

CRP Proposal for strengthening the language on Indigenous Peoples

Prepared by Canada and supported by Australia, AOSIS and its 39 Member States (including Antigua and Barbuda, Bahamas, Bahrain, Barbados, Belize, Cabo Verde, Comoros, Cook Islands, Cuba, Dominica, Dominican Republic, Fiji, Grenada, Guinea-Bissau, Guyana, Haiti, Jamaica, Kiribati, Maldives, Marshall Islands, Mauritius, Micronesia (Federated States of), Nauru, Niue, Palau, Papua New Guinea, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, São Tomé and Príncipe, Seychelles, Singapore, Solomon Islands, Suriname, Timor-Leste, Tonga, Trinidad and Tobago, Tuvalu, Vanuatu), Panama, Colombia, Guatemala, Mexico, Bolivia, Brazil

Explanatory text

Globally, due to their reciprocal relationship with ecosystems and high exposure to risks, Indigenous Peoples bear a disproportionate burden of the effects of plastic pollution, climate change, environmental degradation, biodiversity loss, pollution, and unsustainable development practices. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) provides the minimum standards of a rights-based engagement with Indigenous Peoples, promoting their full and effective participation in all matters of concern, including in relation to lands, waters, and territories, health, culture, spirituality, governance, and self-determination. The current Chair's Text (UNEP/PP/INC.5/8) does not appropriately consider these rights, knowledge systems, or participation, presenting a clear opportunity to reinforce our collective commitment to the rights of Indigenous Peoples. Key concerns include the strength, consistency, and placement of language across the draft treaty.

Objective of CRP (See Annex I – potential textual edits for discussion)

1. The preamble should recall the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration), affirm that nothing in the instrument shall be construed as diminishing or extinguishing the existing rights of Indigenous Peoples reflecting in the UN Declaration. The instrument must also acknowledge that Parties should, when taking action to address plastic pollution, respect, promote and consider human rights and the rights of Indigenous Peoples in accordance with relevant international obligations and instruments.
2. The term “Indigenous Peoples” must be separated from the term “local communities”, consistent with the UN Declaration and with the latest developments from the three UN mechanisms specific to Indigenous Peoples.¹
3. The instrument should recognize the importance of Indigenous Peoples’ knowledges, sciences and practices as distinctive from local knowledge systems, everywhere relevant, and acknowledge that such concepts should be utilized alongside science on equal terms. Recognition of internationally established safeguards, such as free, prior, and informed

¹ [https://social.desa.un.org/sites/default/files/Statement-Three%20Mechanisms%20\(002\).pdf](https://social.desa.un.org/sites/default/files/Statement-Three%20Mechanisms%20(002).pdf)

consent, that provide a framework to support meaningful participation, strengthening the acknowledgement of Indigenous knowledge, and align with the UN Declaration.

4. The instrument should include direct consideration of the participation of Indigenous Peoples, as well as of local communities, and ensure full, effective and equitable participation of Indigenous Peoples, and, as appropriate, of local communities, consistent with UN-recognised safeguards for participation and protection.
5. The instrument should specify that national implementation of measures, such as those relating to national plans and just transition of workers, should recognise the distinct identities, rights, and contributions of Indigenous Peoples, and priorities and interests of local communities, in accordance with relevant international standards.

ANNEX I – Potential edits to Chair’s text to guide discussion on strengthening the language on Indigenous Peoples

1. Preamble:

Chair’s text <i>Underlining the importance of science-based decision-making and the contributions of scientific, economic, social, and technical information, including traditional knowledge and [DEL: indigenous][ADD: the knowledges, sciences and practices of Indigenous Peoples, and local] knowledge systems for the implementation of measures to reduce plastic pollution and to improve the understanding of the full life cycle of plastics and of the global impact of plastic pollution and measures to address them</i>
Rationale: <ul style="list-style-type: none">• Agree with inclusion and distinguishing between traditional and Indigenous knowledge systems; however, Indigenous must be capitalized.

