Directing Funds to Rights

Principles, standards and modalities for supporting indigenous peoples' tenure rights and forest guardianship

November 2022



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INTRODUCTION

At the 2021 UN Climate Change Conference (COP 26), a group of bilateral donors and philanthropic funders launched a Pledge to committing 1.7 billion USD between 2021-2025 to advance tenure rights and forest guardianship of indigenous peoples and local communities in tropical and subtropical forests. The Pledge is in recognition of the crucial contribution of indigenous peoples and local communities and managing these forests, while only a small fraction of climate-related funding reaches these peoples and communities¹.

With the Pledge aiming to increase the scale and quality of funds, some indigenous peoples and funders saw the need to discuss principles, standards and modalities that can best support indigenous peoples' tenure rights and forest guardianship in line with the United Nations Declaration on the Rights of Indigenous Peoples.

In May 2022, Charapa Consult was contracted by the Ford Foundation and the David and Lucile Packard Foundation (support channelled through the Climate and Land Use Alliance - CLUA) as well as the Christensen Fund, to undertake an independent and inclusive process to assess principles, standards and mechanisms for best supporting indigenous peoples' tenure rights and forest guardianship.

METHODOLOGY

The assessment process was overseen and guided by a Reference Group, comprising representatives of donors to the Pledge and indigenous peoples from Africa, Asia and Latin America. See Annex C for a list of Reference Group members.

In order to capture indigenous peoples' experiences, aspirations and perspectives, the assessment comprised a series of global outreach events and workshops in Africa, Asia and Latin America, which enabled participation of more than 200 indigenous peoples' organisations. Summary reports that include the specific recommendations from each event and workshop, are available at: https://charapa.dk

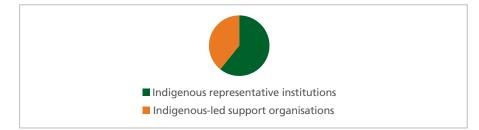
WHEN	WHAT	HOW MANY
6 June 2022	Half-day workshop in the context of Stock- holm+50 (with the Tenure Facility)	13 Indigenous Peoples' Organisations
4-5 July	Two outreach events during the EMRIP Session in Geneva	36 IPOs
7-8 July	Regional workshop for Latin America in El Sal- vador (with Foro Indígena Abya Yala)	15 IPOs
17-19 July	Two outreach events During APAC, Kigali (with IMPACT)	56 IPOs
31 July -1 August	Asia regional workshop, Cambodia (with Cam- bodia Indigenous Peoples Organisation)	26 IPOs
11-12 August	Workshop for the Amazon region in Bolivia (with COICA)	9 IPOs
16-18 August	Africa regional workshop, Cameroon (with REPALEAC)	30 IPOs
25 August	Informal on-line meeting with members of the UNPFII	
18 September	Country-level workshop Bangladesh (with Bang- ladesh Indigenous Peoples Forum)	15 IPOs

1) See Joint Donor Statement at COP 26

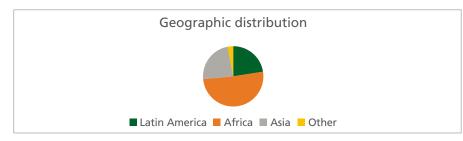
The face-to-face interactions were supplemented with interviews with key support organisations, resource persons, desk research as well as data collection through an online survey.

A total of 102 representative indigenous institutions and indigenous-led support organisations responded to the survey. Many respondents filled out the survey during the outreach events or workshops, but the link was also shared through mailing lists and on the Charapa website. Given the data collection methodology, the data does not have statistical validity, but can still provide insight into the situation of a considerable number of indigenous peoples networks and organisations.

Of the 102 organisations that provided data to this report, 61 % identified as representative indigenous institutions, while 39% identified as support organisations led by indigenous persons to work for indigenous peoples' rights (e.g. technical NGOs or funding mechanisms).



Of the respondents, 52 % were from the Africa and 23% and 24% from Latin America and Asia, respectively.



This report is based on the valuable data and input from all the indigenous leaders and supporters, who generously shared their insights, knowledge and recommendations. It attempts to capture the gist of the input but cannot fully reflect the richness and detailed information received. While it reflects the main recommendations put forward by indigenous peoples in the assessment process, in some areas it also provides independent analysis, especially to relate the recommendations and findings to the provisions of the UN Declaration on the Rights of Indigenous Peoples.

It is our hope that this independent report can become a tool for enhanced dialogue between indigenous peoples, donors and intermediaries as they move forward to align funding streams with indigenous peoples' rights.

1. OVERALL PRINCIPLES FOR SUPPORTING INDIGENOUS PEOPLES

The following sections present the key principles that were put forward by indigenous peoples to guide collaboration with donors. The key principles are: considering indigenous peoples as partners; following a rights-based approach; providing transformational and holistic support; considering the diversity of contexts; ensuring consultation, participation and consent, and; ensuring inclusion and equality.

1.1. Considering indigenous peoples as rightsholders and partners

The backdrop to the Pledge is the crucial role of indigenous peoples in the protection of the tropical and subtropical forests in the context of catastrophic climate change, biodiversity loss and environmental degradation. There is solid scientific evidence that community-managed conservation is much more efficient and cheaper than state protected areas. Therefore, indigenous peoples are key to combating climate change.

Indigenous peoples' contribution to humanity in terms of sustainable development, climate change mitigation and protection of biodiversity is worth far more than 1.7 billion USD.

"The relationship between Pledge signatories and indigenous peoples cannot replicate that of traditional 'donors versus beneficiaries'. Rather, it must depart from the acknowledgement of the enormous contribution that indigenous peoples are making to protect the forests and the planet", <u>workshop, Stockholm, June</u> 2022

The UN Declaration on the Rights of Indigenous Peoples (UNDRIP) states that: *"respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment"*, (UNDRIP, Preamble). Moreover, the Declaration is *"a standard of achievement to be pursued in a spirit of partnership and mutual respect"* (UNDRIP, Preamble).

Collaboration must depart from the acknowledgement of the enormous contribution indigenous peoples make to protect the forests and the planet and they must be regarded as partners in the collaboration between funders and indigenous peoples.

1.2. Following a rights-based approach

"Recognition and protection of our collective rights is the basis for collaboration with indigenous peoples. Funds committed under the Pledge need to be guided by a rights-based approach in accordance with the UN Declaration on the Rights of Indigenous Peoples (UNDRIP)", regional workshop Asia, July 2022

For indigenous peoples, recognition and protection of their collective rights in accordance with the UNDRIP is a precondition for the protection of their forests, and the basis for any collaboration. UNDRIP, article 43 states that: *"The rights recognized herein constitute the minimum standards for the survival, dignity and wellbeing of the indigenous peoples of the world"*.

The donors to the Pledge, acknowledge the land and resource rights of indigenous peoples, in accordance with relevant national legislation, the UNDRIP, and other international instruments, as applicable¹⁾. In accordance with UNDRIP, indigenous peoples have rights that should be respected, protected and promoted. Therefore, funding under the Pledge must be guided by a rights-based approach.

¹⁾ Joint Donor Statement at COP26

The UN Declaration on the Rights of Indigenous Peoples and the ILO Convention No. 169

The UNDRIP was adopted by the UN General Assembly by an overwhelming majority of UN member states. ILO Convention No. 169 on Indigenous and Tribal Peoples is complementary to UNDRIP and legally binding on the 24 countries that have ratified it.

Most countries that have ratified Convention No. 169 have indigenous populations as well as tropical and subtropical forests. These are: Argentina, Bolivia, Brazil, Central African Republic, Chile, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Nepal, Nicaragua, Paraguay, Peru and Venezuela. Three of the States contributing to the Pledge (Germany, the Netherlands and Norway) have ratified Convention No. 169.

The UNDRIP and Convention No. 169 are equality instruments that aim to ensure that indigenous peoples can enjoy the full range of human rights. Both instruments are therefore underpinned by and reflect the full range of human rights instruments of universal application.

Following a human rights-based approach is not only a matter of aligning with indigenous peoples' legitimate aspirations but also a matter of adhering to international and national human rights obligations. However, the operational implications of a human rights-based approach in the context of funding may not be clear for all donors, governments and intermediaries, but are further developed throughout this report.

Elements of a human rights-based approach

The human rights-based approach (HRBA) was adopted by the UN in 2003, and has since inspired numerous bi- and multilateral agencies, NGOs etc. In essence, the HRBA requires that support should be guided by - and further the realisation of - human rights and strengthen the capacity of duty-bearers to meet their obligations and of rights-holders to claim their rights. In the context of indigenous peoples, a HRBA must be based on the UNDRIP and other applicable instruments such as the ILO Convention No. 169, and help guide the design, focus and implementation of support.

Collaboration must depart from the recognition of indigenous peoples as collective rights-holders, and must be guided by indigenous peoples' rights, as enshrined in UNDRIP and Convention No. 169. To that end, donors and indigenous peoples must work together to further specify how these instruments can be used as a guide and a framework for collaboration to specify expected outcomes, operational modalities and procedures.

1.3. Transformational and holistic support

The UNDRIP establishes a direct link between the enjoyment of rights by indigenous peoples and their access to financial resources to achieve selfdetermined development (Article 4) and further states that: *"Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration"*, (Article 39).

The rights enshrined in the UNDRIP are interrelated and indivisible, reflecting that the economic, social, cultural, and political aspects of indigenous peoples' sustainable forest management cannot be separated. Collective land rights, participation in decision-making, access to education, food, water and women's rights are all inter-related elements of self-determined sustainable development. Consequently, indigenous peoples aspire for external support and funding that respond to their holistic and long-term vision for self-determined development and seek to revalue demeaned cultures, practices, ways of life and livelihoods that have historically been discriminated, considered as retrograde or criminalised. Indigenous peoples need strategic and long-term investments that can trigger transformational change and help overcome the structural discrimination they have suffered, and thereby reset the balance of influence and powers to achieve equality for indigenous peoples. A piecemeal approach and overemphasising of certain rights to the detriment of other should be avoided.

"Article 25 of the UNDRIP states that "Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal sea and other resources, and to uphold their responsibilities to future generations in this regard." This principle requires a long-term vision of the Pledge. This would mean preserving and protecting the rights of indigenous peoples to lands, spaces and resources not only for the living but also but future generations. This requires the Pledge to invest in the long-term and be a vehicle for transformative change aimed at eradicating the structural and institutional discrimination suffered by indigenous peoples", Africa regional workshop, August 2022

The Pledge focuses on support to indigenous peoples in tropical and subtropical forests in countries eligible for Official Development Assistance (ODA). This reflects the urgency of forest protection in developing countries, where almost all remaining tropical rainforest in located¹). The protection of forest is urgent, critical and a priority for combating climate change, given its role in carbon sequestration. However, forests are closely connected with other ecosystems such as mountains and savannas. Likewise, indigenous peoples in other regions play a similar role as stewards of crucial ecosystems and are also in need for support in the context of climate change and biodiversity loss.

The focus on forests has a strong rationale, but priorities such as legal and policy reform are often addressed at national level, rather than through an ecosystem approach. Indigenous peoples are also not necessarily organized in accordance with specific ecosystems. Consequently, an exclusive focus on tropical and sub-tropical forests may in some circumstances be difficult for indigenous peoples' organisations and networks to handle and adhere to.

¹⁾ See for example Rainforest Foundation Norway, 2019: State of the Tropical Rainforest

Regional and thematic networks such as the Reseau des Populations Autochtones et Locales pour la Gestion Durable des Ecosystemes Forestiers D'afrique Centrale (REPALEAC), Asia Indigenous Peoples Pact (AIPP) and Indigenous Women's Biodiversity Network (IWBN) play crucial roles in advancing indigenous peoples' tenure rights and forest guardianship. However, these networks represent indigenous peoples both within forests and in other ecosystems.

Funding should constitute strategic investments that are responsive to indigenous peoples' holistic and long-term aspirations and support indigenous peoples' organisations and networks in a flexible manner, taking into account relations with other ecosystems and the need to pursue legal and policy reform at various levels.

The Pledge should be considered a forerunner for more comprehensive support to indigenous peoples in all ecosystems and regions of the world

1.4. Take into consideration the diversity of regional and country contexts

The UN Declaration on the Rights of Indigenous Peoples recognises that "the situation of indigenous peoples varies from region to region and from country to country and that the significance of national and regional particularities and various historical and cultural backgrounds should be taken into consideration", (UNDRIP Preamble).

Indeed, regional and country contexts vary a lot, in terms of the general space for civil society, political support to and legal recognition of indigenous peoples' rights, the size of the indigenous population, the ways indigenous peoples are organised and their aspirations for self-determined development.

"In some countries, indigenous peoples have been working for 20 years on the demarcation of indigenous territories, with their own efforts and facing threats and assassinations for territorial defence. There, the first priority is support for the demarcation of territories through direct support to indigenous organisations for the demarcation and titling process, the hiring of the best professional technicians, legal advice etc. In already demarcated and legally recognised territories, support is needed for the implementation of tenure rights; the right to integral and holistic management of the territory", COICA workshop, August 2022

"Strengthening indigenous peoples territorial governance, promoting the Escazú agreement and protecting indigenous peoples in voluntary isolation is critical in Latin America", Consultative Meeting, Geneva, July,2022 "Non-recognition in legislation and policies of indigenous peoples' tenure rights as well as shrinking of civic space are among the biggest challenges. There is a need for initiatives that focus on the root causes of the problems and on indigenous peoples' real priorities and that support them to confront the shrinking of civic space in their respective countries", Meeting, Kigali, July, 2022

"Initiatives under the Pledge should support ongoing efforts for the recognition of the rights of indigenous peoples in Africa. Although timid and slow, initiatives are underway in several African countries to recognize and protect the rights of indigenous peoples in accordance with the Declaration", Africa regional workshop, August 2022.

"In many Asian countries, there is weak recognition of indigenous peoples' rights in laws and policies. However, national policies and development targets set the framework for the local level. For example, in Indonesia, the government has stated that carbon belongs to the state, which will undermine indigenous peoples' tenure rights and forest guardianship. Hence, national policy reform is a priority. Donors can help influence governments through dialogue", regional workshop Asia, July 2022

The country contexts may also determine the possible modalities for channelling funds to indigenous peoples. Authoritarian and restrictive governments make it difficult for indigenous peoples' organisations to obtain legal recognition, establish bank accounts and obtain government endorsement or permits to receive funds. Further, the process to get approval for receiving foreign funding can be so long, complicated and confusing that most organisations give up beforehand. Some government officials may require bribes to accept indigenous organizations or projects or establish socalled indigenous organisations to serve their own purposes and become the channel of funds. In some countries, regulations on money laundering, security and terrorism, are used against indigenous peoples' organisations, and even designing a project that addresses indigenous peoples' rights may be very sensitive. Many indigenous organisations also face limitations related to access to technology and to internet.

Given the huge diversity, it is not possible to apply a uniform (one size fits all) approach to realising the rights of indigenous peoples, which require enhanced decentralised dialogue.

"Indigenous peoples should reach out to the Pledge donors at the national level, to make them aware of the work undertaken by the indigenous peoples' organisations and initiate a dialogue with them about the implementation of their commitments under the Pledge", regional workshop Asia, July 2022

Decentralised regional and national dialogues between donors and indigenous peoples are key to devising strategies to support indigenous peoples most adequately and progressively in their specific contexts. Regional and national indigenous networks as well as larger donors with presence in the area could take the lead in organising this in a cost-effective and lean manner.

1.5. Ensuring consultation, participation and free, prior and informed consent

"Indigenous peoples living in Africa have long been seen as not knowing what is good for themselves. Other people and institutions believe they know the aspirations, needs and priorities of indigenous peoples better than themselves. This way of thinking has its origins in racist and discriminatory doctrines that considered or continue to consider indigenous peoples as inferior and incapable of supporting themselves", Africa regional workshop, August 2022

The UNDRIP does not seek to provide indigenous peoples with special rights. Instead, it aims at levelling-up enjoyment of rights and redress historical wrongs suffered by indigenous peoples for centuries, including forced assimilation, decision-making on their behalf, loss of lands, territories and resources and undermining of their traditional institutions. As a restorative legal framework, UNDRIP seeks to re-value the demeaned cultures, ways of life, livelihoods and traditional institutions of indigenous peoples.

