

**Coordinadora de Organizaciones Indígenas de la Cuenca Amazónica and
Charapa Consult**

Principles, Standards and Modalities for Supporting Indigenous Peoples' Forest Tenure Rights and Forest Guardianship

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BACKGROUND

The Coordinating Body of Indigenous Organisations of the Amazon Basin (COICA) represents indigenous peoples who own territories covering millions of hectares of forests in the nine Amazonian countries. Indigenous peoples' territories and forests are better protected than state-protected areas. Indigenous peoples put their territories at the centre of balancing the global climate and are key in the fight against climate change. Therefore, they should not be seen as beneficiaries but as essential partners for sustainable development at the global level.

Yet a recent study estimates that less than 1% of global climate finance goes to indigenous peoples and local communities. Furthermore, it is estimated that only a small fraction of this amount reaches indigenous organisations and communities (one figure indicates 3% of the 1%).

This means that indigenous peoples continue to resist the pressure of the extractivist economy, land invasions, pollution of their environment and destruction of biodiversity, often at the risk of their lives, without financial support.

That is the fundamental premise for which, at COP 22 in Glasgow, 22 donors pledged \$1.7 billion between 2021-2025 to support indigenous peoples' and local communities' tenure rights and forest guardianship.

The scope of this Pledge is for tropical and subtropical forests, but it must be underlined that indigenous peoples in all seven regions and in all ecosystems of the world are in need of support to sustain their role as protectors of biodiversity and their fight against climate change. Also, the fact that funds are earmarked exclusively for countries eligible for Official Development Assistance (ODA) may exclude indigenous peoples who play a key role in protecting forests and who need support to defend these forests.

Furthermore, Article 39 of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) stipulates that "indigenous peoples have the right to receive financial and technical assistance from States and through international cooperation for the enjoyment of the rights set forth in this Declaration". The importance of this article must be emphasised.

The announcement of the Pledge has raised many expectations in the communities, but there are gaps in terms of defining the channels for the money to reach indigenous communities and territories. Furthermore, the resources are not all new money, but mostly a sum of projects that are already operating. This means that most of the money is already invested and the percentage of new money is small.

A year has passed, but COICA member organisations have still not received any of the additional funds promised under the Commitment. This implies a big challenge in terms of explaining to indigenous communities what was concretely achieved at COP 26 - and in terms of following up on the Commitment at COP 27.

PRIORITIES OF INDIGENOUS PEOPLES

Indigenous peoples are confronting the globalised economic system, which leads to the destruction of territories through mining, oil exploitation, hydroelectric plants, etc. If there is no support to promote alternatives such as bio-enterprises etc., the communities end up negotiating with the oil companies.

Indigenous peoples live different realities, and it is therefore necessary to derive priorities for external cooperation from the realities of indigenous peoples at different levels. Long-term plans and goals must then be concretised and the global, regional, national and local agenda of indigenous peoples must be made visible. In this way, each donor can decide where to allocate its funds, but at the same time align itself with the priorities and plans of indigenous peoples. Likewise, impositions on indigenous peoples' agendas will be avoided. This requires improved consultation mechanisms between donors and indigenous peoples.

Support should be framed within indigenous peoples' life plans, which reflect their long-term holistic visions. A common priority for the realisation of these plans is the institutional strengthening of indigenous peoples' organisations.

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.

THE CHARACTER OF INDIGENOUS PEOPLES AND THEIR INSTITUTIONS OF GOVERNANCE

COICA represents Amazonian indigenous peoples, through their representative organisations in 9 countries. According to international standards on indigenous peoples' rights, these representative organisations are the territorial governments of indigenous peoples. In the case of COICA, its members constitute the territorial governments of millions of hectares of forests.

Any collaboration with indigenous peoples must be based on recognition of and respect for their representative organisations. This is operationalised through processes of consultation and participation in decision-making on any measure that affects indigenous peoples, in order to achieve agreement and consent.

STRENGTHEN THE TRANSPARENCY AND EFFECTIVENESS OF ENGAGEMENT

The immediate need to curb forest destruction and climate change and the short timeframe of the Pledge point to the urgency of discussing how indigenous peoples can access the funds.

Firstly, 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 Commitment effective. This requires strengthening transparency and coordination and finding a formula that aligns the agenda of donors with the aspirations of indigenous peoples. Taking into account the rights enshrined in the UN Declaration on the Rights of Indigenous Peoples and ILO

Convention No. 169, this formula cannot be constructed unilaterally by donors, but must be the result of consultation and participation in decision-making by indigenous peoples. The Pledge to allocate \$1.7 billion for tenure rights and forest stewardship for indigenous peoples and local communities has been launched. However, there is no monitoring mechanism to verify what resources reach indigenous organisations and communities.

