



Parallel Report submitted by

**Centro Mexicano para el Derecho Ambiental
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&

**Interamerican Association for Environmental Defense
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Global Initiative for Economic, Social and Cultural Rights

to the

Committee on the Elimination of Racial Discrimination

on the occasion of the review of **Mexico**
by the Committee during its 99th Session,
5 - 29 August 2019

Submitted 15 July 2019



1. Submitting organisations

CEMDA, the Centro Mexicano de Derecho Ambiental, is a Mexican non-governmental organization that promotes the right to a healthy environment and environmental protection. Our work, together with that of many other actors, contributes to the effective implementation of legislation, improvement of public policies, strengthening of legality and the rule of law.

AIDA, the Interamerican Association for Environmental Defense, is a non-profit international environmental law organization, that helped people and communities throughout the Americas protect their environment through the development, implementation, and enforcement of national and international laws. Our work is results-oriented in that we address specific cases and causes, while focusing on empowering citizens, NGOs, communities, and policy-makers.

GI-ESCR is an international non-governmental human rights organization which seeks to advance the realization of economic, social and cultural rights throughout the world, tackling the endemic problem of global poverty through a human rights lens.

2. Introduction

The adverse impacts of climate change constitute one of the most significant global threats to the enjoyment of human rights – especially the rights protected under the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). As was made clear in the recent Special Report of the Inter-governmental Panel on Climate Change (IPCC) on Global Warming of 1.5°C¹, the magnitude of these impacts will continue to increase as temperatures continue to rise. Governments must therefore ensure that they reduce emissions of greenhouse gases (GHGs) as expeditiously as possible in order to prevent, to the greatest extent possible, the further increase of global average temperature rise and the very serious harms to human rights.

Unfortunately, the impacts of global warming hit hardest disadvantaged and marginalised groups and individuals, including indigenous people and minorities. The IPCC report found that the negative effects of climate change will increase inequality and intensify poverty for indigenous populations and minorities, who will continue facing *'loss of income and livelihood opportunities, hunger, adverse health effects and displacement.'*²

This is the case in Mexico, which is home to many indigenous groups and racial minorities. This submission describes the impacts of global warming and climate response measures, on racial minorities and indigenous peoples in Mexico. It explains that Mexico, as a party to the ICERD, has obligations to take measures to protect the rights of racial minorities and indigenous peoples in the context of climate change. The submission also considers the importance of indigenous knowledge and the participation of indigenous peoples in finding solutions to the climate crisis in Mexico.

¹ <http://www.ipcc.ch/report/sr15/>

² Ibid, chapter 5, 479.



3. Climate change and the human rights of racial minorities and indigenous peoples

There are broadly three main issues with respect to the human rights of racial minorities and indigenous peoples in the context of climate change:

- The **disproportionate adverse impacts of climate change** on the human rights of racial minorities and indigenous peoples;
- The **adverse impacts of climate response measures** on the rights of racial minorities and indigenous peoples; and
- The vital role of **indigenous knowledge** and **participation** in climate policy-making and working towards climate solutions.

3.1 Disproportionate adverse impacts

It is clear that the effects of climate change produce disproportionate adverse impacts on the rights of racial minorities³ and indigenous peoples. This is because, they frequently live in geographical regions and ecosystems which are the most vulnerable to climate change and their livelihoods and cultural and social activities rely on natural resources, which are threatened by the effects of global warming. As a consequence, the rights to water, health, housing, food and life and the cultural rights of indigenous peoples across the world, are threatened and violated due to climate change.

Further, because racial minorities and indigenous peoples tend to be poorer than the rest of the population, due to structural and historical discrimination and disadvantage, they have less access to the power and resources necessary to adapt to climate change and survive disasters. This also means that they are less able to resist and face the economic effects of global warming in terms of job security and the sudden increase in the cost of essentials, such as shelter, energy, food and water.⁴ Finally, the rights and institutions of racial minorities and indigenous peoples often lack recognition, meaning that they are frequently excluded from decision-making processes relevant to their rights.⁵

3.2 Impact of climate measures on the rights of racial minorities and indigenous peoples

The rights of racial minorities and indigenous peoples are also often adversely impacted by climate measures, such as projects, policies or programmes that seek to mitigate or adapt to climate change. The rights under threat in these situations include, the rights to water, food, health, housing, life and cultural rights. Often these situations lead to conflict between indigenous peoples and governments