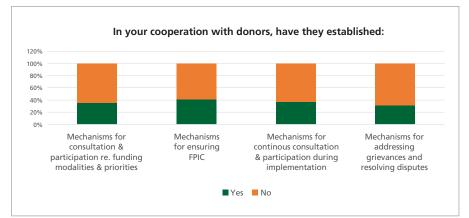
Self-determination of indigenous peoples is an overriding objective of the UNDRIP. This right is implemented through derivative rights such as the rights to be consulted, to participate in decision-making and to give or withhold free, prior and informed consent on matters that affect them, which are essential for upholding self-determination within larger societies. These enabling rights allow indigenous peoples to decide for themselves, regain trust in themselves, preserve their identities and preside over their own destinies. UNDRIP stipulates that:

"States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them", (Article 19)

"States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources", (Article 32. 2.)

In many circumstances (e.g. in countries that have ratified ILO Convention No. 169), these rights reflect legal obligations, which fall primarily on governments. However, to follow a human rights-based approach and as a matter of human rights due diligence, donors will have to assume corresponding responsibilities. Moreover, these intwined rights reflect fundamental principles of good governance. In a funding context, these are means to ensure relevance, adequacy, legitimacy and transparency of support, as well as shared responsibility and mutual accountability in the implementation.

Data provided by indigenous organisations shows that there is progress but also room for improvement in the realization of the rights to consultation, participation and consent in the context of collaboration with donors. 41 % of the respondents have experienced donors establishing mechanisms for ensuring free, prior and informed consent while the numbers are slightly lower for mechanisms to decide on funding modalities and priorities for support; continuous participation in decision-making during implementation and establishment of grievance mechanisms.



Proforma consultations or simply informing indigenous peoples about decisions that will affect them are not in compliance with indigenous peoples' rights. In accordance with UNDRIP, appropriate processes for consultation, participation and free, prior and informed consent need to comply with certain qualitative requirements. In short, such processes must:

- Build on the participation of indigenous peoples' representative institutions,
- Allow sufficient time to engage indigenous peoples' own decision-making processes, in a manner consistent with their cultural and social traditions.
- Take place prior to decision-making.
- Provide full access to all relevant information in a form that can be fully understood.
- Be transparent, undertaken in good faith and unfold in a climate of mutual trust that allow for genuine and constructive negotiations without any coercion or pressure.
- Reflect a sincere wish to reach free, prior and informed consent, and with a genuine opportunity for indigenous peoples to influence decision-making.

The inter-relatedness of the rights to consultation, participation and consent underline that these are not merely safeguard provisions, meant to serve as an 'emergency brake' to stop harmful measures or projects. Rather, these rights are meant to ensure alignment with indigenous peoples' aspirations for self-determined development, as well as adequate and constructive decisionmaking. The use in the UNDRIP of the combined terms "consult and cooperate" denotes a right of indigenous peoples to influence the outcome of decision-making processes affecting them, not a mere right to be involved in such processes or merely to have their views heard. It also suggests the possibility for indigenous peoples to make a different proposal or suggest a different model, as an alternative to the one proposed by the Government or other actors (see reports by the UN Special Rapporteur A/HRC/18/42 and EMRIP Study on FPIC A/HRC/39/62).

In recent years, there has been a tendency to delink the requirement for free, prior and informed consent from consultation and participation in decision-making. This is problematic, as is reduces the requirement for free, prior and informed consent to a reaction to externally defined projects or to a single event with no longer-term engagement. In a funding context, such a narrow interpretation of the requirement for free, prior and informed consent may presuppose that funding is not directed at indigenous peoples' self-determined priorities. There is a need to understand the requirement for consent as a process of constructive collaborative decision-making that is accomplished by working with indigenous peoples' representative institutions in a continuous and coordinated manner.

Understanding the scope and strengthening the application of the rights to consultation, participation and free, prior and informed consent, and reaching agreement on how to operationalize these in the context of the overall Pledge as well as for individual commitments, is a highly relevant topic for mutual capacity-building and dialogue between indigenous peoples and donors

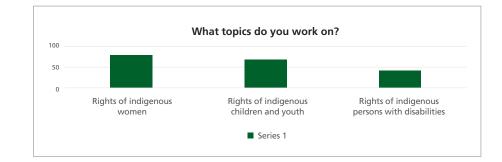
1.6. Ensuring inclusion and equality of all

Indigenous peoples are collective rightsholders under international law, but indigenous communities are also composed of individual rightsholders. UNDRIP reaffirms that all indigenous individuals are entitled to the full range of human rights and that particular attention shall be paid to the rights and special need of indigenous elders, women, youth, children and persons with disabilities (UNDRIP, article 22). The Pledge donors highlight the need to recognise *"the specific interests of women and girls, youth, persons with disabilities, and others often marginalised from decision-making"*⁽¹⁾.

With regards to determining the scope of land rights, ILO Convention No. 169 provides that *"particular attention shall be paid to the situation of nomadic peoples and shifting cultivators in this respect"* (Article 14). United Nations mechanisms on indigenous peoples have highlighted the situation of indigenous peoples in self-isolation as requiring special attention.

Ensuring an inclusive approach is not only a requirement under international human rights instruments, but also of relevance for sustaining indigenous peoples' forest guardianship. In many societies, traditional knowledge and practices are maintained, further developed and passed on through particular groups, defined by gender, age or special abilities. Ensuring participation of women and inter-generational dialogue, for example, is essential for sustainable management of forests and biodiversity.

Of the 102 indigenous organisations that provided data, 78% work specifically on indigenous women's rights, 66% on the rights of indigenous children and youth, while 41% have a particular focus on the rights of indigenous persons with disabilities, which appears as an emerging issue.



Others stated that their work with all constituents of indigenous communities/ societies without having a separate focus on certain groups. The situation of indigenous LGBTI persons was not addressed in the survey but mentioned during several workshops as an emerging issue although not all indigenous organizations may be ready to work on it yet.

Following a human rights-based approach to ensure equality and nondiscrimination implies, on the one hand, that indigenous women, youth, elders, persons with disabilities and LGBTI persons are considered in consultative processes, decision-making and programmes and projects. On the other hand, it may require special measures to ensure that the needs and priorities of all groups are reflected. Special measures can for example be separate consultations with youth, women or the elderly, ensuring Sign Language Interpretation, or providing earmarked funding for networks and organisations of indigenous women, youth, persons with disabilities and LGBTI persons.

¹⁾ Joint Donor Statement at COP26

Indigenous women have established networks to advocate for their rights (e.g. the Indigenous Women's Biodiversity Network (IWBN) and the Foro Internacional de Mujeres Indígenas (FIMI). Likewise, organisations and networks of indigenous youth and persons with disabilities are merging. However, many of these organizations face challenges:

"On many occasions, indigenous women's organizations are at a disadvantage in access to resources, when they do not have legal recognition or do not have the endorsement of indigenous organizational structures at the national level. Therefore, work must be done to reduce these gaps" regional workshop Latin America, July 2022

"We need to work with donors to show them how their obligations under international instruments can be used as a guide, a framework, and a basis for our collaboration. Likewise, we need to clarify the scope of a rights-based approach concerning women's rights and persons with disabilities, including within indigenous communities where there may be push back from some traditional leaders, for example with regards to the rights of women and youth", regional workshop Asia, July 2022 Mainstream the consideration for the diversity within indigenous societies in consultative and decision-making processes, and adopt special measures, as needed, to ensure meaningful participation of all groups.

Consider providing direct support to networks and organisations of indigenous women, youth, persons with disabilities and LGBTI persons.

2. OPERATIONAL STANDARDS FOR SUPPORTING INDIGENOUS PEOPLES

The following sections puts forward operational standards for strengthening the overall impact of the Pledge, maximising donor impact and working with indigenous peoples.

2.1. STRENGTHENING THE OVERALL IMPACT OF THE PLEDGE

2.1.1. Establish a mechanism for sustained dialogue between the Funders Group and Indigenous Peoples

The immediate need to halt the destruction of forests and global climate change, along with the short timeframe of the Pledge (up to 2025) underline the need to maximise the opportunity provided by the Pledge and the urgency of strengthening dialogue between indigenous peoples and the Funders Group to discuss how indigenous peoples can access funds under the Pledge.

This is in line with the commitment of the Funders Group to: "promote the effective participation and inclusion of Indigenous Peoples and local communities in decision-making and to include, consult and partner with them in the design and implementation of relevant programmes and finance instruments"¹).

The ILO supervisory bodies and United Nations special mechanisms on indigenous peoples have highlighted the critical importance of trust between indigenous peoples and partners for the implementation of indigenous peoples' rights. Enhancing dialogue is an essential way of building trust between funders and indigenous peoples. Concretely, indigenous peoples recommend the establishment of a dialogue mechanism at the overall level of the Pledge, building on the UNDRIP, to facilitate:

- Alignment of support with indigenous peoples' priorities and aspirations for self-determined development
- Consultation, participation and consent of indigenous peoples' representative institutions on decisions that affect them
- Accountability and shared responsibilities for enhancing transparency, coordination, information-sharing, coordination, and effectiveness to deliver on the common objectives to protect forests and uphold tenure rights.

The mechanism should convene at least bi-annually; once in an on-line format and once in a hybrid format, building on the presence of funders and indigenous peoples' representatives at major international events such as the COPs. Suggested priority themes for discussion include:

- Design of a roadmap to enhance direct support to indigenous peoples' organisations and funding mechanisms
- Disclosure of information about contributions and allocations under the Pledge
- Establishment of a monitoring mechanism to follow the commitments under the Pledge with direct participation of indigenous peoples
- Mutual capacity-building of donors and indigenous leaders to reach common understanding and enhance capacities for collaboration
- Support to a global platform for exchange among indigenous peoples, including necessary resources to do consultations and outreach at regional, national and local levels

1) See: Joint Donor Statement at COP 26 and Funders Group Information Note March 2022

The representation of indigenous peoples in the dialogue mechanism should be determined through self-selection processes among indigenous peoples, building on what has already been initiated with the Reference Group (see Annex C), but can be expanded and consolidated, as necessary.

In accordance with UNDRIP, article 18, indigenous peoples must be represented by representatives chosen by themselves in accordance with their own procedures. The principle of self-selection is applied in a number of processes, including the appointment of members to the Facilitative Working Group of the Local communities and Indigenous Peoples Platform under the UNFCCC. Similarly, the members of the Reference Group for this assessment were selected by indigenous organisations and networks in the three regions, through a process convened by an indigenous resource person (who did not aspire to become a member of the group). The selection criteria and the process were established in the Terms of Reference for the Reference Group

Establish a mechanism for continuous dialogue between indigenous peoples and the Funders Group throughout the lifespan of the Pledge.

2.1.2. Enhance transparency, monitoring and accountability

The Pledge aims to increase the support for indigenous peoples' forest tenure rights and greater recognition and rewards for their role as guardians of forests and nature, including by tackling systemic barriers for channelling funds to indigenous peoples and exploring alternative models and mechanisms, which enable more funding to be channelled to indigenous peoples¹.

1) Joint Donor Statement at COP 26

The Funders Group recognise that it is critical to ensure that they are held to account on delivery of the Pledge commitments, and that stakeholders are kept informed. Therefore, it has stated its intent to report regularly on progress on the Pledge, by providing updates on collective spend, highlighting achievements and challenges in support to indigenous peoples as well as recommendations for the future. It is expected that the Funders Group will publish a first report at COP27 in 2022²).

So far, very little information about the overall Pledge has reached indigenous peoples, and only two of the donors have published information about their individual contributions under the Pledge³⁾. Moreover, there is no mechanism for indigenous participation in the overall monitoring of the Pledge, and no way of tracking disbursements to intermediaries and to indigenous peoples at international, regional, national and local levels. The lack of a participatory mechanism makes it difficult to assess whether the Pledge is reaching the expected impact, and to discuss and exchange experiences, lessons learned and good practices.

"Monitoring should measure to what extent funds are reaching indigenous peoples at the international, regional, national and local levels", key messages, workshop, Stockholm, June 2022

"In Africa, we also suggest a peer review mechanism. It would be for a beneficiary to be regularly evaluated by African sister organizations that have also benefited from funds committed under the Pledge. This would build a community of Pledge beneficiaries who support and strengthen each other", Africa regional workshop, August 2022

2) Funders Group Information Note, March 2022

³⁾ Information about The Christensen Fund's contributions to the Pledge and: the Ford Foundation's contributions

Indigenous peoples highlight two dimensions of the monitoring challenge:

- The need to strengthen indigenous peoples' own monitoring mechanisms, including their capacity to monitor the level of funding reaching indigenous peoples' organisations and communities, and
- 2) The need to enhance the transparency and monitoring of the commitments under the Pledge as such, to enable a meaningful dialogue between indigenous peoples and donors on the design and implementation of relevant programmes and finance instruments and to enhance accountability and partnerships.

Considering that there is only 3.5 years left of this phase of the Pledge, the need to strengthen transparency, monitoring and accountability is urgent. Key elements in that regard include:

- Disclosing information about individual contributions and allocations under the Pledge
- Establishing a monitoring mechanism to follow the commitments under the Pledge with direct participation of indigenous peoples, who are essential partners in assessing whether funds reach their organisations and communities and achieve the intended outcomes.
- Supporting indigenous peoples' monitoring mechanisms at global, regional, national and local levels
- Using the suggested mechanism for dialogue between indigenous peoples and Pledge donors (see section 2.1.1.) to discuss patterns and trends in disbursements under the Pledge, and exchange experiences, lessons learned and good practices.
- Engaging Pledge donors at the national and regional level (e.g. through Embassies), to make them aware of the work undertaken by the indigenous peoples' organisations and initiate a dialogue about the implementation of their commitments under the Pledge.



Enhance transparency, monitoring and accountability by disclosing information about contributions to the Pledge, establish a participatory monitoring mechanism and support indigenous peoples' own monitoring efforts

2.2. MAXIMISE DONOR IMPACT AND EFFECTIVENESS

2.2.1. Enhance coherence of support to indigenous peoples

The influence of donors extends beyond the money they contribute. Hence, the bigger ask is not only on finance, but for donors to align their funding commitments with support to the promotion and protection of indigenous peoples' rights more generally. That implies building broad alliances for indigenous peoples' rights, pursuing synergies between interventions at different levels and using all tools at hand, including bilateral cooperation, diplomatic dialogue and presence, voice in multilateral agencies, direct funding and earmarking of funding within broader interventions.

Coherent support includes positive initiatives to promote the inclusion of indigenous peoples' rights in broader donor policies and strategies to achieve the Sustainable Development Goals (SDG), in policy dialogues at all levels, in bilateral cooperation and in their support to multilateral agencies. In parallel, donors must refrain from certain initiatives that could undermine indigenous peoples' rights, e.g. supporting the mining sector or agri-business that would lead to the conversion of forests for palm oil. Donors need to ensure coherence of policies and programmes, otherwise they may undermine the purpose of the Pledge. Moreover, indigenous peoples should have access to grievance mechanisms in case they are negatively affected by projects (e.g. displacement due to fortress conservation). Key elements for enhancing coherence include:

- Adopting comprehensive institutional strategies for support to indigenous peoples, using both financial and political instruments, based on international commitments relating to human rights, environmental protection, climate change and biodiversity
- Mainstreaming the support for indigenous peoples' rights in donor policies, strategies and programmes, including application at the national and local levels.
- Applying a safeguard approach, to screen policies, strategies and programmes for negative impact on indigenous peoples' rights

Align funding commitments with more general support for the promotion and protection of indigenous peoples' rights, through the adoption of comprehensive institutional strategies and safeguards

2.2.2. Pursue complementarity and synergies of donor efforts

The combined commitments of 17 philanthropic funders and 5 bilateral donors to the Pledge provide an unprecedented opportunity for building on the comparative advantages of the range of institutions and pursue synergies to provide multifaceted and strategic support to indigenous peoples.

