example of how a terms of reference would have been really constructive, the global stocktake discussion. We would have had a very different discussion if in fact all of us had received an email within the subject line it would have stated ‘Decision needed global stocktake’ and then outlined exactly some of the key actions items that needed to be undertaken. We would have had a more robust and thorough and detailed discussion. It would have lent itself to have some basic guidelines for how we function when a decision is needed. Second example is representation of FWG inside the UNFCCC and outside the UNFCCC. We have unwritten kind of understanding but it would help to have clarity and certainty, in terms of having those reflected somewhere in a written document. Also, useful for indigenous peoples who want to engage and have some

clarity about the very real limitations of this body within the UNFCCC. Indigenous peoples coming forward and participating here some of these basic guidelines would be helpful as well.

Andrea: I can speak as a former co-chair as well that I think there needs to be some clarity about what it is that the secretariat does and decides and develops and what the co-chairs are responsible for to oversee and what the body as a whole needs to approve. For the co-chairs, clarity would also really help, if we talked about the roles of the co-chairs, the roles of the secretariat. There does need to be clarity about who decides what and what the process is.

Pasang: It would be good that it will be discussed among all others, and especially maybe come up with a draft proposal by the secretariat as based on also the other draft and sharing also the draft prepared by Dalee and also the draft of other constituent bodies. The secretariats role is very important, because of incorporating the best practices of other constituent bodies also. But that doesn't mean that we always follow the other bodies, but we can follow the best practices. Propose that the secretariat come up with a draft considering the different reference materials including the draft proposal by Dalee. So that we can have a discussion based on all of our experiences in the past three years.

Yow: Echo what Andrea and Pasang have said about the value, utility, of having some sort of clear guidance for the working methods of the FWG can be very helpful. Appreciate Dalee's initiative to bring this forward and to see what the best way forward would be for us. Dalee you referenced this as a terms of reference but I have also heard it called rules of procedure. I do see in the draft agenda for this FWG meeting that there might be a process for putting together formal rules of procedure including maybe a specific request or an instruction from SBTSA before that can go forward. So maybe getting some clarity on that process going forward would be helpful.

Thomas (Co-Chair): My understanding is that rules of procedure would need to be invited by the SBSTA when the FWG is reviewed. But if we wanted to create some internal working methods that we could do that as the FWG.

Koko (Secretariat): In the UNFCCC process the ultimate decision-making body is the conference of the parties. All of the countries assembled in this process together. Underneath the conference of the parties there is series of subsidiary bodies. In the COP draft rules of procedure, there is a rule that states that the constitutive bodies, those subsidiary bodies can draft their own rules, their ways of working. Practically what happens, is because the FWG reports to the COP through the SBSTA. The SBSTA could request the FWG as a constitutive body to draft its own rules of procedure within the established guidelines. The COP is the ultimate decision-making body. That request could come from the SBSTA. In addition, it is a bit of a spectrum, the body FWG can also just develop its ways of working, it does not have to be formal. There is that spectrum. And that is something the FWG can discuss together.

Dalee: The latter is probably the context that best aligns with the conception that we have about moving forward. I guess I would steer away from anything that draws us in to a document that would end up having to be negotiated. That only invites interference. On

terms on how we do function. Put this through a more informal process and refer to the guidelines as working methods, an internal document, rather than one that is open to critical analysis by others.

Hindou (Co-Chair): To move it forward these discussions, secretariat took note from what we think all of us. The first option is we can ask the government to request to have the rules and procedure, and secretariat have already standard of rules of procedure. And then the body can add its two-three bullet points of the way it wants it to work. So that is the really standard one we all have. The second option, we can do that in light, but it is going to be just for us. I propose a draft from the secretariat, taking note from what Dalee proposed and also what Passang and all the rest of us proposing here. We can have volunteers from the team, we can team of three-four or we can have all of 14 peoples to volunteer and we can have calls and work through the draft that the secretariat proposed to us, agree on certain bullet points of how we want to work together and adopt it among ourselves.

