REPORT

Enhancing transparency of funding to Indigenous Peoples

Technical Workshop
Ford Foundation Center for Social Justice, New York,
18th April 2024

Global Alliance of Territorial Communities

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Photo: Iniquilipi Chiari, Global Alliance of Territorial Communities

Introduction

The technical workshop on **Enhancing transparency of funding to Indigenous Peoples** gathered approximately 60 participants, including representatives of Indigenous Peoples, bilateral donors, philanthropic funders, UN agencies, multilateral institutions, and international NGOs.

The purpose of the workshop was to advance the implementation of the **Paris Roadmap for Tracking of Funds**[i]. The specific objectives were to:

- Share updates and reflections on the implementation of the Paris Roadmap for Tracking of Funding,
- Define classifications, terms and standards for reporting and tracking of funding for Indigenous Peoples, to be used by Indigenous Peoples, donors, NGOs, OECD, IATI, CANDID and other partners,
- Discuss ways forward and next steps for enhancing reporting and tracking of funding to Indigenous Peoples.

This report presents a summary of the deliberations, organized in the following sections:

1. Overview of suggested actions points for advancing the Paris Roadmap for Tracking of Funds, as put forward by workshop participants,
2. A summary of the institutional updates and reflections on the Paris Roadmap, presented at the workshop,
3. A summary of the comments received from the working groups on the draft common framework for reporting tracking of funding for Indigenous Peoples.

The agenda is included as **Annex A** of this report. Slides presented during the workshop are presented in **Annex B**. The draft framework for reporting and tracking of funding for Indigenous Peoples that was discussed at the workshop is included as **Annex C**.

1. Overview of suggested action points

The discussion around the Paris Roadmap for tracking of funding is timely and welcome and has already generated some results in terms of inspiring new reporting practices and fostering dialogue and partnerships. We also see more organizations joining the conversation. To further broaden the discussion and build a strong coalition, we need to involve the Indigenous Peoples' caucuses and organisations that are leading the discussions on direct funding at the local, national, regional and global levels. We also need to convey a strong message that the common framework for reporting on funding for Indigenous Peoples will not just imply an additional burden or workload. Rather, it is an operational tool that will simplify and streamline existing reporting efforts and effectively underpin global strategies to combat climate change, protect biodiversity and achieve sustainable development. We all have to assume responsibility and contribute to this multi-faceted action to make ourselves accountable.

The priorities and specific ideas for actions in the short term are as follows:

Moving ahead with the Paris Roadmap for Tracking of Funds:
- The Global Alliance of Territorial Communities and Charapa will convene a meeting of the "Friends of the Paris Roadmap" in May/June to coordinate and plan the next steps.

- The New York Climate Week (September) is a good occasion to organize the next workshop on the implementation of the Paris Roadmap.
- Rainforest Foundation Norway, the Rights and Resources Initiative and Indufor should consider organizing an introduction (webinar) to the Path to Scale Dashboard for Indigenous Peoples organizations and Indigenous-led funding mechanisms and invite feed-back.
- GATC/Charapa should consider organizing a series of briefings (webinars) about the Paris Roadmap for Tracking of Funds for targeted audiences, and explore opportunities to engage:
    - OECD Member States (in collaboration with Norway and OECD)
    - The Forest Tenure Funders Group (in collaboration with the FTFG co-chairs)
    - Path to Scale members (in collaboration with the P2S co-chairs)
    - Indigenous-led funds

Finalizing the common framework for reporting and tracking of funding for Indigenous Peoples:
- Based on the comments put forward at the workshop (see section 3), Charapa will prepare a revised version of the common framework for reporting and tracking of funding for Indigenous Peoples (end-May).
- This revised framework will be circulated broadly in various languages, with a deadline for comments and input (around mid-June).
- Indigenous Peoples should continue to lead the process, so outreach to Indigenous caucuses, organizations and networks as well as Indigenous-led Funds has particular importance.

Applying the common framework for reporting and tracking of funding for Indigenous Peoples:
- The Forest Tenure Forest Group (FTFG) and the Christensen Fund will already align reporting practices with the common framework for reporting and tracking of funding for Indigenous Peoples.
- We need champions among bilateral and philanthropic funders as well as UN agencies and NGOs to pilot and test the framework and report back on their experiences.
- The Global Biodiversity Framework Fund has an aspiration to allocate 20% of its funding to Indigenous Peoples and local communities. The guidance on how to measure this is supposed to come out this year. To the extent possible, the guidance should be informed by the common framework for reporting and tracking of funding for Indigenous Peoples.
- The measurement of the Global Biodiversity Framework target 19 on funding for biodiversity should include an indicator for funding flows to Indigenous Peoples and local communities, respectively. To the extent possible, the indicator should be informed by the common framework for reporting and tracking of funding for Indigenous Peoples.

