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Human Rights and Corporate Responsibility in the Shift to a Green Economy

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* The views expressed in this paper are those of the author and do not necessarily represent those of the United Nations.

Indigenous Peoples often face massive barriers to advancing Indigenous-led climate solutions because of ongoing systemic racism and oppressive colonial rule of traditional lands and territories. The continued destruction of Indigenous homelands for fossil fuels, high GHG industries and the false solutions that support them are examples of “neo-colonialism,” that many Indigenous Peoples name as a root of ongoing environmental and cultural genocide. Settler colonialism and capitalism are at the very foundation of carbon-intensive economics and climate change - and inherent to both is the erasure of Indigenous Peoples and the exploitation of their lands for profit.¹ This report provides an overview of the history Indigenous rights and cultures in pursuing protection of Indigenous lands and territories for planetary health and cultural wellbeing.

1. A History of Indigenous Rights

Indigenous Peoples represent some 476 million people worldwide and over 5,000 distinct cultures, languages, and unique peoples in over 90 countries. The unique cultures and ways of life of Indigenous Peoples are largely characterized by collective, multigenerational, interdependent relationships with the natural world that are reliant on intact and thriving biodiversity.

*From a traditional perspective, the health of our peoples cannot be separated from the health of our environment, the practice of our spirituality and the expression of our inherent right to self-determination, upon which the mental, physical and social health of our communities is based.*² - Gemmell, Faith. (1996)

The unique rights and lifeways of Indigenous Peoples attracted international attention when Deskaheh, Chief of the Iroquois League (Haudenosaunee) of the Six Nations of the Iroquois Confederacy, attempted to attend the League of Nations meeting in Geneva in 1923. While unsuccessful in participating in the meeting, he was successful in highlighting the unique rights of the Peoples of Six Nations in the letter *The Redman's Appeal for Justice* that advocates for sovereignty and self-determination of his people.³ This appeal was couched in the fact that Indigenous lands and territories were being exploited for industrial activities to support the proliferation of predatory capitalism that endangered the rights, lifeways and knowledge of Indigenous Peoples in North America despite treaties signed.

¹ Whyte, Kyle. (2017). Indigenous Climate Change Studies: Indigenizing Futures, Decolonizing the Anthropocene. English language notes, 55, 1(2), 153-62. <https://doi.org/10.1215/00138282-55.1-2.153>.

² Gemmell, Faith. (1996). Indigenous Women and Environmental Violence. International Indian Treaty Council's Oral Intervention at the 7th Session of the United Nations Permanent Forum on Indigenous Issues. <https://t.ly/xWoUg>

³ Deskaheh, Letter to Sir J.E. Drummond, Secretary-General of the League of Nations, on 6 August 1923 (document also published under the name of "The Red Man's Appeal For Justice") <https://t.ly/82A3X>

At this time Indigenous culture and lives were largely ignored and, in many cases, demonized by colonizers that occupied Indigenous territories the world over. For many Indigenous Peoples imposed systems of colonial laws and policies hold little meaning in Indigenous cultures and are in contravention with pre-existing forms of governance. Many Indigenous Peoples refer to their existing “laws” as Natural Law which the late Dave Courchene Jr, Anishnabe Knowledge Keeper defines as follows:

Natural Laws are teaching{s} of the Earth. Nature operates on the principle of balance. For the First People, following Natural Laws has always helped us to live in balance and harmony.⁴

These laws have governed Indigenous Peoples for millennia setting forward the foundations for economic and community prosperity. The long-held myth that innovation and commerce began with first-contact has been debunked. And the various ways in which Indigenous Peoples thrived economically through incredible innovation driven by the natural world before first-contact continues to unfold.

Recognition of generalized human rights began to shift in the wake of the atrocities of World War II. The international community and League of Nations vowed to never allow such things to occur again. 1945 saw the creation of the United Nations (UN) and at the first UN meeting in 1946 the *Universal Declaration on Human Rights* (UDHR) would be tabled providing definition for the individual rights of people everywhere. The UDHR was adopted in 1948.⁵ The negotiation and development of the UDHR involved participation from people of various political, cultural and religious backgrounds but was devoid of Indigenous Peoples participation who remained under the control of colonizing powers. At the time there was little discussion about issues faced by “minority” groups and almost none on Indigenous Peoples. Keep in mind in 1948 people of color, queer, gender diverse, disabled people, women and children were not afforded access to resources and systems to support a quality of life in most places across the globe. However, UDHR would become instrumental in advancing the rights of these groups in the following years.

