

**Asia Regional Workshop:
Standards, Principles and Modalities for supporting
indigenous peoples' tenure rights and forest guardianship**



**Siem Reap, Cambodia
31 July - 1 August, 2022**

The workshop was hosted by Cambodia Indigenous Peoples Organisations (CIPO)



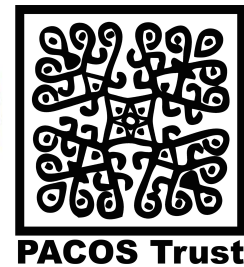
The workshop convened participants from the following organisations:



Aliansi Masyarakat Adat Nusantara



BIPF



Indigenous Peoples Rights International
Championing Indigenous Peoples Rights

- Cambodia Indigenous Peoples Alliance
- Cambodia Indigenous Youth Association
- Indigenous Person with Disabilities Asia Network
- Inter Mountain Peoples Education and Culture in Thailand (IMPECT) Association
- Organization for the Promotion of Kui Culture (OPKC)
- Philippine Indigenous Peoples' Community Conserved Territories and Areas (Bukluran)
- Promotion of Indigenous and Nature Together (POINT)



Facilitated by Charapa Consult

Table of Contents

IMMEDIATE ACTION POINTS	7
BACKGROUND:	8
ORGANISATION AND OBJECTIVES OF THE REGIONAL WORKSHOP	8
OBJECTIVE OF THE REGIONAL WORKSHOP	9
CONTEXT AND CONSIDERATIONS OF ASIA INDIGENOUS PEOPLES	9
INDIGENOUS PEOPLES' CONTRIBUTION IS INVALUABLE	9
THE DIVERSITY OF NATIONAL AND LOCAL CONTEXTS IN ASIA MUST BE TAKEN INTO ACCOUNT	9
PRINCIPLES FOR SUPPORT TO INDIGENOUS PEOPLES IN ASIA	10
A RIGHTS-BASED APPROACH IS A REQUIREMENT	10
ENHANCE COHERENCE OF DONOR SUPPORT TO INDIGENOUS PEOPLES	10
INDIGENOUS PEOPLES NEED HOLISTIC SUPPORT TO PURSUE SELF-DETERMINED SUSTAINABLE DEVELOPMENT	11
PREFERRED MODALITIES FOR SUPPORT	11
WE NEED FUNDS THAT REACH OUR TERRITORIES AND COMMUNITIES	11
THE ROLE OF INTERMEDIARIES: NOTHING ABOUT US WITHOUT US	12
WE HAVE CAPACITIES AND POTENTIALS WAITING TO BE TAPPED	12
WE WILL ESTABLISH THE INDIGENOUS PEOPLES OF ASIA SOLIDARITY FUND	13
ENHANCE DIALOGUE, TRANSPARENCY AND ACCOUNTABILITY IN THE CONTEXT OF THE PLEDGE	13
OPERATIONAL STANDARDS	14
DEFINITION OF PRIORITIES FOR FUNDING	14
ACCESS TO FUNDING	14
WE NEED TRANSPARENT, FLEXIBLE, AND ACCOUNTABLE OPERATIONAL RULES AND PROCEDURES	15
SPECIFIC AREAS FOR SUPPORT UNDER THE PLEDGE	16
INDIGENOUS PEOPLES' HUMAN RIGHTS DEFENDERS	16
CONFLICT RESOLUTION	17
NATIONAL POLICY REFORM	18
REGIONAL AND INTERNATIONAL ENGAGEMENT.	18

EXECUTIVE SUMMARY

CONTEXT AND CONSIDERATIONS

Indigenous peoples' contribution to sustainable development, climate change mitigation, protection of forests and biodiversity is invaluable. However, we need funding to sustain our efforts to protect the forests.

Asia is a very diverse region with huge differences in the size of the indigenous populations, the institutional capacities of indigenous peoples and the recognition of rights in laws and policies, with worrying tendencies of shrinking civic space across the region. We need to work based on that reality and consider local and national contexts, capacities and diversity.

PRINCIPLES FOR SUPPORT

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). The rights to consultation, participation as well as free prior and informed consent are core elements of these rights. Empowerment of indigenous peoples to advocate for recognition of these rights in law and policies should be given priority.

