

TACKLING CLIMATE CHANGE: DEVELOPMENT OF MITIGATION POLICIES WITH INDIGENOUS VOICES



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Indigenous Peoples' Right to Participate in Decision-Making

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Right to participate in all decisions that may affect them and their rights based on

- **Free:** without coercion or divide and conquer tactics
- **Prior:** with sufficient lead time for information exchange and decision making processes to occur
- **Informed:** with information necessary to understand ramifications of the decision
- **Consent:** with the aim of arriving at an agreement



Photo credit: Peter Pomart

Consultations should be undertaken according to Indigenous peoples' own decision making processes

Decision making should include women, elders & youth

International Instruments and FPIC

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- UN Declaration on the Rights of Indigenous Peoples articles 3–5, 10–12, 14, 15, 17–19, 22, 23, 26–28, 30–32, 36, 38, 40 and 41
 - Specific mentions of FPIC: articles 10, 11, 19, 28, 29 and 32
- ILO 169: articles 6, 7, 15
- CRC article 12
- ICCPR Art 27 /HRC General Comment 23
- CERD Recommendation XXIII CESCR General Comment
- American Convention of Human Rights/American Declaration on the Rights and Duties of Man – *Saramaka* & *Sarayaku* decisions

Current Approach to Climate Change Planning

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□ Canada's INDC proposes “investments to encourage the generation of electricity from renewable energy sources such as ... low impact hydro.”

□ “Canadian provinces & territories have significant authorities over the fields of natural resources, energy, and the environment.”



Photo Credit: Trevor Hagan, Winnipeg Free Press

Good Practices on Right to Participate in Decision-Making

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Expert Mechanism on the Rights of Indigenous Peoples advises that good practices include those that:

(a) Allows and enhances indigenous peoples' participation in decision-making;

(b) Allows indigenous peoples to influence the outcome of decisions that affect them;

(c) Realizes indigenous peoples' right to self-determination

(d) Includes, as appropriate, robust consultation procedures and/or processes to seek indigenous peoples' free, prior and informed consent.



Photo Credit: The Canadian Press

Including Indigenous Peoples in Planning Processes

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- States must include Indigenous peoples in the climate change mitigation and adaptation planning processes to ensure Indigenous peoples do not carry the burden for mitigation strategies
- Recognize (title, demarcate and delimit) Indigenous peoples' rights to their traditional lands – and recognize their rights to manage the associated resources
- Use Indigenous peoples' knowledge to help identify & address impacts of climate change when developing planning



Photo Credit: Darryl Dyck , the Canadian Press