Indigenous Peoples were first internationally recognized under the *International Labour Organization Convention 107* on “Indigenous and tribal people in independent countries” in 1957⁶ but in many cases colonizers considered all people in colonies to be “indigenous” causing great difficulty for Indigenous Peoples. The advancement of the recognition of the rights and culture of Indigenous Peoples was slow between 1923 and the early 1970’s despite various regional and national disputes and movements.

The recognition of pre-existing Indigenous lifeways and peoples began to take hold in 1960 when the UN adopted the *Declaration on the Granting of Independence to Colonial Countries and Peoples*⁷, which affirmed the rights of all people to self-determination and an end to colonization. One of the most challenging factors to advancing these discussions for decolonization within Indigenous territories was the

⁴ Turtle Lodge Declaration, Gathering of Indigenous Knowledge Keepers and Scientist, September 2017, <https://t.ly/xjS9y>

⁵ <https://www.un.org/en/about-us/udhr/history-of-the-declaration>

⁶ Ms. Mahima Chandra, a 2nd year student of Lloyd Law College, Greater Noida, Article: The United Nations General Assembly adopted the United Nations Declaration on the Rights of Indigenous Peoples, Jan 2024 <https://t.ly/zJVEy>

⁷ UN General Assembly, Fifteenth Session, 1514 (XV), Declaration on the granting of independence to colonial countries and peoples <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/152/88/PDF/NR015288.pdf?OpenElement>

ongoing disagreement on who was considered “Indigenous”. By the 1970’s Indigenous Peoples across the world began to organize and advocate for broad scale recognition of the impacts of colonization and affirmation of their unique rights to sovereignty and self-determination through participation within various UN bodies. In 1982 the Economic and Social Council (ECOSOC) established the *Working Group on Indigenous Populations* with the mandate to develop a set of minimum standards that would protect Indigenous Peoples.⁸ This would become some of the most formidable work to advance the rights of Indigenous Peoples.

By the 1990’s Indigenous participation and advancement of the recognition of Indigenous Peoples unique relationship with the natural world and roles in advancing planetary health were growing across numerous UN bodies. Most notably and importantly was Indigenous participation at the UN conference on Environment and Development (1992), known as the *Rio Earth Summit*. During the summit Indigenous Peoples met in Kari-Oca, Brazil, to discuss concerns and actions necessary to combat environmental destruction. *The Kari-Oca Declaration* and the *Indigenous Peoples’ Earth Charter*⁹ were adopted at this meeting. These documents highlighted the distinct relationship with the Earth and values of the world’s Indigenous Peoples, highlighting the threats and dangers of ongoing colonialism while calling on states to recognize and affirm these rights for their protection. Critical defining language on the unique lifeways and rights of Indigenous were affirmed in this declaration as follows:

We, the Indigenous Peoples, maintain our inherent rights to self-determination. We have always had the right to decide our own forms of government, to use our own laws, to raise and educate our children, to our own cultural identity without interference.

We maintain our inalienable rights to our lands and territories, to all our resources -- above and below -- and to our waters. We assert our ongoing responsibility to pass these onto the future generations.

We cannot be removed from our lands. We, the Indigenous Peoples are connected by the circle of life to our lands and environments.

The *Kari-Oca Declaration* and *Indigenous Peoples’ Earth Charter* gave way to the passing of the *Earth Summit Agenda 21*, which advocated for the recognition and strengthening of the role of Indigenous Peoples and their communities in advancing state climate solutions.

⁸ United Nations (UN) Economic and Social Council (ECOSOC) Resolution 1982/34 of May 1982, Commission on Human Rights, Subcommission on Prevention of Discrimination and Protection of Minorities, Study of the Problem of Discrimination of Indigenous Populations, UN Doc. E/CN.4/Sub.2/1983/21/Add.8, 30 September 1983
https://www.un.org/esa/socdev/unpfii/documents/MCS_xxi_xxii_e.pdf

⁹ Kari-Oca Declaration And Indigenous Peoples’ Earth Charter, World Conference Of Indigenous Peoples On Territory, Environment And Development, Kari-Oca 25-30 May 1992 <https://shorturl.at/hqGU7>

In view of the interrelationship between the natural environment and its sustainable development and the cultural, social, economic and physical well-being of Indigenous People, national and international efforts to implement environmentally sound and sustainable development should recognize, accommodate, promote and strengthen the role of Indigenous People and their communities. - United Nations Conference on Environment & Development, Agenda 21, 26.1¹⁰