Donors are encouraged to align their funding commitments with more general support for the promotion and protection of indigenous peoples' rights. That implies building broad alliances; 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. Such multi-faceted support will help bring about the much-needed recognition of indigenous peoples' rights, which is a precondition for their forest guardianship.

The cultural, economic and political aspects of indigenous peoples' sustainable forest management are all connected. Hence, funds committed under the Pledge should respond to indigenous peoples' holistic needs and priorities, including those related to livelihoods, and ensure the inclusion of youth, women and persons with disabilities.

MODALITIES FOR ENHANCED SUPPORT

Only a fraction of global climate funding reaches indigenous peoples. We need direct funding going to our territories, communities, institutions and organizations, otherwise we cannot contribute efficiently to protecting our forests and biodiversity.

Intermediaries can play a positive role in facilitation and providing technical support, while decision-making, particularly regarding allocation and implementation of funds, remains with indigenous peoples and their communities. . This is in accordance with the UNDRIP, which stipulates that indigenous peoples' representative institutions, based on self-selection, must participate in decision-making processes on all matters that affect them. Such processes need to be sustained by resources.

Many of us have been building our capacities over the years. We decided to not make excuses and push ourselves to the limits; to develop the skills that can match modern donor requirements. If we say, "we can't", then others will exploit us. We can do it!

We will establish our own regional funding mechanism for Asia that we manage , govern and operate. In short, a funding mechanism controlled by indigenous peoples.

The name will be the **Indigenous Peoples of Asia Solidarity Fund** (the IPAS Fund). We will build on our experiences, consolidate and expand. With time, the mechanism can channel diverse sources of funds to indigenous communities in all ecosystems in Asia. Where indigenous peoples' organisations face restrictions for accessing foreign funds, we will explore and arrange fiscal mechanisms that allow for the channeling of funds. The end goal is to establish an endowment fund that can become a source of recurring funding for indigenous peoples' organisations across Asia.

ENHANCED DIALOGUE, TRANSPARENCY, ACCOUNTABILITY AND CAPACITY

We need to maximise the opportunity provided by the Pledge by strengthening dialogue, transparency, accountability and capacity. We therefore recommend to:

- Establish a mechanism for continuous dialogue and engagement of indigenous peoples with the Pledge donors (at least annually), throughout the lifespan of the Pledge, building on what has already been initiated with the Reference Group
- Disclose information about contributions and allocations under the Pledge
- Establish a monitoring mechanism to follow the commitments under the Pledge with direct participation of indigenous peoples
- Organise a mutual capacity-building session of donors and indigenous leaders
- Prioritize direct allocation of funds to indigenous peoples' organizations rather than to intermediaries
- Support a global platform for exchange among indigenous peoples, including necessary resources to do consultations and outreach at different levels (national and regional)

OPERATIONAL STANDARDS

Indigenous peoples' organisations follow a bottom-up approach, through which priorities are defined from the community level, and then aggregated through sub-national, national and regional processes. Any proposal submitted to donors should be consulted and have consent from communities.

Consultative processes must be inclusive of women, youth, elders and persons with disabilities, which may require separate consultations and special measures such as Sign Language Interpretation and provisions for personal assistance.

Flexibility in programming is required to align with local priorities, which may shift as contexts change. The Pledge reflects some of the key priorities of indigenous peoples but will need to be interpreted in a flexible way to match indigenous peoples' diverse and holistic priorities and needs.

Most indigenous peoples' organisations in Asia have very limited access to funding and spend huge amounts of time and human resources trying to raise funds. However, they cannot compete with NGOs that are experts on logframes, results-based frameworks etc.

To enhance indigenous peoples' access, donors should earmark funding and provide specific grants with simplified requirements for indigenous peoples. Different types of grants should cater for increasing and consolidated capacity of indigenous peoples' organisations. The goal is to secure long-term funding for indigenous peoples' organisations, which is aligned with their own strategic plans and priorities.

SPECIFIC AREAS FOR SUPPORT

The Pledge puts particular emphasis on support to indigenous peoples' human rights defenders; conflict resolution; national policy reform; regional and international engagement.