2. Preamble – new addition

Chair’s text Preambular para 8bis: [ADD new paragraph: [ADD: Affirming that nothing in this Convention shall be construed as diminishing or extinguishing the distinct status, identities, and interests of Indigenous Peoples, including as reflected in the United Nations Declaration on the Rights of Indigenous Peoples.,]
Rationale: <ul style="list-style-type: none">• The preamble should recall the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration), affirm that nothing in the instrument shall be construed as diminishing or extinguishing the existing rights of Indigenous Peoples as set out in the UN Declaration. The instrument must also acknowledge that Parties should, when taking action to address plastic pollution, respect, promote and

consider human rights and the rights of Indigenous Peoples in accordance with relevant international obligations and instruments.

3. Article 1bis (Principles and Approaches), Option 2, sub-paragraph 1(f)

Chair's text

Option 2, Para 1

In order to achieve the objectives of this Convention, Parties shall be guided by the following principles:

....

*(f) The use of relevant traditional knowledge, ~~knowledge~~ **the knowledges, sciences and practices** of Indigenous Peoples, and local knowledge systems, where available.*

New paragraph fbis

[ADD: (fbis) The full, effective and meaningful engagement and participation of Indigenous Peoples or, as appropriate, the inclusion of local communities when taking action to address plastic pollution, including in the marine environment.]

Rationale:

- The Principles and Approaches should recognise the importance of participatory and meaningful engagement for Indigenous People consistent with UN recognised safeguards.

4. Article 3 (Plastic Products), paragraph 5 and sub-paragraph 6(e)

Chair's text

Para 5

*[The [Review] Committee shall evaluate the proposal in a transparent **[ADD: [and scientifically sound] manner]** [and on the basis of the best available science and relevant traditional knowledge, ~~knowledge~~ **[ADD: the knowledges, sciences and practices]** of Indigenous Peoples, and local knowledge systems] ~~[and scientifically sound] manner~~*

Para 6

[The [Review] Committee [may] [will] [shall] [on the request of the Conference of the Parties] be made develop recommendations on possible actions to be taken with respect to a plastic product included in the [global] list [in annex [Y]]. [Such recommendations shall take into account [the criteria listed in paragraph 1 and] [at least] [among other] the following factors:]]

....

*e. [Where relevant,] the incorporation of ~~[relevant]~~ traditional knowledge, ~~[knowledge of]~~ **[ADD: the knowledges, sciences and practices of]** Indigenous Peoples**[ADD: , as well as]** ~~and~~ local knowledge systems, [local practices], and scientific and technological advances*

Rationale:

- The instrument should recognize the importance of Indigenous knowledge and its distinctiveness from local knowledge. Additionally, recognising the full, effective and meaningful participation of Indigenous Peoples would strengthen the acknowledgement of Indigenous knowledge, ensure ethical utilization, and align with the UN Declaration.

5. Article 5 (Product Design), sub-paragraph 1(b)

Chair's text

Para 1

Each Party shall, taking into account its national circumstances and capabilities, take appropriate measures to:

...

(b) foster research, innovation, development and use of sustainable and safer alternatives and non-plastic substitutes, including products, technologies and services, taking into account environmental, economic, social and human health aspects and their potential for waste reduction and reuse, as well as availability, accessibility and affordability, based on life cycle assessments and best available science, and, where relevant, [ADD: the knowledges, sciences and practices of Indigenous Peoples,] traditional knowledge, [DEL: knowledge of Indigenous Peoples] and local [ADD: knowledge systems] [DEL: communities]."

Rationale:

- The term "Indigenous Peoples" must be separated from the term "local communities", consistent with the UN Declaration and with the latest developments from the three UN mechanisms specific to Indigenous Peoples.²
- The term "local communities" is not defined or consistently applied internationally. In some instances, the term is explicitly used as a catch-all for various demographic groups and stakeholders including private sector organizations and civil society.

6. Article 7 (Releases and leakages), paras 1 and 3

Chair's text

Para 1

Each Party shall take measures to prevent, reduce, and, where possible, eliminate:

...