By 1995 at the Copenhagen UN ECOSOC, Commission of Human Rights meeting discussing the development of a permanent forum on Indigenous issues, parties referenced these key decision texts and reiterated the call “*United Nations organs, programmes and specialized agencies to adopt mechanisms which would ensure the coherent and coordinated incorporation of the view of Indigenous Peoples in the design and implementation of all policies and programmes.*”¹¹

By the year 2000, ECOSOC established the *Permanent Forum on Indigenous Issues (UNPFII)* with a resolution that passed on 28 July¹² providing the necessary spaces and mechanisms for advancing collective Indigenous rights including the *UN Declaration on the Rights of Indigenous Peoples (UNDRIP)*. After 30 years of countless Indigenous Peoples advocacy and efforts the UNDRIP was adopted creating the guiding principles of the Rights of Indigenous Peoples. It set the bare minimum standards for the protection of the rights of Indigenous Peoples, including a requirement that all entities obtain Free, Prior and Informed Consent (FPIC) before engaging in activities that impact their rights, survival, dignity and well-being. The UNDRIP differs from the UDHR because of the unique characteristic of the inherent collective rights of Indigenous Peoples and their relationship with the living world. The UNDRIP was put forward by the Human Rights Council to the General Assembly on June 29, 2007 and was adopted on September 13, 2007.

Gatherings, conventions and declarations in the 1990s and early 2000’s have become critical tools in the definition and advancement of the rights of Indigenous Peoples, profoundly influencing the ways in which the climate crisis has been addressed at national and international levels.

2. Structurally excluded

Despite a common understanding of the values and relationship with the living world held by many peoples across the world, there still remains no formal definition of Indigenous Peoples. One definition that is compelling is from a UN General Assembly resolution passed in 1995 which states:

Indigenous... peoples are so-called because they were living on their lands before settlers came from elsewhere; they are the descendants - according to one definition - of those who inhabited a country

¹⁰ United Nations Conference on Environment & Development Rio de Janeiro, Brazil, 3 to 14 June 1992, Agenda 21, section III, 26.1 <https://sustainabledevelopment.un.org/content/documents/Agenda21.pdf>

¹¹ UN Economic and Social Council, Commission on Human Rights, Subcommission on Prevention of Discrimination and Protection of Minorities, Working Group on Indigenous Populations Thirteenth session, Consideration of a Permanent Forum For Indigenous People, UN Doc. E/CN.4/Sub.2/AC.4/1995/7, pg. 5 http://cendoc.docip.org/collect/cendocdo/index/assoc/HASH013b.dir/95_En.pdf

¹² OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS, Establishment of a Permanent Forum on Indigenous Issues Economic and Social Council Resolution 2000/22, http://cendoc.docip.org/collect/cendocdo/index/assoc/HASH5c04.dir/eres_0022_all.pdf

*or a geographical region at the time when people of different cultures or ethnic origins arrived, the new arrivals later becoming dominant through conquest, occupation, settlement or other means.*¹³

While there has been a lot of work to outline and define the unique lifeways and rights of Indigenous Peoples there remain ongoing challenges for advancing Indigenous Peoples independence and sovereignty from colonial rule. Colonial states still hold a majority of power over Indigenous Peoples, their lands and territories, and this has resulted in the rights to FPIC and the respect and upholding of existing treaty agreements falling to the wayside creating a decreased quality of life for Indigenous Peoples. As Indigenous Peoples still remain under colonial rule they continue to merely categorized as stakeholders to be consulted in the development of colonial laws, legislation and policies that impact (negatively and positively) the lives and rights of Indigenous Peoples rather than being afforded the resources and capacities to affirm their traditional laws, governance and practices.

In the book *Unsettling Canada, A National Wake Up Call*, the late Arthur Manuel of the Neskonlith Indian Band articulated the challenge of First Nations peoples of Canada and the limited access to traditional lands and territories for economic development. He articulated that Indigenous People must rely on the 0.2% economy because they have been denied rights to the 99.8 % of their land and economic opportunities, which is largely reserved for provinces to lease, permit and license forestry, mining and energy resources. He went on to state that the colonial state “hoards” the 99.8% of the lands and territories of so-called Canada retaining the ultimate say in development and conservation with little to no participation or benefit to Indigenous Peoples' communities.¹⁴

Understanding and assessing how colonialism has impacted the unique rights of Indigenous Peoples is difficult when it remains an ongoing process. Indigenous Peoples often remain structurally excluded from decision making tables where decisions are made that drive policy, economies and governance. Indigenous Climate Action (ICA) dubs the core root of injustices felt by Indigenous Peoples as ongoing Colonialism. In a research project, *Decolonizing Climate Policy in Canada*, conducted by ICA investigated climate policy and planning in Canada where they found that while Canada’s climate policies and frameworks repeatedly reference and recognize the role of Indigenous Peoples there was no indication on how Indigenous Peoples were structurally included in the development of state policies to combat the climate crisis.¹⁵