Indigenous peoples' human rights defenders need financial support to increase security through sanctuary in diverse areas; travel grants, visa and passports; support to the families; legal support for those facing false charges; access to justice of victims. Moreover, there is need for support to:

- Raise awareness and build capacity
- Increase participation in regional and international mechanisms to report human rights violations
- Strengthen engagement with National Human Rights Institutions and media
- Undertake research and documentation of the situation of indigenous peoples' human rights defenders.
- Undertake community dialogues with those that can be indigenous peoples' allies
- Facilitate dialogue, exposure visits and capacity-building of governments to better understand the situation of indigenous peoples' human rights defenders

Many indigenous peoples in Asia live in conflict areas. Donors therefore need to be conflict-sensitive and follow a "do no harm" approach. Donors cannot force governments but they 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:

- Basic amenities in conflict-affected areas and for internally displaced people.
- Needs assessment and fact-finding missions for indigenous peoples working on the ground
- Confidence building among conflicting parties,
- Peace negotiations and inclusion of indigenous peoples' rights in peace negotiations
- Reparation for indigenous peoples in post-conflict situations, who have been displaced
- Access to education, health, community empowerment for post-conflict peace building
- Ensure security for ex-combatants

In many Asian countries, there is weak recognition of indigenous peoples' rights in laws and policies. Hence, national policy reform is a priority. Donors can help influence governments through dialogue. Priority areas for support include:

- Analysis of national legal context and customary law
- Revision of national laws that discriminate indigenous peoples
- Recognition of indigenous peoples' right to free, prior and informed consent in laws and policies
- Capacity-building and awareness raising of government officials, judges, MPs, etc.
- Open dialogue with governments
- Enhancing coherence within national governments agencies
- Training for indigenous communities to be able to keep track and catch up with policy-making processes and respond with emergency interventions
- Establishment of parliamentary caucuses for promotion of indigenous peoples' rights

Indigenous peoples need to participate in key human rights and climate change mechanisms and processes at regional and global levels. Indigenous peoples' requirement for full and effective participation at all levels include:

- Access to information for indigenous peoples to understand the mechanisms and how to engage. The other way around, donors need to understand indigenous peoples
- 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 all 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.

IMMEDIATE ACTION POINTS

In the short term (up to COP 17), the next steps are as follow:

- We will request support to further disseminate the recommendations of the Asia Regional Workshop among our constituents and undertake consultations on the establishment of the IPAS Fund.
- We will reach out to the Pledge donors at the national level, to make them aware of the work undertaken by indigenous peoples' organisations and initiate a dialogue with them about the implementation of their commitments under the Pledge.
- AIPP and AMAN will convene a working group, comprising the four Reference Group members and two additional indigenous experts to further develop the IPAS Fund.
- The main elements of the IPAS Fund will be presented at COP 27, with a target to get an initial funding commitment (seed funding) of at least 0.5 million USD for the establishment of the Fund.

Background:

At the 2021 UN Climate Change Conference (COP 26), a group of bilateral donors and philanthropic funders launched a Pledge, 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. In the Pledge, donors also commit 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, recognising the specific interests of women and girls, youth, persons with disabilities, and others often marginalised from decision-making.¹

With the Pledge aiming to increase the scale and improve the quality of climate finance for indigenous peoples in tropical and subtropical forests, some indigenous experts and funds saw the need to undertake an independent assessment of the principles, standards and mechanisms that best support indigenous peoples' tenure rights and forest guardianship in accordance with the UN Declaration on the Rights of Indigenous Peoples. Consequently, the Ford Foundation, the Christensen Fund and the David and Lucile Packard Foundation contracted Charapa Consult to facilitate such a process².

