

INCEPTION REPORT

PROCESS TO ASSESS PRINCIPLES, STANDARDS
AND MODALITIES FOR SUPPORTING
INDIGENOUS PEOPLES' TENURE RIGHTS AND
FOREST GUARDIANSHIP

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Introduction

At the 2021 UN Climate Change Conference (COP 26), a group of bilateral donors and philanthropic funders pledged to contribute 1.7 billion USD to support the advancement of indigenous peoples' and local communities' forest tenure rights and greater recognition and rewards for their role as guardians of forests and nature (the IPLC Pledge, in short).

In the IPLC Pledge, donors commit to: promote the effective participation and inclusion of Indigenous Peoples and Local Communities in decision-making and to include and consult them in the design and implementation of relevant programmes and finance instruments, recognising the specific interests of women and girls, youth, people with disabilities, and others often marginalised from decision-making¹.

Indigenous peoples have expressed the need to ensure that the funding committed under the IPLC Pledge is channelled to them in ways that ensure alignment with the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and other human rights instruments, and enhance governance, ownership, empowerment, cost effectiveness and results.

Likewise, the donors have stated that: “Pledge donors recognise that much of current climate finance doesn't reach IPLCs or address key concerns, such as helping to secure their land and forest rights. ‘Channelling support’ includes both direct funding for IPLC groups as well as funding for programmes or financial instruments where a substantial share of funding is either transferred to IPLC groups and/or to support organisations that build the capacity of IPLC groups. The latter reflects the reality that for most donors it is not practically possible to provide small grants to individual IPLC groups. Donors therefore need to support IPLCs via regranting mechanisms or other support organisations. Improving this funding context and tackling these systemic barriers by exploring alternative models and mechanisms which enable more funding to be channeled to the IPLC stakeholders is a core priority of the Funders Group”.²

Based on initial discussions with indigenous experts, a group of funders to the Pledge³ decided to support the facilitation of a broad, inclusive and participatory process with representatives of indigenous peoples, donors, funders and relevant support organisations to discuss operationalisation of the IPLC Pledge in the best possible way.

The funders have contracted Charapa Consult to facilitate the process, which is undertaken from May to September 2022.⁴

Scope of the assessment process

The scope of the assessment process is generally aligned with the geographical and thematic scope of the IPLC Pledge.

However, the Pledge aims to support both indigenous peoples and local communities, while the assessment process is focusing solely on indigenous peoples.

This assessment will be grounded in existing standards on indigenous peoples, notably the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and ILO Convention 169. ILO Convention No. 169 provides a set of criteria for identifying “indigenous and tribal peoples” in a

¹ See: <https://ukcop26.org/cop26-iplc-forest-tenure-joint-donor-statement/>

² See:

<http://www.charapa.dk/principles-standards-and-mechanisms-to-support-indigenous-peoples-tenure-rights-and-forest-guardianship/>

³ Initiated by the Christensen Fund, the Ford Foundation and the David and Lucile Packard Foundation

4 See update note of the Donor Group, March 2022 at: www.charapa.dk/IPTenure

given context, including the crucial criteria of self-identification⁵. This ultimately implies that it is self-identification and not government recognition, which determines the identification as indigenous peoples. Consequently, groups such as Janajatis in Nepal, Adat communities in Indonesia, Afro- descendant communities in Latin America as well as Twa and Betwa in Central Africa all fall within these criteria. In contrast, there are not yet criteria in international law to identify “local communities”, although there are discussions to that effect under the processes pertaining to the Convention on Biological Diversity and the UN Framework Convention to Combat Climate Change, among others.

There is no doubt that a variety of local communities living in tropical and subtropical forests play an important role in forest conservation and are in need of 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, identifying and establishing a consultative process with these communities at a global scale is beyond the scope of the assessment process described in this report, and would require additional resources, time and most of all - consultations with representatives of local communities, to be undertaken in the right way.

Geographically, the IPLC Pledge follows the same core criteria used for the broader Global Forest Finance Pledge⁶. This implies that funding under the Pledge should be channeled to:

1. Forest-related climate action in tropical forest and subtropical countries, which are
2. Eligible for receiving Official Development Assistance (ODA).

Within this geographical focus, all forest types facing similar threats, for example mangrove forests, are eligible for support under the IPLC Pledge.

In summary, the scope of the current assessment process will be indigenous peoples in tropical and subtropical forest areas in ODA eligible countries in Africa, Asia and Latin-America. See Annex C for a preliminary overview of ODA eligible countries with tropical or subtropical forests inhabited by indigenous peoples.