Philanthropic funders have only contributed a small percentage of total disbursements supporting tenure rights and forest management of indigenous peoples¹), but are known to have more flexibility in their operational requirements and have in many cases pioneered the channelling of direct support to indigenous peoples²). Philanthropic funders can also play a key role in channelling funds to indigenous peoples in countries with weak recognition of indigenous peoples' rights, restricted space for civil society and weak institutional capacities of indigenous peoples.

In contrast, bilateral donors can provide large-scale long-term financial support to both targeted interventions and mainstreaming of support to indigenous peoples across their portfolios, including support for policy reform and strengthening of government institutions, where these have weak capacity to address indigenous peoples. Moreover, bilateral donors can combine financial and political support, including through bi- and multilateral policy dialogue, earmarked support to multilateral agencies etc. The Funders Group also highlight the need to improve coordination and collaboration between public and private funders to tackle strategic barriers and scale-up effective support³.

Build on the comparative advantages and complementarity between public and private funders as a strategic and innovative feature of the Pledge.

2.2.3. Harmonization of donor requirements and support

There are relatively few donors supporting indigenous peoples' tenure rights and forest guardianship, but many pathways for channelling these funds to indigenous peoples. The same donor may provide funds to multilateral agencies and initiatives, NGOs and funding mechanisms that, in turn, may channel some of these funds to indigenous organisations. Consequently, indigenous organisations may receive a number of small grants from different intermediaries, originating from the same donor. As each grant comes with earmarked priorities and specific operational and reporting requirements, it multiplies the administrative burden on the receiving organisations and may divert their attention towards short-term goals that may not be aligned with the organisations' longer-term priorities and plans.

3) Funders Group Information Note, March 2022

¹⁾ Rainforest Foundation Norway, April 2021: Falling short - Donor funding for Indigenous Peoples and local communities to secure tenure rights and manage forests in tropical countries (2011–2020)

"One organization is receiving funds from 17 different donors; each with individual requirements and procedures for formats, reporting and audit. Another organization receives funds from the same donor through three different intermediaries, thereby tripling reporting, audit and evaluation requirements etc", <u>Asia Regional</u> Workshop, August 2022

While it is note realistic to aspire for harmonization of requirements among the entire Funders Group and many intermediaries, some steps could reduce the burden.

- Map the main flow of funds from donors through intermediaries to indigenous peoples' organisations to identify the strategic gateways where harmonization of requirements would make a significant impact
- Develop model requirements and guidelines in collaboration with indigenous peoples that could voluntarily be adopted by intermediaries, including as a vantage point and competition parameter.

2.3. WORKING WITH INDIGENOUS PEOPLES

2.3.1. Identifying indigenous peoples

Indigenous peoples are a distinct group of rightsholders under international law. ILO Convention No. 169 (article 1.1) provides a set of criteria for identifying those who constitute "indigenous and tribal peoples" in each context. These criteria comprise both objective and subjective elements, as follows:

	Objective criteria	Subjective criterion
Indigenous peoples	 Descent from populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or establishment of present state boundaries Irrespective of their legal status, they retain some or all of their own social, economic, cultural and political institutions. 	Self-identifica- tion as indige- nous or tribal shall be regarded as a fundamen- tal criterion for identifying indigenous or tribal peoples
Tribal peo- ples	 Their social, cultural and economic conditions distinguish them from other sections of the national community Their status is regulated wholly or partially by their own customs or traditions or by special laws or regulations 	

The Convention takes an inclusive approach and is equally applicable to both indigenous and tribal peoples. The crucial criterion of self-identification ultimately implies that it is self-identification and not government recognition, which determines the identification of indigenous peoples. Hence, both indigenous peoples recognized by the States as well as those not yet recognized should be considered under the Pledge. Legal recognition as indigenous peoples is often a starting point for broader recognition of rights, e.g. to lands, territories and resources, and support to such processes should have priority. UNDRIP does not define indigenous peoples but considers self-identification as a constituting element of the right to self-determination.

The Pledge supports both indigenous peoples and local communities. Many local communities living in tropical and subtropical forests play an important role in forest conservation and need support. Consequently, these are also considered within the Pledge. Moreover, in both global, regional and national processes pertaining to climate and the environment, there is increased collaboration and partnerships between indigenous peoples and local communities. However, undertaking a comprehensive outreach and assessment process of standards, principles and modalities with local communities is beyond the scope of this report.

The African Commission on Human and Peoples' Rights has conceptualised and clarified the understanding of "indigenous peoples" in Africa: "Indigenous peoples has come to have connotations and meanings that are much wider than the question of who came first. It is today a term and a global movement fighting for rights and justice for those particular groups who have been left on the margins of development and who are perceived negatively by dominating mainstream development paradigms, whose cultures and ways of life are subject to discrimination and contempt and whose very existence is under threat of extinction," (African Commission conceptual Report of 2005). Use the principle of self-identification and other criteria outlined in ILO Convention No. 169 to identify the partners under the Pledge who are indigenous peoples. If in doubt, consult with the relevant national or regional network organisations of indigenous peoples

Refer to regional specific understanding of indigenous peoples, as done for instance by the African Commission on Human and Peoples' Rights

2.3.2. Identifying representative institutions

Indigenous peoples' right to retain and develop their own social, economic, cultural and political institutions is a fundamental right under the UNDRIP (see articles 5, 18, 20 and 34). These provisions aim at restoring indigenous peoples' power to decide for themselves through their own institutions. The existence of such institutions is also a core identification criterion of indigenous peoples (see previous section) and is an integral part of what it means to be an indigenous people. Moreover, the realization of the fundamental rights to consultation, participation and consent hinges upon the identification of the right representative and decision-making institutions. UNDRIP establishes that:

"Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions" (Article 18).

Indigenous peoples' representative and decision-making institutions are the governance institutions of peoples with a collective right to self-determination. What distinguishes a representative institution from an NGO (regardless of whether this is established by indigenous persons or not) is that the representative institution has been given a mandate to represent one or several indigenous communities or peoples - through a process carried out by the indigenous peoples themselves. This also implies, that an indigenous institution cannot claim representativity without being able to clearly identify the constituents it represents as well as its accountability mechanisms towards

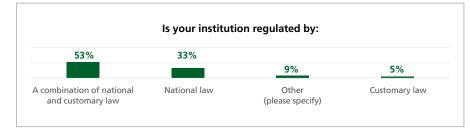
these constituents, including mechanisms for democratic election and renewal of leadership.

Indigenous peoples' institutions present a vast spectrum of different organizational forms. Some have retained traditional governance systems, while others have adopted or been forced to adopt new organizational forms. Many indigenous institutions, particularly the more traditional ones that are mainly governed by customary law, do not have legal registration by the state. Others struggle to get legal recognition or are registered as NGOs, often through complicated and complex processes that do not correspond with their characteristics as indigenous governance institutions.

The Coordinator of Indigenous Organizations of the Amazon

Basin (COICA) represents Amazonian indigenous peoples through their representative institutions in 9 countries. In accordance with international law, these institutions are the territorial governments of indigenous peoples. COICA members constitute the territorial governments of millions of hectares of forests.

Institutions that do not have legal recognition by the state will in most cases not be able to receive funds from external donors, as these require a formal institutional structure with a bank account, published reports, etc. In these cases, it is necessary to establish an arrangement with an organization that can provide fiduciary oversight, financial management, and other administrative services (fiscal sponsorship). Many indigenous institutions have found a pragmatic balance to adhere to both state requirements for legal recognition while also upholding central elements of customary law.

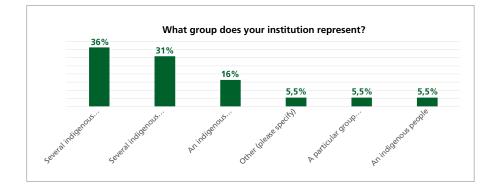


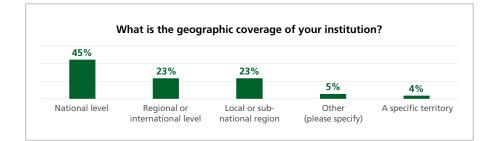
Representative institutions exist at different levels; from those representing a single community to those representing several indigenous peoples within a single country to broad regional or global networks.

The Global Alliance of Territorial Communities (GATC) is a political platform of indigenous peoples and local communities. GATC guarantees its legitimacy and representativeness through democratic processes, ranging from the community to the international level. The alliance represents 35 million people living in forest territories from 24 countries in Asia, Africa, and Latin America. GATC members are defenders of over 958 million hectares of land.

The five organizations that constitutes GATC are the Indonesian Alliance of Indigenous Peoples of the Archipielago (AMAN); the Mesoamerican Alliance of Peoples and Forests (AMPB); the Articulation of Indigenous Peoples of Brazil (APIB); the Coordinator of Indigenous Organizations of the Amazon Basin (COICA); and the Network of Indigenous and Local Populations for the Sustainable Management of Central African Forest Ecosystems (REPALEAC).

Key demands of GATC are: 1) Recognition of lands rights, 2) Requirement for Free, Prior and Informed Consent for all interventions, 3) Direct access to climate funding, 4) Protection of leaders from criminalization and assassinations 5) Incorporation of traditional knowledge in climate change policies and strategies. Read more at: https://globalalliance.me In the survey, representative indigenous organisations identified their constituents and the geographical coverage of their institutions as follows:





The subject, scope and impact of a given proposal will determine which representative institutions it is appropriate to involve. If an intervention impacts a specific community, the representative institution of that community would be the primary decision-maker, but other organisations could assist in facilitating contact and consultations. In the context of broader measures that are likely to affect numerous indigenous peoples in several regions, such as the Pledge itself, it would be important to establish dialogues that involve representative institutions with the broadest possible constituency. Generally, the approach would follow a subsidiarity principle, meaning that issues should be dealt with at the most immediate or local level that is consistent with their resolution. When inviting indigenous peoples to participate in boards, advisory bodies or steering committees of funding mechanisms and support initiatives, it is important to clarify whether these participate as individuals or as delegates of representative institutions, with a clear mandate and accountability mechanism towards their constituents.

In many indigenous societies, there is a diversity of institutions that represent different groups and sometimes representation is contested. In these cases, there is a need to take an inclusive approach, allowing for participation of various institutions. In any case, the processes of involving representative institutions need to be underpinned by sufficient resources. Although this may be seen as an added costs for donors, it is essential for ensuring relevance, legitimacy, transparency, accountability and sustainability of results.

Indigenous peoples' representative institutions are governance authorities but will not necessarily also be the implementors of a given project or process. What is important is that the relevant representative institutions are consulted, participate in decision-making and give consent to the involvement of technical/implementing organisations within their jurisdiction.

Failure to identify and involve the relevant representative institutions is unfortunately quite common among donors and intermediaries and implies that a given decision or intervention loses legitimacy and adherence to fundamental rights of indigenous peoples. Moreover, it may undermine the expected outcomes as well as the needs and priorities of concerned indigenous peoples. The following steps may help guide the process:

- Determine the scope and tentative impact of a given intervention/decision and identify the representative institutions of the indigenous peoples/ communities that will be impacted.
- If in doubts, consult with the relevant local, national or regional organisations of indigenous peoples and/or support organisations and request the identified representative institutions to specify, which constituents they represent.
- If projects or processes are implemented by intermediaries, make sure the relevant representative institutions are consulted, participate and give consent to interventions within their jurisdiction.

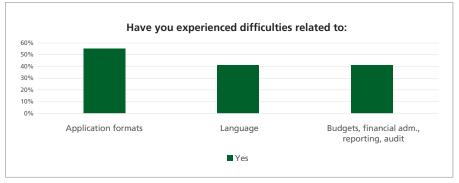
Overall, it is recommended to:

- Request indigenous peoples to identify the relevant representative institutions in each context and make sure these are involved in inclusive processes for consultation, participation and consent
- Allocate sufficient resources for such processes and provide support to indigenous institutions that want to pursue legal recognition by the state

2.3.3. Strengthening institutional capacities

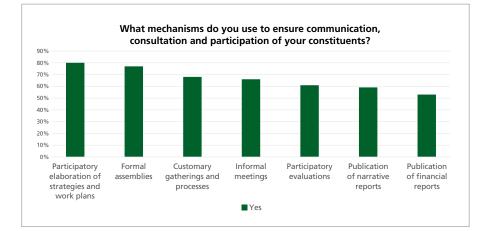
Indigenous peoples have proved their capacity to sustainably manage forests and conserve biodiversity. However, the authority of indigenous peoples' representative institutions has been undermined through historical processes of marginalization and are challenged when having to assume complex governance responsibilities in the face of multiple threats, without adequate financial, technical and legal support. Moreover, many indigenous peoples are discriminated with regards to access to education, and the low level of schooling is reflected in a lack of specialised human resources. Hence, many indigenous organisations struggle to strengthen expertise and institutional capacities in the diverse technical fields that are necessary for securing tenure rights and forest guardianship (mapping, demarcation, entrepreneurship, legal defence, IT, communication, advocacy, among others).

Raising external funding, managing funds and reporting in accordance with complex donor requirements is a specialized discipline that pose major challenges for most indigenous organisations. Of the respondents, 55% have encountered difficulties relating to complexity of application formats, and 41% have had difficulties with requirements related to language, budgets, financial administration, reporting or audit.

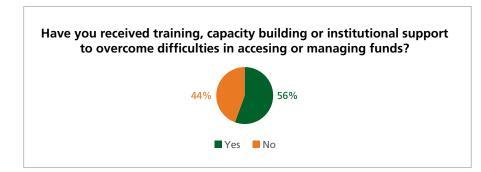


Although donors have the will to provide more direct support to indigenous peoples, their requirements often constitute the 'devil in the detail', which may effectively deny indigenous peoples access to funds. This becomes a vicious cycle where the lack of capacity to handle donor requirements result in a lack of access to funding - with the result that the required institutional capacity is never developed. Clarification and streamlining of operational requirements and related capacity needs from the donor side, would make it easier for indigenous institutions to work towards compliance.

An additional challenge for indigenous peoples' institutions is that they need to ensure two-ways accountability towards donors and towards their own constituents. Bilateral donor requirements for reporting, for example, are often justified with reference to the need to provide accountability to taxpayers. However, these requirements do not necessarily reinforce transparency and accountability towards communities. The organisations therefore need to carefully determine their relationship with both donors and with communities. To ensure accountability towards constituents, indigenous organisations make use of a range of processes and approaches, as illustrated by the data provided by the reps:

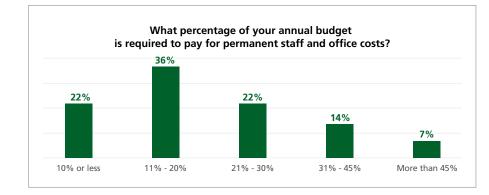


55% of responding organisations have received training, capacity-building or institutional support to overcome difficulties in accessing or managing funds from external donors.

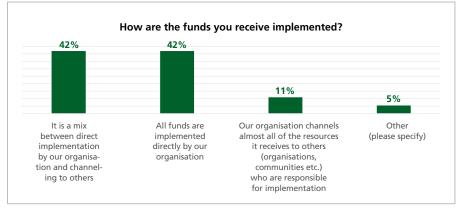


Many donors set a limit of around 10-20% for expenses related to institutional costs, such as human resource, office costs, transport, communication, training etc. The data shows that 36% of the respondents operate within these parameters. However, the real need for investment in institutional strengthening and operations may be bigger. Consequently, fixed and limited percentages should be replaced with flexible allocations for justified and

reasonable costs.



The data shows that a significant number of indigenous organisations have experience in transferring funds to others, which indicate a capacity for channelling funds to indigenous communities through indigenous organisations:



Many donors seem to doubt the capacity of indigenous organisations to manage funds. Trust between donors and indigenous institutions is a key issue. Indigenous peoples are determined to build their institutional capacities and strengthen the credibility of their organizations through transparency and accountability to ensure that lack of capacity is not used as an excuse to not channel funds directly. "We often hear that indigenous peoples do not have the capacities to handle funds, and to scale up to the level required to "absorb" the 1.7 billion USD committed under the Pledge. However, upscaling can also mean doing small things at a global scale. We need to strengthen our capacity to scale out in a horizontal expansion.

