



Tenure Facility



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 guardianship¹. 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 instruments².

Consequently, a group of funders to the Pledge³ 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.⁴

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.

¹ See list of participants in Annex.

² See update note of the Donor Group to the Pledge, March 2022 at: www.charapa.dk/IPTenure

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

⁴ Read more about the assessment process at: www.charapa.dk



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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.



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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.



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- 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.



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List of participants:

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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