(c) plastic pollution from fishing activities including, but not limited to abandoned, lost, or otherwise discarded fishing gear, taking into account other relevant multilateral agreements on this subject as well as the needs [ADD: and livelihoods] of [ADD: Indigenous Peoples,] artisanal and small-scale fishers [ADD: , as well as local communities].

² [https://social.desa.un.org/sites/default/files/Statement-Three%20Mechanisms%20\(002\).pdf](https://social.desa.un.org/sites/default/files/Statement-Three%20Mechanisms%20(002).pdf)

Para 3

In implementing paragraphs 1 and 2, each Party shall promote the use of best available and affordable technologies and environmental practices on preventing releases and leakages of plastics into the environment, [ADD: particularly for Indigenous Peoples, as well as local communities whose territories and livelihoods are disproportionately affected by plastic leakage, and taking into account the knowledges, sciences and practices of Indigenous Peoples and local knowledge systems].

Rationale

- The suggested change reflects the particular relevance of this article to Indigenous Peoples given their proximity to land and sea ecosystems and frequent location in areas disproportionately affected by plastic leakage.

7. Article 9 (Existing Plastic Pollution), sub-paragraphs 2(b) and (c)

Chair's text

Para 2

When implementing any activities under paragraph 1, each Party should:

...

(b) take into account the best available science and relevant technologies, [DEL: knowledge] [ADD: the knowledges, sciences and practices] of Indigenous Peoples, and local [ADD: knowledge systems] and traditional knowledge and practices, as appropriate; and

(c) promote the [ADD: full, effective, and meaningful] engagement of Indigenous Peoples, [ADD: as well as] local communities [ADD: , where appropriate and with respect for their governance systems], civil society, scientists, and the private sector, as appropriate and foster the exchange of relevant technologies, experiences and lessons learned.

Rationale:

- Genuine and meaningful engagement of Indigenous Peoples must occur where possible.
- The term “Indigenous Peoples” must be separated from the term “local communities”, consistent with the UN Declaration and with the latest developments from the three UN mechanisms specific to Indigenous Peoples.³
- The term “local communities” is not defined or consistently applied internationally. In some instances, the term is explicitly used as a catch-all for various demographic groups and stakeholders, including private sector organizations and civil society.

³ [https://social.desa.un.org/sites/default/files/Statement-Three%20Mechanisms%20\(002\).pdf](https://social.desa.un.org/sites/default/files/Statement-Three%20Mechanisms%20(002).pdf)

- The suggested reference to Indigenous governance systems reflects the importance of inclusivity and the prevalence of plastic burdens in remote and Indigenous regions.

8. Article 10 (Just Transition), paragraph 2

Chair's text

Para 2

In taking measures to implement paragraph 1 of this article, each Party should take into account the situation of and engage workers in the formal and informal sectors, including workers in the plastic industry, waste pickers, artisanal and small-scale fishers, small and medium enterprises, as well as communities and groups disproportionately affected by such transition across the full life cycle of plastics, including Indigenous Peoples, [ADD: as well as] local communities, women and children

Rationale:

- The term “Indigenous Peoples” must be separated from the term “local communities”, consistent with the UN Declaration and with the latest developments from the three UN mechanisms specific to Indigenous Peoples.⁴
- The term “local communities” is not defined or consistently applied internationally. In some instances, the term is explicitly used as a catch-all for various demographic groups and stakeholders including private sector organizations and civil society.

9. Article 12 (Capacity building.....), paragraph 2

Chair's text

Para 2

Capacity building, technical assistance and technology transfer pursuant to paragraph 1 may be delivered through regional, subregional and national arrangements, including existing regional and subregional and national centres, through other multilateral and bilateral means, and through partnerships, including north-south, south-south and triangular cooperation and those involving the private sector or other stakeholders, [DEL: as well as] Indigenous Peoples [DEL: and] [ADD: as well as] local communities, and through collaboration with local and subnational governments, as appropriate.