Partners and intermediaries
- There is a tendency to talk about intermediaries as something entirely negative. However, it is important to underline that many UN agencies and NGOs have partnerships with Indigenous Peoples, and play crucial roles in convening dialogues, strengthening capacities, providing technical assistance etc. We therefore need to deepen the analysis of "intermediaries" and come up with a typology that more precisely describes mandates, roles, and contributions.
- There are challenges regarding decision-making and transparency associated with the role of intermediaries in the transfer of funds. Donors do not have data about the funds that are being passed on from intermediaries to Indigenous Peoples. The responsibility for providing such data and for providing clarity and transparency regarding their role in channeling funds to Indigenous Peoples therefore lies with the intermediaries.

Reporting mechanisms

- We already have the reporting mechanisms established by OECD and IATI for donors, but these need to be adapted to specifically track funding for Indigenous Peoples.
- We need to strengthen the partnership with IATI, to explore the possibility of building a centralized data exchange across the chain of actors involved in the funding flows for Indigenous Peoples.
- Indigenous organizations and Indigenous-led funds can play a crucial role in monitoring and generating data from the ground on funding received by Indigenous Peoples. However, they will need support to develop methodologies and to build up their own mechanisms and infrastructure for reporting, including with consideration for data security and associated risks for organizations providing and publishing data.

Key words:

- Better use of key words in project descriptions, databases etc. will be a key strategy for identifying projects of relevance to Indigenous Peoples. Based on the common framework, a set of keywords should be identified, discussed and agreed (September).

2. Institutional updates and reflections on the Paris Roadmap for Tracking of Funding

The Paris Roadmap for Tracking of Funds was adopted in November 2023, as a collective vision for enhancing transparency in funding flows for Indigenous Peoples and local communities, respectively. It aims to promote an ecosystem of data about funding that will enhance transparency, accountability, efficiency and compliance with rights. As a multi-stakeholder vision, the Paris Roadmap will require both individual and joint actions, as well as dialogue, collaboration and partnerships among diverse actors. The Paris Roadmap is available here and key elements are highlighted in Annex B.1.

At the workshop, a number of institutions shared updates and reflections on their contribution to the implementation of the Paris Roadmap:

The **Ford Foundation** is part of the Forest Tenure Funders Group (FTFG) which has pledged 1.7 billion USD to tenure rights and forest guardianship of Indigenous Peoples and local communities. The Ford Foundation has a strong interest in ensuring accountability in its commitment to the Pledge, as well as robust monitoring and reporting of the Pledge across its multiple donors. The FTFG is collectively working to improve its data collection but do not represent all funders. Hence, there is a need for broader improvements in tracking of funds to Indigenous Peoples, local communities and afro-descendants. Therefore, the Ford Foundation is excited to support the realization of the Paris Roadmap for tracking of funds.

The **Global Alliance of Territorial Communities** (GATC) is a unique network of Indigenous Peoples and local communities, from across the tropical forests of Africa, Asia and Latin America. GATC members are the protectors and guardians of vast territories, which host many of the world's remaining forests and intact ecosystems. Yes, funding continues to be far too small and not commensurate with the role and the needs on the ground. Even when donors allocate funds in the name of Indigenous Peoples, these are often transferred to intermediaries without dialogue with Indigenous representatives, and with no transparency about the cost or effectiveness of such modalities. That is why GATC has established Shandia, as a common platform to facilitate direct,

predictable, effective and sustainable funding. Through Shandia, GATC has worked hard to build funding mechanisms that can channel funds directly to the territories:

- AMAN has established the Nusantara Fund for Indonesia and contributed to the establishment of the regional Indigenous Peoples of Asia Solidarity Fund.
- AMPB has established the Mesoamerican Territorial Fund
- REPALEAC and APIB are currently in the process of establishing similar funds for the Central-African region and Brazil

Another key function of Shandia is to monitor the status and trends of funding allocated for and received by our peoples and communities. Such data is necessary to facilitate a strategic and sustained dialogue with donors and to increase direct funding. However, currently we do not have the data. Therefore, GATC and Charapa organized the workshop last year, which resulted in the Paris Roadmap for Tracking of funds. GATC, is committed to lead the efforts to get better data and enhance transparency, but it needs to be a multi-stakeholder effort. It is therefore encouraging that Indigenous Peoples, donors and organizations such as the OECD, IATI, Path to Scale, UN agencies indicate interest in and support to this Roadmap.