The monitoring challenge has two dimensions: There is a need to strengthen indigenous organisations' own monitoring mechanisms. In the case of the Amazon, COICA can certify whether resources reach its members. On the other hand, there is a need to improve the transparency and monitoring of the Pledge as such. Therefore, it is recommended that the group of donors publish information about their contributions and funding allocations, and establish a monitoring mechanism with the participation of indigenous organisations. This is a matter of urgency considering that there are only three and a half years left before the conclusion of this stage of the Commitment.

Therefore, COICA leaders agree with indigenous leaders from other parts of the world to present the following recommendations to the donor group of the Pledge:

- Establishment of a mechanism for ongoing dialogue between indigenous peoples and donors, building on what has already been initiated with the Reference Group.¹
- Disclosure of information and transparency in the contributions and allocation of funds in the context of the Pledge
- Organisation of mutual capacity building between indigenous leaders and donors
- Establishing a participatory monitoring mechanism for the Pledge
- Prioritising the direct allocation of funds to indigenous peoples' own mechanisms
- Support for a platform for exchange between indigenous peoples, including funds for consultations at national and regional levels.

Action point:

- Request the COICA Governing Council to consider to send an official letter to the Pledge donor group, requesting the publication of information on individual donor allocations in the context of the pledge.

MODALITIES FOR TRANSFER OF RESOURCES

Many donors seem to have mistrust in the capacity of indigenous organisations to administer or manage funds. Therefore, they decide channel funds earmarked for indigenous peoples to non-indigenous intermediaries without prior consultation or participation of representative organisations in decision-making. This is a discriminatory practice that goes against the rights of indigenous peoples.

As a result, there is talk of millions allocated for indigenous peoples, but the resources that reach the communities are minimal, as the intermediaries often keep 50 to 60% of the funds.

¹ The Reference Group has been established in the context of the process of assessing principles, standards and methodologies to support indigenous peoples' forest tenure rights and stewardship, facilitated by Charapa Consult. See more at: www.charapa.dk

There are also intermediaries who require organisations to work on participatory proposals from the communities, based on detailed information about the situation on the ground. When the proposal is submitted, they say there is no budget, but they keep the information provided.

Other obstacles are the complicated and bureaucratic requirements for accessing and managing funds from bilateral agencies and, to a lesser extent, NGOs. Therefore, training, accompaniment and investment are required for indigenous organisations to meet donor requirements.

The different situations of the organisations must be taken into account. This requires the establishment of a "funding ecosystem" that through multiple funding lines ensures adequate support to indigenous peoples.

In some cases, intermediaries can play a positive role when they work on terms agreed between the parties, based on recognition of indigenous peoples' rights. In other cases, it is possible to work with fiscal sponsors, who can guarantee the proper handling of funds without additional costs. The precondition is that indigenous organisations are consulted and participate in decision-making on the most appropriate way to channel funds to their territories and communities.

However, the preferred modality, which is in accordance with indigenous peoples' rights, is the establishment of indigenous peoples' own funding mechanisms.

These mechanisms should be established at different levels, so that funds can be channelled in cascades from the global, regional and national levels down to the communities. Therefore, consideration should be given to establishing an umbrella mechanism, but also to elaborating a structure specific to each region and country, according to the characteristics and regulations in force.

Under the Shandia vision, COICA will work on funding mechanisms for the nine countries. The Podaali Foundation, established by COIAB, is already a model that serves as an example and inspiration for other COICA members. Once a COICA regional funding mechanism is established, Podaali should be linked to this as its Brazilian arm. In this sense, COICA and its members are establishing an ecosystem of their own funding mechanisms, which can channel funds in cascades from the regional level.

Podaali Foundation is established by COIAB; by indigenous people, for indigenous people and with indigenous management. Podaali is the result of a 10-year process of building our leaders and therefore demonstrates the capacity of the indigenous movement. Podaali has a Deliberative Council with members who are closely linked to indigenous organisations without being representatives of them, in order to avoid conflicts of interest. Podaali's lines of work are linked to the organisation's guidelines and priorities, the national policy on indigenous territories and the Sustainable Development Goals. Podaali has received funding from several donors for its establishment (including some of the Pledge donors) and has set up its administrative structure with regional offices. Podaali will issue its first call for proposals in 2022.

The mechanisms will have their own administrative and financial systems and rules, and internal audit mechanisms. COICA's preference would be to establish a trust fund, but as this modality is not accepted by most donors, COICA is opting for a model in which the investment of funds is direct to the territories.