Indigenous Peoples were kept off the working group tables deliberately so they would not impact the politics of keeping fossil fuels coming out of the ground by implementing carbon pricing...Keeping Indigenous Peoples off the working group tables and treating Indigenous Peoples as stakeholders is a violation of national and international law. This gross violation impacts Indigenous sovereignty and blatantly clarifies the intent to reduce Indigenous Peoples to stakeholders in an attempt to

¹³ PROGRAMME OF ACTIVITIES FOR THE INTERNATIONAL DECADE OF THE WORLD'S INDIGENOUS PEOPLE (1995-2004) (para. 4), General Assembly resolution 50/157 of 21 December 1995, annex. Fact Sheet No.9 (Rev.1), *The Rights of Indigenous Peoples*. <https://www.ohchr.org/sites/default/files/Documents/Publications/FactSheet9rev.1en.pdf>

¹⁴ Arthur Manuel and Grand Chief Ronald M. Derrickson, *Unsettling Canada: A National Wake Up Call* (2016), Pg 9

¹⁵ Indigenous Climate Action, *Decolonizing Climate Policy in Canada*, Report from Phase 1, March 2021, Pg 5-6 <https://shorturl.at/IDNPW>

coerce and strongarm participation in order to push through carbon pricing systems and other mechanisms that can violate land rights and sovereignty.- Tamra Gilbertson, Decolonizing Climate Policy in Canada (2021)¹⁶

This sentiment of structural exclusion from the development and advancement of laws, policies and legislation at the highest of levels is echoed by Indigenous members of the International Indigenous Peoples Forum on Climate Change (IIPFCC) which released a statement at the COP26, Glasgow, Scotland that reads as follows:

Indigenous Peoples are affected first and worst by climate change and colonial climate action, yet we drive critical climate solutions rooted in our relationships with the living world.

In exercising our protection on the frontlines, we face criminalisation, human rights violations, and assassination. And in the COPs, we are excluded from decision making on issues that affect us the most.¹⁷

Furthermore, the call for colonial bodies to uplift and uphold the internationally affirmed rights of Indigenous Peoples and the naming of colonialism as a root cause of climate change and Indigenous subjugation are repeated by various groups including the IIPFCC.

*COP26 and future COPs must ensure the participation of Indigenous Peoples, including those of us with multiple intersections of identity. Colonialism caused climate change. Our **Rights and Traditional Knowledge** are the solution.¹⁸*

As the recognition of Indigenous Peoples continues to grow and expand there is a concerted effort to contextualize what this means beyond words and empty promises and to drive forward a decolonial framework for Indigenous Peoples across the world.

3. Indigenous Peoples rights, culture and life as solutions to the climate crisis

Indigenous Peoples hold a profound wealth of knowledge about living in respectful, reciprocal relations with lands and waters, stewarding the ecosystems we all depend on and adapting to big changes over time. This collective, place-based knowledge, that is accumulated and transmitted across generations within specific cultural contexts is more broadly recognized as Indigenous Knowledge (IK). While there is growing recognition of IK by non-Indigenous, colonial western science fields application of IK is still in its infancy of understanding and utilizing the full spectrum of its potential capabilities.

¹⁶ Ibid pg. 50

¹⁷ International Indigenous Peoples Forum on Climate Change, High Level Opening Statement, COP26, Glasgow, Scotland, 31 October 2021, Read by Taily Terena, Terena Indigenous Peoples <https://www.iipfcc.org/blog>

¹⁸ Ibid

In the milieu of climate governance rhetoric characterising the climate regime terrain, the potential role that IK can play in transforming theory into practice deserves attention. - Nelson Chanza¹⁹

The unique relationship that Indigenous Peoples have with the natural world has a clear role in the history of the discourse at the intersections of climate change and human rights. More recently the role of Indigenous Peoples is highlighted in the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBS) Global Assessment Report on Biodiversity and Ecosystem Services (2019).²⁰ This report estimates that 25% of the world's land mass is managed by Indigenous Peoples which encompasses 40 % of intact ecological landscapes. This demonstrates not only the critical role that Indigenous Peoples play in conservation but the need to protect and maintain these systems for planetary health.

While there is an upward trend in recognition of the important and unique role that IK and Indigenous Peoples play in managing and protecting the world's biodiversity, Indigenous Peoples also account for 15% of the world's poorest peoples. This isn't by accident. Indigenous Peoples are also recognized as one of most vulnerable groups due to ongoing colonial systems of oppression, subjugation and marginalization.