In order to oversee and coordinate the process, a Reference Group has been established. The four Reference Group members selected by indigenous peoples of Asia are:

- Mr. Gam A. Shimray, Secretary-General of Asia Indigenous Peoples Pact (AIPP). Alternate: Dr. Shree Kumar Maharjan, Deputy Secretary-General of AIPP.
- Ms. Rukka Sombolinggi, Secretary-General, Aliansi Masyarakat Adat Nusantara (AMAN). Alternate: Ms. Mina Setra, Deputy to AMAN Secretary-General.
- Mr. Peter Kallang, SAVE Rivers and ICCA Consortium. Alternate: Mr. Giovanni Reyes, ICCA Consortium
- Ms. Chandra Tripura, Bangladesh Indigenous Peoples Forum. Alternate: Archana Soreng, Vasundhara Odisha

An important element of the assessment methodology is the convening of regional workshops, to gather input and recommendations from indigenous peoples in Africa, Asia and Latin America.

Organisation and objectives of the Regional Workshop

The regional workshop in Asia was convened by the Asian Reference Group members. It convened 29 participants, from 10 countries in Asia including Cambodia, Vietnam, Thailand, Indonesia, Philippines, India, Nepal, Malaysia, Myanmar, and Bangladesh. Participants were selected in accordance with a set of criteria defined by the Reference Group to ensure broad and gender-balanced participation from across Asia, including representatives of youth and persons with disabilities.

The hosting and logistical organization was undertaken by Cambodia Indigenous Peoples Organization (CIPO), under the competent leadership of Ms. Mane Yun and her excellent team. CIPO also organized a one-day visit to the Val Veng Community, Chhouk Commune, Prasat Sambou District, Kompong Thom Province. The visit provided the participants with first-hand impressions of the efforts of Cambodian indigenous peoples to defend and manage their forests, as well as the many challenges they face.

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

² See more at: www.charapa.dk

Objective of the Regional Workshop

The overall objective of the workshop was to identify principles, standards and modalities for external support, based on the experiences and aspirations of indigenous peoples from tropical and subtropical forest areas of Asia. The key messages from the workshop will be put forward as recommendations for consideration by the donor group.

More specifically, the workshop aimed to:

- Share information about the *Pledge to support the Tenure Rights and Forest Guardianship of Indigenous Peoples and Local Communities*
- Discuss priorities for funding for indigenous peoples in tropical and subtropical forests in Asia
- Exchange experiences with external funding to indigenous organizations and identify challenges and good practices.
- Discuss a set of principles and standards for external funding, based on the UN Declaration on the Rights of Indigenous Peoples
- Discuss preferred modalities for funding under the *Pledge for support the Tenure Rights and Forest Guardianship of Indigenous Peoples and Local Communities*

The workshop was conducted under the Chatham House rules, meaning that participants are free to use and share the general information and points raised in the workshop, but the specific identity of any speaker/participant may not be revealed. Consequently, this workshop report does not quote specific participants, but summarises the key points as agreed by the participants of the workshop. The report is based on the comprehensive notes elaborated by Mr. Hean Bunhieng.

CONTEXT AND CONSIDERATIONS OF ASIA INDIGENOUS PEOPLES

Indigenous peoples' contribution is invaluable

The majority of the world's indigenous peoples live in Asia and we conserve most of the remaining biodiversity in the region. However, we are the least recognized and have least access to funds.

What indigenous peoples contribute in terms of sustainable development, climate change mitigation and protection of biodiversity through sustainable management of our forests is worth far more than 1.7 billion USD. Moreover, there is scientific evidence that community-managed conservation is much cheaper and more efficient than state protected areas. Therefore, indigenous peoples are key to combating climate change. That is our contribution to humanity. Hence, we should also be considered donors, and deserve respect and support.

The Pledge is a result of our advocacy efforts, because we showed the scientific evidence of the role we play. However, we need funding to sustain our efforts to protect the forests.

The diversity of national and local contexts in Asia must be taken into account

Asia is a very diverse region, including with regards to the percentage of indigenous populations, which varies from one to forty percent in the different countries.

There are also huge differences in how indigenous peoples are organized. In some countries, all indigenous peoples have come together within one umbrella organisation. In other countries, active customary institutions are supplemented by different types of organisations. The regional network, Asia Indigenous Peoples Pact (AIPP) has 46 members in 14 countries; some are national federations, others are local organisations. Not all are formally registered and there are big differences in terms of institutional capacities and literacy levels. Language diversity is another feature of the Asian region.