Many of us have been building our capacities over the years; it did not happen overnight. Rather, we decided to not make excuses, and pushed ourselves to the limits; to develop the skills that can match modern requirements, to learn English, to develop accounting systems. Our ancestors also exceeded their capacities, in order to defend the land. If we say "we can't", then others will exploit us. We can do it!", regional workshop Asia, July 2022

A related issue is the capacity of donors to work with indigenous peoples. Many indigenous leaders find that donor representatives have limited understanding of indigenous peoples' realities on the ground, and limited knowledge of international law, as it pertains to indigenous peoples. Hence, they recommend that capacity-building be considered as a two-way process, in which the capacity gaps for collaboration should be addressed from both ends.

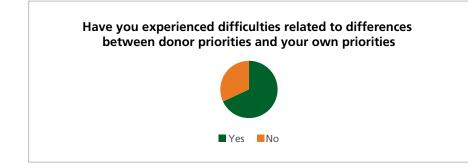
"Consider the direct involvement of donors in the projects, as well as the verification that they are actually carried out and/or their completion in the communities. Walk alongside us during the run. Get to the field to live reality with us", Meeting, Geneva, July, 2022 Provide institutional support and capacity-building of existing institutions and networks as a core component of any support to indigenous peoples' tenure rights and forest guardianship.

- Clarify minimum requirements for direct access to funds, support the strengthening of capacities to meet these requirements and follow-up with close dialogue and specific plans to address capacity gaps.
- Organise mutual capacity-building of donors and indigenous leaders to reach common understanding and enhance capacities for collaboration

2.3.4. Defining priorities for support

UNDRIP highlights the right of indigenous peoples to "determine and develop priorities and strategies for the development or use of their lands or territories and other resources", article 32.1.

The Pledge promises to provide finance for a broad range of activities pertaining to indigenous peoples' tenure rights and forest guardianship, including capacity building, collective governance structures and management systems, sustainable livelihoods, land and resource rights, community-level tenure rights mapping and registration work, national land and forest tenure reform processes and their implementation as well as conflict resolution mechanisms. The Pledge thereby responds to some of the key priorities put forward by indigenous peoples over the years. However, differences between donor and indigenous peoples' priorities seem to be a common difficulty (68% of responding institutions state that they have encountered difficulties in that regard).



A 2021 report by Rainforest Foundation Norway (RFN) mentions that just 11 percent of the total climate funding for indigenous peoples and local communities from 2011-20 went towards tenure projects, suggesting that the majority of funds were directed to less politically sensitive forest management projects¹⁾. Pledge donors recognize that much of current climate finance does not address key concerns of indigenous peoples, such as helping to secure their land and forests rights²⁾.

Many indigenous peoples express concerns that donors set narrow priorities, which fracture their long-term plans for development, for example excluding support to basic needs, such as livelihoods and access to food and energy. Another challenge is that donors let intermediaries define priorities on behalf of indigenous peoples, thereby undermining the right to self-determined development but also risking aligning with the priorities and technical offer of intermediaries. "Another important issue is to develop smart indigenous economies, based on traditional knowledge and modern, sustainable technologies. For example, solar-powered boats and canoes as the main means of transport in the Amazon can strengthen the economy and access to health and education services", COICA workshop, August 2022

Indigenous peoples' organisations have rich experiences with participatory identification of priorities for funding. Available research, information and data are also used as a starting point for defining priorities. Where there are competing priorities, they undertake needs and gaps assessments to determine what is most urgent and to avoid overlap with other interventions. Risks assessments are common, including to assess the risks of push back from authoritarian governments. Another common feature is the flexibility in programming; all organisations undertake regular consultations and assessments, to realign their programmes to the needs of communities, which may shift as contexts change. This sometimes clash with donors' lack of flexibility, for example if they do not accept to realign funds with necessary disaster response.

Although they have different consultation and planning practices and cycles, all follow a bottom-up approach, through which priorities are defined from the local/community level, and aggregated through sub-national, national, regional or international processes. If priorities and strategies for funding are only defined at the global level, some regions and sub-regions may lose out. For example, francophone Africa is marginalized in terms of accessing global funds. Priorities for funding should thus be identified at different levels, including at regional and sub-regional levels.

2) Funders Group Information Note, March 2022

¹⁾ Rainforest Foundation Norway report (April 2021): Falling short - Donor funding for Indigenous Peoples and local communities to secure tenure rights and manage forests in tropical countries (2011–2020). page 16.

Interpret the overall focus areas for funding under the Pledge in a flexible way to align with indigenous peoples' diverse and holistic visions for long-term development.

Allow flexibility to realign support to the needs of communities as contexts change.

2.3.5. Simplification and flexibilization of operational requirements

Complex, bureaucratic and inflexible requirements of certain donors and intermediaries are seen by many indigenous organisations as the biggest obstacle for accessing funds. Moreover, the changing preferences of donors for application and project formats, as well as the lack of harmonization of requirements among donors add to the challenge.

"First they required logframes, with indicators, risks and assumptions. Then it was results framework and now they want to see Theories of Change. All these formats are completely alien to indigenous communities. Many donors focus on accountability through receipts, and do not understand that getting original paper receipts from shops in remote communities is extremely difficult and culturally inappropriate and will also imply high costs. If a project buys a pig to feed a local community at a meeting, a paper receipt may not be the only – or best – way to provide proof of purchase. We should redefine the meaning of original receipts and explore innovative ways of ensuring effective and inexpensive accountability. Can a video of the chief of community or photos of the community eating the pig provide proof of the purchase?", Asia Regional Workshop, August 2022 Some of the specific challenges and good practices highlighted by indigenous organisations are:

Challenges	Good practice
Huge amount of time and human re- sources spent on trying to raise funds. We undertake donor mappings and respond to call for proposals, but even where support is earmarked to indige- nous peoples, we cannot compete with NGOs that are experts on logframes, results-based frameworks etc.	Earmarked donor allocations and specif- ic funding mechanisms for indigenous peoples. Provision of core funding for indigenous peoples' organisations.
Proliferation of initiatives, with sepa- rate requirements, which increase the burden on indigenous peoples' organi- sations.	Unified minimum requirements of do- nors/intermediaries Harmonisation of donor support to individual organisations, e.g. through unified requirements, acceptance pf joint reporting, annual donor meetings etc.
Long processing and approval processes by donors, which exhaust communities	Establishment of clear process action plans, with agreed steps and deadlines
Limited communication and access to information about funding opportuni- ties. Language differences, which are not just about the actual language used (English or French, for example) but also about the technical vocabulary of donors.	Collaborate with indigenous peoples' organisations and networks to ensure broad dissemination of information in adequate form and languages Invest in translation to/from indigenous languages

Difficulties in communication with donors and challenges and solutions get lost in translation Rapid change of staff within donor agencies, which often means that rela-	Find ways to bring these completely different worlds together. Be innovative to educate and enlighten donors about the realities of indigenous peoples on the ground.
tionships need to be rebuilt from scratch again.	Exposure visits to indigenous commu- nities
Donor agencies cannot deal with oral agreements or WhattsApp, so all agreements have to be written down.	Mentoring of indigenous organisations to facilitate compliance with donor requirements.
	Recurrent training of donor staff on in- digenous peoples' rights (by indigenous experts).
Project formats and results frameworks do not allow for relevant changes even when circumstances change	Flexibility to allow for adjustment of project design when circumstances change.
	Inclusion of flexible funds to respond to emergencies and disasters in project design
The experience and resources (premis- es, personnel, equipment) provided by indigenous peoples are not valued or accepted as the monetary co-funding in	Recognise indigenous peoples for their environmental services and accept non-monetary contributions as co-fund- ing.
the project. The real costs of community contribu- tions are underestimated.	Calculate the monetary value of com- munity contributions, such as food and time.
	Acknowledge the big human resource investment that is necessary for pro- posal preparation and reimburse these costs.

Pre-determined application formats, which, for example stipulate word limits that do not correspond with indige- nous peoples' oral cultures that value story-telling	Explore creative, innovative ways of re- porting Accept proposals and acknowl- edgement of funds based on videos from community leaders as well as use of "Acknowledgement Receipts"
Heavy reporting requirements is a nightmare, which reduce the focus of indigenous organisations to report writ- ing, and thereby reduce their capacity to defend forests.	Replace receipt-based accountability with culturally sensitive results-based accountability.
	Simplified formats for applications, reporting and accounting that are com- parable to the level of funding
	Monitoring that focuses on lessons learned rather than control.
Donor requirements for visibility may put indigenous organisations at risk	Establishment of prior agreements with donors on the visibility of projects as there are territories in which it is counterproductive for the security of indigenous leaders.

Increase flexibility and simplification of operational requirements as a critical step to enhance indigenous peoples' access to funds

3. MODALITIES FOR CHANNELLING FUNDS TO INDIGENOUS PEOPLES

The following sections analyse the current funding situation of indigenous peoples, the modalities for channelling funds, the establishment of indigenous-led funding mechanisms and the role of intermediaries.

3.1. Current funding to indigenous peoples

Accurate data about current funding to indigenous peoples' tenure rights and forest guardianship are not easily available, but the 2021 report¹⁾ by Rainforest Foundation Norway (RFN) provides estimations that help provide a general understanding of the situation.

The RFN report indicates that bilateral, multilateral and philanthropic donors have contributed an estimated 2.7 billion USD to advance tenure rights and forest management of indigenous peoples and local communities over the decade from 2011-2020. These funds are provided by relatively few donors that prioritize indigenous peoples' tenure and forest management. The top four contributors are the governments of US, Norway, Germany and UK. These bilateral donors have been pioneering REDD+ funding over the last decade and are also contributors to the Pledge. Philanthropic funders are estimated to have contributed 3 percent of total disbursements.

Funding to Indigenous Peoples and Local Communities Tenure and Forest management (2011-20) in US\$ $M^{\mbox{\tiny 2}\mbox{\tiny 2}}$

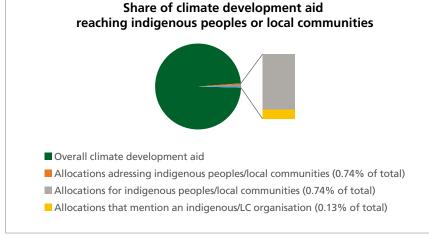
United States	\$414.0
Norway	\$371.0
Germany	\$330.7
UK	\$264.9

The overall allocation of 2.7 billion USD to indigenous peoples and local communities over the past decade is equivalent to 0.74% of Official Development Assistance (ODA) for climate change mitigation and adaptation. There is currently no tracking of how much funding is reaching organisations of indigenous peoples and local communities, but based on the estimations of the 2021 RFN report³), the figure is around 0.13% of all climate development aid.

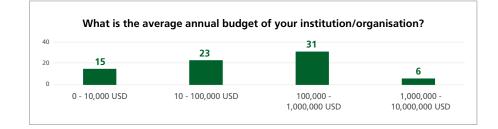
1) Rainforest Foundation Norway report (April 2021): Falling short - Donor funding for Indigenous Peoples and local communities to secure tenure rights and manage forests in tropical countries (2011–2020)

2) Ibid: page 19

3) Using the mentioning of an organisation of indigenous peoples and/or local communities in the project implementation description as a proxy indicator.



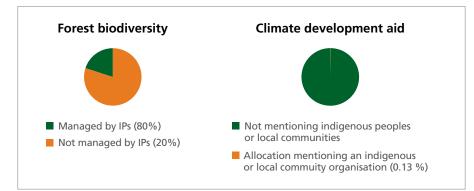
The data provided by indigenous peoples' organisations, confirm that very limited funding reaches them. Of 75 major indigenous peoples' organisations, networks and funding mechanisms from Africa, Asia and Latin America that provided data to this assessment, only 6 have a budget above 1 million USD/ year. Among these are three major regional networks, two indigenous-led funding mechanisms and one national organisation. Only five respondents have received a grant by a donor that is bigger than 1 million USD/year.





Most organisations receive grants in the range of 10'000 up 100'000 USD. This also implies that many organisations have multiple donors and numerous projects of short duration. One national organisation reported having small grants from 17 different donors and intermediaries, which obviously multiply the administrative burden and makes it hard to pursue long-term objectives, including related to policy and legal reform. Short timeframes and one-off support, suggests short-term solutions for long- term problems.

The level of climate development aid reaching indigenous peoples, is in glaring contrast to the role they play with regards to protection of forest biodiversity:



The recognition that much of the current climate finance does not reach indigenous peoples is the key rationale for launching the Pledge. Donors to Pledge state that improving the current funding context and tackling systemic barriers by exploring alternative models and mechanisms, which enable more funding to be channelled to indigenous peoples and local communities is a core priority of the Funders Group¹).

The combined financial weight of the 22 donors to the Pledge – in a field with relatively few donors - gives the group a unique opportunity to have a decisive and transformational impact on the funding situation of indigenous peoples in tropical and subtropical forests. Effective tracking of funding disbursed to support indigenous peoples and funding received by indigenous peoples' organisation is essential for monitoring, evaluation, learning and decision-making purposes. Recommendations under section 2.1.2. would go a long way to enhance transparency, monitoring and accountability. In addition, it is recommended to:

Replace the current pattern of multiple small grants of short duration and significantly scale up long-term predictable funding to indigenous peoples' institutions, organisations and networks.

Ensure comprehensive and long-term sustainability in monitoring, by institutionalising the tagging and tracking of funds that target or are disbursed to indigenous peoples' organisations in the main development aid tracking systems, such as the OECD-DAC classification and reporting system and the International Aid Transparency Initiative.

1) Funders Group Information Note, March 2022

3.2. Modalities for channelling funds to indigenous peoples

The funders to the Pledge recognize that for most donors it is not practically possible to provide small grants to individual indigenous peoples add local communities' groups, and they therefore need to provide support via regranting mechanisms or other support organisations¹⁾. There is no precise data on how funding to indigenous peoples is currently channelled, but the 2021 RFN report gives an estimate of the main modalities that were used for disbursements from 2011-2020.

Philanthropic funders mainly provide funds directly to indigenous peoples' organisations and networks or through international NGOs. The contributions of the Ford Foundation and the Christensen Fund are highlighted, given "their leadership in partnering with Indigenous Peoples and rights-based development organizations"²⁾. The RFN report concludes that given their direct, flexible, and less bureaucratic grants to indigenous peoples' organisations, the impact of philanthropic funders exceeds their relatively limited financial contribution, as they have laid the groundwork for increased direct support from both private and public sources³⁾. However, the share of funds from philanthropic funders going directly to organisations of indigenous peoples may still be limited. For example, the Ford Foundation estimates that around 17% of its funding targeted indigenous peoples and local communities is transferred directly⁴⁾.

The RFN report estimates that about half of the total funding is channelled through multilateral institutions, and that most of that funding go to just five multilateral institutions: the World Bank, African Development Bank, Inter-American Development Bank, Asian Development Bank, and UNDP. The World Bank is by far the biggest actor, receiving about 80 percent of these multilateral disbursements, either through regular operations or through the

Forest Investment Program (FIP), the Climate Investment Funds (CIF), Forest Carbon Partnership Facility (FCPF) and Global Environment Facility (GEF)⁵⁾. The 2021 RFN report, however, concludes that multilateral institutions have historically had limited success in reaching indigenous peoples and local communities directly⁶⁾.

Based on data from the 2021 RFN study⁷, the main disbursement channels of four of the five bilateral donors to the Pledge (US, Germany, Norway and UK) can be estimated. The total disbursements⁸⁾ from 2011 to 2020 amount to 1380.5 million USD (1.38 billion), distributed through a mix of channels:



Overall, half of these disbursements are channelled to "consultancies, NGOs and universities", which is a broad category that may also include direct disbursements to indigenous peoples' organisations and networks. However, without specific tagging it is not possible to trace such direct allocations.