The **Norwegian Agency for Development Cooperation** (NORAD) has various strategies for supporting Indigenous Peoples (see presentation in Annex B.2.). Norway is also part of the Forest Tenure Funders Group (FTFG), which has pledged 1.7 billion USD to support tenure rights and forest guardianship of Indigenous Peoples and local communities. Norad welcomes the draft framework for reporting and tracking of funding, which contributes constructively to ongoing discussions on reporting methodology within the FTFG. The simplicity of the framework makes it user friendly. Next year's reporting of FTFG will be inspired by the draft framework but we should also be aware of some of the challenges ahead:

- The OECD reporting scheme for Official Development Assistance is already comprehensive, and quality assurance of statistics requires additional resources.
- There is low appetite for new reporting obligations and competition between different reporting priorities.
- Donors report on the first-level recipients of funds but do not track the funding flows further. For example, more than 50% of Norwegian funding goes through the UN- system, and donors do not have information about how much funding is passed on from intermediaries to Indigenous Peoples. Such information will depend on information from partners, who are also not keen to have additional reporting obligations.
- It takes time to change reporting systems and requirements.

The upcoming discussions on indicators under the Global Biodiversity Framework provide an opportunity to further advance the discussions on tracking of funding to Indigenous Peoples and local communities.

The Organisation for Economic Co-operation and Development (OECD) plays a crucial role in the international ecosystem of data about funding flows, as 32 member states (bilateral donors), 80+ multilateral organizations and 50 private foundations (such as Ford Foundation) report to the OECD on their development finance (see Annex B.2.). OECD does not specifically track funding to Indigenous Peoples, but key word search allows for some approximation. Recently, OECD has estimated biodiversity-related development finance to Indigenous Peoples and local communities.

The Paris Roadmap has triggered communication and collaboration within OECD on Indigenous Peoples' issues, and immediate next steps include:

- Improving biodiversity-related development finance statistics, including the methodology for identifying funding for Indigenous Peoples and local communities.
- Providing an annual update on funding for biodiversity, to measure Target 19 of the Global Biodiversity Framework. The update will be ready for the 2024 UN Biodiversity Conference (COP16) and will include a focus on funding for Indigenous Peoples and local communities.
- Exploring the possibility of having a specific indicator on funding flows to Indigenous Peoples and local communities related to Target 19 of the Global Biodiversity Framework.
- Revisiting the existing "Rio marker on biodiversity funding" within the OECD statistical system, which may provide an opportunity to reflect considerations for funding to Indigenous Peoples and local communities.
- Encouraging more private funders (philanthropies) to consider reporting to OECD on their funding flows, including to Indigenous Peoples and local communities.

The **Indigenous Peoples of Asia Solidarity Fund (IPAS)** was established in April 2023, in a participatory, inclusive and transparent process, that convened 95 Indigenous delegates from 13 countries across Asia. The delegates collectively defined the mission, vision and operational guidelines of IPAS and democratically elected 11 board members to oversee its implementation. The creation of IPAS and other Indigenous-led funds is in response to the current situation, where funding to Indigenous Peoples is far too small and often provided in an unsustainable manner.

A particular consideration of IPAS is to enhance the visibility of Indigenous Peoples in Asia, which constitute two-thirds of the world's Indigenous population (around 300 million) but receive the least amount of funding. For example, only 7% of disbursements of the FTFG went to Asia.

IPAS is committed to further the Paris Roadmap for Tracking of Funds and assume a role in tracking and monitoring funding flows, in coordination and collaboration with other Indigenous-led funding mechanisms and Indigenous Peoples organizations in Asia at the local national and regional levels. Indigenous-led funding mechanisms can assume the following roles:
- Advocate for increased support to our organizations and communities by documenting the current funding landscape.
- Document impact on the ground as the basis for increased funding.
- Provide transparency and accountability, both to donors and to our communities.
- Document needs and priorities and ensure informed decision-making within our communities and organizations.
- Facilitate collaboration and networking within and with external partners.
- Ensure that funds are transferred effectively to Indigenous Peoples to promote their rights, well-being and self-determined development.

We need to be cautious of the risks associated with collection and publishing of data, e.g. increased pressure from external actors/governments, criminalization, loss of autonomy and control, misuse and misinterpretation. We therefore need to develop robust data collection measures and ensure the highest levels of confidentiality and security. It can be a matter of life and death on the ground.

The **Rainforest Foundation Norway** in collaboration with the **Rights and Resources Initiative** and **Indufor North America** has launched the **Path to Scale Funding Dashboard** (available here). The Dashboard is a new open-source online tool that gives easy access to data about donor funding for tenure rights and forest guardianship of Indigenous Peoples, Afro-descendant Peoples and local

communities. The dashboard contains data about 4'600 activities (projects) from 2011 to 2023, with a total disbursement of 4.6 billion USD. The data can be disaggregated by data, country and year, and is also searchable by keywords (such as "Indigenous").