These polarizing statistics might paint a grim picture of the lives of Indigenous Peoples and lead some to believe that conservation and climate change are not priority issues. This couldn't be further from the truth. The report *Territories of Life* (2021)²¹ not only highlights numerous case studies of Indigenous Peoples at the forefronts of conservation but also emphasizes the need for a human rights-based approach that respects Indigenous Peoples as rights-holders if planetary goals set under the Convention on Biological Diversity are to be met.

Indigenous Peoples and IK are not only at the forefront of innovation in conservation, biodiversity management, and climate solutions rooted in climate justice frameworks that work with nature, but are also at the forefront of resisting destructive, high GHG emitting industries like oil and gas deforestation, rare mineral extraction and false solutions that continue to undermine their rights. While the “just” in Just Transition often refers to equitable outcomes for workers and communities in the implementation of policies to reduce GHG emissions, a more robust definition needs to consider communities who have been historically and structurally oppressed.²² We often encase the pursuit of a new “green economy” as part of the strategy for a just transition, but we have to reconcile with the fact that a just transition is about more than energy and economics needing to be guided by broad scale knowledge sharing that uplifts Indigenous ways-of-being.

¹⁹ Chanza N, De Wit A. Enhancing climate governance through indigenous knowledge: Case in sustainability science. *S Afr J Sci.* 2016;112(3/4), Art. #2014-0286, 7 pages. <http://dx.doi.org/10.17159/sajs.2016/20140286>

²⁰ IPBES (2019), *Global assessment report of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services*, Brondizio, E. S., Settele, J., Diaz, S., Ngo, H. T. (eds). IPBES secretariat, Bonn, Germany. 1144 pages. ISBN: 978-3-947851-20-1

²¹ ICCA Consortium. 2021. *Territories of Life: 2021 Report*. ICCA Consortium: worldwide. Available at: report.territoriesoflife.org ISBN 978-2-9701386-3-1

²² Mertins-Kirkwood, Hadrian, and Z. Deshpande. (2019). Who Is Included in a Just Transition? Considering Social Equity in Canada's Shift to a Zero-Carbon Economy. Canadian Centre for Policy Alternatives and Adapting Canadian Work and Workplaces to Respond to Climate Change. <https://shorturl.at/DRT09> .

Indigenous Climate Action (ICA) explores Indigenous-led Just Transition ideology in the *Just Transition Guide: Indigenous-Led Pathways Toward Equitable Climate Solutions And Resiliency In The Climate Crisis* (2023) which supports a more holistic approach that looks at a range of case studies that exemplify an expansive range of strategies and principles to “transition whole communities to build thriving economies that provide dignified, productive and ecologically sustainable livelihoods; democratic governance and ecological resilience.”²³ The Guide also encourages curiosity around acceptance of proposed economic, energy and climate solutions and how they might further impact or degrade our collective rights. The Indigenous Environmental Network has also created the *Indigenous Principles of a Just Transition*, that highlights the intersections of Indigenous knowledge and climate action, drawing out the importance of responsibility, relationships, sovereignty, and transformation for action.²⁴

Indigenous Peoples remain at extreme risk of state violence and criminalization when resisting resource development projects that threaten their lands and waters. Indigenous resistance to destructive industries are rooted in Indigenous rights-based frameworks and concepts of sovereignty and self-determination which are also tenets of the UNDRIP and the Declaration on the Granting of Independence to Colonial Countries and Peoples. The report *Indigenous Resistance Against Carbon* (2021)²⁵ analyzes and demonstrates the impacts of Indigenous resistance to fossil fuel projects in so-called Canada and the United States of America by quantifying how many metric tons of carbon dioxide equivalent (CO₂e) emissions have either been stopped or delayed in the past decade due to the actions of Indigenous land defenders. The report concludes that “*Indigenous resistance has stopped or delayed greenhouse gas pollution equivalent to at least one-quarter of annual U.S. and Canadian emissions.*” This helps us to understand the critical role Indigenous land defense has played not only in protecting critical biodiversity but also in preventing or mitigating GHG emissions. In fact, Indigenous land defence has been more effective than many nation states' climate mitigation efforts or outlined within international commitments agreements. Yet, not only is this not valued as such, it is criminalized.