The establishment of these mechanisms is a key point to be discussed at the COICA Amazon Summit and at the next COP 27, on the basis of concrete proposals, in order to achieve donor support.

SPECIFIC TOPICS FOR SUPPORT

In the context of the Pledge, donors 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, protecting the land and resource rights of Indigenous Peoples and local communities, and protecting indigenous and community defenders of forests and nature. ". In addition, they commit to support "national land and forest tenure reform processes and their implementation, and support for conflict resolution mechanisms".

Therefore, in the following sections, we present the specific considerations and recommendations of COICA leaders with regard to national policy reform; support for indigenous peoples' human rights defenders; regional and international engagement; and conflict resolution.

[Supporting national land and forest tenure reform processes](#)

When donors provide climate change funds to states, there must be an effective monitoring mechanism to ensure that the stated objectives are met. Indigenous peoples' representatives should also be included in monitoring processes and recognised as holders of traditional knowledge - on a par with academically trained experts.

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 processes, the hiring of the best professional technicians, legal advisors, 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. Often, states see indigenous peoples only as "guardians" of the forests; if communities want to use their resources - or if oil is found in the territory - states intervene and make decisions without consultation and free, prior and informed consent of the affected peoples. In this way, conflicts are generated and indigenous peoples' management plans and livelihood plans are not implemented and remain on paper.

Donors cannot change the laws of other countries, but they can help create the enabling conditions for the exercise of rights. One way is to support the strengthening of indigenous organisations so that they can claim their rights. Capacity building is also needed for state institutions that administer issues related to indigenous peoples, land tenure, forests and climate change.

International commitments present a political opportunity that can be reinforced with international assistance for certain types of reforms, based on these commitments. Indigenous territories encompass millions of hectares of forests that can help governments meet their international commitments related to climate change (the Nationally Determined Contributions - NDCs) and biodiversity-related targets. There is an opportunity to show governments, with data and proposals, how, for example, the expansion of indigenous territories enables them to meet their international commitments. Based on scientific data and evidence of the contribution of indigenous peoples, the value of transition from an extractivist economy to a more diverse and greener economy can be demonstrated and agreements with governments can be negotiated.

[Support for human rights and environmental defenders](#)

Amazonian indigenous territories are threatened by the invasion of settlers, extractive companies, drug trafficking, armed conflicts and other foreign actors, who operate with impunity in the communities.

Therefore, the issue of human rights and environmental defenders is intrinsically related to the application and strengthening of indigenous justice. In the communities, they work on life plans, carry out patrols, take photos and locate with GPS when there are intrusions in the territories and denounce them to the authorities, but often there is no response. Therefore, it is necessary to strengthen the application of indigenous justice, seeking a justice that articulates ordinary law with indigenous justice systems.

Many indigenous human rights and environmental defenders face threats, criminalisation, attacks and assassinations for their defence of their territories.

To address this situation, COICA has established an advocacy programme for defenders, but this needs to be strengthened. Support is needed to establish multidisciplinary teams in each country, including legal experts, who can provide legal defence, support the training of

communities and the professionalisation of young people. It is important that these teams have sufficient resources to move around as the territories are far from urban centres.

Another priority is the establishment of an emergency fund that makes it possible to offer logistical support (such as food and shelter) to defenders and their families.

Donors can also help strengthen the international response to rights violations and killings. On the one hand, you can strengthen the indigenous presence and human resources dedicated to indigenous issues within key institutions such as the Inter-American Commission on Human Rights and the Office of the High Commissioner for Human Rights. On the other hand, innovative initiatives such as the establishment of an international environmental and climate tribunal can be considered, with the participation of indigenous peoples and their allies to demand justice in the face of environmental destruction.

[Support for regional and international participation](#)

According to international standards on indigenous peoples' rights, when there is an initiative that involves or affects them, indigenous peoples have to be involved in consultations and decision-making processes from the outset.

However, in the spaces created at the national and regional levels, for example the roundtables established to follow up on the Paris Agreement, there is almost no indigenous participation.

This requires technical, technological and financial enabling conditions, so that leaders can participate fully.

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.

Governments must be required to ensure that indigenous peoples' participation also means taking our proposals into account and considering us in decision-making. States must also show their willingness to have indigenous representatives in their delegations and donors must make their donations to states conditional on the participation of indigenous peoples in the negotiations.

On the part of indigenous organisations, representativeness in participation in international spaces must be ensured in order to avoid participation that is not up to date with developments in the territories.