The recognition of indigenous peoples' rights in legislation and policies vary within the region, but most countries do not have strong framework for the protection of rights to lands, territories and resources. Some countries do not even recognize the existence of indigenous peoples. Likewise, the openness of civic space, but there are worrying tendencies of shrinking space across the region. In some countries, governments have put in place restrictions for official registration of indigenous peoples' organisations and/or for accessing foreign funding, which makes it almost impossible for these organisations to receive funds. In some countries, the process to get approval for receiving foreign funding is so long, complicated and confusing that most organisations give up beforehand. In some countries, even designing a project that addresses indigenous peoples' rights may be very sensitive.

We need to work based on that reality and take into account local and national contexts, capacities and diversity.

PRINCIPLES FOR SUPPORT TO INDIGENOUS PEOPLES IN ASIA

A rights-based approach is a requirement

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).

The five states that support the Pledge (Germany, Netherlands, Norway, UK and the USA) all voted for the adoption of the UNDRIP. Moreover, Germany, Norway and the Netherlands have ratified ILO Convention No. 169 on indigenous and tribal peoples. However, the operational implications of these instruments may not be clear to them when they act as donors. 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 they may be pushed back from some traditional leaders, for example with regards to the rights of women and youth.

Both indigenous peoples recognized as such by the States as well as those not yet recognized should be considered under the Pledge. Legal recognition as indigenous peoples with collective rights should be a priority for funding.

Numerically small indigenous populations are entitled to the full range of collective rights. Hence, under the principles of inclusion and non-discrimination, the numbers/size of an indigenous population should not be a criterium for support.

The rights to consultation on matters that affect them; to participation in decision-making and to give or withhold free prior and informed consent are core elements of indigenous peoples' rights. Empowerment of indigenous peoples to advocate for adequate recognition of these rights in law and policies should be given priority.

Enhance coherence of donor support to indigenous peoples

The influence of donors extends beyond the money they contribute. Hence, the bigger ask is not only on finance. Donors are encouraged 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 e.g. promote the inclusion of indigenous peoples' rights in donor policies and strategies to achieve the Sustainable Development Goals (SDG), and to raise issues with national governments, to promote indigenous peoples' rights. On the other hand, 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. They need to combine funding with diplomatic dialogue and political leverage to help bring about the much-needed recognition of indigenous peoples' rights, which is a precondition for their forest guardianship.

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.

Indigenous peoples need holistic support to pursue self-determined sustainable development

The focus of the Pledge on tropical/subtropical forests in countries eligible for Official Development Assistance (ODA) reflects the urgency of forest protection, but indigenous peoples in other ecosystems and countries are also in need for support in the context of climate change, biodiversity loss and unsustainable development patterns that leave indigenous peoples behind.

For indigenous peoples, conservation equals sustainable living and is based on sustainable management and use of lands, territories and resources. Thus, Fortress Conservation, an approach that keep indigenous peoples out because "local people use natural resources in irrational ways resulting in biodiversity loss" ³ is unacceptable as is "intellectually flawed."⁴

The cultural, economic and political aspects of indigenous peoples' sustainable forest management are all connected. Hence, funds committed under the Pledge should respond to indigenous peoples' holistic needs and priorities, including those related to livelihoods and ensure the inclusion of youth, women and persons with disabilities.

PREFERRED MODALITIES FOR SUPPORT

We need funds that reach our territories and communities

Less than one percent of global climate funding is allocated for indigenous peoples and local communities. Moreover, only a fraction of that funding reaches indigenous peoples' organisations and communities, as a big part goes to governments, multilateral agencies, intermediaries and transaction costs. 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.

³ Robbins 2007 and Brockington 2002. "Sage Encyclopedia of Environment and Society." Critique of Fortress Conservation in Socio-Ecological Systems Meta-Analysis Database: Theory. SESMAD 2014.

⁴ Reyes, Giovanni. "Mapping the Footsteps of Our Ancestors: Our Key in Decolonizing Conservation." Presentation at a Webinar entitled "Decolonizing Conservation: What does it mean for Indigenous Peoples" August 12, 2020, quoting Lara Dominguez and Collin Luoma in "Decolonizing Conservation Policy. How Colonial Land and conservation Ideologies Persist and Perpetuate Indigenous Injustices at the Expense of Environment. MPDI. 25 Feb. 2020.