While this report only explores land defenders in Canada and the USA, we know that Indigenous resistance to resource exploitation and destruction of critical ecosystems happens all over the world. In many cases Indigenous land defenders are highly criminalized and subject to attacks, torture, intimidation and murder while advocating for better protection of environmental rights. The UN Environment Program (UNEP) has created a policy that recognizes these threats and denounced them to further advocate for uplifting of the UNDRIP and Indigenous sovereignty and self-determination.²⁶

Over the past decade countless reports, studies and academic papers recognized within UN negotiations, and at regional and state level highlight the strengths of Indigenous Peoples Knowledge systems. These studies

²³ Ibid

²⁴ Indigenous Environmental Network. (n.d.). *Indigenous Principles of a Just Transition*. Indigenous Environmental Network. <https://www.ienearth.org/wp-content/uploads/2018/08/PrinciplesJustTransition-BW.pdf>

²⁵ Indigenous Environmental Network and Oil Change International 2021. *Indigenous Resistance to Carbon* Available at <https://www.indigenousclimateaction.com/publications>

²⁶ UNEP, Promoting Greater Protection for Environmental Defenders Policy, Available at <https://shorturl.at/dnyJP>

and reports also highlight the critical role Indigenous Peoples rights, land management, governance and ways-of-life have in driving sustainable methodologies and innovation necessary to maintain harmonious relationships with the living world. Indigenous Peoples have been modeling low carbon lifestyles that are necessary to foster the creation of climate solutions frameworks for a livable future for all.

At this moment of climatic crisis we should be focusing on reinvigorating, practicing and sharing long-held traditions of care for the land held by Indigenous Peoples. For many Indigenous Peoples climate change began at first contact and the onset of colonization and it is their rights and ways-of-life that hold key answers to combating climate change. Yet, there still remains a heavy reliance on colonial science and governance to drive the strategies for achieving climate stabilization.

A lot of the colonial policies are very human centric and about upholding universal human rights and freedoms to the individual. Ultimately, if we don't have species, and relationships on the land to support thriving communities, and cultures and nations, then those policies are just simply words on paper. - Eriel Tchekwie Deranger, ICA's Executive Director, Dënesųline from the ACFN | Boreal Forest Biome²⁷

4. Global Indigenous Response to the Climate Crisis

While the global community meets regularly to strategize and develop technology and innovations to combat the climate crisis many Indigenous Peoples are continually bombarded with pressures from extractive industries who want to profit from Indigenous lands and “resources” that lend to increased global GHG emissions. What’s become even more alarming is that these same extractive corporations are spending billions of dollars in pursuing lobby efforts at the regional, national and international levels to degrade solution frameworks and circumvent efforts of Indigenous Peoples to end harmful GHG and ecologically destructive industries.

It has been well documented²⁸ that Indigenous Peoples’ communities bear the brunt of the harmful impacts of the extractive high emitting industries like oil and gas, from environmental disaster created by extractivism at the source to heat domes created by rising emissions. Yet, colonial states continue to structurally exclude Indigenous Peoples from the processes to combat and address these issues.

Indigenous Peoples see the climate crisis as a product of colonialism, and also see their rights, knowledge systems and ways-of-life as critical and often overlooked resources in the global response to the crisis.

While ongoing colonial capitalism is driving both the climate crisis and intensifying

²⁷ Indigenous Climate Action, Decolonizing Climate Policy in Canada, Report from Phase 2, Part 1, December 2023, pg 27
<https://shorturl.at/jopsX>

²⁸ Deborah McGregor, Steven Whitaker, Mahisha Sritharan, Indigenous environmental justice and sustainability, Current Opinion in Environmental Sustainability, Volume 43, 2020, Pages 35-40, ISSN 1877-3435, <https://doi.org/10.1016/j.cosust.2020.01.007>

racial and gender-based inequality, Indigenous communities and Nations, often led by Indigenous women, are offering rich, diverse and urgently needed alternative values, worldviews, social organization and economic systems. To Indigenous Peoples, “Everything is connected in a web of relationships. Nothing exists in isolation. Indigenous People over millennia have strived to live in harmony with all living things in their environments” (Snively & Williams, 2016, n.p.). Indigenous worldviews that centre interdependence, reciprocity and respect offer alternatives and act as a counterforce and antidote to the extractivist worldviews that are driving the climate crisis (Kimmerer, 2013; Simpson, 2017; Wildcat, 2010).²⁹

It is clear that reducing the climate crisis as a problem to be solved simply by stabilizing greenhouse gas emissions and a mathematical equation does not address historical wrongdoing and offenses against Indigenous Peoples. When we approach the crisis from this angle we risk replicating the same systems of harm and oppression that contributed to the climate crisis. Instead, Indigenous Peoples are urging humanity to take a more holistic approach that looks at stabilizing our relationships with the land, Mother Earth in its entirety, and with each other. Essentially, we must look at ways to decolonize the processes and the policies we create to address the climate crisis.