Initial discussions have already made it clear that indigenous peoples’ needs and aspirations for support for tenure rights and guardianship of the diverse environments they inhabit cut across national boundaries, geographies, climate zones and ecosystems. Hence, at a global scale, indigenous peoples are calling for direct and tangible support in the context of climate change, biodiversity loss and environmental degradation. While the IPLC Pledge and the current assessment process have limitations in terms of geographical and thematic scope, hopefully the recommendations regarding principles, standards and modalities originated from this process will be a valuable input to the efforts of indigenous peoples more broadly.

Strengthening but not replacing ongoing processes and dialogues

The donors to the Pledge will not pool together funds, nor will the funds be channeled through a single implementation mechanism. Individual donors will decide how they allocate and spend their contributions to the Pledge – and a big part of the funding will already be pre-allocated to existing funding mechanisms and partnerships.

Many indigenous peoples have already advanced discussions and preparations for receiving funds under existing mechanisms or are in the process of setting up their own funding mechanisms at international, regional or national levels. Hence, there is already a series of initiatives, processes and negotiations regarding the allocation of funds and the modalities for channeling such funds.

⁵ See for example: [ILO Handbook on Convention No. 169](#)

⁶ See: <https://ukcop26.org/the-global-forest-finance-pledge/>

Therefore, it is extremely important to communicate clearly to all relevant stakeholders that this assessment process will not replace existing dialogues and negotiations between donors and indigenous organisations and networks. Rather, the process intends to provide an analytical overview, based on the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and other relevant standards, of principles, standards and modalities for supporting indigenous peoples' tenure rights and forest guardianship in different contexts and regions, which can hopefully inform and strengthen dialogues and negotiations between donors and indigenous peoples.

Likewise, it must be emphasised that this assessment process will not provide recommendations to donors on where and how to allocate their funds.

Complementarity with other initiatives

The donor group has contracted the consultancy firm INDUFOR to “Assess Pathways for Channeling Support to Indigenous and Local Community Tenure Rights and Forest Guardianship in the Global South. The INDUFOR assessment will focus on providing an overview and information about existing mechanisms and pathways for channeling funds, while the assessment facilitated by Charapa Consult is oriented more towards gathering experiences and recommendations from indigenous peoples. The two processes will be closely coordinated to foster synergies and complementarity.

Outputs

The assessment process will result in the following main outputs:

1. An **overview of existing implementation mechanisms and funding modalities** to advance indigenous peoples' forest tenure rights and greater recognition and rewards for their role as guardians of forests and nature
2. A **review of experiences and lessons learned** related to diverse funding modalities for indigenous organisations and communities
3. A set of **principles and standards**, based on the UNDRIP, for the governance and management of projects and funds, which meet the requirements for accountability and transparency of both donors as well as indigenous peoples' institutions at all levels.
4. An **assessment of how these principles and standards can be operationalised** in a range of mechanisms and modalities (existing and emerging) to ensure direct support to indigenous peoples' tenure rights and forest guardianship.

Overview of existing implementation mechanisms and modalities

The overview of *existing implementation mechanisms and modalities* will map the landscape with regards to funding to indigenous peoples at global, regional and national levels, and broadly categorise/cluster these based on comparable parameters regarding, for example:

- Pathways for channeling funds (direct partnerships, indigenous funding mechanisms, intermediaries, support NGOs etc.)
- Participation of indigenous peoples in governance and decision-making structures
- Support to indigenous peoples' representative institutions
- Requirements for accessing and managing funds (eligibility criteria; application, contract and reporting formats; financial policies and regulations, guidelines etc).

The overview will provide a typology of main modalities, but will not go into details with individual funding mechanisms and implementation modalities. Thereby, it can serve as a starting point for the forthcoming Assessment to be undertaken by INDUFOR. which will provide more detailed information about existing mechanisms.

Overview of experiences and lessons learned

The overview of *experiences and lessons learned* regarding funding to indigenous organisations and communities will give insight into the challenges faced by indigenous peoples, and also gather key

experiences of select donors and support organisations, without undertaking a comprehensive outreach to these (which will be covered by the INDUFOR assessment). It will identify barriers, weaknesses and challenges related to decision-making and governance; consultation, participation and consent; management; accounting; reporting; monitoring, evaluation and learning. Moreover, it will, but also identify good practices and solutions with the potential for replication and upscaling.