Thomas (Co-Chair): I agree with these two options and I think that we are more … option two were we would have the secretariats support, a group of volunteers who want to work on internal working methods, with secretariats support, intersessionally. But if other members feel differently or like to go with the first option please take the floor? Otherwise I think towards second option you described.

Dalee: I indicated the word small, because it is always a challenge to draft by committee. The idea is to put a draft together and everyone provides input. Just want to caution in terms of putting together a large committee gets pulled in different directions, hence the suggestion that it would be a really small group and not take a long period of time to generate what would be a draft for every ones input.

Thomas (Co-Chair): Take your point on that. But I think given the interest from everyone I would be hesitant to be too exclusive and I would make it open for anyone who wants to work on it in the small working group, if that is ok with you? I think we landed on a decision, so if the secretariat could please take note of the comments made and support in the development of a small working group.

7 b. Submission of resources via the LCIPP web portal

Thomas (Co-Chair): Next item on other business concerns the LCIPP web portal and how resources are submitted to the web portal. To introduce the discussion I will pass the mike over to Chad from the secretariat to walk us through what the subcommittee has proposed.

Chad (Secretariat): Presents a diagram based on the discussion the subcommittee as well as the discussions from FWG 3 and 4. What you see on the screen, is on the left side you have the submission through the portal, we have two sorts of filters. One is ‘compliance’, once you are on the web portal the first thing you see is safeguard language. When resources are submitted they need be confirmed that that is in compliance with that document. How that confirmation is done? The submitter has to tick of that they actually reviewed the document. Second factor is ‘relevance’. One possible function is that the secretariat can review any document that comes in, relevance in the general sense. If it is

something completely irrelevant, that it is not related to the work, then we would put aside, but anything that is relevant will be considered. When both of these ticks of we will have it uploaded to the web portal. The web portal does have a function, anyone, members, contributors, if they see resources that is not in compliance with the principles of free prior informed consent or is not relevant they can actually report and once a report happens, we would take the resource immediately offline and then seek guidance from the FWG how to proceed from there. In addition to that, a possible approach that the group may consider is since the submission will be, its an on going, and the portal is there to make the work of the local communities and indigenous peoples platform widely accessible you may consider to have this as a standing agenda item for the meetings of the FWG. Where the secretariat can update you what kind of new resources come in and then you may also review some of the items that may have issues with compliance or relevance.

Thomas (Co-Chair): We took this really seriously, trying to balance the competing concerns of making sure that anything submitted was definitely in compliance, while also making the web portal a tool that is used, and useful resources are submitted without it being overly burdensome on the submitters. Make sure that the safeguards are upfront; the secretariat to provide an initial review, anyone who is on the web portal to be able to report any misuse of the submission function; and for FWG members to have continuous oversight of what is submitted. Welcome other FWG members views on this flow, including the possibility of adding that standing item for the FWG to review any content that is of concern added to the web portal, at their regular meetings.

Some of the issues commented or discussed under this sub item:

- The report function on the website
- Possible standing agenda item for FWG to review submissions
- One of our main achievements was to ensure that we got the rights language and the rights safeguards posted, as a criteria, as a red line, before the platform went up
- On relevance - how to avoid subjectivity
- Mechanism so that the representative is notified when a submission is done
- Envisage national level platform portal, think about how it can be a model that can be replicated
- Content coming from different languages
- If there are material in any language reach out to the regional member
- Circulate the direct link to the portal. Now it is in place, use it
- The rights safeguards international standards document that were completed for activity one – on the portal
- Possible linkages between the portal and other websites
- Link to the safeguard on each page
- How to manage the contributions from local communities
- Make it easy to access - not only through computers, reach it through smartphones

Thomas (Co-Chair): Maybe what we could do is since we have agreed to make it a standing item to consider the web portal and submissions, a new tool for us, so maybe making some time to offer reflections on it at our next meeting as well, see how it is going after everyone have had the chance to populate it, their pages, and contributors have had the chance to review it and see what is working for them. It is probably worthwhile to have some reflections

at that point as well on what can be improved and what is not working. Unless there are any further thoughts, I close this agenda item.