Decolonization has become a buzzword in many spaces and there doesn't seem to be a collective understanding of what it truly means. While we move through defining the word itself, breaking down the sentiment becomes pertinent in this context. For me there is a clear difference between Indigenizing and Decolonizing.

Indigenizing is about the inclusion of Indigenous Peoples and voices within predetermined (colonial) constructs. While visibility and representation are an incredibly important part of this work, it is not decolonization. Indigenizing works to make Indigenous Peoples, values, and knowledge visible in colonial systems. As such it maintains the centering of colonial systems, structures and power rather than shifting or relinquishing power (ie. government agencies hiring Indigenous Peoples to determine how to address Indigenous sovereignty and self-determination).

Decolonization on the other hand requires an undoing and decentering of colonial lenses, processes, systems and power. It also requires work from all parties and is not a responsibility held by Indigenous Peoples but is something we need to work collaboratively to achieve. Indigenous Climate Action defines it as follows:

“Decolonizing” to us means transforming the power imbalance where settlers and their governments have control over Indigenous lands and peoples. It means restoring and reinvigorating Indigenous cultures, languages, self-determination, sovereignty and relationships with lands. It means settlers relinquishing control over Indigenous lands and people.³⁰

²⁹ Indigenous Climate Action, Decolonizing Climate Policy in Canada, Report from Phase 2, Part 1, December 2023, pg 8-9

³⁰ Indigenous Climate Action, Decolonizing Climate Policy Webpage, What we mean by these English words that we keep using <https://www.indigenousclimateaction.com/programs/decolonizing-climate-policy>

Much like Indigenizing there is a need to understand the lived histories and experiences of Indigenous Peoples. Where this diverges is in the steps that come afterwards. Apologies and Inclusion fall short of achieving decolonization. Decolonization requires colonial institutions to relinquish power, resources and processes as opposed to assimilating decolonial knowledge, systems, power and processes into their own which diminishes sovereignty.

The work being done by a growing chorus of Indigenous Peoples in advancing the rights of Indigenous Peoples within the UN systems has been rooted in decolonial frameworks³¹. Indigenous Peoples are not interested in colonial states absorbing their issues, knowledge or practices but rather they are actively asserting their power to advance Indigenous sovereignty and self-determination to ensure that others are not deciding who, how, when or why they participate in defining, implementing and delivering climate solutions and policies.

5. Barriers to Indigenous Participation in Advancing Climate Solutions

When exploring emerging climate solutions and the advancement of the so-called green economy we must determine key barriers to Indigenous participation in these structures if we are to work within a climate justice framework. One must first understand the history of exclusion from the development of existing economic frameworks and strategies to combat the climate crisis.

The Conference of the Parties (COP) meetings are the regular meetings held by the UNFCCC to negotiate global agreements and terms to address and combat global climate change.³² The UNFCCC was created in 1994 with the objective to stabilize greenhouse gas concentrations in the atmosphere to “a level that would prevent dangerous anthropogenic (human induced) interference with the climate system.”³³ At this time the rights of Indigenous Peoples were still being negotiated within the UN and were not globally recognized. Therefore in many instances inclusion of Indigenous Peoples within the UNFCCC was disempowering and structurally exclusive.

COP gatherings have continued to be held and organized across the globe under the UNFCCC. The first one was held in Berlin, Germany in 1995, known as COP1 and the last one being COP28 held in Dubai, UAE in December 2023. The purpose of these international gatherings is for colonial state leaders to come together to assess progress in dealing with climate change, negotiate tenets of international conventions and declarations; and to establish legally binding obligations to reduce greenhouse gas emissions.

Indigenous participation within the UNFCCC has grown over the years and Indigenous Peoples now represent the second largest civil society group at these gatherings. The role of Indigenous Peoples was

³¹ Isidore, Kafui, Dorpenyo. (2019). Decolonial Methodology as a Framework for Localization and Social Justice Study in Resource-Mismanaged Context. 53-78. doi: 10.1007/978-3-030-26399-7_3

³² <https://unfccc.int/process/bodies/supreme-bodies/conference-of-the-parties-cop>

³³ <https://unfccc.int/process-and-meetings/what-is-the-united-nations-framework-convention-on-climate-change>

more formally recognized in 2008 with the development of the International Indigenous Peoples' Forum on Climate Change (IIPFCC).³⁴ This body was created to negotiate on behalf of Indigenous Peoples participating in UNFCCC processes. Participants come from subnational, national, and global organizations and bring forward priorities and ideas in a culturally safe space. The IIPFCC has stated that all agreements should be “founded on a strong rights-based approach and framework,”³⁵ including the UNDRIP.

