



GEORGETOWN LAW

The United Nations Declaration on the Rights of Indigenous Peoples and Climate Change

Global Law Scholars

- Indigenous peoples are at the front lines of climate change.
- In the international arena, there are very few avenues for indigenous peoples to assert their rights to choose how to address climate change.
- The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is a powerful tool to overcome systemic inaction.
- The Declaration provides a framework anchored in Free, Prior, and Informed Consent (FPIC).



- Free, Prior, Informed Consent requires:
 - (1) both consultation with and consent from the widest possible population of the indigenous communities affected by any particular project or issue,
 - (2) indigenous peoples must understand what it is to which they are consenting, and
 - (3) consent should be both freely given and neither guaranteed nor definitive



- Although UNDRIP is not a binding international instrument, it is gaining traction.
- Only one country, Bolivia, to date has implemented fully UNDRIP into domestic legislation.
- In December 2020, the Federal Government of Canada introduced a bill that would provide a framework for implementing UNDRIP in Canadian Law.



- Even countries who were initially against the adoption of UNDRIP have come around: in 2019, for example, New Zealand announced that it would be creating a Declaration Working Group (DWG) to develop a Declaration Plan. By August of that year, the DWG had started its activities.



- Whether or not it becomes widely implemented in domestic legal systems, UNDRIP is nonetheless influential on climate-related activity on a global scale.
- For example, the International Indigenous Peoples' Forum on Climate Change (IIPFCC) represents the interests of indigenous peoples at each new United Nations Framework Convention on Climate Change's Conference of the Parties.