7 c. Relevant articles of the Paris Agreement

Thomas (Co-Chair): Next agenda item which is relevant articles of the Paris Agreement. Inviting the secretariat to share an overview of the relevant articles of the Paris Agreement and then we will begin with reflections from the FWG members.

Koko (Secretariat): Where does the Convention and the Paris Agreement fit in, and where does FWG fit in. How can FWG play its role. We put together just a few slides. And if you can think about what we are doing as a mission, and instruments or tools, and then a team (shows slides). Those are the three things. The mission is set out in the UNFCCC Convention. The ultimate objective of the convention, article 2. Instruments that help realize this objective, those are legal instruments, the Kyoto Protocol (won't talk much about, focus here on the Paris Agreement). The Paris Agreement is an instrument that parties have created to help achieve that ultimate objective. That is the mission and the tools. And who are the players in this important endeavor? We have you, we have the supreme governing body – that's the conference of the parties, all of the countries making decisions together, we have SBSTA and SBI those are subsidiary bodies – they have a more focused mandate they have a technical role, then we have technical bodies that is constituted bodies like the facilitative working group. Those constituted bodies have a very specific scope and functions to help contribute. Each one of these actors or bodies has a role to play into fulfilling the ultimate objective of the Convention. And off course there is the secretariat, our job is to support all of you. This is article 2 of the UN Framework Convention on Climate Change (shows slide). Ultimate objective of the Convention and any related legal instruments. Let us take a look at the Paris Agreement (shows slide), the Paris Agreement is an instrument to help countries achieve that ultimate objective to avoid dangerous anthropogenic interference with our climate system. Article 2 – sets out the objective of the Paris Agreement.
And now again, the question - where does the FWG fit in? That's the question you will discuss. What about the articles of the Paris Agreement - everything works together, all of the different articles works together to achieve those objectives (shows slide). You have the ultimate objective, that is the framework, and then you have the instrument, that is the Paris Agreement and we know the objective of the Paris Agreement (we just looked) and then additionally there are many additional articles, that parties have agreed, how to mitigate, how to adapt, how to avert, minimize and address adverse climate impacts, how to coordinate and provide the means of implementation including finance, how to enhance transparency of the efforts, how to assess collective progress. And I could go on. The point that this slide helps us understand is all of these articles of the Paris Agreement work together. Parties worked really hard to create a balanced package. And that will a part of the work ahead, of many of you who are parties and all of you that have come together to help create that balanced package for this important conference of the parties.

Andrea: Ask Koko to give 30 second assessment of what the Paris rulebook is, because that is actually what I want to address.

Koko (Secretariat): Back in 1992 parties came together, parties decided first on the ultimate objective, and in the years that ensued the parties then had to coordinate and decide together how they would move towards that ultimate objective. Then they created instruments. Often, as is in the case with the Paris Agreement, there is an even more specific set of negotiations. For us that was the Paris rule book that happened in Katowice that gets more specific how countries will coordinate and create action around these articles. In Katowice, that outlined how the parties wanted to move together on many of these articles. Few bits that parties continue to work on, they haven't yet concluded. And one of the aspirations here at COP 26 is to conclude some of those still outstanding articles, one of those is Article 6.