Principles and standards

The *principles and standards* for the governance and management of projects and funds should aim at meeting both donor as well as indigenous peoples' requirements for ensuring accountability and transparency.

The *principles* should be universal and based on the provisions of the UNDRIP regarding consultation, participation, consent, representative institutions, self-governance etc. Likewise, these principles should take into account the right to equality and non-discrimination, including for women, children and youth as well as persons with disabilities, among others. Given the diversity of both donors and indigenous institutions; the differentiated local, national and regional contexts and; differences in the scale and complexity of projects and grants, these universal principles need to be contextualised to different scenarios.

Hence, for each scenario a set of *standards* should be outlined regarding decision-making and governance; consultation, participation and consent; management of funds, among others. In outlining such scenarios and standards, the use of innovative approaches and new technology/software should be given particular consideration, where it can be used to increase transparency, access to information, participation etc.

Recommendations for operationalising principles and standards

The *assessment of how these principles and standards can best be operationalised* in the range of mechanisms and modalities (existing and emerging) will draw on the experiences and lessons learned as well as recommendations provided by indigenous peoples and donors. In a generic way, the assessment will point out gaps and weaknesses, and provide a set of recommendations on how to operationalise the Pledge in a way that ensures alignment with the overall objectives and effectiveness of results; strengthens indigenous peoples' institutions and self-governance; fosters dialogue and collaboration among the various stakeholders, and; ensures accountability and transparency vis-a-vis both donors and communities.

Reference Group

To support and orient the process, a Reference Group has been established, comprising representatives of indigenous peoples from Africa, Asia, and Latin America, and donors to the Pledge. The Reference Group operates in accordance with a specific Terms of Reference, which stipulates that its role is to:

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

Both indigenous and donor representatives were appointed based on self-selection among their constituents, taking into account criteria such a diversity of indigenous organisations and donors, geographical balance, gender as well as other specific criteria relevant to the different regions. The members of the Reference Group are:

Indigenous peoples Asia:

- Gam Shimray, Secretary-general, Asia Indigenous Peoples Pact (AIPP), NE India
- Rukka Sombolinggi, Secretary-General, Aliansi Masyarakat Adat Nusantara (AMAN), Indonesia
- Peter Kallang, SAVE Rivers Network, ICCA Consortium, Malaysia
- Chandra Tripura, Bangladesh Indigenous Peoples Forum (BIPF), 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 of Batwa Community Development Organization and Chairperson of Batwa Pygmies Indigenous Land rights and Advocates Committee, Uganda
- Joseph Itongwa, Executive Director of l'Alliance Nationale d'Appui et de Promotion des Aires et Territoires du Patrimoine Autochtone et Communautaire, Democratic Republic of the Congo (ANAPAC RDC) and sub-regional coordinator of Réseau des Populations Autochtones et Locales pour la gestion durable des Ecosystèmes forestiers d'Afrique centrale (REPALEAC). Member of the Global Alliance of Territorial Communities (GATC).

Indigenous peoples Latin America:

- Tuntiak Katan, Vice Coordinator of the Coordination of Indigenous Organizations of the Amazon Basin (COICA) and General Coordinator of the Global Alliance of Territorial Communities (GATC)
- Benito Calixto Guzmán, General Coordinator of the Andean Coordinator of Indigenous Organizations (CAOI)
- Dolores de Jesús Cabnal Coc, Indigenous Women Network on Biodiversity from Latin America and the Caribbean (RMIB-LAC)
- Jesús Amadeo Martínez, Main Councilor, Indigenous Council of Central America (CICA)

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

Methodology

Assessment parameters

To ensure alignment with the UNDRIP as well as other relevant standards and with the purpose of the Pledge, as well as coherence and comparability of data, a set of **assessment parameters** have been defined. These parameters will be used as reference points when gathering input and information through questionnaires, workshops and interviews.

Key parameters for defining scope and priorities for support

One of the key aspects of providing adequate support to indigenous peoples' tenure rights and forest guardianship is to ensure that support is aligned with indigenous peoples' needs and aspirations. While these will differ according to regional, national and local contexts, the UNDRIP provides a common framework and reference point for analysing indigenous peoples' priorities for support under the IPLC Pledge.