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. We need long-term, committed and predictable funding to protect our collective rights; ensure mapping and legal recognition of our lands, territories and resources; to empower persons with disabilities, women and youth; strengthen our governance institutions; ensure sustainable livelihoods.

The role of intermediaries: nothing about us without us

The term “intermediary” is used to refer to a range of different non-indigenous NGOs that access funds from donors and channel funds or provide technical assistance to indigenous peoples.

The term covers a range of organisations that are very different, both in their focus, size and alignment with indigenous peoples’ rights. While some intermediaries have been loyal allies of indigenous peoples over the years, others are acting in a more opportunistic manner to access funds in the name of indigenous peoples without any clear mandate or consent from indigenous peoples.

In some cases, intermediaries can play a positive role but the key question is whether representative indigenous peoples’ organisations are involved in the decision-making process concerning the allocation and implementation of funds; from donors to the intermediary and from the intermediary to the indigenous communities. In any case, the involvement of intermediaries is costly, and significantly reduces the funds going to indigenous peoples’ organisations and communities. Hence, the added value needs to be clearly established.

Intermediaries are also proposing to establish an overall monitoring mechanism for the Pledge, but they never consulted the initiative with indigenous peoples.

In accordance with the rights enshrined in the UNDRIP, indigenous peoples must participate in decision-making processes about matters that affect them. They must sit with donors - and intermediaries if these are needed - to decide how money is used and have regular dialogues to discuss implementation, monitoring and follow-up.

The concept of indigenous peoples’ representative institutions, in accordance with UNDRIP, needs to be clarified to donors and intermediaries. Based on this, the participation in decision-making processes of representative indigenous peoples’ organisations must be ensured, based on self-selection. Such processes need to be sustained by resources.

This also has operational advantages; the quality of knowledge about the situation on the ground of indigenous peoples’ representative institutions is far greater than NGOs.

We have capacities and potentials waiting to be tapped

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.

We have experienced implementing large-scale projects with medium-sized budgets, as the full and effective participation of indigenous peoples' communities resulted in exceeding targets!

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!

We will establish the Indigenous Peoples of Asia Solidarity Fund

We will establish our own regional funding mechanism for Asia that we control, govern and operate. The name will be the **Indigenous Peoples of Asia Solidarity Fund** (the IPAS Fund).

The operations of the IPAS Fund will be measured by our own standards that will ensure transparency and accountability to both donors and communities. It will be culturally and gender sensitive, inclusive and accessible.

The establishment may be complex, but we will build on our experiences, consolidate and slowly expand. With time, the mechanism can channel diverse sources of funds to indigenous communities in all ecosystems in Asia. Where indigenous peoples’ organisations face restrictions for accessing foreign funds, we will explore and arrange fiscal mechanisms that allow for the channeling of funds.

The end goal is to establish an endowment fund that can become a source of recurring funding for indigenous peoples’ organisations across Asia. The next steps in the establishment are as follow:

- We will request support to further disseminate the recommendations of the Asia Regional Workshop among our constituents and undertake consultations on the establishment of the IPAS Fund.
- AIPP and AMAN will convene a working group, comprising the four Reference Group members and two additional indigenous experts to further develop the IPAS Fund.
- The main elements of the IPAS Fund will be presented at COP 27, with a target to get an initial funding commitment (seed funding) of at least 0.5 million USD for the establishment of the Fund.

Enhance dialogue, transparency and accountability in the context of the Pledge

Very little information about the Pledge has reached indigenous peoples, and there are no established mechanisms for dialogue or monitoring of the Pledge. This implies a risk that the funds will not reach indigenous communities, and we will fail again.

