



Dialogue Meeting, Geneva, 5th July, 2022

Ways to support indigenous peoples' tenure rights and forest guardianship

Introduction:

At the 2021 Climate Change Conference (COP26), a group of donors made a Pledge to support tenure rights and forest guardianship of indigenous peoples and local communities in tropical and subtropical forests in Africa, Asia and Latin America. Indigenous peoples have expressed the need to ensure that the funding committed under the Pledge is channelled to them in ways that ensure alignment with the UN Declaration on the Rights of Indigenous Peoples, and enhance governance, ownership, empowerment, cost effectiveness and results.

In this context, the Ford Foundation, the Christensen Fund and the David and Lucile Packard Foundation have contracted Charapa Consult to facilitate a process to assess principles, standards and mechanisms for best supporting indigenous peoples' tenure rights and forest guardianship in accordance with the international legal framework for indigenous peoples' rights. The results of this process will be presented as general recommendations for consideration by donors and other supporters of indigenous peoples. The process will not generate recommendations for donors on how to allocate their funds, as this depends on the specific dialogues established between donors and their partners.

Taking advantage of the presence of indigenous organizations, in the context of the 15th Session of the Expert Mechanism on the Rights of Indigenous Peoples in Geneva, a dialogue meeting was organized for a group of 26 indigenous leaders from Latin America and francophone Africa. The participants discussed three questions:

- What are the methods of channeling funds preferred by indigenous peoples?
- What are the obstacles for indigenous peoples to access funds?
- What are the key messages to donors to facilitate access to funds?

Below is a summary of the inputs provided by the participants.

General considerations

In order to define the best ways to put into practice the commitments under the Pledge, it is necessary to start from a clear definition of some terms and concepts.

Protected areas are not indigenous territories and indigenous territories are not protected areas, although there may be some imposed overlap. If these aspects are not clarified, we can go backwards in the recognition of rights, and financing does not solve the problem.



Likewise, it must be defined what is meant by “financing mechanisms”; whether these are institutional entities or channeling routes. Likewise, it must be defined what qualifies as funds under the Pledge; whether these are new resources or existing resources that are marked – or a combination. In this context, there is also a need to define what a donor is; if it is someone who contributes and not someone who transmits funds.

Similarly, it should be clarified who are the indigenous peoples and who are the local communities. The Convention on Biological Diversity and the United Nations Framework Convention on Climate Change use the language of local communities but there are different realities in different countries that must be taken into account.

Finally, it should be clarified what is meant by “capacity”. There is talk of the lack of capacity of indigenous organizations, but it is not clarified what capacities are involved. It can be human capacity, financial etc. Indigenous peoples have shown their ability to conserve the environment. It would be necessary to define what elements should constitute required capacity.

Preferred funding modalities

Any mechanism must allow indigenous peoples to have control over planning, budgeting, execution, monitoring and follow-up.

A direct financing mechanism is preferred, with the representative organizations of indigenous peoples as decision-making authority. The mechanism must have articulation and decision-making mechanisms at the global, national and local levels.

The mechanism must be democratic and open and issue open calls for proposals from indigenous peoples. The decision on funding priorities must come from the communities and not just from the leaders, through prior, free and informed consultation processes. Existing mechanisms must be involved and reinforced. For example, the UN Voluntary Fund facilitates access of indigenous representatives to processes pertaining to human rights, biodiversity and climate change. If there is no indigenous participation in these forums, decisions are made without taking us into account. Consequently, reinforcing this Fund will reinforce participation in these spaces.

Obstacles for accessing funds

Many governments do not have political will to respect the rights of indigenous peoples. Sometimes, government permission is needed for accessing funds, but some governments block financing for indigenous peoples. In addition, there is bureaucracy and corruption in state structures. Financing can contribute to change this situation.



Without key enabling policies there is no security of investment in indigenous territories. Funding must be based on the Declaration, and not on governments' lack of will. Financing can contribute to changing the political will, supporting dialogue and capacity building in public instances.

When funds are channeled to indigenous peoples through intermediaries, a very high percentage of the funds stay with the intermediaries.

Most indigenous peoples have low levels of schooling, which is reflected in the lack of human resources and low administrative and management capacity of some indigenous organizations. Other organizations do not comply with the bureaucratic requirements to receive funds; for example, having an institutional structure with a bank account, published reports, etc.

Many projects are not based on a precise study or diagnosis of reality, and sometimes follow-up and monitoring are lacking.

Many donors have complex and bureaucratic requirements to access funds. In addition, there is a lack of dissemination of adequate information to indigenous peoples.

Key Messages to donors:

- Support the rights established in the United Nations Declaration on the Rights of Indigenous Peoples
- Go beyond the project approach and invest in the life plans of indigenous peoples
- Do not focus exclusively on certain ecosystems, but take into account the variety of ecosystems that contribute to conservation such as moors, mountains, etc.
- Ensure that financing does not lead to the division of indigenous peoples or organizations, or to confusion or dependency.
- Ensure coordination with the main processes and instances of indigenous peoples to ensure broad inclusion of perspectives and interests of the peoples, and base the work on agreed concepts.
- Avoid intermediaries
- Consider the direct involvement of donors in the projects, as well as the verification that they are actually carried out and/or their culmination in the communities. Walk alongside us during the run. Get to the field to live reality with us.
- Establish more direct communication platforms with indigenous peoples, through the representative organizations of the peoples.
- Guarantee the full and effective participation of women (through mandatory quotas, if necessary to ensure compliance)



- Include broad and transparent consultation processes to guarantee the rights of indigenous peoples
- Establish follow-up, monitoring and evaluation mechanisms linked to financing mechanisms
- Support ongoing capacity building
- Allocate funds to work with governments and change their lack of political will