In the text of the Pledge, the signatories:

- Acknowledge the land and resource rights of Indigenous Peoples and Local Communities, in accordance with relevant national legislation and international instruments;
- Note that, despite the important role they play in protecting forests and nature, only a small fraction of these communities enjoy secure rights to own, manage, and control land and resources and have access to the support and services required to protect forests and nature and pursue sustainable livelihoods;
- Welcome the political leadership and steps taken by many countries to recognise Indigenous Peoples' and Local Communities' land and resource rights and to protect these rights, in accordance with relevant national legislation and international instruments, as applicable;
- Welcome the initiatives and efforts of Indigenous Peoples and Local Communities in securing the legal recognition of land and resource rights and in strengthening their institutions, organizations and networks to support concerted action to protect their land, forests and resources;
- Commit to renewed collective and individual efforts to further recognise and advance the role of Indigenous Peoples and Local Communities as guardians of forests and nature, in partnership with governments and other stakeholders, with a particular focus on strengthening land tenure systems and protecting the land and resource rights of Indigenous Peoples and Local Communities.

Specifically with regards to tenure rights, the Pledge stipulates that financing will be directed at:

- Activities to secure, strengthen and protect Indigenous Peoples' and Local Communities' land and resource rights, including, but not limited to, support to community-level tenure rights mapping and registration work, support to national land and forest tenure reform processes and their implementation, and support to conflict resolution mechanisms.

When relating the elements of the Pledge to the provisions of the UNDRIP, a more detailed set of parameters can be distilled for mapping indigenous peoples' priorities and aspirations for support in different regions, and subsequently map the coverage of existing support. These assessment parameters are:

Rights to lands, territories and resources

- Collective rights to lands, territories and resources
- Individual land rights
- Rights to lands and resources shared with other communities
- Legal recognition and adjudication of rights (legislation and policy reform, mapping, demarcation, titling, registration, litigation, among others)
- Protection against abuse and intrusion by third parties
- Alienation of lands, territories and resources
- Displacement, relocation
- Redress

Conservation, management and sustainable use of lands, territories and resources

- Priorities and strategies for the sustainable management and use of lands, territories and resources
- Traditional knowledge, traditional occupations and livelihoods
- Food security
- Conservation of natural resources and protection of biodiversity
- Climate change mitigation and adaptation

Protection of indigenous defenders of forest and nature

- Individual defenders
- Collective protection measures

Self-governance

- Reliance on and support to indigenous peoples' representative and decision-making institutions
- Considerations for equality and non-discrimination (inclusion of women, children and youth, persons with disabilities)
- Inter-generational element in indigenous peoples governance

Key parameters for assessing implementation and funding modalities

One of the core commitments of the Pledge donors is to promote the effective participation and inclusion of indigenous peoples in decision-making and to include and consult them in the design and implementation of relevant programmes and finance instruments. Based on the provisions of the UNDRIP regarding self-governance; representative institutions; consultation, participation and consent, and; equality and non-discrimination, a set of parameters for assessing principles, standards and modalities for support can be distilled. These assessment parameters are:

- Identification of indigenous peoples as rights-holders (eligibility criteria and requirements)
- Flow from donor to rights-holders (through implementation mechanisms, intermediaries and/or directly to indigenous peoples' representative institutions)
- Origin and scale of support (government, donor, NGO, income-generating activities; small grants, institutional support, regranting etc)
- Alignment with indigenous peoples' priorities and aspirations
- Mechanisms for consultation with indigenous peoples
- Participation of indigenous peoples' representative institutions in decision-making
- Processes for ensuring free, prior and informed consent
- Application and approval process
- Mechanisms for resolution of conflicts and disputes
- Capacity-building measures
- Timeframe and predictability of support
- Requirements related to monitoring and reporting
- Requirements related to budget, financial management, audit
- Grievance mechanisms, resolution of disputes

Outreach and participation

The outputs of the process must be reflective of indigenous peoples' experiences and aspirations and reflect broad ownership and agreement. It is therefore essential that the process facilitates participation of indigenous organisations from tropical and subtropical countries across Africa, Asia, and Latin America.

A mix of methods and approaches will be applied to reach as many relevant indigenous organisations as possible.

- Broad distribution (through list-serves, networks etc) of a questionnaire (see Annex A) that will allow all interested organisations to share experiences, lessons learned and materials;
- On-line interview and focus group discussions with indigenous leaders and organisations to capture experiences, lessons learned and aspirations;
- Workshops and events convening key indigenous organisations at global, regional or sub-regional level (Africa, Asia, Latin America). Where possible, such gatherings will be organised in the margins of other events to maximise outreach and reduce costs;
- Broad distribution of all outcomes in draft versions for comments and further input.