The data is scraped from publicly available – but dispersed – data sets, and subsequently cleaned, analyzed and the amount of relevant budget allocation estimated. This is a laborious process that comprises various steps such as a key word search, processing through a Large Language Model and manual screening. The gaps are that some donors do not report publicly on their allocation of funds, and there is no available data about funding reaching Indigenous Peoples on the ground. Hence, there is a need to link the data about donor disbursement with monitoring from the ground-up.

The dashboard is accompanied by a policy brief, which analyses main funding trends since 2020. While the analysis shows an increase in donor funding, it also concludes that there is still no systematic change in donor funding directly to rightsholder organizations.

The **International Aid Transparency Initiative (IATI)** is a key actor in the international ecosystem of data about funding flows. IATI has an established standard for reporting on humanitarian and development finance and approximately 1700 organizations publish data about finance, locations, sectors and results to IATI. Those reporting comprise actors throughout the "funding chain", including donors, International Finance Institutions, NGOs, CSOs etc. All data providers use the same standards so the data is clear, comparable and regularly updated. Publishing and using the data is free and IATI provides support to both data publishers and users (see more here).

IATI had not engaged directly with Indigenous Peoples prior to the adoption of the Paris Roadmap, but sees several ways to practically support the work, including through:
- Annotation, which would imply inserting a specific term in the system to identify activities relevant for Indigenous Peoples.
- Fostering centralized data exchange by building relationships/communities of the range of partners that are active in a particular chain of funding, from donors to recipients at the grassroot level.

The International Funders for Indigenous Peoples (IFIP) works to influence philanthropy at a global scale to increase support to Indigenous Peoples. Previously, IFIP has relied on data provided by other organizations, but is now investing in building its own capacity for data collection and analysis.

In 2023, IFIP produced a report (available here), which provides a global baseline on funding from philanthropies for Indigenous Peoples. The report shows that 0.6% of global philanthropy can be identified as benefitting Indigenous Peoples. The analysis also estimates that only one-third of the 0.6% is going directly to Indigenous Peoples.

Moreover, in collaboration with the Foro Internacional de Mujeres Indígenas (FIMI), IFIP has produced a report (available here). The analysis shows that of all the philanthropic funding going to women and girls, only 1.4% goes to organizations that support Indigenous women specifically. The data explains why we are focusing on getting this information; we can no longer rely on information from non-Indigenous organizations but need to generate our own data that can help us drive change to close the funding gaps for Indigenous Peoples.

The International Land and Forest Tenure Facility was established with the explicit purpose to absorb funds from donors and pass on funding to support the tenure rights of Indigenous Peoples, local communities and afro-descendants as collective managers of territories (read more about the Tenure Facility here). Thereby, the Tenure Facility is not immediately comparable to other organizations that may have broader purposes and missions. As the specific purpose and core activity of Tenure Facility is to pass on funds, tracking is easy.

The budget of Tenure Facility has increased and last year it distributed 50 million USD to the ground, including by providing one million USD/year to key partners in a number of countries. Many of these partners had never received that level of funding before, so it was not easy, as big funds come with many accompanying requirements. Our partners provide us with advice and are in full control of the funds. They can also make the decision to work with fiscal sponsors, but last year it was only 10% of the total funding that went through fiscal sponsors.

Non-monetary support such as technical assistance and capacity-building is also very important and should be tracked. Many so-called "intermediaries" provide that kind of support and do it well. Others provide small grants, which can be crucial, as impact is not just about money. We cannot just apply a uniform approach, and not all organizations have the specific purpose to transfer money. We need to define needs and roles, and work in a collaborative manner. We are still very few to do the work.

The UN-system has a particular mandate and role to contribute to the full realization of the UN Declaration of the Rights of Indigenous Peoples, as stipulated in articles 41 and 42 of the Declaration.

In 2014, the UN General Assembly requested the development of a **System-wide Action Plan** (SWAP) to further a coherent approach to action across the UN-system. The **Inter-Agency Support Group on Indigenous Issues** (IASG) with 45 members across the UN-system, is coordinating the implementation of the SWAP. Currently, there is no established mechanism to track implementation, but the IASG is developing a framework for measuring action of UN Country Teams with regards to Indigenous Peoples. The framework is a "traffic light system" (red, yellow, green) that will score action for inclusion of Indigenous Peoples in strategic planning, data, engagement strategies, advocacy with governments, capacity development of UN staff as well as monitoring and evaluation. The IASG has established a specific working group on finance, which is meeting for the first time during the 23rd Session of the UN Permanent Forum on Indigenous Issues (UNPFII).