³ Some of the minorities that have suffered the effects of global warming are the African-Americans in the US; Roma Communities in Eastern Europe; and Haitian Migrants in Dominican Republic, among many others, which has been widely documented and denounced by Minority Rights Group International. Available at: <https://minorityrights.org/wp-content/uploads/old-site-downloads/download-524-The-Impact-of-Climate-Change-on-Minorities-and-Indigenous-Peoples.pdf>

⁴ https://dornsife.usc.edu/assets/sites/242/docs/The_Climate_Gap_Full_Report_FINAL.pdf

⁵ International Labour Organisation, 'Indigenous Peoples and Climate Change : From victims to change agents through decent work', (2017): https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_551189.pdf



or climate project implementers and investors, such as corporations and international financial institutions, and lead to violations of the rights to freedom of expression and freedom of assembly and association.

Commonly, governments, corporations and projects implementers and investors, fail to obtain the free, prior and informed consent of indigenous peoples in respect of projects on, or close to, their lands. Another key issue is the lack of human rights safeguards in place and human rights due diligence undertaken, in respect of climate response measures.

3.3 Role of indigenous knowledge and participation in climate solutions

Greater acknowledgement is needed of the knowledge and expertise that indigenous peoples bring to the climate crisis and natural resource management and the significant role they can play in finding solutions to the climate crisis.

The Special Rapporteur explained:

*'Indigenous peoples are, however, not simply victims of climate change but have an important contribution to make to address climate change. Due to their close relationship with the environment, indigenous peoples are uniquely positioned to adapt to climate change. Indigenous peoples are also repositories of learning and knowledge about how to cope successfully with local-level climate change and respond effectively to major environmental changes such as natural disasters. Indigenous peoples play a fundamental role in the conservation of biological diversity and the protection of forests and other natural resources, and their traditional knowledge of the environment can substantively enrich scientific knowledge and adaptation activities when taking climate change-related actions.'*⁶

Further, the participation of racial minorities and indigenous peoples in the design, implementation and evaluation of climate policies and actions is essential for understanding the impacts and designing and implementing effective and sustainable solutions that respect human rights. The particular vulnerabilities to climate change of racial minorities and indigenous peoples and their role in climate solutions, were recognised by the Human Rights Council in its 2018 resolution, which was presented by Mexico, and which states:

*'Recognizing that indigenous peoples are among the first to face the direct consequences of climate change owing to their dependence upon and close relationship with the environment and its resources, and welcoming the role of indigenous peoples in achieving the objectives of the United Nations Framework Convention on Climate Change, the Paris Agreement and the targets and goals of the 2030 Agenda for Sustainable Development.'*⁷

It also encouraged States to:

⁶ *Ibid.* para 15

⁷ Resolution of the Human Rights Council, A/RES/39/13 (2018), preambular para 11.



*'work with indigenous peoples to strengthen technologies, practices and efforts related to addressing and responding to climate change, and recognizes the importance of the Local Communities and Indigenous Peoples Platform for the exchange of experience and the sharing of best practices on mitigation and adaptation in a holistic and integrated manner.'*⁸

4. Climate change and State obligations under the International Convention on the Elimination of All Forms of Racial Discrimination

The foreseeable adverse impacts on the rights of racial minorities and indigenous peoples enliven States' obligations under the ICERD to prevent harm to rights.⁹ The Special Rapporteur on human rights and the environment has underlined that:

*'The foreseeable adverse effects of climate change on the enjoyment of human rights give rise to duties of States to take actions to protect against those effects. Human rights obligations apply not only to decisions about how much climate protection to pursue, but also to the mitigation and adaptation measures through which the protection is achieved.'*¹⁰

The Special Rapporteur also highlights that States must protect from environmental harm, vulnerable populations, such as indigenous people, women and minorities, who are the ones who suffer most the adverse consequences of climate change.¹¹

The ICERD contains a number of provisions that are particularly relevant to climate change. The requirement in article 2(1)(c), that States *'take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists'*, applies to climate change policies and laws. Where such policies or laws have adverse impacts on racial minorities or indigenous peoples, States must take measures to redress those policies and laws.