To ensure relevance and feasibility of the recommended principles, standards and modalities, it will also be important to incorporate the perspectives and lessons learned of donors and intermediaries, as well as support organisations and allies of indigenous peoples. The INDUFOR assessment will provide more details about existing funding mechanisms and implementation modalities, so this

assessment will have a relatively “light touch” and only attempt to capture overall considerations by donors and intermediaries. Such input will be gathered through the following methods:

- Interviews with representatives of a few selected donors, support organisations and funding mechanisms;
- Conversations and input from donors, support organisations and funding mechanisms as they engage in activities organized under this assessment process (e.g. workshops in the context of regional and global events);
- Inputs from the representatives of the donor group who participate in the Reference Group;
- Dissemination of draft documents to the broader donor group for input and comments.

The first workshop under this process was undertaken in Sweden on the 6th June in collaboration with the Tenure Facility. The workshop convened app. 30 participants from indigenous peoples’ organisations, donors and intermediaries. Key messages from the Stockholm workshop are included as Annex D.

Languages and communication style

In order to ensure meaningful consultation and participation, all outputs will be elaborated and communicated in clear and concise language that is immediately understood by a wide range of constituents. Where relevant, descriptions will be supported by infographics etc. Consultations will be undertaken in three languages (EN, SP, FR), and all relevant materials and drafts will be translated into these three languages. Where necessary, additional translation services will be offered (e.g. indigenous languages, Bahasa, Portuguese).

Milestones and timeline

The process comprises the following main elements:

When	What
1-6 June	Outreach and workshop in the context of Stockholm+50
22 June	Deadline for selection of Reference Group members
26 June	Circulation of draft inception report, specifying scope, outputs, methodology and timeline for the assessment
29 June	1st meeting of the Reference Group <ul style="list-style-type: none"> • Agreement on overall methodology and process action plan • Discussion and approval of inception report
5 July	Side-event in the context of the session of the Expert Mechanism on the Rights of Indigenous Peoples, Geneva
July	Dissemination of questionnaires for data collection among indigenous organisations in Africa, Asia and Latin America
	Interviews with key resource persons, including indigenous leaders (global, regional, national, local), donors, intermediaries and support organisations
	Focus group discussions (on-line) with representatives of key indigenous organisations and leaders from forest communities in Africa, Asia and Latin America

	<p>Regional face-to-face meetings with key indigenous organisations (Africa, Asia, Latin America), preferably in the margin of other events to ensure broad participation</p> <ul style="list-style-type: none"> ● Africa: Rwanda, in the context of the APAC Conference, 17th July ● Africa: regional workshop, co-organised with REPALEAC. Time and venue to be confirmed. ● Latin America: regional workshop in El Salvador, hosted by Foro Indígena del Abya Yala, 7-8 July. ● Latin America: regional workshop convening COICA members. Date and venue to be confirmed. ● Asia: Cambodia, hosted by Cambodia Indigenous Peoples Organisation, 31 July - 1 August.
August	<p>First week: mid-term meeting of Reference Group:</p> <ul style="list-style-type: none"> ● Presentation of key findings from desk review and consultative process ● Discussion of draft findings and recommendations ● Agreement on ways forward
August	<ul style="list-style-type: none"> ● Analysis of questionnaire data and of findings/recommendations from regional workshops and other meetings/interviews ● Drafting of final outputs <p>Broad dissemination of draft outputs for comments:</p> <ul style="list-style-type: none"> ● Overview of existing funding mechanisms and implementation modalities ● Review of experiences and lessons learned ● Principles and standards, based on the UNDRIP ● Assessment of how these principles and standards can be operationalised in mechanisms and modalities (existing and emerging) to ensure direct support to indigenous peoples' tenure rights and forest guardianship
August	<p>Last week: final Reference Group meeting:</p> <ul style="list-style-type: none"> ● Approval by the Reference Group of final documents ● Plan for dissemination of final documents
September	<p>First week. Dissemination of outputs to all stakeholders</p>

ANNEXES

Annex A: Draft questionnaire for broad distribution to indigenous peoples' organisations

See separate PDF-file.