Rationale:

- The term “Indigenous Peoples” must be separated from the term “local communities”, consistent with the UN Declaration and with the latest developments from the three UN mechanisms specific to Indigenous Peoples.⁵

⁴ [https://social.desa.un.org/sites/default/files/Statement-Three%20Mechanisms%20\(002\).pdf](https://social.desa.un.org/sites/default/files/Statement-Three%20Mechanisms%20(002).pdf)

⁵ [https://social.desa.un.org/sites/default/files/Statement-Three%20Mechanisms%20\(002\).pdf](https://social.desa.un.org/sites/default/files/Statement-Three%20Mechanisms%20(002).pdf)

- The term “local communities” is not defined or consistently applied internationally. In some instances, the term is explicitly used as a catch-all for various demographic groups and stakeholders including private sector organizations and civil society.

10. Article 14 (National Plans), paragraph 5

Chair’s text

Para 5

Each Party shall, as appropriate, in undertaking work pursuant to paragraphs 1 and 2 above, consult national stakeholders [ADD: and partners] to facilitate the development, implementation, and updating of their national plans.

Rationale:

- Indigenous People should be included in national consultations, where relevant, and should not be conflated with “stakeholders”, reflecting the unique position of Indigenous Peoples as rights-holders.

11. Article 17 (Information Exchange), sub-paragraph 1(c)

Chair’s text

Para 1

All Parties are encouraged to facilitate the exchange of information in support of the objective of the Convention, including on:

...

(c) Scientific and technical knowledge, including traditional knowledge, and the [DEL: knowledge] [ADD: knowledges, sciences and practices, including their co-design or participatory monitoring,] of Indigenous Peoples [ADD: as well as,][DEL: and] local [DEL: communities][ADD: local knowledge systems]...

Rationale:

- The term “Indigenous Peoples” must be separated from the term “local communities”, consistent with the UN Declaration and with the latest developments from the three UN mechanisms specific to Indigenous Peoples.⁶
- The term “local communities” is not defined or consistently applied internationally. In some instances, the term is explicitly used as a catch-all for various demographic groups and stakeholders, including private sector organizations and civil society.
- The concepts of co-design or participatory monitoring are already recognised in international frameworks and help embed accountability and local ownership.

12. Article 18 (Public Awareness, Education, and Research), sub-paragraph 3(c)

Chair’s text

Para 3

⁶ [https://social.desa.un.org/sites/default/files/Statement-Three%20Mechanisms%20\(002\).pdf](https://social.desa.un.org/sites/default/files/Statement-Three%20Mechanisms%20(002).pdf)

<p><i>Parties are encouraged, based on their national circumstances and capabilities, to advance scientific and technological research, development, innovation and cooperation, to address plastic pollution including by:</i></p> <p>...</p> <p><i>(c) Incorporating traditional knowledge, knowledge <ins>knowledges, sciences and practices</ins> of Indigenous Peoples, <ins>as well as</ins> and local community knowledge <ins>systems</ins>...</i></p>
<p>Rationale:</p> <ul style="list-style-type: none"> • Acknowledgement of the full, effective, and meaningful engagement of Indigenous People would strengthen the acknowledgement of Indigenous knowledge, and align with the UN Declaration. • The term “Indigenous Peoples” must be separated from the term “local communities”, consistent with the UN Declaration and with the latest developments from the three UN mechanisms specific to Indigenous Peoples.⁷ • The term “local communities” is not defined or consistently applied internationally. In some instances, the term is explicitly used as a catch-all for various demographic groups and stakeholders, including private sector organizations and civil society.

13. Article 20bis (Subsidiary Bodies)

<p>Chair’s text</p> <p>N/A</p>
<p>Rationale:</p> <ul style="list-style-type: none"> • Should the composition of a subsidiary body be established in the text of the agreement, Indigenous representation should be included. Indigenous knowledge is critical and should not be discussed without adequate representation.

⁷ [https://social.desa.un.org/sites/default/files/Statement-Three%20Mechanisms%20\(002\).pdf](https://social.desa.un.org/sites/default/files/Statement-Three%20Mechanisms%20(002).pdf)