The data also shows the reliance on multilateral mechanisms such as CIF/ FIP (22.1% of all disbursements) and GEF (8.6%), while FCPF only accounts for 1.1% of disbursements. Bilateral cooperation accounts for 9% of disbursements, while 10 % has been disbursed to the Amazon Fund.

2) Rainforest Foundation Norway report (April 2021): Falling short - Donor funding for		
Indigenous Peoples and local communities to secure tenure rights and manage forests in		
tropical countries (2011–2020): 20		

3) Ibid: 20

1) Ibid

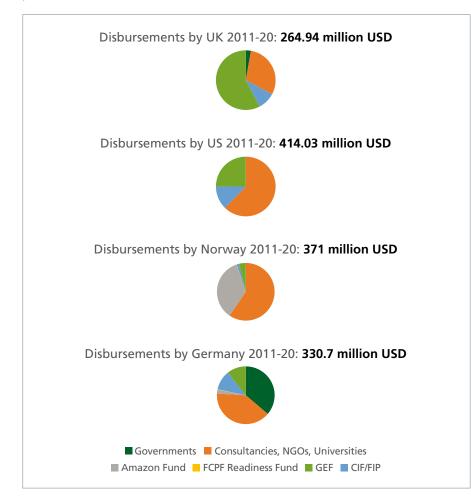
4) Communication by Darren Walker at the on-line event:"Delivering the CoP26 Forest Tenure Pledge for IPs and LCs", organised by Rights and Resources Initiative, 29 September 2022

6) Ibid: 4

7) Ibid: 22

8) Exclusive of disbursements to multilaterals where the funding is not easily traceable

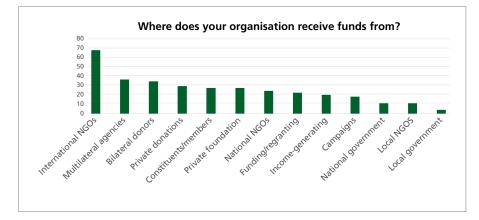
The disbursements of individual donors have followed different strategies and priorities:



The US and Norway channel more than 60% of disbursements to *"consultancies, NGOs and universities"*. The UK disburses 58% of its funds to the CIF/FIP, which also receives 25% of US disbursements. Germany the donor that disburses most funds directly to governments (36%), while Norway is the main contributor to the Amazon Fund (35% of Norwegian disbursements).

The fifth bilateral donor to the Pledge (the Netherlands) is not mentioned in the RFN report, but Development Today¹⁾ mentions some examples of Dutch funding to support indigenous peoples and local communities, including EUR 41 million to the Forested Landscapes for Equity programme (2016-2020), which was implemented by a consortium of Dutch NGOs²⁾.

Data from indigenous peoples confirm the reliance on intermediaries as 67 of 96 respondents indicate that they have received funds from international NGOs and 36 from multilateral agencies. In comparison, 34 have received funds directly from bilateral donors (the majority of these are from the African region) and 27 from private foundations. The data also shows the poor performance of national and local government institutions in channelling funds to indigenous organisations.



2) See: https://www.iucn.nl/en/project/forested-landscapes-for-equity/

¹⁾ Development Today, September 08, 2022, by Ann Danaiya Usher: <u>Slow progress on USD 1.7</u> billion pledge triggers calls by indigenous leaders for transparency from donors

Among those that have received funds via multilateral agencies, many have received small grants from mechanisms and facilities established specifically with the purpose to reach indigenous peoples (and local communities, in some cases), such as the Indigenous Peoples Assistance Facility under IFAD, the Small Grants Programme of the GEF, the Dedicated Grant Mechanism for Indigenous Peoples and Local Communities (DGM) under the Forest Investment Program (FIP), and the FCPF capacity-building program (See Annex B for an overview of key intermediary funding mechanisms). It should be underlined that the demand for support under these facilities by far exceeds their financial capacity.

"Many of the financing mechanisms generate competition among the Indigenous Peoples themselves, breaking with their holistic vision", regional workshop Latin America, July 2022

Going forward, the donors to the Pledge have made it clear that:

- The aggregated contributions of 1.7 billion USD is not a new fund or pooled donor funding. Individual donors will decide how they allocate and spend their contributions to the Pledge.
- Support under the Pledge includes both direct funding for indigenous people and local communities, as well as funding for programmes or financial instruments where a substantial share of funding is either transferred to indigenous people and local communities and/ or to support organisations that build the capacity of indigenous people and local communities

Delivering on the donor pledge commitments will take time, as it is not easy to shift donor funding modalities quickly¹⁾. Moreover, as the Pledge runs from 2021-25, substantial funds may already have been committed through existing mechanisms and partnerships. The above calls for having realistic expectations of fundamental and rapid changes in donor practices. At the same time, indigenous peoples note that the Pledge has increased interest among intermediaries, which they experience are setting up "IPLC" structures and rushing to make individual agreements with indigenous organisations, before these have had the opportunity to lay out their own priorities as the basis for a structured dialogue with donors. In the worst case, this can lead to confusion, competition, increased dependency and even division between or within indigenous organisations and networks.

"Often, bilateral cooperation is provided in the name of indigenous peoples, but it does not reach communities. In some countries, channeling funds from Embassies of bilateral donors and directly to indigenous peoples may be an option", Meeting, Geneva, July, 2022

Indigenous peoples request donors to prioritize direct funding to indigenous peoples whenever possible (see section 3.3.), including funds to strengthen institutional capacities and build up indigenous peoples' own funding mechanisms.

When necessary to go through intermediaries, the request is that donors operate with due diligence and establish mechanisms for direct consultation and participation, to enable indigenous peoples to influence decisions regarding the choice of funding modalities and intermediaries. Following a human rights due diligence approach, the role and responsibilities of donors will vary according to the funding modality:

1) Funders Group Information Note, March 2022

Funding modality	Donor human rights due diligence
Bilateral collaboration	Ascertain that recipient governments respect and realise indigenous peoples' rights in legislative and policy process- es as well as programmes and projects funded by donors.
Support to indige- nous peoples through intermediaries	Ascertain that intermediaries have policies and safeguards in place to uphold indigenous peoples' rights to consulta- tion, participation and consent in planning, design, imple- mentation, monitoring and evaluation of the intervention, as well as grievance mechanisms to address alleged cases of violation of these rights.
Direct support to indigenous peoples	Ensure consultation with the representative institutions of the concerned indigenous peoples to ascertain that support is in line with their self-determined priorities; facilitate inclusive participation in decision-making and reach agreement on the modality and implementation of support. Ensure continuous dialogue and participation in decision-making as well as access to grievance mechanism to address alleged cases of violation of these rights.

- Undertake a comprehensive review and assessment, in collaboration with indigenous peoples, of the comparative strengths and weaknesses of the different modalities, to make strategic choices and inform decision-making in the context of the Pledge and beyond.
- Operate with human rights due diligence when making decisions regarding funding modalities for support to indigenous peoples

3.3. Indigenous-led funding mechanisms

Indigenous peoples' access to funding is intimately liked to their overall right to self-determination as necessary means for realising that right. UNDRIP establishes that: "Indigenous peoples, in exercising their right to selfdetermination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions", (article 4).

Indigenous peoples generally prefer that funding is channelled directly without intermediaries - from donors to their institutions, organisations, networks and communities. This is in line with the recognition of indigenous peoples as collective rightsholders and territorial governments.

"In recent years in Africa, the financial management capacities of some indigenous organisations have improved. Significant networks of indigenous organisations have been formed and manage funds. In addition, some African indigenous organisations are now acting as financial intermediaries for funds intended for indigenous communities and organisations", Africa regional workshop, August 2022

"...new resources need to be allocated and new mechanisms need to be co-created between donors and indigenous peoples to ensure that resources reach indigenous communities. Concretely, a roadmap must be defined to make the Pledge effective. This requires strengthening transparency and coordination and finding a formula that aligns the agenda of donors with the aspirations of indigenous peoples", COICA workshop, August 2022

There are positive examples of direct funding from both public and private donors to indigenous peoples' organisations and networks with capacity to manage fand further transfer funds to communities. Likewise, several indigenous-led funding mechanisms already exist that pool funds from various donors and regrant to indigenous organisations and communities at a level manageable for them. These include the Podaali Foundation, the Mesoamerican Territorial Fund, the Ayni Fund and the Pawanka Fund. Moreover, indigenous peoples in different countries and regions are in the process of establishing supplementary funding mechanisms that can handle large-scale funds. **See Annex A** for an overview of existing and emerging indigenous-led funding mechanisms.

These mechanisms will be established and operate in accordance with regional and national characteristics and applicable legislation, but consultations also revealed a high degree of consensus among indigenous peoples about the key characteristics of such mechanisms:

Indigenous-led mechanisms must respond to indigenous peoples' needs and priorities, enhance accountability to communities, and reduce transaction costs. The long-term vision is to establish indigenous-led funding mechanisms at various levels that can subsequently be interlinked, to establish an ecosystem of mechanisms that can cascade funding from the global to the regional, national and local levels, eventually reaching all indigenous peoples in all regions. Disbursements through the mechanisms should be progressively linked to capacity development. The mechanisms must be democratic and open, and issue open calls for proposals from indigenous peoples. Currently, some indigenous peoples and communities seem invisible to donors. Regional and national mechanisms can ensure that indigenous peoples who are not well-recognised by donors are also considered.

The mechanisms must be articulated with the representative organizations of indigenous peoples as decision-making authorities at the global, national, regional and local levels. Such mechanisms will also minimise the risk that the focus of representative indigenous institutions is diverted from governance and rights advocacy towards management and distribution of funds with primary accountability to donors. Participation in the governance structures of the mechanisms should be rotational. The decision on funding priorities must come from the communities, through bottom-up consultations and participatory decision-making processes.

These mechanisms will have regional and national secretariats that are technical bodies with dedicated financial teams to ease access, monitoring and evaluation. They also need solid operational policies (including on anticorruption and gender equality), manuals and safeguards, which indicate the way to do things but also include a negative list of what cannot be done with the funds; e.g. transferring indigenous lands to third parties, or changing the landscape. There will be policies and procedures to ensure transparency as well as external and internal audits, to avoid fraud and mismanagement.

The mechanisms should help overcome legal and administrative obstacles and prohibitive donor requirements by establishing requirements applicable to all sources of funding. To address capacity gaps and concerns, the mechanisms should be designed with transitional capacity arrangements, as needed, starting with smaller grants and gradually increase funding streams, as institutional capacities are consolidated. Training, institutional strengthening and mentoring should be a key component of what the mechanisms provide.

Support the establishment, consolidation and expansion of indigenous-led funding mechanisms at different levels, where this is the aspiration of indigenous peoples' representative institutions

Support the documentation and exchange of experiences among indigenous peoples, to analyse the challenges, good practices and lessons learned related to indigenousled funding mechanisms

Scale up funding for these mechanisms, with funds that are sufficiently large and long-term to match the magnitude of the needs on the ground.

3.4. The role of intermediaries

The term "intermediary" refers to a range of widely different NGOs, multilateral agencies, funding mechanisms etc. that access funds from donors and channel funds and/or provide technical assistance to indigenous peoples. The differences in their mandate, focus, scale and alignment with indigenous peoples' rights are enormous, making it difficult to meaningfully analyse them as one category. Some have been allies and advocates of indigenous peoples' rights over the years, while others have been established recently with an explicit focus on channelling funds or acting as fiscal sponsors. Some provide technical assistance and capacity-building with a dedicated thematic focus on biodiversity or forests, while others support participation in relevant international processes. Some builds on the mandates of UN agencies, others are intergovernmental or set up as NGOs. Some have established inclusive governance mechanisms, with participation of individual indigenous experts or representatives of indigenous peoples.

An intermediary is not just an entity that stands between indigenous peoples and donors, but may add value in accordance with its mandate, purpose, influence, leverage, experience, skills etc, and may seek to align its governance system and operational procedures with indigenous peoples' rights.

The Global Alliance of Territorial Communities (GATC) differentiates between "intermediaries" and "trusted partners"; with an understanding that "intermediaries" are organisations that profit economically from intermediation, while the "trusted partners" are organizations that invest their energies in strengthening indigenous organizations, although this has a cost that must be recognized. In all cases, the "trusted partners" cannot be imposed by the donors, time and trust are needed to establish a partnership alliance.

Annex B provides an overview of some of the key intermediary funding mechanisms that are relevant for the purpose of the Pledge. This not an exhaustive list of relevant intermediaries in the context of the Pledge, as it does not include the range of international NGOs and support organisations that are close allies of indigenous peoples. Neither does inclusion in the list reflect any preference or endorsement for any of these funding mechanisms. Rather, the overview is aimed at pointing to the range of opportunities and showing the proliferation of initiatives, which should be the basis for a more in-depth analysis by donors and indigenous peoples.

Indigenous peoples acknowledge that in cases, where they do not have the required experience, institutional capacity or technical skills to directly access funds, intermediaries can play a positive role in channelling support, offering training in technical skills, supporting institutional strengthening and advocacy, facilitating networking and learning, among others. Intermediaries can also play an important role in buffering the complex compliance requirements attached to some donor funding or acts as fiscal sponsors to guarantee adequate management of funds.

However, many indigenous leaders express strong concerns about the central role of intermediaries in donor strategies for scaling up funding for indigenous peoples, as dialogue and decision-making often exclude indigenous peoples' representative institutions, and they experience a lack of transparency with regards to the selection criteria for intermediaries and the transaction costs implied.

"In one concrete example, a national NGO received 200'000 USD to support indigenous peoples, but only 4'000 was transferred to the indigenous peoples' organization. It is time to change that reality. We need direct funding going to our territories, communities, institutions and organizations, otherwise we cannot contribute efficiently to protecting our forests and biodiversity", regional workshop Asia, July 2022

When funds are channelled to indigenous peoples through intermediaries, a high percentage remains with the intermediaries, although there is no precise data to indicate how much. This is aggravated in the cases where funds flow to indigenous peoples through a chain of intermediaries (e.g. from a donor to a multilateral agency to an international NGO to an indigenous peoples

'organisation). The result is that despite the millions assigned to support tenure rights and forest, indigenous peoples' organisations remain underfunded. Some intermediaries are also felt to just push donor requirements on to the indigenous recipients of funds. This underlines the importance of assessing the added value and contribution of intermediaries, including as the basis for assessing the cost effectiveness of different choices and models.

In accordance with the rights enshrined in the UNDRIP, indigenous peoples must participate in decision-making processes about matters that affect them. This means that indigenous peoples' representative institutions must be involved in the decision-making process about the choice of intermediaries and the terms of collaboration, including the allocation of funds from intermediaries to indigenous organisations and communities. Thereby, indigenous peoples could identify the trusted intermediaries that they chose to work with, based on an assessment of their purpose, alignment with indigenous peoples' rights, added value, expected results and timeframe for achieving these results, including in terms of strengthened institutional capacity of indigenous peoples. Benchmarking the desirable attributes of a good intermediary and identifying mechanisms for measuring those attributes would make it easier for donors and indigenous peoples to make the right choices in a transparent manner. Based on the UNDRIP, some of the assessment parameters that could be used by donors and indigenous peoples to assess intermediaries include:

Assessment parameter	Key questions to intermediaries	
Identification of indigenous peoples as rights-holders	Does the intermediary have a policy on support to indige- nous peoples, aligned with UNDRIP?	
	Are indigenous peoples recognised as a specific target group in eligibility criteria and operational requirements?	
Flow from donor to rights-holders	Is the intermediary positioned as the most direct bridge between donor and indigenous peoples, or will the fund flow through a chain of intermediaries before reaching indigenous peoples?	
	Can the intermediary quantify the proportion of funding it will pass on to indigenous peoples?	
Alignment with indig- enous peoples' priori- ties and aspirations	Is the support based on the identified needs, priorities and strategies of indigenous peoples and aligned with their aspirations for self-determined development?	
	Can the intermediary specify its added value in terms of capacity, knowledge and skills that it will pass on to indigenous peoples?	
Mechanisms for consultation with indigenous peoples	Has the intermediary established mechanisms for consul- tation with the representative institutions of indigenous peoples, including special measures (if necessary) to ensure consultations with women, youth, persons with disabilities and other potentially marginalized groups?	
Participation of indig- enous peoples' repre- sentative institutions in decision-making	Do indigenous peoples' representative institutions partici- pate in decision-making regarding the design, application, approval, implementation, monitoring and evaluation of support?	
Ensuring free, prior and informed consent	Does the intermediary ensure that the impacted indig- enous peoples or communities give their free, prior and informed consent to the proposed interventions? Is there any written or other forms of agreement with indigenous peoples in language they understand?	
Mechanisms for reso- lution of conflicts and disputes and grievance mechanisms	Has the intermediary established mechanisms for resolu- tion of conflicts and disputes, including with the involve- ment of indigenous peoples' customary law institutions?	