Annex B: List of organisations involved in preliminary conversations about the assessment process:

- Alianza Mesoamericana de Pueblos y Bosques (AMPB)
- Asia Indigenous Peoples Pact (AIPP)
- Aliansi Masyarakat Adat Nusantara (AMAN)
- Association for Indigenous Women and Peoples of Chad (AFPAT)
- Bangladesh Indigenous Peoples Forum (BIPF)
- Cambodia Indigenous Peoples Organization (CIPO)

- Coordinadora Andina de Organizaciones Indígenas (CAOI)
- Coordinadora de Organizaciones Indígenas de la Cuenca Amazónica (COICA)
- Conservation International
- Foro Indígena del Abya Yala (FIAY)
- David and Lucile Packard Foundation
- Ford Foundation
- Global Alliance of Territorial Communities (GATC)
- Indigenous Movement for Peace Advancement and Conflict Transformation (IMPACT)
- Indigenous Peoples of Africa Coordinating Committee (IPACC)
- Indigenous Peoples Rights International (IPRI)
- INDUFOR
- International Work Group for Indigenous Affairs (IWGIA)
- Nia Tero
- Oak Foundation
- Red de mujeres indígenas sobre Biodiversidad de América Latina y El Caribe (RMIB-LAC)
- Réseau Des Populations Autochtones Et Locales Pour La Gestion Durable Des Ecosystemes Forestiers D'afrique Centrale (REPALEAC)
- Rights and Resources Initiative (RRI)
- Swedish International Development Cooperation Agency (Sida)
- Tebtebba
- Tenure Facility
- The Christensen Fund
- UKAID

Annex C: Geographical scope of the Pledge

Preliminary and non-authoritative list of countries eligible for Official Development Assistance with tropical and subtropical forests, inhabited by indigenous peoples:

- Angola
- Argentina
- Bangladesh
- Belize
- Benin
- Brazil
- Bolivia
- Burkina Faso
- Cambodia
- Cameroon
- Central African Republic
- Chad
- Colombia
- Congo Brazzaville
- Costa Rica
- Democratic Republic of Congo
- Ecuador
- El Salvador
- Ethiopia
- Equatorial Guinea
- Fiji
- French Guiana
- Gabon
- Guatemala
- Guyana
- Honduras
- India
- Indonesia
- Laos
- Malaysia
- Mexico
- Myanmar
- Nepal
- Nicaragua
- Nigeria
- Panama
- Papua New Guinea
- Paraguay
- Peru
- Philippines
- Republic of the Congo
- Solomon Islands
- Sudan
- Suriname
- Thailand
- Vanuatu
- Venezuela
- Vietnam
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Annex D:

Key messages from the workshop to discuss principles, standards and mechanisms to support indigenous peoples' tenure rights and forest guardianship

June 6, 2022, in Stockholm, Sweden

On June 6, a group of thirty indigenous peoples' representatives, donors and support organisations attended a half-day workshop in Stockholm, Sweden, to discuss experiences, lessons learned and ways forward for supporting indigenous peoples' tenure rights and forest guardianship⁷. The workshop was organised by Charapa Consult and the Tenure Facility.

Introduction

The workshop was opened with a brief explanation about the Pledge to support tenure rights and forest guardianship of indigenous peoples and local communities, which was launched at the 2021 Climate Change Conference (COP 26). Five bilateral donors and seventeen philanthropic funders have committed 1.7 billion USD to the Pledge. Moreover, they have committed to promote the effective participation and inclusion of indigenous peoples and local communities in decision-making and to include and consult them in the design and implementation of relevant programmes and finance instruments⁸.

Consequently, a group of funders to the Pledge⁹ have decided to support the facilitation of a broad, inclusive and participatory process with representatives of indigenous peoples, donors, funders and relevant support organisations to discuss operationalisation of the Pledge in the best possible way. Charapa Consult has been contracted to facilitate the process. The workshop in Stockholm was the first event undertaken as part of this assessment process.¹⁰

Participants appreciated the opportunity to discuss how to concretize actions under the Pledge, as some saw a risk that not much would happen before COP 27. Others highlighted the need to align the assessment process with other ongoing processes and to ensure that it would strengthen and not replace ongoing dialogues between donors and indigenous peoples.

Overall considerations about the Pledge:

The backdrop to the Pledge is the strong evidence that indigenous peoples are protecting the tropical and subtropical forests in the context of catastrophic climate change, biodiversity loss and environmental degradation. Hence, 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.

It is also clear that indigenous peoples in other regions of the world play a similar role as stewards of crucial ecosystems. Hence, the Tenure Rights and Forest Guardianship Pledge should be seen as a forerunner for more comprehensive support to indigenous peoples in all ecosystems.

