



Consultative Meeting, Geneva, 4th July, 2022

Ways to support indigenous peoples' tenure rights and forest guardianship

Introduction:

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

In this context, a group of funders¹ has contracted Charapa Consult to facilitate a process to assess principles, standards and mechanisms for best supporting indigenous peoples' tenure rights and forest guardianship in accordance with the international legal framework for indigenous peoples' rights.² The results of this process will be presented as general recommendations for consideration by donors. The process will not generate recommendations for donors on how to allocate their funds, as this depends on the specific dialogues established between donors and their partners.

Taking advantage of the presence of indigenous organizations, in the context of the 15th Session of the Expert Mechanism on the Rights of Indigenous Peoples in Geneva, a consultative meeting was organized for a group of 17 indigenous leaders from Asia and anglophone Africa. The participants discussed three questions:

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

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

Modalities

The preferred model is that funds are channeled through an indigenous-led mechanism, established at global, regional and – eventually – national levels. An indigenous-led

¹ The Ford Foundation, the Christensen Fund and the David and Lucile Packard Foundation

² You can read more about the Pledge and the assessment process at the website of Charapa Consult: <http://www.charapa.dk/principles-standards-and-mechanisms-to-support-indigenous-peoples-tenure-rights-and-forest-guardianship/>



mechanism is best because it provides direct access, it responds to indigenous peoples' needs and priorities, it enhances accountability to communities, and it reduces transaction costs.

The mechanism must operate with established principles, criteria and guidelines of transparency; double accountability to both donors and to communities and gender balance. It should be culturally sensitive and have some flexibility in fund management to overcome some obstacles set up by national governments but ensuring accountability. Further, it should not only have a lifespan of 5 years (like the Pledge) but be established with a longer-term vision.

Such a mechanism should be able to provide cascading funding; from the global to regional, national and local levels. Allocations through the mechanism/s should be progressively linked to capacity development.

The mechanism/s should be based on a combination of accountable institutional structures; while representative indigenous organizations must be at the center of the governance structure, technical bodies with dedicated financial teams should be established for funds management.

Capacity-building must be built in as a core element in the process. This will require an assessment of existing capacities but also clarification of capacity needs and requirements from the donor side. Capacity-building should be undertaken at different levels.

To address capacity gaps and concerns, the mechanism/s should be designed with transitional capacity arrangements, at different levels, as needed.

Country contexts vary a lot, and in some countries, authoritarian and restrictive governments make it very difficult for indigenous peoples to access funds. Funding from philanthropic funders, which is more flexible, should be prioritized to difficult countries and to those indigenous peoples who have difficulties accessing funds.

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.

In some cases, trusted intermediaries, e.g. the Tenure Facility, can play a positive role.

Obstacles:

Some of the major obstacles for indigenous peoples to access funds are related to authoritarian governments, which have passed restrictive laws and regulations for civil society organizations, and for these to obtain legal recognition, bank accounts etc. In some countries, regulations on money laundering as well as security and terrorism, are used against indigenous organizations. Some government institutions are corrupt and require bribes to accept indigenous organizations or projects. In some cases, governments establish



so-called indigenous organizations to serve their own purposes. Capacity-building of and dialogue with governments is key to overcome these obstacles.

In some countries, there have been conflicts between indigenous peoples and the state. It is crucial to understand the context of conflict and be conflict-sensitive. Resources may create new conflicts and/or exacerbate existing conflicts but if conflict is addressed constructively, constructive relationships can be established to decrease conflicts and avoid that it turns into violence. Funding has influence on national governments, which can help pursue constructive processes that improve the relationship between indigenous people and government.

Requirements of bilateral donors are often heavy and complicated, and often justified with reference to the need to provide accountability to taxpayers. However, it is often not clear to indigenous organizations what such accountability implies – and what the exact capacity requirements are. Could donors work towards an agreed definition of capacity and a uniform set of requirements, linked to different levels and types of funding that is also transparent and made public?

There have been cases of misuse and deception or manipulation on the purpose of funds by intermediaries.

Indigenous peoples' organizations have weak capacity to manage large funding and need to build their capacity in that regard. They need to ensure the credibility of their organizations through transparency and accountability. One challenge is that funds often do not address the basic needs and priorities of communities, e.g. food and livelihoods

Key Messages to donors:

- Reduce the current limitations and increase flexibility of requirements, to allow indigenous peoples to access funds.
- Consider working with principles of accountability, not only to taxpayers but also to indigenous peoples as the managers of forests.
- Indigenous peoples are owners of their territories. Funding must be provided to indigenous peoples' governance of their territories
- Establish participatory decision-making mechanisms and mechanisms for sustained dialogue between indigenous peoples and donors
- Support the priorities defined by indigenous peoples themselves, including when these comprise basic needs.
- Allocate funds for conflict analysis and conflict mitigation, resolution and transformation
- Trust us, we can do the job! Indigenous peoples are not rigid, and these are doable things. We can do it, with capacity-building!