Capacity-building measures	Has the intermediary agreed with the indigenous peoples/ communities on a plan for capacity-building, including benchmarks and gradual transfer of responsibilities and funds?	
Timeframe and pre- dictability of support	Is the timeframe and predictability of funds aligned with the needs and plans for self-determined development of the indigenous peoples/communities?	
Requirements related to monitoring and reporting	Are requirements for monitoring and reporting managea- ble for the involved indigenous organisations? Does monitoring and reporting include participatory mechanisms and provide accountability towards repre- sentative institutions and communities?	
Requirements related to co-funding, budget & financial manage- ment, audit	Are requirements for co-funding, budget & financial man- agement and audit manageable for the involved indige- nous organisations? Is there an agreed plan for strengthening the capacities of the involved indigenous organisations with regards to budget & financial management and audit?	

Define assessment criteria and benchmarks to assess the relevance, efficiency and cost-effectiveness of intermediaries, in collaboration with indigenous peoples

Consider the range of existing funding mechanisms available when making decisions regarding disbursements, including those that underpin the purpose of the Pledge by supporting advocacy and self-determined development of indigenous peoples in a broader sense.

4. SPECIFIC AREAS FOR SUPPORT UNDER THE PLEDGE

In the context of the Pledge, donors commit to support indigenous peoples, with a particular focus on protecting indigenous and community defenders of forests and nature, and national land and forest tenure reform processes and their implementation, as well as conflict resolution mechanisms¹⁾. These issues are also core priorities for many indigenous peoples and were discussed extensively in the regional workshops. Hence, the following sections put forward the specific and more detailed considerations and recommendations related to indigenous peoples' human rights defenders; conflict resolution; national policy reform, and; regional and international engagement.

1) Joint Donor Statement at COP 26

4.1. Support to indigenous peoples' human rights and environmental defenders

Indigenous peoples' territories are threatened by colonists, extractive industries, illegal logging, drug trafficking, armed conflicts and other external actors that can operate with impunity in the communities. The protection of indigenous human rights and environmental defenders is intrinsically related to the protection of indigenous peoples' collective rights. Many of these defenders face threats, criminalisation, attacks and killings as they defend the territories.

"The communities take photos and reference these with GPS to locate the invasions of their territories, which they report to government authorities. However, these often do not respond. Therefore, we need to strengthen the application of the indigenous justice system, seeking interlinkages between national law and indigenous justice systems", COICA workshop, August 2022

A number of indigenous organisations and networks have established specific programs to defend the defenders but these need strengthening. One good practice established by AMAN is the allocation of 2.5% of all project funding for emergency response, including for security of communities and defenders. However, many indigenous organisations find it difficult to raise funds for human rights protection, as many donors do not support "advocacy", and even funds to address emergencies come with many requirements.

At the same time, key institutions and mechanisms that work to protect indigenous peoples and defenders at global, regional and national levels are often understaffed and underfunded. Maybe even as a deliberate strategy by some governments. These include dedicated programmes within Inter-American Commission on Human Rights, the Office of the High Commissioner for Human Rights, the working group on indigenous peoples of the African Commission on Human and Peoples Rights, UN Special Rapporteurs on indigenous peoples and human rights defenders, National Human Rights Institutions, among others. Likewise, indigenous peoples often lack the necessary resources to document and bring their cases to these institutions and meaningfully engage with them.

The most immediate need is to increase security for those at risk through financial support to sanctuary in diverse areas; travel grants, visa and passports; support to the families (the defenders are often the breadwinners); legal support for those facing false charges; access to justice of victims (fees for lawyers, etc.).

Moreover, there is need for financial support to:

- Establish specialised multidisciplinary teams, including legal expertise, to provide legal defence, capacity-building in the communities and training of youth. It is important that such teams have sufficient resources to travel to remote areas, where atrocities take place.
- Raise awareness and build capacity of indigenous peoples' human rights defenders
- Increase the participation of indigenous representatives in different regional and international mechanisms to raise their voice and report human rights violations
- Strengthen indigenous peoples' engagement with National Human Rights Institutions (NHRIs) and media
- Undertake research and documentation of the situation of indigenous peoples' human rights defenders.
- Undertake community dialogues with those who can be indigenous peoples' allies in the struggle
- Facilitate dialogue, exposure visits and capacity-building of governments (MPs, government institutions etc.) to better understand the situation of indigenous peoples' human rights defenders

The overall recommendations to donors are to:

Support indigenous peoples' programs for defending defenders and their families at different levels and/or allow the earmarking of a certain percentage of financial support to address emergencies

Support key institutions and mechanisms that protect indigenous peoples human rights and environmental defenders, as well as indigenous peoples' engagement with these

4.2. Support to legal and policy reform

National legislation, policies and development targets set the framework for the realisation of rights at the local level. In many countries, particularly in the African and Asian regions, there is weak recognition of indigenous peoples' rights laws and policies and without key enabling policies there is no security of investment in indigenous territories. Hence, national legal and policy reform is a priority as it is a critical component of securing land tenure.

"Indeed, several African States as well as their agents and institutions are not yet at the level of understanding, internalizing and accepting these rights of indigenous peoples enshrined in the Declaration. Initiatives under the Pledge should serve as a tool to sensitize African public officials and institutions on the rights of indigenous peoples".

"The legal recognition of indigenous peoples by a country in Africa is often the culmination of a laborious process that goes through several stages aimed at reassuring other social actors, who often do not understand the merits of special protection for indigenous peoples. It is sometimes a matter of going through inter-community dialogues, or even awareness sessions for public and customary authorities as well as State actors. Pledge donors should invest in such processes of legal recognition, including in the preparatory phases of inter-community dialogues and the sensitization of authorities to the rights of indigenous peoples", Africa regional workshop, August 2022

Priority areas for support include:

- Processes for legal recognition of indigenous peoples with collective rights
- Analysis of national legislation and customary laws
- Revision of national laws that discriminate indigenous peoples
- Recognition of indigenous peoples' rights to lands, territories and

resources in laws and policies

• Recognition of indigenous peoples' right to free, prior and informed consent in laws and policies

Through funding, donors can help advance needed legal and policy reform by supporting indigenous peoples' advocacy, engaging in policy dialogue with selected governments, including recognition of indigenous peoples' rights as a priority in bilateral cooperation, and supporting capacity-building of key government institutions.

Indigenous peoples' advocacy

Donors cannot change the legislation of other countries, but hey can help create the enabling conditions for the realisation of indigenous peoples' rights. Supporting the institutional strengthening and empowering indigenous peoples to advocate for adequate recognition of their rights in law and policies should be given priority. Moreover, donors can support legal analysis and research, promotion of good practices and training for indigenous communities to be able to keep track and catch up with policy-making processes and respond with emergency interventions

Policy dialogue with governments

Work priorities for the Funders Group to the Pledge in 2022 includes initiating a policy dialogue on tenure rights of indigenous peoples and local communities with a small, high-ambition group of tropical forest country governments¹. Indigenous peoples encourage such dialogue, which should be based on governments' international commitment, including to indigenous peoples' rights (UNDRIP, ILO Convention No.169 and other human rights instruments), to combating climate change and protecting biodiversity (UNFCCC, Paris Agreement, CBD, NDCs, etc). Data and scientific reports about indigenous peoples' contributions, can help evidence the value of ta transition from an extractive to a greener and more diversified economy, and help negotiate agreements with governments.

Bilateral cooperation

When donors provide funds directly to governments, they must effective monitoring, with the participation of indigenous peoples to make sure the achievement of established objectives.

Capacity-building of state authorities

Support the strengthening of capacities and coherence among key government institutions relevant for issues related to indigenous people, tenure rights, forests and climate change, so these can fulfil their mandate as serious counterparts for indigenous peoples, as well as. Likewise, supporting the establishment of parliamentary caucuses for promotion of indigenous peoples' rights in legislation and supporting training of and awareness raising of government officials, judges, MPs, etc. is another way of promoting policy change.

Support legal and policy reform by funding indigenous peoples' advocacy efforts; engaging in policy dialogue with selected governments; including indigenous peoples' rights as a priority in bilateral cooperation, and; supporting capacity-building of key government institutions.

1) Funders Group Information Note, March 2022

4.3. Support to conflict resolution

Many indigenous peoples live in conflict areas. In some cases, their territories become the battlefields between government forces and armed groups. In other cases, government-sponsored population transfer, unregulated colonisation or extractive industries lead to conflict with indigenous peoples, as their land rights are violated. Some countries experience conflicts between indigenous peoples and the state, or disputes over lands and resources between indigenous people and neighbouring communities. In many cases, indigenous peoples are being blamed for creating conflict when their territories are invaded, their customary laws disrespected, and when they say "no" to giving their free, prior and informed consent to measures that will impact them negatively. Furthermore, indigenous peoples are often unaccounted for in reports and data on conflicts. Hence, there is a need to carefully consider how the discussion about conflict is framed.

Increasing conflicts over land rights where indigenous people live are reflected in a correlating pervasive increase in the incidence of violence, threats, abuse and harassment against indigenous peoples globally.

Based on the experiences of indigenous peoples in the Chittagong Hill tracts, Bangladesh, Mrinal Tripura¹⁾ argues that in a situation of conflict and violence, neutrality is not an option. Consequently, when financial support is provided in a context of conflict, it cannot remain separate but becomes a part of that context. Although donors seek to be none partisan in conflict situations, the impact of their interventions are not neutral. Well-intentioned resources and efforts may be misappropriated and distorted by local politics fuelling the potential for the extension of new conflicts, or unintentionally reinforcing the existing power balance, and inadvertently undermining the participation of indigenous peoples. Funding has the potential to reinforce, exacerbate, and prolong the conflict – or it can also help reduce tensions and strengthen peoples' resolve to find an end through peaceful means. The challenge is to identify how to support indigenous communities living in conflict situations in ways that enable them to disengage from conflict and establish alternative systems for dealing with the problems that underline the conflict. External funding and support - however well intentioned - should not create new conflict by casual alterations in the condition of one of the groups or trigger the existing conflict into violence.

Conflict resolution approaches may help solve surface problems but do not necessarily transform the fundamental issues causing the conflict and may therefore miss the greater potential for constructive change. Conflict transformation is a complex approach that not only requires solutions to an immediate conflict but also replace that with a long-term solution to ensure that conflicts are indeed transformed. The approach requires a clear understanding and knowledge of the context and the causes - not only the symptoms - of each situation. Although there may be commonalities in the causes, such as the illegal acquisition of land, every context conflict will involve two or more groups. If conflict is addressed constructively, constructive relationships can be established to decrease conflicts and avoid that it turns into violence.

In pursuing such an approach, it is crucial that donors are conflict-sensitive and follow a "do no harm" approach to not create or reinforce conflict between indigenous and non-indigenous sectors of society, and between and among indigenous peoples. Moreover, funding has influence on national governments, which can help pursue constructive processes that improve the relationship between indigenous people and government. Donors can play a key role in facilitating dialogue, serving as mediators and helping build constructive relations between governments and indigenous peoples.

Concrete areas for support are:

- Systemic conflict analysis and conflict mitigation, resolution and transformation. Conflict is obviously complex and the nature and balance is constantly changing. Hence, it requires regular systematic conflict analysis in order to make any appropriate adjustments to the programme.
- Basic amenities in conflict-affected areas and for internally displaced people

See Mrinal Tripura, 2022: Indigenous Tenure Rights and Forest Guardianship: The case for location specific comprehensive conflict sensitivity/analysis and conflict transformation in development. Sharing our experience from the Maleya Foundation in the Chittagong Hill tracts of Bangladesh, available here

- Needs assessment and fact-finding missions for indigenous peoples working on the ground in conflict areas
- Confidence building among conflicting parties
- Disaggregation of data on indigenous peoples at national, regional and international levels,
- Peace negotiations and inclusion of indigenous peoples' rights in peace negotiations
- Reparation for indigenous peoples in post-conflict situations, who have been displaced and have had their land grabbed
- Access to education, health, community empowerment for post-conflict peace building
- Security for ex-combatants and/or rebel returnees
 - Be conflict-sensitive and follow a "do no harm" approach to not create or reinforce conflict
 - Where possible and relevant, facilitating dialogue, serving as mediators and helping build constructive relations between governments and indigenous peoples.

4.4. Support to regional and international engagement.

Since Chief Deskaheh addressed the League of Nations in 1923¹), indigenous peoples have advocated for the recognition of their rights in regional and international frameworks and processes related to human rights, development, environment and climate. This has led to the adoption of the international instruments for indigenous peoples' rights (UNDRIP and ILO Convention No. 169) and for inclusion of specific legal and policy provisions in numerous international and regional frameworks. Advocacy has led to the establishment of institutions and mechanisms with a specific mandate on indigenous peoples, as well as adoption of institutional policies and safeguards by multilateral agencies and bilateral donors.

There has also been progress at regional level. The African Commission on Human and Peoples' Rights took an unprecedented initiative to study the relevance of indigenous peoples as a human rights concept in Africa. Its pioneering work led to a 2005 conceptual report that recognised the existence of indigenous peoples in Africa. Since then, the African Commission's work has inspired a number of national and regional courts decisions, including the well-known Ogiek indigenous people case by the African Court on Human and Peoples' Rights.

The sustained international and regional engagement has been instrumental for furthering the recognition of rights at national and local levels, and for building solidarity and networks of indigenous peoples within and across regions. The accumulated outcomes of this international and regional engagement have been – and will continue to be – of key importance to achieving the purpose of the Pledge.

The key human rights, environment, sustainable development and climate change mechanisms and processes relevant for indigenous peoples include:

¹⁾ See: https://www.un.org/development/desa/indigenouspeoples/about-us.html

- The UN Permanent Forum on Indigenous Issues
- The Expert Mechanism on the Rights of Indigenous Peoples
- The UN Special Rapporteur on the Rights of Indigenous Peoples
- The Universal Periodic Review
- The Convention on the Elimination of Discrimination against Women and the Committee on the Status of Women
- The Convention and the Committee on the Rights of Persons with Disabilities
- The Conference of the Parties to the UN Framework Convention to Combat Climate Change
- The Conference of the Parties to the Convention on Biological Diversity, including the Nagoya Protocol
- The High-Level Political Forum on the SDGs
- Climate Week
- Internal indigenous peoples' processes related to regional and global processes

While progress has been achieved, indigenous peoples still struggle for full and effective participation in negotiations with regional and international organizations and in the context of intergovernmental processes. This requires both political and financial support. From the indigenous side, there is a need to ensure participation of representative institutions that are updated with the ongoing developments within indigenous territories.