A number of multilateral development and finance agencies, such as the World Bank and regional banks, the United Nations Development Programme (UNDP), the green Climate Fund and the International Fund for Agricultural Development (IFAD) have institutional safeguards and policies to respect and promote Indigenous Peoples' rights. The activation of safeguards provides an opportunity for estimating the number of projects that positively or negatively affect Indigenous Peoples but does not provide information about funds allocated for or transferred to Indigenous Peoples. That would require a much more detailed manual analysis. A positive example is IFAD that reports to the UN Permanent Forum on Indigenous Issues (UNPFII) on funding allocated to Indigenous Peoples, including through the Indigenous Peoples Assistance Facility (IPAF). A general instruction to the UN-system to report on funding to Indigenous Peoples would provide leverage. Likewise, the continued focus of the UNPFII on the tracking of funds is important.

Evaluations constitute another source of information about funding for Indigenous Peoples. A 2017 evaluation of the **Small-Grants Programme** of the **Global Environment Facility** (GEF-SGP) showed that 15% of the projects were supporting Indigenous Peoples. However, when looking specifically at

countries with Indigenous Peoples, it was more than 30%. In the context of GEF-SGP, the term intermediary is used for national – not international – organizations that work with Indigenous organizations. There is a push for more direct access to funding of Indigenous Peoples, but we need a typology to classify and better understand the role of intermediaries.

Under the **Climate Promise,** which is UNDP's commitment to support 120+ countries to scale up their NDCs, UNDP is working on Indigenous Peoples and Climate Finance and has developed a Capacity Building Program to advance Indigenous Peoples access to international climate finance.

In 2024 there will be an attempt to provide guidance on how the 20% of the **Global Biodiversity Framework Fund** pledged to Indigenous Peoples and local communities will be tracked. This should be inspired by the draft reporting framework discussed here.

3. Comments on the draft framework for reporting and tracking

The draft framework for reporting and tracking of funding for Indigenous Peoples (see Annex C) was presented and discussed in working groups at the workshop. The main comments on the draft framework were as follow:

Further specify the rationale behind the framework:
- The intention is not to add a lot of additional reporting requirements, especially if these conflict with fit-for-purpose funding modalities (e.g. when donors provide unrestricted funding to partners).
- The common framework tries to simplify and streamline reporting on funding for Indigenous Peoples, which is already a need or a requirement in various contexts (e.g. funding under the Forest Tenure Pledge, the Global Biodiversity Framework Fund, UN-system contributions to the SWAP etc.).

Further specify the target audiences:
- There is a need to specify who are the intended users of the framework, and who are the intended users of the data.

Clarify relationship between the framework and existing or emerging reporting mechanisms:
- There is a need to track funding flows through the entire chain of involved institutions, from allocations by international donors through intermediaries to Indigenous organizations and communities on the ground.
- The suggested framework does not replace existing reporting mechanisms, nrt does it establish any new reporting mechanisms. Rather, it intends to provide common language, categories and standards that can be integrated with 1) existing reporting mechanisms (such as those established by OECD, IATI, FTFG and others), and 2) emerging reporting mechanisms (such as those being considered by Indigenous-led funding mechanisms).
- Existing reporting systems are not harmonized and it is therefore important to avoid double counting when data is collected on the different steps of the funding process.
- There is very little data available on the funding reaching Indigenous organizations and communities. It is important to generate data on the funding upstream from the Indigenous

organizations; what happens with funding along the way and how much is left at different stages.

Specific comments on the elements covered in the framework:
- There is a need for further clarification of the scoring of a project according to the degree/importance of its support to Indigenous Peoples as either "principal", "significant" or "non-targeted". This is a model inspired by the OECD "policy markers" (see page 5 of the draft framework in Annex C). It should be considered if there could be an indicative budget value assigned to those categories, and if the categorisation of a project as "principal" automatically translate into counting 100% of the budget as "funding for Indigenous Peoples".
- It is recommended to add a common glossary to help the streamlining of the description and the language use, and to add additional examples that illustrate forms of indirect funding, through governments and multilaterals.
- A method for accounting for non-monetary contributions should be considered.
- There is a need for further clarification of the concepts of direct and indirect funding.
- There are multiple layers of donor and intermediary relations; there is a need to provide clarification of what donors and intermediaries are from the international to the local levels.
- It is important that fiscal sponsors have a mandate from the organisations that they manage funding on behalf of. Fiscal sponsorship may be relevant due to logistical challenges (where banking institutions are not available); security and privacy issues (where Indigenous Peoples are not able to receive funds) or; institutional capacities (where Indigenous Peoples do not have the needed experience or systems to manage funds). When fiscal sponsorships are chosen because of capacity-gaps, these should be time-limited and include "graduation plans" for when the Indigenous organisation should start to receive funds directly.
- Data providers should report on ratio of total budgets allocated for Indigenous Peoples rather than specific budget numbers.
- Add references to already existing guidelines, such as those developed by the Indigenous caucuses.