Andrea: In Madrid, at COP 25, article 6 was not able to be adopted. The Caucus had developed a very strong position on article 6 – which is the one on international cooperation which includes marked based proposals for solutions. The problem that was confronted was that Caucus position and a growing number of states supporting that position were quite insistent that the concerns of indigenous peoples for these kinds of, what are called solutions, must include recognition of the rights of indigenous peoples. Indigenous peoples were able to point to many many cases were such forests offsets, plantations etc had already negatively affected the rights and the land rights and the ability of indigenous peoples to actually do what we are charged to support. Para 135 of the Paris Decision - the last part is the creation of a platform but the first part talks about the need to strengthen the practices on the ground of indigenous peoples addressing climate change. Indigenous peoples felt that the implementation of article 6 as originally worded without safeguards for the rights of indigenous peoples would in fact directly be oppositional to that objective as stated in para 135. A couple of years ago my region, the North America indigenous peoples region, we have a working group working on climate change that advices me in my role here, decided that it would be important for the FWG, because of our unique assignment, in the system of UNFCCC, the only constituted body charged with implementing, as a focus, para 135 of the of the Paris Decision which has two components, one is to strengthen indigenous practices, innovations etc the other is to create a platform for exchange. Paragraph that formulated the beginnings of the development of this body, the facilitative working group for the LCIPP. Important for us to take a position also based on COP 24 decision creating the FWG, that said that our work would be based on respect for the UN declaration on the rights of indigenous peoples in its entirety, which off course recognizes land rights, resource rights, prior informed consent, cultural heritage and many of the other relevant provisions to our work, self determination etc that had already been adopted by the General Assembly. When we have been assessing our work of the last years, the rights based framework has been the basis.

The principle of the rights of indigenous peoples, preamble of the Paris agreement that climate action must take into consideration human rights and specifically rights of indigenous peoples. Question is, are we able within our mandate to provide technical advice, which is our mandate, to the process before the COP here. To conclude the Paris rule book on article 6 in a way that respects the rights of indigenous peoples but also enables us to carry out our very practices and implement our knowledge system that allows us to adapt to climate change and contribute to all of the things that we have been talking about here. Indigenous people are very concerned here, that if article 6 gets adopted without those safeguards that in fact the very purpose of our body here will be undermined. The question is, are we able to

provide technical advice that would contribute in a positive way to both the concerns of indigenous peoples and the concerns of states, who wants to get this adopted. Especially states from developing countries, are very concerned about this article moving forward.

When we had our recent Caucus call there was a strong view that the better we can help contribute to an awareness that this article must include rights of indigenous peoples as safeguards for its implementation. In the light of that, we did disseminate a recent statement from the High Commissioner on Human Rights of the United Nations of why it is important that the rights of indigenous peoples and those safeguards being included in article 6 as a priority. Because we are a technical advisory body charged with addressing knowledge, capacity building, and policy recommendations, I am requesting that the facilitative working group submit a statement of technical advice to the COP to advice them, in our best capacity, given our mandate, that we strongly believe that the rights of indigenous peoples must be included as safeguards in article 6. Ask you to support indigenous peoples strong concerns about this and to lend our voice in a technical advice capacity to ensuring that there are rights safeguards for indigenous peoples, including free prior informed consent, … in text of article 6.

Thomas (Co-Chair): Colleagues the floor is open for reflections on Andrea's proposal.

Some comments and reflections during this sub item:

- No problem with the proposed language but wondering whether that will resolve the current impasse on article 6
- This subject is recurrent in every meeting that we have had. The position of my region is still the same, can not talk from all the countries as a unit regarding the negotiations on article 6. Recommendation would be to continue working bilaterally
- Recognize that there are other problems with article 6. Howe ever the facilitative working group are not charged with addressing other matters
- We can count on you as party representatives to understand the need of indigenous peoples while you are negotiating, in your another hat not member of the facilitative working group, so you can think about how the rights based approach can be incorporated, not only in the article 6, there is a lot of other articles. We can not have a position because it is a negotiation text
- From indigenous prospect it is a fundamental issue. Proposal/question to all of us and to co-chairs: could the facilitative working group provide a statement to support human rights ombudsman and council decision to put human rights on the environmental, in particular climate change issue. An alternative way how the facilitative working group can express strong commitment to human rights under the climate process
- From a party point of view I think it is Important that we respect the mandate that we were given as the FWG to be a technical body to implement the workplans that we develop and that parties endorsed at COP25 and hopefully endorse here at COP26 for the new three year workplan. I don't see where the mandate is for us to be endorsing statements or writing statements when we haven't been asked to do so