"COICA participates as an observer in many processes related to human rights, biodiversity and climate change. In these contexts, COICA participates in marches, dialogues and side events, but is not involved in the negotiations, which are exclusive spaces for government representatives. For this reason, the leaders are criticised by the grassroots, who do not see concrete results of their participation", COICA workshop, August 2022 Indigenous peoples' requirement for full and effective participation at all levels include:

- Access to information for indigenous peoples to fully understand the mechanisms and how to engage most effectively. The other way around, government representatives need to understand the scope of indigenous peoples' rights
- Respect for the principle of self-selection of indigenous peoples' representatives
- Coherence in policies regarding indigenous peoples (in particular between the climate and human rights fields)
- Facilitation of internal indigenous peoples' processes at levels (national, regional and global)
- Inclusion of women, youth, indigenous persons with disabilities.
- Measures to meet the needs of indigenous persons with disabilities (such as sign language interpretation and personal assistance)
- Waivers for the requirement to obtain government approval/supporting letter
- Flexible fund to cover all relevant travel expenses (passport, visa, insurance, local transport)
- Advance funding (not reimbursement), as most indigenous representatives do not have cash to advance tickets etc.
- Provide financial and political support for indigenous peoples' full and effective participation in regional and international processes of key relevance for recognition of their tenure rights and forest guardianship.

ANNEX A: INDIGENOUS-LED FUNDING MECHANISMS

The AYNI Fund of the International Forum of Indigenous Women (FIMI) is the first and only fund created and directed by and for indigenous women. It fosters an innovative intercultural philanthropy to support indigenous women, who co-invest their spiritual, cultural, human, financial and material resources in the projects. Since its inception, the AYNI Fund has accompanied and co-invested in more than 100 projects led by indigenous women from Asia, Africa, Latin America, North America, the Arctic, but has received more than 4'000 requests for support.

Some of the challenges face by the Ayni Fund comprise:

- Managing funds from multiple donors with differentiated requirements
- Communicating calls for proposal to all communities
- Indigenous women's limited access to and use of information technology
- Difficulties of indigenous women's organisations in complying with requirements for legal, administrative and institutional documentation
- Language barriers as many indigenous women only speak their native language

The Indigenous Amazonian Fund is under establishment by COICA as a regional operational arm of the Shandia Facility, and as the financing mechanism for the 9 countries of COICA's membership. It aims to:

- Respond to the specific conditions of Amazonian organisations in order to access financial resources that allow them to defend their territorial rights and life plans.
- Establish a mechanism to connect with the financial architecture deployed by countries and donors around the maintenance of the environmental, cultural and social values that the Amazonian ecosystems offer to the world

One of the priorities under the Fund is capacity building for fundraising and

access to sustainable financial mechanisms that will allow COICA and its member organisations and partners to ensure the protection of their territories in a sustainable way and thus contribute to the goal of protecting 80% of the Amazon by 2025 that COICA is promoting through the Holistic Agreements for the Living Amazon.

The Indigenous Peoples of Asia Solidarity Fund (the IPAS Fund), yet to be established, will be controlled, governed and operated by indigenous peoples' organisations and networks in Asia. The decision to establish the fund was taken at a regional workshop in Asia in July 2022, and a working group is currently finalizing the foundational documents. The end goal is to establish an endowment fund that can become a source of recurring funding for indigenous peoples' organisations across Asia¹.

The Mesoamerican Territorial Fund (FTM) initiated by the Central American Mesoamerican Alliance of Peoples and Forests (AMPB)²⁾, is a financial mechanism for the promotion of governance and territorial development in the forested regions of Mesoamerica. The FTM aims to promote inclusive economic growth and improving the commercial insertion of small businesses in international markets, based on the sustainable management of natural resources in the main forested regions of Mesoamerica. The Fund focuses on the rapid deployment of direct financing linked to performance in territorial (sub-national) forestry and agroforestry landscapes, to achieve significant progress in the face of climate change, conservation and large-scale development. The implementation of the territorial rights of indigenous peoples and local communities is at the center of this strategy. Key characteristics of the Fund are:

¹⁾ Asia Regional Workshop, August 2022

²⁾ See: https://www.alianzamesoamericana.org/en/mesoamerican-territorial-fund/

- Rights-based and with respect for free, prior and informed consent.
- Based on territorial alliances; participation of the broad set of actors that influence the use of land and resources
- Accessible financing linked to achievement of ecological, social and livelihood indicators.
- Open for receiving applications from any territory in the Mesoamerican region.

The FTM has concluded a piloting phase and is currently proceeding with its formal establishment.

The Nusantara Fund is a Trust Fund for indigenous peoples and local communities in Indonesia that can support their efforts and initiatives to protect and manage their lands, territories and resources, so they can continue to contribute directly in reducing emissions related to deforestation and forest degradation, increase carbon stocks and improve local economies. The mechanism will also assist indigenous peoples and local communities in preventing the seizure of their territories by socio-environmental investment regulations that undermine their rights. The mission of the Nusantara Fund is to:

- Promote and implement a simple yet strong direct financial support for Indigenous Peoples and Local Communities initiatives.
- Develop and empower quantity and quality of resources of individuals/ groups of Indigenous Peoples and Local Communities in Indonesia;
- Build and strengthen the collective economic, social and political strength of Indigenous Peoples and Local Communities in Indonesia;
- Urge and restore the role of the state to recognize and protect Indigenous Peoples and Local Communities' rights and knowledge in managing the environment, agrarian and natural resources;

The Nusantara Fund is established by the Aliansi Masyarakat Adat Nusantara (AMAN), which is the national organisation of indigenous peoples in Indonesia, along with Konsorsium Pembaruan Angraria (KPA) the national

network of peasants, fisherfolks, indigenous peoples and NGOs, as well as and Wahana Lingkungan Hidup (WALHI), the largest environmental movement in Indonesia¹⁾.

The Pawanka Fund is an indigenous-led endowment fund that provides direct support to community-led organizations for the recovery and revitalization of indigenous knowledge and learning systems in seven sociocultural regions of the world including North America, Latin America, Asia, Africa, Arctic, Pacific, and Russia. The Fund does not make open calls for proposals but the members of the Guiding Committee work closely with local indigenous organizations. Since 2014, Pawanka has supported 257 projects in the range of 15-50'000 USD. The Pawanka Fund upholds principles of solidarity, reciprocity, complementarity; promotes a holistic approach, intercultural and gender relations; and respects the self-determination and free prior and informed consent of indigenous peoples. Pawanka uses a method of "Cultural Due Diligence", comprised of eight criteria as key indicators to guide de endorsement, selection, mentoring, monitoring, evaluation, and learning processes²).

The Podaali Foundation is established by the regional network of indigenous organisations from the Brazilian Amazon region (Coordenação das Organizações Indígenas da Amazônia Brasileira – COIAB). It is an indigenous-led and managed funding mechanism, which is the result of a decade-long construction process. The focus areas of Podaali are aligned with the guidelines and priorities of the organisation, the national policy for indigenous territories and the Sustainable Development Goals. Podaali has received funds from several of the Pledge donors, including the government of Norway and the Ford Foundation³⁾. The Podaali Foundation will serve as a model and inspiration for other COICA members and serve as the Brazilian Branch of the regional funding mechanism. In that way, COICA and its members will

1) See more at: https://foresttenure.org/gallery/Booklet%20Nusantara%20Fund.pdf

- 2) See more at: https://pawankafund.org
- 3) See more at: https://fundopodaali.org.br

establish a funding ecosystem that can cascade funding to its members from the regional level.

Under the Shandia Vision, the Global Alliance of Territorial Communities (GATC) has established a global platform to facilitate territorial financing of indigenous peoples and local communities. The platform is an effort of the 5 organizations that make up the GATC, which so far has received little support from donors. The Shandia vision is to support the recognition of tenure rights, strengthening the management of territories, promoting community-based economies, and advancing the fight against climate change, the protection of biodiversity and the reversal of the degradation of nature. The mission of the Shandia platform is to guarantee sustainable and timely access to direct financing for actions to stop climate change and land degradation and for the protection of biodiversity by local organizations from indigenous peoples and local communities. These actions include respect for the rights and autonomy of the organizations of indigenous peoples and local communities, strengthening their economic endeavours, and respecting the priorities and aspirations of their representative organizations. The added value of Shandia is that it has a clear ownership of the five organisations comprising GATC, and has been established without any intermediaries. Moreover, it:

- Is a unique global mechanism arising out of a collaboration between organizations in Mesoamerica, Amazonia, Indonesia and Africa, initiated by the GATC.
- Is governed by representatives of indigenous peoples and local communities from the GATC.
- Builds on decades of experience generated by indigenous peoples and local communities in developing community initiatives and other solutions to fight against climate change.
- Provides a strategy to strengthen livelihoods, respect and recognize IPLCs' lifestyle, culture and traditional knowledge, as well as their collective actions that directly contribute to combating land degradation and climate change and protecting biodiversity, while generating benefits for the community itself.

The Shandia platfrom leads a regular roundtable dialogue between donors and IPLCs in a spirit of mutual partnership with an equal participation in decision making¹⁾. The Indigenous Amazonian Fund, the Nusantara Fund and the Mesoamerican Territorial Fund are all established by GATC members and related to the Shandia Vision.

1) See more at: https://foresttenure.org/gallery/Shandia-brochure-sept22.pdf

ANNEX B: KEY INTERMEDIARY FUNDING MECHANISMS

The Amazon Fund has received approximately \$1.4 billion in contributions from Norway, Germany, and Petrobras for REDD+ results achieved by Brazil between 2006-2015, to be reinvested in the National REDD+ strategy. The 2021 RFN report estimates that approximately \$191 million (16 %) was disbursed to projects addressing tenure and forest management of indigenous peoples and local communities. Of these, \$76 million were disbursed to local organizations and the remainder to State governments and research organizations (see RFN, 2021: 25). Contributions to the Amazon Fund are currently suspended due to the Bolsonaro government's policy on forest.

The CBD Voluntary Fund¹⁾ was established in 2004 to facilitate the participation of indigenous and local communities in meetings under the Convention on Biological Diversity (CBD). For the pre-selection of the beneficiaries, the Conference of the Parties has established a Selection Committee consisting of seven representatives of indigenous peoples and local communities, nominated by the Indigenous community, from the seven geo-cultural regions recognized by the United Nations Permanent Forum on Indigenous Issues.

The Community Land Rights and Conservation Finance Initiative

(CLARIFI) was established by Rights and Resources Initiative (RRI) and the Campaign for Nature (C4N) in January 2022. Through targeted funding, coordination, and multi-level advocacy, CLARIFI will help Indigenous and community rightsholders tap into new and existing funding to expand the mapping and formal recognition of their lands, and to create and implement plans to support their conservation, livelihoods, gender justice, and selfdetermined development. CLARIFI's design and early implementation is being guided by an advisory council including Indigenous and community rightsholder representatives from Asia, Africa and Latin America, as well as its founding partners (RRI and C4N). Concurrent with large-scale grants, CLARIFI will provide technical and organizational support as a key element of its approach to leverage existing local organizations. CLARIFI aims to deploy grants of 100,000 to 1 million USD, and to serve as a pass-through financial mechanism for larger grants between 5-50 million USD. It is part of a broader range of funding mechanisms instigated by RRI²):

	RRI's Strate- gic Response Mechanism	The Tenure Facility	National + Region- al Funds Created by Indigenous & Communi- ty Organiza- tions	Community Land Rights and Con- servation Finance nitiative (CLARIFI)
Scope of Activities	Funds pilot projects, advocacy, capacity building and convening.	Implements legal recogni- tion of rights at medium scale.	Locally determined priorities to strength- en rights, advance rights-based management and conserva- tion.	Funds advoca- cy, conserva- tion, govern- ance, capacity building and serves as financial inter- mediary
Scale of Activities	\$10k to \$100k	\$1mm to \$2mm	As deter- mined by project propo- nent	\$100k to \$50mm (re- granting)
Location of Activities	Any LLMIC where donors are active	LLMIC countries that have an enabling legal framework	As deter- mined by project propo- nent	Any LLMIC where donors are active

*LLMIC: Low and Lower Middle-Income Countries.

1) See: https://www.cbd.int/traditional/fund.shtml

The Forest Carbon Partnership Facility (FCPF) is managed by the World Bank. It focuses on reducing emissions from deforestation and forest degradation, forest carbon stock conservation, the sustainable management of forests, and the enhancement of forest carbon stocks in developing countries (REDD+).

The FCPF capacity-building program provides information, knowledge and awareness on REDD+ to Forest-Dependent Indigenous Peoples and Southern Civil Society Organizations, to enhance their understanding of REDD+ and their ability to engage in REDD+ Readiness activities. Since initiation in 2009, funding over three consecutive phases amounts to 15 million USD¹). In phase 2, the program has supported 86 subprojects with an average budget of 46'000 USD, and an average timeframe of 10 months.

Funding is channelled through intermediary organisations that are self-selected among indigenous peoples to coordinate capacity building activities in their respective regions and provide grants on a competitive basis to grassroots organizations in their regions (subgrantees). The intermediaries for indigenous peoples are MPIDO, Tebtebba Foundation and Association Sotz'il as well as REPALEAC for francophone Africa²⁾. A 2020 Learning Review³⁾ highlights the self-selection and the direct access to funds as good practice. The review concludes that the intermediary organisations (IOs) "are large, well-established nongovernmental organizations that are active at the national or regional level and have the fiduciary capacity to implement World Bank projects. Selection of the IOs took longer than expected, and only 10 organizations met the minimum requirements to take on this role (of which six were selected), highlighting existing capacity gaps"⁴⁾. It further concludes that "Program delivery through intermediaries is more effective and efficient when IOs are recognized regional organizations or networks or work through such networks to implement activities. The [...] trade-offs (e.g., elite capture) are manageable

https://www.forestcarbonpartnership.org/sites/fcp/files/FCPF%20CBP_final.pdf
 https://www.forestcarbonpartnership.org/capacity-building-program
 https://www.forestcarbonpartnership.org/sites/fcp/files/FCPF%20CBP_final.pdf
 https://www.forestcarbonpartnership.org/sites/fcp/files/FCPF%20CBP_final.pdf

through transparency and access to information"⁵⁾. The review concludes that demands exceed the funding envelope; that the project cycle of 10 months was too short and that the one-off funding to stand-alone subgrantees is not as effective as strengthening existing networks that foster collaboration⁶⁾. The review recommends aligning with other climate finance programs, focusing subgrant support on national IPLC networks and allowing for longer grant cycles.

Forest for Life

The Forest for Life (FFL) is a partnership between Wildlife Conservation Society, Rainforest Foundation Norway, World Resources Institute, and Re:Wild. The partnership aims to promote rights-based protection of the most intact remaining blocs of rainforests. In DRC, the partnership proposes the establishment of an IPLC Forests Facility to protect the remaining intact forests in a sustainable and cost-effective way, by securing the land and resource rights of forest-dependent peoples and addressing their development needs. Through the attribution of small grants, the Facility will enable indigenous peoples and local communities to directly benefit from climate finance, payments for environmental services and other green incentive programs. The Facility will also support participation in key sectorial and intersectoral reforms. The focus is on the provincial/jurisdictional level, with the aim to, over time, inform and influence relevant policies at the national level as well.

While still under establishment, it is expected that representatives of indigenous peoples and local communities will play a leading role in the governance of the Facility at national and provincial levels. The two major national networks of Indigenous peoples' organizations in DRC (the Dynamique des Groupes des Peuples Autochtone and the Réseau des Population Autoctones et Locales pour la Gestion Durable des Ecosystémes Forestieres de la RDC) will be key partners and decision-makers in the Facility. The Facility will aim to attract public and private donors, improve coordination between donors, intermediaries and civil society organizations

5) Ibid 6) Ibid engaged in sustainable community-based forest management, and ensure that resources flow primarily to indigenous peoples and local communities. There are ongoing consultations and analysis to define the most robust and sustainable modalities for the Facility and ensure that it reflects the aspirations of indigenous people and local communities.

The Forest Investment Program (FIP)¹⁾ is assisting developing countries to manage natural resources in a way that aims to achieve the triple win of being good for forests, good for development, and good for the climate. It provides direct investments (grants and loans) to address the drivers of deforestation and forest degradation.

The FIP Dedicated Grant Mechanism for Indigenous Peoples and

Local Communities (DGM), is a \$80 million program designed and led by representatives of indigenous peoples and local communities in FIP countries to enhance their capacity to engage in and contribute to local, national, and international REDD+ dialogue and actions. It comprises a global programme as well as country projects in 12 countries²⁾. Globally, the programme is managed by Conservation International. At the country level, each project has a steering committee composed of indigenous peoples and local communities leading and overseeing the project, as well as an executing agency to receive funding agencies are NGOs.