Integrating the tracking of funds with broader monitoring of impact:
- There are limitations associated with quantitative data, which do not necessarily capture the complexities on the ground. Therefore, in the longer term, the tracking of funds must be linked with measurement of impact.
- Impact measurement should be aligned with Indigenous Peoples' long-term priorities for development and well-being and capture both quantitative and qualitative aspects and be based on Indigenous Peoples' own indicators of progress.

Piloting, testing and adapting the framework:
- The framework should be piloted by Indigenous-led funding mechanisms and by champions within the donor group, UN-agencies, NGOs and others.
- The experiences generated should serve to further refine the framework and provide guidance to peers within these constituencies.

Uptake, awareness raising and capacity-building:
- Once the framework has been finalized, we need to encourage uptake and provide additional guidance awareness-raising and capacity-building to support its application
- There is a need to provide support to the Indigenous-led funding mechanisms and platforms for the development of mechanisms to monitor and measure funding reaching the ground.

- The framework aims to track funding for Indigenous Peoples across all sectors but has mainly been discussed by actors involved with finance for forests, climate change and biodiversity. We therefore have to socialize the framework broadly, to reach key actors involved with finance for Indigenous Peoples in other sectors.

Further consultations and process
- Based on the comments received, Charapa will prepare a revised draft that will be circulated broadly for comments in various languages (end-May).
- It is important that the further development of the framework continues to be guided by Indigenous Peoples. Further consultations must therefore involve the Indigenous caucuses and organisations at the national and local levels, to bring the discussion on funding to the territories.

ANNEX A: Agenda

8:30 – 9:00   Registration and light breakfast

9:00-9:20   Welcome and opening remarks
- Ms. Balkissou Buba, Global Alliance of Territorial Communities/REPALEAC
- Ms. Claire Taylor, Ford Foundation

9:20-9:30   Introduction to the Paris Roadmap for Tracking of Funds
- Ms. Birgitte Feiring, Charapa

9:30-10:45   Panel: reflections and updates on the Paris Roadmap for Tracking of Funds
Moderator: Ms. Joan Carling, Indigenous Peoples Rights International
- Ms. Hilde Dahl, Norwegian Agency for Development Cooperation
- Ms. Dominique Blaquier, Organisation for Economic Co-operation and Development
- Ms. Jenifer Lasimbang, Indigenous Peoples of Asia Solidarity Fund
- Mr. Torbjørn Gjefsen, Rainforest Foundation Norway

Open discussion

10:45 – 11:00 Towards a common reporting framework on funding to Indigenous Peoples – presentation of draft proposal

11:00 – 12:00 Working groups: What should be the core characteristics and elements of a common framework for tracking and reporting on funding to Indigenous Peoples – and how do we take it forward?

12:00-12:30   Lunch break

12:30-13:00   Group reporting

13:00-13:50   Panel: Ways forward and next steps for operationalizing the common framework for tracking and reporting on funding to Indigenous Peoples
Moderator: Casey Box, The Christensen Fund
- Mr. Terence Hay-Edie, UNDP/Inter-agency Support Group on Indigenous Issues
- Ms. Lourdes Inga, International Funders for Indigenous Peoples
- Ms. Annelise Parr, International Aid Transparency Initiative
- Ms. Nonette Royo, The International Land and Forest Tenure Facility

Open discussion

13:50–14:00   Closing remarks
- Ms. Sara Omi, Global Alliance of Territorial Communities

ANNEX B: PRESENTATIONS

B.1. PRESENTATION PARIS ROADMAP FOR TRACKING OF FUNDS

Workshop: Enhancing transparency of funding to Indigenous Peoples
OECD Biodiversity and Development Co-operation
18 April 2024
Dominique BLAQUIER

Outline

1. Overview of OECD DAC data system
2. Data coverage and sources for biodiversity
3. Planned work in 2024
4. DAC and other OECD work on Indigenous Peoples

OECD DAC CRS data collection

- Who spends what, where, how and for what purpose?
- DAC statistics are the only source of reliable, comparable and complete data on development finance
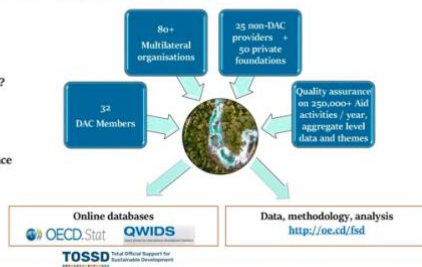
Collecting CRS data

Over 60+ data points *for each transaction* – abut 250 000 activities a year – over 50 years of data, *including:*