Article 5 requires States to *'undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law'* in the enjoyment of the rights to housing (art 5(e)(iii)), health (art 5(e)(iv)) and equal participation in cultural activities (art 5(e)(vi)). As explained above, these are rights at risk due to climate change.

ICERD also requires States to guarantee the equal enjoyment of the rights to security of the person and freedom from violence (art 5(b)), freedom of expression (art 5(d)(viii)) and freedom of

⁸ Ibid. para 21.

⁹ Report of the High Commissioner for Human Rights, 'Analytical Study on the relationship between climate change and the human right of everyone to the enjoyment of the highest attainable standard of physical and mental health' (2016), UN doc. A/HRC/32/23, at paragraphs 32 & 33.

¹⁰ Report of the UN Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, John H. Knox, UN doc. A/HRC/25/53, 30 December. 2013

¹¹ Ibid, par 69-78.



association and assembly (art 5(d)(ix)). These rights are also under threat, particularly in the context of conflicts over climate response measures.

Also relevant is General Comment XXIII, where the CERD Committee calls on States to refrain from taking any action that could potentially affect indigenous people's rights, without special consideration of their informed consent.¹² Notably, the Committee points out that in cases in which indigenous populations have been stripped of their territories without free, prior and informed consent (FPIC), the State must redress the situation and *'take steps to return those lands and territories.'*¹³ The Committee has extended the concept of FPIC to non-indigenous peoples, such as ethnic minorities.¹⁴

Mexico is a party to the International Convention on the Elimination of All Forms of Racial Discrimination. Mexico's State Party report does not address climate change and its disproportionate impacts on the human rights of racial minorities and indigenous peoples in Mexico.

5. Mexico's climate change commitments

Mexico has ratified the UNFCCC as a Non-Annex I party. Non-Annex I parties are developing countries recognized by the Convention as being especially vulnerable to the adverse effects of climate change. Under the Convention, Mexico is a party to the Paris Agreement, the Copenhagen Accord, the Kyoto Protocol (and has accepted the Amendment to Annex B and the Doha Amendment), and the Local Communities and Indigenous Peoples (Hereafter "LC/IPs") Platform (a product of the UNFCCC recognizing the role of LC/IPs in addressing climate change).

In the Paris Agreement (2015) States committed to (i) holding temperature rise to *'well below 2°C and pursuing efforts to limit it to 1.5°C'*; (ii) adopt effective mitigation and adaptation actions to reduce greenhouse emission levels; and (iii) move towards economic activities that entail low levels of GHG emissions.¹⁵

The Preamble to the Paris Agreement acknowledges the importance of respecting human rights, including those of indigenous peoples, when combatting climate change:

'climate change is a common concern of humankind, Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples...'

¹² CERD, General recommendation XXIII on the rights of indigenous peoples, UN doc. 1997, par 4, d).

¹³ Ibid, par 5.

¹⁴ Eg: Honduras (2014) ; Ecuador (2017)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fECU%2fCO%2f23-24&Lang=en ; Honduras (2019)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fHND%2fCO%2f6-8&Lang=en

¹⁵ Paris Agreement (2015), Article 2.1.a, b and c.



Article 7.5 also acknowledges indigenous peoples' knowledge: *'adaptation action should (...) be based on and guided by the best available science and, as appropriate, traditional knowledge, knowledge of indigenous peoples and local knowledge systems (...)'*.

Notably, Mexico was the first developing country to pass comprehensive climate change legislation as well as the first developing country to submit its intended nationally determined contributions (INDCs) as a part of the Paris Agreement. Although this law advances towards the creation of an institutional framework and recognizes the country's international climate change commitments, it lacks a sanctions regime for non-compliance with the provisions of the law.

Mexico's targets

Mexico's targets are outlined in its INDCs. The INDCs include unconditional actions (to be implemented with Mexican resources) and conditional actions (to be implemented with the resources and transfer of technology from a new multilateral climate regime). The unconditional actions include a 25% reduction of its GHG emissions and short-lived climate pollutants (GHGs and SLCPs) beneath business as usual levels for 2030, implying a 22% GHG reduction and 51% black carbon reduction. Conditionally, Mexico is committed to a reduction of up to 40% (including a GHG reduction up to 36% and black carbon reduction up to 70%) pursuant to agreements addressing international carbon price, carbon border adjustments, access to low-cost financial resources, technical cooperation, and technology transfer.¹⁶

Proper investment, infrastructure, and enforcement are necessary for the realization of these goals for emissions reduction. However, Mexico still lacks the funding plans and enforcement and implementation mechanisms imperative to achieving these goals.¹⁷ An attractive and ambitious plan alone is not sufficient. At a time when there is an ever-increasing need for urgent actions to mitigate and adapt to climate change, the ambition of policies must be met with their efficacy. For instance, the government should increase the public budget to effectively implement its climate change policies (instead of the current reduction). It should also align the current energy policy with its climate change policy: while climate change national goals try to diminish emissions from GHGs the energy policy is relying on the construction of new refineries and fossil fuel sources.