Koko (Secretariat): FWG is a technical body, and it has a scope, and its role is to help bring to life the functions of the LCIPP. It is not a negotiating body. Maybe I can hint at some things FWG could consider in its role as a constitutive body. FWG has put forward a draft second three year workplan, parties will look at that in the coming week of negotiations. Parties might endorse that workplan. Activities under the workplan are a

place where FWG and its many contributors can do a lot of effective work to operationalize those functions. Another thing the FWG can do is, the FWG reports to the SBSTA, and so that reporting line is something that if FWG, as a body which operates by consensus, wants to have any kind of conversation for example with the SBSTA chair that is another thing that is very much in its way of operating.

Some comments and reflections during this sub item (continuing):

- As a technical body we would simply be acknowledging what exist in fact and law. As an UN entity we would simply be restating what UN member states have affirmed and endorsed. There are ways in which we can do this, and there are opportunities that don't even enter into the roam of negotiation or advocacy. And this is especially true for those states who have publicly pronounced their support for the rights of indigenous peoples, as affirmed in the UN declaration, as well as the American declaration and the ILO Convention 169. This is not within the roam of advocacy or negotiation, in fact it is a technical statement based upon fact and law.
- (interpreted to English) We have got two or three ways to progress towards our goal, one is to wait until parties agree and they find the right steps and mechanisms keeping all the formalities, the other route is the sense of the emergency that we are living at the moment. The sense of emergency to stop the destruction of nature, of increasing the rights and the respect for rights of nature and also to reinforce the respect for the rights of the indigenous peoples. We do need to have a sense of emergency.
- Recognize the institutional limitations of our particular constituted body, limitations that are shared by other constituted bodies in the UNFCCC and that's just a reality, at the same time also recognize the sort of groundbreaking nature of this constitutive body, the innovative nature of this constitutive body. We owe it to ourselves and owe it to those who fought hard for establishing this body to try to be creative, in how we can express what we on a consensus basis believe are important messages to be conveyed in an appropriate manner. Some possibilities. We do have references to rights based approaches in the introduction to the draft of the next three year work plan. And hopefully if the parties agree the next three year workplan of the platform will be adopted. Also think it is important that the report of this particular meeting fully reflects this discussion that we are having right now. Perhaps our co-chairs can also put a press release, acknowledgment that this discussion has been had.
- As it stands the FWG only produce two reports under its current mandate, so there isn't actually an annual report that will come from this meeting.
- On the ground, that in the name of the climate change mitigation and adaptation there are also fear that in the name of NDC and in the name of different initiatives in the climate change efforts, the possibility of snatching away the rights of indigenous peoples for especially continuation of our customary governance system, our own traditional practices knowledge system that contributed for climate change resilience for generations. Rights based approach is definitely no doubt our most priority.

Hindou (Co-Chair): Good proposition that as co-chairs we just try to consult as quick as possible, we will try to figure out in our note as co-chairs, how we can take the right based approach in all the negotiations. Off course article 6 is very important, but we have also many other who are important. Rights based approach in general in co-chairs note, we will try to see how we can incorporate that as co-chairs note. Secondly, we will also explore what will be the best way to give a maximum information outside as press release. We will discuss among ourselves and we will see what we can do. Today we are going to end this meeting so we can not have further discussions.

Item 8: Closing.

- Dates of the next meeting (FWG 7)
- Reporting arrangements and intersessional work
- Closing remarks (thank the interpreters)
    - https://ndncollective.org/

Indigenous invocation

Other Links

- http://www.iipfcc.org/