Data cycle
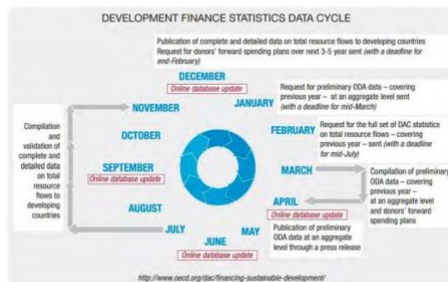
Data coverage and sources for biodiversity

- Official development assistance (ODA)
- Other official flows (OOF)
- Creditor Reporting System (CRS)
  - Bilateral DAC members, multilateral institutions, non-DAC, private philanthropy, private finance mobilized
+ Total Official Support for Sustainable Development (TOSSD) → South-South and Triangular Co-operation

Biodiversity-related info

- Biodiversity Rio Marker
- SDG tags (14/marine and 15/terrestrial)
- Purpose codes (i.e. biodiversity and biosphere protection) and channels of delivery (e.g. Conservation International)
- Data mining

} Official development finance (ODF)

The Rio Marker on Biodiversity

* Biodiversity Rio Marker and UN CBD → activity, if
  a) protecting or enhancing ecosystems, species or genetic resources through in-situ or ex-situ conservation, or remedying existing environmental damage; or
  b) integrating biodiversity and ecosystem services concerns within recipient countries' dev. objectives and economic decision making, e.g. institution building, capacity development, strengthening the regulatory and policy framework, or research; or
  c) developing countries' efforts to meet their obligations under the Convention
* Principal (2), Significant (1), Not targeted (0)
* Aim: track integration of environmental considerations in devco activities & support members
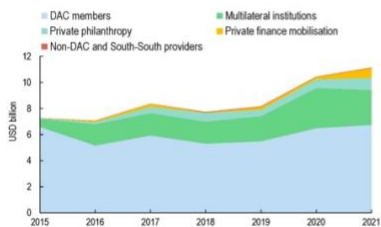 * Reporting to OECD DAC CRS vs international finance goals: mainstreaming (entirety) vs coefficients (shares)
* Mandatory for ODA from DAC members (not OOF nor other OECD reporters)
* All sectors (e.g. agriculture, mining, infrastructure, fisheries, etc)

OECD DAC Creditor Reporting System

## Overall biodiversity-related ODF
estimates with coefficients

* All sources increasing, including multilateral development finance and private philanthropy
* Biodiversity-related development finance largely driven by DAC member ODF (mainly ODA)
* Data sources (OECD CRS and TOSSD):
  * Bilateral donors: biodiversity Rio Marker, SDGs 14 and 15
  * Multilateral donors: biodiversity Rio Marker, biodiversity purpose codes, SDGs, and keywords

2015-21, commitments, USD billion, 2021 prices, estimates with coefficients
OECD (2023), "Biodiversity and Development Finance 2015-2021: Progress towards Target 19 of the Kunming-Montreal Global Biodiversity Framework", OECD Publishing, Paris.

Biodiversity and IPLCs

Figure 2. IPLCs receive a very small share of bilateral biodiversity-related ODF

2011-20, bilateral commitments, USD million 2020 prices, full values
OECD (2023), A Decade of Development Finance for Biodiversity, OECD Publishing, Paris.
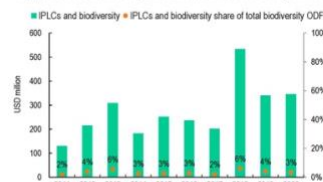
* Tracking ODF to IPLCs: a challenge!
* **IPLCs receive little ODF on biodiversity over 2011-2020 from DAC members**: USD 275 million on average per year (4% of total ODF)
* **Germany, USA and Norway** were the largest contributors in absolute terms, while **Belgium and Finland** targeted the largest overall share of their ODF to IPLCs and biodiversity
* Focus: strengthening of tenure rights, governance and policy support, as well as broader capacity development activities

Tracking ODF for IPLCs in CRS

1. Keyword search in English, French, Spanish, Portuguese and German
2. Keywords +Biodiversity Marker, SDGs 14/15 and the biodiversity-related purpose codes
3. Opportunity to improve methodology: e.g. IPs vs LCs, project descriptions, common understandings, definitions
4. Further reporting of additional donors to OECD datasets (in particular private donors)

Table C.6. Indigenous People and Local Communities related keywords

Alternative livelihoods; Indigenous peoples; indigenous lands; indigenous territories; indigenous landscapes; descendants; indigenous knowledge; indigenous areas; indigenous communities; indigenous rural; descendent; ethnic; colonial; tradition; traditional ecological knowledge; local knowledge; traditional knowledge; tribal; spiritual; identity; participatory management; institutional arrangement; local users; local community; local communities; coastal communities; rural village; clan; inhabitants (has to be plural); indigenous cultural; cultural groups; ethnic groups; ancestral; ancestral domain; ancestral territories; dialect; ICCAs; ICCA; community conserved; community conservation; indigenous ethnic; ethnic minorities; aboriginal; hill tribes; scheduled tribes; tribal groups; tribal; tribal communities; land governance; family farming; forest governance; land rights; resource rights; customary; land tenure; tenure; intercultural; rural communities; forest communities; cultural identity; traditional identity.