6. Impacts of climate change on Mexico's racial minorities and indigenous peoples

Indigenous peoples, making up 21.5% of the Mexican population (in 2016), are a clearly vulnerable ethnic group in Mexico.¹⁸ In 2015, the UN estimated 80.6% of Mexico's indigenous population lives

¹⁶ Mexico INDC submission:

<https://www4.unfccc.int/sites/submissions/INDC/Published%20Documents/Mexico/1/MEXICO%20INDC%2003.30.2015.pdf>

¹⁷ National Resources Defense Council, *The Road from Paris*, Nov. 2017, <https://www.nrdc.org/sites/default/files/paris-climate-conference-Mexico-IB.pdf>.

¹⁸ Sixth National Communication and Second Biennial Report of the United Mexican States under the United Nations Framework Convention on Climate Change, p. 11.



in extreme poverty.¹⁹ The high levels of poverty amongst Mexico's indigenous populations increases their vulnerability to the adverse impacts of climate change. Further, there is a strong correlation between the location of many indigenous communities with geographic areas that are particularly vulnerable to climate change (e.g. Quintana Roo and Oaxaca). This means that climate change related phenomena such as landslides, flooding, and drought are occurring at disproportionate rates in areas where indigenous peoples live compared to the general population and there are not policy instruments to address these effects.

7. Climate mitigation/adaptation measures harming the rights of indigenous peoples

During 2018 alone, 326 bee colonies died in Yucatán and Quintana Roo due to aerial fumigation and the planting of 42,000 hectares of transgenic soybean, which destroyed bee nesting habitats. There is a close connection between bees, natural resources and the way of life of the Mayan people that is being affected by the planting of genetically modified soybeans. This planting requires practices of deforestation generating an increase in the temperature in the region and the loss of carbon sinks from the native forest, contributing to climate change. Climate change in turn affects bees which are vital to the health of the planet as they 'are the most important group of pollinators for farming and wild plants.'²⁰ Climate change is already threatening bees as rising temperatures stunt migration, which diminishes their habitats.²¹ Bee decimation in the Yucatán Peninsula is not only harmful to the environment, but to many indigenous peoples, such as Mayan peoples, bees are a fundamental part of their cultural world vision.²²

The energy transition model and the energy reform of 2013 have become risks to indigenous peoples and traditional communities all over Mexico because they have resulted in a massive influx of renewable energy megaprojects with negative impacts on human rights across the country.

The Isthmus of Tehuantepec, Zapotec villagers report rights violations due to wind power projects implemented without their free, prior, and informed consent, effective participation and information.²³ Specifically, the implementation of the project affects their livelihoods and preferential access to natural resources. With this project, the Energía Eólica del Sur farm, Mitsubishi Corporation is hoping to generate energy to supply FEMSA, Coca-Cola, and the Cuauhtémoc Moctezuma Brewery.²⁴ There are estimates that the project 'could keep 567,000 tonnes of carbon

¹⁹ <https://www.panoramas.pitt.edu/health/mexicos-indigenous-population-continues-face-high-rates-poverty>

²⁰ Fessenden, M. *How Climate Change is Messing with Bees*, Smithsonian Magazine, 08 Sept. 2015, <https://www.smithsonianmag.com/smart-news/how-climate-change-messing-bees-ability-pollinate-180956523/>.

²¹ *Ibid.*

²² La Jornada, *En 2018, 326 colonias de Abejas murieron en el sureste*. 19 May 2019: <https://www.jornada.com.mx/ultimas/2019/05/19/en-2018-326-colonias-de-abejas-murieron-en-el-sureste-5093.html>.