In April 2009, a year after the formal recognition of the IIPFCC, the United Nations University Institute for Advanced Studies (UNU-IAS) Traditional Knowledge Initiative held a conference that brought together over 400 Indigenous delegates for the Indigenous Peoples' Global Summit on Climate Change. One of the final outcomes of this meeting was the development of key messages and recommendations to be articulated to the world at the COP15 in Copenhagen in December of that year. This would become known as the Anchorage Declaration. This declaration would highlight the need for a just transition including decreased dependency on fossil fuels embodied in a decolonial framework.

*In recognizing the root causes of climate change, participants call upon States to work towards decreasing dependency on fossil fuels. We further call for a just transition to decentralized renewable energy economies, sources and systems owned and controlled by our local communities to achieve energy security and sovereignty.*³⁶

Since this time, Indigenous Peoples have been coordinating their efforts within and outside of the UNFCCC process to advance progressive and groundbreaking work to address the climate crisis. It's clear that Indigenous Peoples have been deeply invested and have a critical role in developing strong policies, solutions and actions to combat the climate crisis that are driven by Indigenous values of interconnection with the natural world and a hunger for advancing a justice framework.

However, the report *Indigenous Rights and Sovereignty in National Climate Policies: A Systematic Analysis* conducted by ICA that analyzed Indigenous Rights and Sovereignty in National Climate Policies concluded with some alarming facts.

*The failure of states to adopt climate policies that respect the rights of Indigenous Peoples stems in part from their exclusion from the design of these policies. Our analysis revealed that Indigenous Peoples participated in the design of only a minority of climate policies – just 32% of NDCs and 19% of the climate adaptation policies analyzed indicate that Indigenous Peoples participated in their formulation. This exclusion violates Indigenous Peoples' rights to self-determination and free, prior, and informed consultation. Moreover, the failure of states to include Indigenous Peoples increases the risk that these policies will promote climate action efforts that will violate other Indigenous rights.*³⁷

³⁴ <https://www.iipfcc.org/>

³⁵ <https://www.forestpeoples.org/sites/default/files/publication/2010/08/iipfccclimatechnpositionbonnjun10eng.pdf>

³⁶ Report of the Indigenous Peoples' Global Summit on Climate Change, 20 – 24 April 2009 Anchorage, Alaska, pg 6

<https://www.cakex.org/sites/default/files/documents/globalsummitoncc.pdf>

³⁷ Amanda Bowie-Edwards, Sébastien Jodoin, Isaiah Cree, Karahkwineha Goodleaf-Labelle, Jayce Chiblow & Eriel Deranger, *Indigenous Rights and Sovereignty in National Climate Policies: A Systematic Analysis* (Indigenous Climate Action, 2023). Pg. 22

What we have witnessed over the last 50+ years of advocacy and advancement on the rights of Indigenous Peoples has been captured within the limited scope of colonial processes and exclude important lessons from Indigenous Knowledge.

These solutions are being designed by non-Indigenous people based on their conception of 'nature', and their understanding of causes of climate change. They are "not being developed or defined through Indigenous conceptions. - Kyle White, Interview 2021."³⁸

Indigenous Peoples remain leaders in setting ambitious and equitable climate change targets, proposed policies and solutions frameworks yet still remain under-resourced, under-represented at decision making tables, limited by colonial laws and regulations that continue to subjugate and oppress Indigenous Peoples.

As we strive to advance innovative climate solutions and build a new "green economy" we must not replicate the same process that has robbed Indigenous Peoples of their self-determination, sovereignty and inalienable rights to life. In addition, we must be cautious in what we are sanctioning as climate solutions and new economic systems to ensure they are solutions that everyone benefits from and that they do not replicate the current systems of sacrifice zones for the benefit of others. Rather, as a society we need to collectively work towards alignment, embodiment and the upholding of international affirmed conventions and declarations on decolonization, the rights of Indigenous Peoples, Human Rights. As a reminder the UNDRIP sets forth bare minimum standards for upholding and respecting the rights of Indigenous Peoples including FPIC and inclusion of Indigenous Knowledges and Indigenous Peoples in the development of laws, policies, economies and forms of governance.

These efforts not only need to be taken up by all Nation states, corporations and non-governmental organizations to ensure a just and equitable future for all but must be demanded by society at large.

³⁸ Indigenous Climate Action, Sneak Peak: Risks and Threats of 'Nature Based Climate Solutions' for Indigenous Peoples, 2021, pg 13
<https://shorturl.at/bqD27>