The Forested Landscapes for Equity programme was funded by the Dutch government from 2016-2020. It focused, inter alia, on strengthening the capacities of indigenous peoples and local communities to achieve inclusive and sustainable governance of forested landscapes in 9 countries. The final evaluation³⁾ highlights specific results and relevance for indigenous peoples

- 1) https://www.climateinvestmentfunds.org/topics/sustainable-forests
- 2) See an overview of projects at: https://www.dgmglobal.org/countries
- 3) https://www.researchgate.net/publication/356264234_Forested_Landscapes_for_Equity_ End_Evaluation_Report_Green_Livelihoods_Alliance

and local communities. The programme was implemented by a consortium of Dutch NGOs in collaboration with 65 southern partners, of which the majority seem to be non-indigenous NGOs⁴). A new phase of the programme (Forests for a Just Future) will be implemented from 2020-25⁵).

The Fund for the Development of indigenous Peoples of Latin

America and the Caribbean (FILAC) is an international organism, with equal participation of governments and indigenous peoples, established by heads of states at the II Ibero-American Summit in 1992. FILAC supports processes of indigenous peoples self-determined development in the region, as an alternative that guarantee environmental sustainability, fundamental human rights and dialogue between the principal actors involved with indigenous peoples' development: indigenous peoples, governments, civil society, academe, employers, among others. The governing bodies of FILAC (General Assembly, Board of Directors and Executive Committee) are composed of an equal number of indigenous people and government representatives. The technical secretariat is responsible for the technical and administrative aspects of the Fund, and has been working on the issues of climate change, biodiversity, food sovereignty, SDGs, among others, from an indigenous perspective.

Additionally, in recent years it has been implementing, in coordination with regional indigenous organizations, various direct access funds for local indigenous organizations, which take into account their cultural particularities and their legal limitations. It has managed to transfer resources with a focus on capacity building to more than 70 organisations between 2020 and 2022 on issues of recovery of traditional knowledge, economic revitalisation, conservation, among others⁶.

- 5) https://www.iucn.nl/en/project/forests-for-a-just-future/
- 6) See more at: https://www.filac.org

⁴⁾ https://www.iucn.nl/en/project/forested-landscapes-for-equity/

The Global Environment Facility (GEF) was established in 1991, and serves as a financial mechanism for several environmental conventions. GEF funding is provided by donor countries (including the 5 bilateral donors to the Pledge) and made available to developing countries and countries with economies in transition through 18 GEF Agencies, including UN agencies, the World Bank, regional banks, IUCN and the WWF.

Through its seven consecutive phases, the GEF has gradually enhanced its partnership with Indigenous peoples and adopted Principles and Guidelines for Engagement with indigenous peoples, as well as Environmental and Social Safeguards, which includes a minimum standard dedicated to indigenous peoples. GEF has also established an Indigenous Peoples Advisory Group (IPAG), whose indigenous and non-indigenous expert members provides guidance to the GEF Secretariat¹). IPAG also provides guidance on financing options for indigenous peoples and enhancing monitoring and evaluation metrics. From 1992-2014, indigenous peoples were involved in over 220 medium and full-size GEF projects.

The GEF Small Grants Programme (SGP)²⁾, was established in 1992 to provide financial and technical support to projects that conserve and restore the environment while enhancing people's well-being and livelihoods. SGP abides by the UNDRIP, as well as UNDP's Policy of Engagement with Indigenous Peoples, GEF Principles and Guidelines for Engagement with indigenous peoples, and Environmental and Social Safeguards.

The SGP is mainly funded by the GEF and implemented by the United Nations Development Programme (UNDP). It provides grants of up to \$50,000 for projects on Biodiversity, Climate Change Mitigation and Adaptation, Land Degradation and Sustainable Forest Management, International Waters and Chemicals. In total, from 1992 to 2019 the SGP has invested around US\$163 million to implement 5,832 projects that have benefited Indigenous Peoples, representing 37 percent of all project-level small grants in the SGP participating countries where Indigenous Peoples are present. Out of these projects, 52 percent were led by Indigenous Peoples themselves, while the remaining 48 percent were managed by NGOs or intermediary partners to benefit Indigenous Peoples. So far, most projects with indigenous peoples have provided support to conserve, sustainably use, and benefit from biodiversity through enhanced territorial governance.

At the global level, a small Central Programme Management Team provides oversight to SGP's global operations and decentralized country programmes, including a designated Indigenous Peoples focal point. At the national and local levels, SGP operates through country programme teams, with oversight provided by voluntary National Steering Committees comprised of civil society organizations, government representatives, UNDP, the academia, indigenous peoples' organizations, private sector and media.

As a means to increase the ability of indigenous peoples and local communities to access grants, the SGP has encouraged the appointment of Indigenous Peoples focal points to serve on the NSCs, developed flexible project preparation and design processes, such as giving small planning grants to communities to support proposal development, accepting proposals in local languages as well as in participatory video and photo formats that build on oral traditions (in lieu of written project proposals). In 2008, SGP helped found the Indigenous and Community Conserved Areas (ICCA) Consortium at the IUCN World Conservation Congress, and continues to be one of its leading supporters. Moreover, the SGP has supported community-based REDD+ and initiated an Indigenous Fellowship programme, among others. Many of these initiatives have received financial support from Pledge donors.

¹⁾ https://www.thegef.org/documents/indigenous-peoples

²⁾ https://sgp.undp.org

The Green Climate Fund (GCF) is the world's largest climate funds, mandated to support developing countries to realise their Nationally Determined Contributions (NDC)towards low-emissions, climate-resilient pathways¹). GCF considers indigenous peoples 'unique and distinct' stakeholders, and has adopted an Indigenous Peoples Policy, to assist GCF in incorporating considerations related to indigenous peoples in its decisionmaking and to anticipate, avoid or mitigate and/or compensate adverse impacts on indigenous peoples' rights, interests and well-being.

According to the 2021 RFN report²⁾ the GCF has recently made disbursements to tenure and forest management of indigenous peoples. The report concludes that "given the role the GCF is designed to play to generate transformative change to mitigation and adaptation to climate change, along with GCF's strong Indigenous Peoples' policy, the fund's contribution to IPLC tenure and forest management should increase over time"³⁾.

The Inclusive Conservation Initiative (ICI)⁴⁾ is a GEF project, which is implemented in partnership with Conservation International (CI) and the International Union for the Conservation of Nature (IUCN), which serve as joint GEF Implementing Agencies and provide supervision and technical guidance. The ICI was launched in February 2022 with a budget of 22.5 million USD approved by the GEF Council. The ICI aims to support the leadership of Indigenous peoples and local communities in stewarding land, water and natural resources across 7.5 million hectares of landscapes, seascapes and territories with high biodiversity and irreplaceable ecosystems. Preparation of the ICI has been guided by an Indigenous Interim Steering Committee and will be governed by an Indigenous Steering Committee in the years ahead.

ICI will support nine initiatives taking action to address the climate and biodiversity crisis in Argentina, Chile, Cook Islands, Democratic Republic of the

3) Ibid: 19

4) See: https://www.inclusiveconservationinitiative.org

Congo, Fiji, Guatemala, Kenya, Nepal, Panama, Peru, Tanzania and Thailand. The project will also include global components to strengthen Indigenous and community leadership in international policy, build knowledge-based action and support capacity development. Through a project advisory group, ICI will engage with wider networks of support organizations who, together with the project partners, collectively leverage \$90 million in co-financing towards the goals of Inclusive Conservation.

The Indigenous Peoples Assistance Facility (IPAF) established by the International Fund for Agricultural Development (IFAD) is an innovative funding instrument that aims to strengthen indigenous peoples' communities and their organizations within the framework of the UNDRIP. It supports projects designed and implemented by indigenous peoples' communities and their organizations through small grants of up to 50,000 USD.

At the global level, IPAF is directed both operationally and strategically by a board mostly consisting of indigenous leaders. At a regional level IPAF is comanaged and coordinated by regional indigenous peoples' organizations as the implementing partners. The regional partners for the fifth IPAF cycle are: Foro Internacional de Mujeres Indígenas (FIMI) in Latin America and the Caribbean; Samburu Women Trust in Africa; and Tebtebba Foundation in Asia and the Pacific.

A good practice compilation of IFAD highlights that indigenous peoples assume a key decision-making role in the operations of IPAF, through their leading role in its governance and management. The three regional partners have also played an important role in building and strengthening networking among indigenous peoples' communities and organizations and linking them to regional and international platforms and forums. IFAD has learned that capacity-building and self-determined development can be considerably improved by entrusting indigenous communities with the direct management of resources and funds. Small amounts for small communities can make a big difference, particularly in building capacities and strengthening institutions and organizations⁵.

¹⁾ https://www.greenclimate.fund/about

²⁾ Rainforest Foundation Norway, April 2021: Falling short - Donor funding for Indigenous Peoples and local communities to secure tenure rights and manage forests in tropical countries (2011–2020)

^{5) &}lt;u>https://www.ifad.org/documents/38714170/44358796/IPs_engagement_Good_Practices.pdf/</u> deaa1849-6518-e223-8274-d672f1081499?t=1651742225818

 1) https://thetenurefacility.org/about-us/
 s) https://thetenurefacility.org/about-us/
 executive-comm

The International Land and Forest Tenure Facility¹⁾ (the Tenure Facility) is a financial mechanism that exclusively funds projects to secure land and forest rights for Indigenous Peoples and local communities, while driving development, reducing conflict, improving global human rights, and mitigating the impacts of climate change. It provides funding directly to communities and their partners; build relationships with key government actors and the private sector and provide technical expertise required to implement tenure rights within existing laws and policy. The Tenure Facility was launched in 2014 by the coordinating mechanism of the Rights and Resources Initiative (RRI) and in 2016 began its transition to an independent legal entity (established as a Foundation in Sweden).

The Board of Directors is the Foundation's highest decision-making body and guides strategy, policies and budgets. It is composed of leading individuals from Indigenous Peoples, community organisations, civil society, international development and the financial sector. In addition, there is an Advisory Group that supports the Tenure Facility with guidance on strategic matters, contributing knowledge and expertise, and promoting links between Tenure Facility and other organisations.

The Tenure Facility supports projects in Belize, Cameroon, Colombia, The Democratic Republic of Congo, Guyana, India, Indonesia, Kenya, Liberia, Mali, Mozambique, Nepal, Panamá and Peru.

The Tenure Facility is funded by the Swedish International Development Agency (SIDA) along with a number of other donors, including some of the signatories to the Pledge: Ford Foundation, NICFI (Norway), Oak Foundation, Bezos Earth Fund, The Christensen Fund and Nia Tero. **The Path to Scale** (P2S) is an informal network of donors, financial mechanisms and their intermediaries that aims to scale-up global ambition to legally recognize the land and resource rights of Indigenous Peoples, local communities and Afro-descendant Peoples, particularly women, at least to a level necessary to achieve the 2030 global climate and biodiversity targets. P2S estimate that attaining this ambition would require securing community rights to at least 400 million additional hectares of biodiversity rich forest land in tropical countries and the mobilization of at least US\$10 billion over the next 10 years. RRI is the coordinating body of P2S²).

The Peoples Forest Partnership³⁾ is convened by Forest Trends, Alianza Mesoamericana de Pueblos y Bosques (AMPB), the Colombian indigenous organisation Organización Nacional de los Pueblos Indígenas de la Amazonia Colombiana (OPIAC), and others. It was launched at COP 26 and established with an Interim Executive Committee and decision-making structure and guidelines in June 2022. The Partnership aims to drive rights-based climate finance directly to Indigenous Peoples, traditional landowners, and local communities. It aims to secure commitments for US\$20 billion in direct financing per year by 2030 with carbon and other market-based mechanisms beyond carbon.

2) https://www.pathtoscale.org

³⁾ https://www.forest-trends.org/pressroom/peoples-forests-partnership-establishes-interimexecutive-committee-to-drive-20-billion-in-rights-based-climate-finance-directly-toindigenous-peoples-and-local-communities/

The United Nations Voluntary Fund for Indigenous Peoples was

established in 1985. The Fund is instrumental in ensuring that voices of indigenous peoples are heard within the UN system and, as per 2022, has supported the participation of over 3,000 indigenous peoples' representatives in UN processes. The Fund initially supported participation in the UN Working Group on Indigenous Population but has been expanded over the years in various resolutions to include participation in the UN Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples, the Human Rights Council and human rights treaty bodies and, as of 2019, the UN Forum on Business and Human Rights and the Conference of the Parties to the United Nations Framework Convention on Climate Change. Any member of an indigenous community can apply for a grant.

The Fund is administered by the UN Secretary-General, in accordance with financial rules and regulations on general trust funds for humanitarian assistance, and with the advice of a Board of Trustees. The Board is composed of five persons with relevant experience on indigenous issues, who serve in their personal capacity for a three-year renewable term. At least one member of the Board shall be a representative of a widely recognized organization of indigenous people, but the current practice is that all board members are renown indigenous experts. The recommendations of the Board are approved by the United Nations High Commissioner for Human Rights on behalf of the Secretary-General. The Office of the United Nations High Commissioner for Human Rights (OHCHR) acts as the secretariat of the Fund and its Board¹⁾.

1) See: https://www.ohchr.org/en/about-us/funding-budget/indigenous-peoples-fund

ANNEX C: REFERENCE GROUP FOR THE ASSESSMENT

An important element of the independent assessment methodology and process was the establishment of a Reference Group, comprising representatives of indigenous peoples and donors to the Pledge. The role of the Reference Group has been to:

- Oversee the process, and provide input to the consultants regarding methodology and outreach
- Assist and participate in focus group or regional meetings
- Assist in ensuring broad outreach and dissemination within their regions/ constituencies during and after the process
- Provide comments on draft materials and outputs
- Approve final documents

The members of the Reference Group are:

Indigenous peoples Asia:

- Gam Shimray, Secretary-general, Asia Indigenous Peoples Pact, North-East India
- Rukka Sombolinggi, Secretary-General, Aliansi Masyarakat Adat Nusantara, Indonesia
- Giovanni Reyes, Indigenous Community Conserved Areas Consortium, the Philippines
- Chandra Tripura, Bangladesh Indigenous Peoples Forum, Bangladesh

Indigenous peoples Africa:

- Agnes Leina, Executive Director, Illaramatak Community Concerns, Kenya
- Maimouna Umarou, women's coordinator of SURA-MAMA, Mbororo Community Development Organization, Cameroon,

- Kenneth Turyamubona, Executive Director, Batwa Community Development Organization; Chairperson of Batwa Pygmies Indigenous Land rights and Advocates Committee, Uganda
- Joseph Itongwa, Executive Director. l'Alliance Nationale d'Appui et de Promotion des Aires et Territoires du Patrimoine Autochtone et Communautaire, Democratic Republic of the Congo; Sub-regional Coordinator, Réseau des Populations Autochtones et Locales pour la gestion durable des Ecosystèmes forestiers d'Afrique centrale. Member of the Global Alliance of Territorial Communities.

Indigenous peoples Latin America:

- Tuntiak Katan, Deputy Coordinator of the Coordination of Indigenous Organizations of the Amazon Basin (COICA); General Coordinator of the Global Alliance of Territorial Communities
- Benito Calixto Guzmán, General Coordinator of the Andean Coordinator of Indigenous Organizations
- Dolores de Jesús Cabnal Coc, Indigenous Women Network on Biodiversity from Latin America and the Caribbean
- Jesús Amadeo Martínez, Main Councilor, Indigenous Council of Central America; Coordinator of Foro Indígena de Abya Yala

Donors:

- Casey Box, the Christensen Fund
- Kevin Curry, the Ford Foundation
- Kai Carter, the David and Lucile Packard Foundation
- Jenny Lopez, Foreign, Commonwealth & Development Office, UKAID
- Caleb Stevens and Vy Lam, USAID
- Maria DiGiano, Gordon and Betty Moore Foundation



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