²³ Shah, R. and Bloomer, P., *Respecting the Rights of Indigenous Peoples as Renewable Energy Grows*, Stanford Social Innovation Review. 23 April 2018: https://ssir.org/articles/entry/respecting_the_rights_of_indigenous_peoples_as_renewable_energy_grows#.

²⁴ EDUCA Oaxaca México *Inauguran proyecto eólico a pesar de acusaciones de violaciones de derechos humanos durante la consulta indígena*, 31 May 2019 <https://www.business-humanrights.org/es/m%C3%A9xico-inauguran-proyecto-e%C3%B3lico-a-pesar-de-acusaciones-de-violaciones-de-derechos-humanos-durante-la-consulta-ind%C3%ADgena>.



dioxide out of the atmosphere,’ or, ‘the equivalent of taking 300,000 cars out of circulation and planting 12 million trees.’²⁵ Resistance by local indigenous groups, to these projects is met with ‘death threats, violence, and detention.’²⁶

Despite the environmental appeal of this project, indigenous communities are increasingly resistant to renewable energy projects due to what is effectively industrial colonialization making the projects possible while forcibly removing indigenous communities from their homes affecting with these projects important human rights such as right to territory, right to autonomy, right to preferential access to natural resources, right of access to information and right to participate in decision-making.²⁷

Another example of this is the case of the Yucatan Peninsula. According to GeoComunes²⁸, there are currently 20 wind power projects proposals in the peninsula, of which 4 have been denied, 7 are in the process of authorization, 6 have been authorized and 3 are in operation. On the other hand, there are 18 solar park project proposals in the Yucatan peninsula, of which 4 were denied, 3 are in the process of authorization, 10 have been authorization and 1 is in operation.

According to the documentation, ‘*The authorized projects would occupy 10,000 hectares for wind power projects and 3,800 hectares for photovoltaic parks, of which 30% is located on ejidal lands (4000 hectares).*’²⁹ Mayan communities live in these ejidal lands thus all these projects will be impacting these communities in the Yucatan Peninsula. These projects implies the deforestation of and the extensive use of land, affecting access to traditional territories and the development of traditional crops like the MILPA’s to indigenous communities.

These projects have been denounced for the deficiencies in their environmental impact assessments and for irregularities in the land sale and lease contracts.³⁰ In addition, taking into account that there is no comprehensive impact assessment of these projects, or of the cumulative impact of them, it is possible that they would exceed the socio-environmental capacity of the territory, affect the ecosystem dynamics of the region, and have negative effects on the human rights of nearby populations. In addition, these projects are being approved and implemented without proper participation and access to information,³¹ and free, prior and informed consent of local communities and indigenous people in strategic decisions that affect their own territories.

²⁵ Mexico News Daily, *New132-turbine Oaxaca wind farm is largest in Latin America*, 29 May 2019: <https://mexiconewsdaily.com/news/wind-farm-is-largest-in-latin-america/>.

²⁶ *Id.*

²⁷ Shah and Bloomer, *supra* note 27.

²⁸ Sánchez, Jazmín; Reyes, Ivett; Patiño, Rodrigo; Munguía, Alfonso y Deniau, Yannick; Articulación Yucatán y GeoComunes. 2019. Expansión de proyectos de energía renovable de gran escala en la península de Yucatán. México: GeoComunes / Consejo Civil Mexicano para la Silvicultura Sostenible.

²⁹ GeoComunes. (2019). Análisis general. Recuperado de: http://geocomunes.org/Analisis_PDF/AnalisisGeneralYucatan

³⁰ *Ibidem.*

³¹ HeinrichBollStiftung. (2018). La Transición Energética en Yucatán: el desvío de sus principios y los riesgos para la sostenibilidad de la región



Another case is the Las Cruces hydroelectric dam, which was authorized to be built in 2014 in the San Pedro Mezquital River Basin, on the basis that it will produce clean energy. If built, the dam will affect indigenous communities of Cora (Náyeri), Huichol (Wixáricas), Tepeguanos, and Mexicaneros origin from the riverside and mountain municipalities of Ruiz; Rosamorada, Acaponeta and El Nayar communities in the State of Nayarit; as well as the municipality of Mezquital in the State of Durango and other communities in the State of Jalisco. This project would generate a change in the hydrodynamics of the San Pedro Mezquital River, which as a tributary of the Marismas Nacionales river, would exacerbate the problems to indigenous people like access of sacred territories for collective use and carrying out traditional and subsistence activities such as fishing.