⁷ See list of participants in Annex.

⁸ See update note of the Donor Group to the Pledge, March 2022 at: www.charapa.dk/IPTenure

⁹ Initiated by the Christensen Fund, the Ford Foundation and the David and Lucile Packard Foundation

¹⁰ Read more about the assessment process at: www.charapa.dk

The donors have organized themselves in various working groups and will continue the discussions about how best to operationalize the Pledge, including through continued dialogue at COP 27.

Indigenous representatives highlighted the need for ongoing dialogue between the donor group and indigenous peoples, using the UN Declaration on the Rights of Indigenous Peoples and ILO Convention No. 169 as the basis for such dialogue. Likewise, there should be dialogue between indigenous peoples and local communities to reach common positions.

A technical advisory board and an independent monitoring mechanism of the Pledge should be established with the full participation of indigenous peoples. Monitoring should measure to what extent funds are reaching indigenous peoples at the international, regional, national and local levels.

Modalities and mechanisms for channeling funds

The donors to the Pledge will decide individually where to allocate their funds, and some funds are already committed through existing mechanisms and partnerships.

Some raised concerns that donors and intermediaries are now rushing to make agreements with indigenous organisations. Indigenous peoples should not be competing but lay out their priorities as the basis for a structured dialogue with donors.

The general preference of indigenous peoples is that funding should be channeled directly to representative indigenous institutions. This is in line with the recognition of indigenous peoples as collective rightsholders and territorial governments. Indigenous peoples should establish their own mechanisms to receive funds under the Pledge. However, given the diversity of situations, there will not be a single modality or mechanism that fits all.

Several positive examples of funding mechanisms established by indigenous peoples – or having indigenous representatives in the decision-making bodies - were mentioned. These include indigenous-led funding mechanisms that pool together funds from various donors, trust funds and regranting mechanisms. The challenge is to scale up these experiences, with funds that are sufficiently large and long-term to match the magnitude of the real needs on the ground.

There is also a risk that the focus of representative indigenous organisations or movements is diverted from rights advocacy and policy change-oriented goals towards management and distribution of grant funds. This can weaken their purpose and divert accountability from their own constituents to donors. In these cases, a supporting financial mechanism or organization can be established in parallel, to safeguard the political objectives of the representative organization or movement.

It was recognized that in some situations, intermediaries can temporarily play a constructive role, including in terms of buffering the complex compliance requirements attached to some donor funding. However, intermediaries or support NGOs should be chosen by the concerned indigenous peoples' organisations based on trust, alignment to their values and good performance. Dialogue and decision-making with regards to prioritisation and use of funds should still be between donors and indigenous organisations and not taken over by intermediaries. If not, it results in a 'gap' of understanding of needs from the ground.

There is a need to clearly identify who the intermediaries are, what purpose they serve, what results they will deliver and what the timeframe is for achieving these results, including in terms of strengthened institutional capacity of indigenous peoples' organisations. The desirable attributes of a good intermediary should be identified along with mechanisms for measuring those attributes. Benchmarking of intermediaries would make it easier for donors and indigenous peoples to make the right choices in a transparent manner.

Whether funds are handled by intermediaries or by indigenous organisations at national, regional or international level, there is a need to establish a system of transparency and accountability towards local indigenous communities, to clearly show how money has been allocated and spent.

Defining priorities for funding

The priorities for funding need to emerge from indigenous organisations and communities and be communicated directly to donors. Such priorities must align with indigenous peoples' needs and holistic aspirations, to encompass governance and institutional support, legal protection and tenure rights, livelihoods and self-sustained economies, protection of land and environmental defenders, among others. Priorities should be defined at different levels, and consider the specificities of local, national and regional situations. For example, strengthening indigenous peoples' territorial governance, promoting the Escazú agreement and protecting indigenous peoples in voluntary isolation is critical in Latin America. Priority should be given to territories that are being invaded by third parties. Protection of land and environmental defenders as well as inclusion of women, youth and persons with disabilities is a priority everywhere. There should be specific policy provisions and earmarked resources to ensure participation of women and inter-generational dialogue. Inclusion of LGBT+ needs to be considered, although not all indigenous organizations may be ready to work on these issues yet.

Current challenges are that donors set narrow priorities, which fracture indigenous peoples' holistic aspirations – or they let intermediaries define priorities on behalf of indigenous peoples. There should be institutional mechanisms for dialogue between donors and indigenous peoples to set priorities for funding.