We need to maximise the opportunity provided by the Pledge to make a real difference in the lives of indigenous peoples by strengthening dialogue, transparency, accountability and capacity. We therefore put forward the following recommendations:

- Establish a mechanism for continuous dialogue and engagement of indigenous peoples with the Pledge donors (at least annually), throughout the lifespan of the Pledge, building on what has already been initiated with the Reference Group
- Disclose information about contributions and allocations under the Pledge
- Establish a monitoring mechanism to follow the commitments under the Pledge with direct participation of indigenous peoples
- Organise a mutual capacity-building session of donors and indigenous leaders, as soon as possible
- Prioritize direct allocation of funds to indigenous peoples’ organizations rather than to intermediaries (Reference Group can assist donors in identifying indigenous peoples’ organizations within the region)
- Support a global platform for exchange among indigenous peoples, including necessary resources to do consultations and outreach at different levels (national and regional)

In the short-term, we will make use of the forthcoming Reference Group meeting and COP 27 to put forward the recommendations of indigenous peoples in Asia to the donor group

OPERATIONAL STANDARDS

Definition of priorities for funding

Indigenous peoples' organisations and networks in Asia have rich experiences in terms of participatory identification of priorities for funding. 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 then aggregated through sub-national, national and regional processes. Available research, information and data are also used as a starting point for consultations. Any proposal submitted to donors should be consulted and have consent from communities.

It is important that these consultative processes include women, youth, elders and persons with disabilities to ensure that their particular needs and priorities are reflected. Ensuring inclusiveness may require separate consultations with groups of rightsholders, and special measures such as Sign Language Interpretation.

Local priorities are basically determined by specific contexts; disasters, displacements, pressure on livelihoods, access to energy, education etc. Where there are competing priorities, organisations undertake needs and gaps assessments to determine what is most urgent and to avoid overlap with other interventions. Risks assessments are also undertaken by most organisations, including assessing 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; if they do not accept to realign funds with necessary disaster response, for example.

The Pledge reflects some of the key priorities of indigenous peoples but will need to be interpreted in a flexible way to match indigenous peoples' diverse and holistic priorities and needs.

Access to funding

Most indigenous peoples' organisations in Asia have very limited access to funding and spend huge amount of time and human resources trying to raise funds. Many organisations undertake donor mappings and respond to call for proposals, but even where support to indigenous peoples is mentioned, we cannot compete with NGOs that are experts on logframes, results-based frameworks etc. The requirement for online applications in English is another big obstacle.

Most organisations receive funds from international NGOs, in the range of 5-50'000 USD per project. This also implies that many organisations have multiple donors (up to 17 for a single organization) and numerous projects of short duration (up to one year).

The Pledge seems to have increased interest from NGOs to approach indigenous peoples' organisations and get information from them for the NGOs to receive the funds from Pledge donors.

To enhance indigenous peoples' access, donors should earmark funding and provide specific grants with simplified requirements for indigenous peoples. They should devise different types of grants, to cater for increasing and consolidated capacity of indigenous peoples' organisations. The goal is to secure long-term funding for indigenous peoples' organisations, which is aligned with their own strategic plans and priorities.

We need transparent, flexible, and accountable operational rules and procedures

Indigenous peoples' organisations need to ensure two-ways transparency and accountability; vis-a-vis donors and members/constituents. Currently, these requirements do not reinforce each other. The organisations therefore need to carefully determine their relationship with both donors and with communities.

Ensuring inclusive community consultation and participation in decision-making processes, is already part of ensuring transparency and accountability.

Many donors are focused 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. For example, 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?

We also need to assess the real costs shouldered by the communities. Contribution of communities is called "in kind" contribution, and always underestimated. We need to be able to calculate the monetary value of community contributions, such as food and time. That is how donors can understand that their money is only for bringing in what is not available in community, such as GPS and computer.

Many donors set a limit to human resource and office costs; typically 10-20%. However, the need for staff, communication and transport may be bigger. Such costs should not be limited but reasonable and justified. Donors should also acknowledge the big human resource investment that is necessary for proposal preparation and reimburse these costs.

Many indigenous organisations experience difficulties in their communication with donors and challenges and solutions get lost in translation. This is aggravated by rapid change of staff within donor agencies, which often means that relationships need to be rebuilt from scratch again. It is also necessary to have. People in donor agencies do not trust oral agreements or WhatsApp, so all agreements have to be written down.