Although the dam is not yet built, the project already has several permits, which were granted without respecting the communities' rights to autonomy, territory and a healthy environment. In addition, the territory where the hydroelectric project is to be built is used by different indigenous communities since they are shared sacred places. Finally, the communities in the area are experiencing threats and attacks in relation to their opposition to the dam.

While the new administration is amending some aspect of the energy reform, the national policy of implementing energy projects to spur national development continues, without properly consulting local and indigenous communities, nor implementing adequate environmental and human rights assessments.

8. Mexico's mechanisms for ensuring the participation of indigenous peoples and local communities/ racial minorities in climate decision-making

Mexico's INDCs include ensuring the participation of indigenous peoples in national and subnational climate change planning, as does Mexico's commitment to the LCIPP.³² At the domestic level, the General law on climate change has a section requiring the representation of indigenous peoples and vulnerable populations in adopting and implementing strategies, policies, targets, and indicators to combat climate change.³³ Although it does not relate to the incorporation and acknowledgment of LC/IPs to climate change specifically, Mexico's General Law on Sustainable Forest Development contains around 28 sections that address developing the participatory capacity and inclusion of indigenous persons related to sustainable forestry and development matters. Sustainable forest development, stopping deforestation, and protecting ecosystem biodiversity are all inextricably linked to mitigating and adapting to climate change.

There is are the statutorily created National Institute of Indigenous Peoples, a decentralized, autonomous organ of the Federal Public Administration responsible for implementing policies aimed

³² Mexico INDC § 1(ii)

³³ Fifth Title Ch. IV § 2 Art. 71. "The climate change programs of the Federal Entities will establish the strategies, policies (...) targets, and indicators that will be implemented and fulfilled during the period of the corresponding government . . . always seeking the representation of the populations most vulnerable to climate change [and] indigenous peoples (...)" (author translation).



at ensuring and protecting³⁴ the rights of indigenous peoples and Afro-Mexicans. Only one section³⁵ of the statute specifically mentions climate change with respect to the rights of indigenous peoples, but one of the chief goals of the NIIP is the mindful collaboration with indigenous peoples in a way that respects and accommodates their traditional cultures and practices.

These mechanisms for inclusion, although attractive on paper, are not working. The exclusion of indigenous peoples from consultation on climate projects that affect their communities continues.

9. Conclusion and Recommendations

The dynamic that exists for indigenous communities between the adverse effects of climate change itself and the effects of national, local, and international policies to mitigate climate change, underscores the need for adequate representation of indigenous persons at all stages of the climate change policy-making process. Although they contribute little to GHG emissions, by drawing on traditional knowledge and cultural practices, indigenous peoples are responding to climate change in creative ways that could help the population at large.

Mexico has ICERD obligations to avoid foreseeable harms to the rights of indigenous peoples and racial minorities in Mexico by:

- taking strong measures to address climate change (reducing emissions);
- ensuring climate change response measures respect the rights of indigenous peoples; and
- ensuring the participation in climate decision-making of indigenous peoples.

We urge the Committee on the Elimination of Racial Discrimination to:

- Express concern about the disproportionate negative impacts of climate change on the lands and rights of indigenous peoples and recommend that Mexico significantly increase the ambition of its emissions reduction targets and the resourcing of its climate policy, to tackle the grave threat posed to rights by climate change.
- Express concern that Mexico's energy and climate reforms do not guarantee the protection of the human rights of indigenous peoples.
- Recommend that Mexico ensure that its energy and climate reforms and all climate change response measures, are consistent with its international climate commitments and human rights obligations, and respect the rights of indigenous peoples, including requiring their free, prior and informed consent for projects on or close to their lands.

³⁴ LNIIP Ch. I Art. I.

³⁵ Ch. I Art. 4(XVI) "To promote and implement the pertinent measures in coordination with the relevant authorities, indigenous peoples, and Afro-Mexicans, for the conservation and protection of the integrity of the biodiversity and environment of these groups in order to generate and maintain a sustainable way of life and address the adverse consequences of climate change." (author translation).



- Recommend that Mexico guarantee the participation of indigenous peoples in climate change policy-making and ensure that indigenous peoples are recognised as part of the solution to climate change, particularly as important agents in strengthening climate resilience.