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 bottom-up process that is accomplished by working through indigenous peoples' own representative governance institutions and or organisations.

Technical barriers and recommendations for accessing funds

Participants identified the technical requirements that are associated with some sources of funding (particularly funds from bilateral agencies) as a major obstacle for many indigenous organisations. Moreover, some intermediaries are passing on these requirements to indigenous organisations, thereby making themselves superfluous.

The overall message is that flexibility and minimization of requirements are critical for enhancing indigenous peoples' access to funds. Some of the key points mentioned were:

- Trust is a key issue. Indigenous organisations need to show their capacity to manage funds, to ensure that lack of capacity is not used as an excuse to not channel funds directly. Build on existing institutional capacities in indigenous communities and organisations.
- Capacity-building is a two-way process. In some cases, donors (both programmatic and administrative staff) must work to change their culture and enhance their understanding of indigenous peoples' realities on the ground.
- Clarify minimum requirements for direct access to funds, build capacities to meet these minimum requirements and follow-up with close dialogue and specific plans to address the capacity gaps. Complex logical framework formats do not enhance results on the ground.
- Harmonise funding schemes with existing structures in the territories, allowing the scaling up of successful practices.
- Provide long-term predictable support and partnerships, understanding that e.g. legal reform and recognition of rights take years to be achieved.

- Recognise indigenous peoples for their environmental services and accept non-monetary contributions as co-funding, where this is a requirement.
- Combine project funding and support to specific activities with institutional support. Where there are no eligible and qualified indigenous organizations to receive large-scale direct funding, do not immediately resort to intermediaries as solution. Assess existing capacities; start with smaller grants and gradually increase funding streams, as institutional capacities are consolidated.
- Even funds to address emergencies come with many requirements. Provide flexible funds, e.g. for land and environmental defenders and to stop or prevent immediate threats of land grabbing.
- Donor reporting is a nightmare for many indigenous organisations. Simplify reporting requirements and explore creative, innovative ways of reporting, e.g. not focusing solely on receipts but using video testimonies to document results and enhance accountability. Where several donors are engaged, reporting requirements and timelines should be coordinated and harmonised.
- Increase transparency of donors and intermediaries; disclose information about funding allocated and received.
- Legal and policy reform is a critical component of securing land tenure. Donors can support policy dialogue, legal research, promotion of good practices and strengthen the allies of indigenous peoples within the state administration.
- Build on the complementarity between philanthropic funders that have more flexibility and bilateral agencies, which can play a role in policy dialogue and support to government institutions, where these have weak capacity.
- Strengthen the capacity of key government institutions so these can fulfill their mandate as serious counterparts for indigenous peoples.

List of participants:

No	Name	Organisation
1	Patricia Gualinga	Colectivo Mujeres Amazónicas Defensoras de la Selva, Ecuador
2	Noemi Carmen Gualinga Montalvo	Colectivo Mujeres Amazónicas Defensoras de la Selva, Ecuador
3	Anoshkan Violeta Irey Cameno	FENAMAD, Peru
4	Daniel Rodríguez	FENAMAD, Peru
5	Tuntiak Katan	COICA (GATC)
6	Harol Rincón	COICA (OPIAC)
7	Nadino Calapucha	COICA
8	Zack Romo	COICA
9	Juan Carlos Jintiach	Global Alliance of Territorial Communities (GATC)
10	Abdon Nababan	AMAN (GATC)
11	Joan Carling	IPRI
13	Gustavo Sánchez	AMBP (GATC)
14	Myrna Cunningham	Association for Women's Rights in Development
15	Alda Salomao	Tindzilla Mozambique
16	Kevin Currey	Ford Foundation
17	Casey Box	Christensen Fund
18	Christiane Kaesgen	Bosch Foundation
19	Nonette Royo	Tenure Facility
20	David Kaimowitz	Tenure Facility
21	Nada Danielsson	Tenure Facility
22	Seba Sharestan	Tenure Facility
23	Giulia Pedone	Tenure Facility
24	Eliana Galarza	Tenure Facility
25	Birgitte Feiring	Charapa Consult
26	Misha Wolsgaard-Iversen	Charapa Consult
Online participants		
1	Anne Henshaw	Oak Foundation
2	Maria Schultz	Sida
3	Emma Norrstad Tickner	Sida
4	Solange Bandiaky-Badji	RRI/CLARIFI