Likewise, the changing preferences of donors for application and project formats pose a 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. A specific challenge for Asia is the issue of language and literacy. Our communities cannot write in English or prepare logframes and proposals.

The lack of harmonization of requirements and procedures among donors poses big challenges for some indigenous peoples' organisations. One organization reported 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.

We need to find ways to bring these completely different worlds together. We need to educate and enlighten donors about the realities of indigenous peoples, and they need to have grievance mechanisms in place to ensure that indigenous peoples that are negatively affected by development projects such as fortress conservation activities have channels to address donors. We need to be innovative to facilitate donor understanding of the ground and replace receipt-based accountability with culturally sensitive results-based accountability. Maybe our regional IPAS Fund can accept proposals and acknowledgement of funds based on videos from community leaders as well as use of “Acknowledgement Receipts” as a replacement of “Official Receipts” which most communities do not have.

Other good practices we can build upon include mentoring to facilitate compliance with donor requirements; flexibility to allow for adjustment of project design when circumstances change; provision of core funding to indigenous peoples’ organisations; simplified formats for reporting and accounting that are comparable to the level of funding; inclusion of flexible funds to respond to emergencies and disasters in project design; and monitoring that focuses on lessons learned rather than control.

We need to prove ourselves; to be accountable. Ensuring community participation is crucial so communities can monitor the performance of their organisations. Reports, audits and other information should be made available regularly to community members in languages they can understand.

We also need solid operational policies (including on anti-corruption 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.

SPECIFIC AREAS FOR SUPPORT UNDER THE PLEDGE

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”⁵. Moreover, they commit to support “national land and forest tenure reform processes and their implementation, and support to conflict resolution mechanisms”.

In the following sections, we put forward the specific considerations and recommendations of indigenous peoples in Asia with regards to support to indigenous peoples’ human rights defenders; conflict resolution; national policy reform, and; regional and international engagement.

Indigenous peoples’ human rights defenders

Many indigenous peoples face intrusion of their lands, shrinking democratic space and persecution of their leaders. However, it is increasingly difficult to raise funds for human rights protection, and many donors do not support “advocacy”. One good practice for replication at regional level is the allocation of 2.5% of all project funding for emergency response, including for security of communities and defenders.

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

⁵ See: <https://ukcop26.org/cop26-iplc-forest-tenure-joint-donor-statement/>

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:

- 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 our 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 that 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

Conflict resolution

Many indigenous peoples in Asia live in conflict areas. We have to be careful how we frame the discussion about conflict. For example, indigenous peoples are being blamed for creating conflict when their territories are invaded, their customary laws disrespected, and when they say NO to providing Free, Prior and Informed Consent.

Donors need to be 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. Donors cannot force governments but they 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:

- Basic amenities in conflict-affected areas and for internally displaced people, e.g. Myanmar.
- Needs assessment and fact-finding missions for indigenous peoples working on the ground in conflict areas
- Confidence building among conflicting parties,
- 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
- Provide access to education, health, community empowerment for post-conflict peace building
- Ensure security for ex-combatants and/or rebel returnees
- Recognition of indigenous peoples' rights to free, prior and informed consent in laws and policies

National policy reform

In many Asian countries, there is weak recognition of indigenous peoples' rights 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.

Priority areas for support include:

- Revision of national laws that discriminate indigenous peoples

- Recognition of indigenous peoples' right to free, prior and informed consent in laws and policies
- Capacity-building and awareness raising of government officials, judges, MPs, etc.
- Open dialogue with governments
- Enhance coherence within national governments agencies
- Analysis of national legal context and customary law
- Training for indigenous communities to be able to keep track and catch up with policy-making processes and respond with emergency interventions
- Establishment of parliamentary caucuses for promotion of indigenous peoples' rights in legislation

Regional and international engagement.

The key human rights and climate change mechanisms and processes relevant for indigenous peoples include:

- 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
- Climate Week
- Internal indigenous peoples processes (at national, regional and global levels)

Indigenous peoples' requirement for full and effective participation at all levels include:

- Access to information for indigenous peoples to understand the mechanisms and how to engage. The other way around, donors need to understand indigenous peoples
- 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 at all 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.