OECD (2023), A Decade of Development Finance for Biodiversity, OECD Publishing, Paris.

Next steps

1. Improving biodiversity-related development finance statistics
2. Annual update: Tracking GBF Target 19
   * in time for CBD and UNFCCC COPs. Update ready by 2024 COP16 → IPs and LCs included
3. Alignment of development co-operation with the Kunming-Montreal Global Biodiversity Framework: Towards nature-positive
4. Private finance mobilisation for biodiversity

Thank you

Biodiversity and Development Co-operation Team

Dominique Blaquier
Dominique.blaquier@oecd.org

Juan Casado-Asensio
Juan.casadoasensio@oecd.org

OECD

OECD work on Indigenous Peoples

* OECD (2018), OECD Due Diligence Guidance for Responsible Business Conduct
* OCDE (2018-19), Indigenous Employment and Skills Strategies in Canada, Australia
* OECD (2019), Linking Indigenous Communities with Regional Development https://doi.org/10.1787/3203c082-en. (+case studies: Canada, Australia, Sweden)
* Raderschall, L., T. Krawchenko and L. Leblanc (2020), "Leading practices for resource benefit sharing and development for and with Indigenous communities" https://doi.org/10.1787/177906e7-en.
* OECD (2021), DAC Recommendation on Enabling Civil Society in Development Co-operation and Humanitarian Assistance OECD Legal Instruments + implementation toolkit
* OECD (2022) Ministerial Declaration on Transformative Solutions for Sustainable Agriculture and Food Systems
* OECD (2023), A Decade of Development Finance for Biodiversity https://doi.org/10.1787/e6c182aa-en.
* OECD (2023), Peer learning on locally led approaches to development
* 2024 OECD Conference of Mining Regions and Cities. A shared vision for well-being in mining regions
* OECD (forthcoming 2024) Development Co-operation Report on poverty and inequalities reduction amid green transitions, subsection: Embracing a Human Rights-Based Approach to Energy Transition and Indigenous Peoples
* OECD (forthcoming 2024) "Biodiversity and Development Finance 2015-2022: Progress towards Target 19 of the Kunming-Montreal Global Biodiversity Framework"

B.4. PRESENTATION BY MR. TERENCE HAY-EDIE, UNDP

THE UNITED NATIONS PERMANENT FORUM ON INDIGENOUS ISSUES

TOGETHER WE ACHIEVE

IASG Working Group : Finance for Indigenous Peoples
draft Terms of Reference, March 2024

ANNEX C: DRAFT REPORTING FRAMEWORK ON FUNDING FOR INDIGENOUS PEOPLES

Draft for discussion presented at the Technical Workshop:

Enhancing transparency of funding to Indigenous Peoples

18th April 2024

Background

The UN Declaration on the Rights of Indigenous Peoples (UNDRIP) acknowledges that 'indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests' (sixth preambular paragraph).
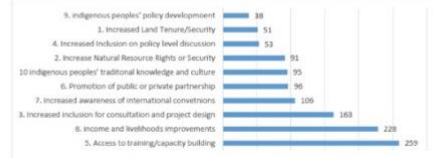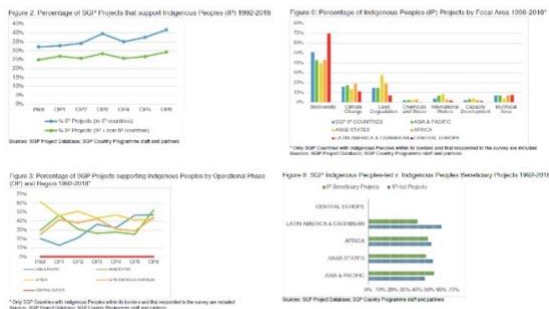
Access to funding is a key element for overcoming historical injustices and discrimination, ensuring equality and for Indigenous Peoples to exercise their right to pursue self-determined development and governance. The UNDRIP specifies that Indigenous Peoples, in exercising their right to self-determination, have the right to ways and means for financing the autonomous functions of their self-government (article 4). The Declaration further states that Indigenous Peoples have the right to have access to financial and technical assistance from States and through international cooperation (Article 39).

Moreover, Indigenous Peoples are indispensable partners for combating climate change, biodiversity loss, poverty and inequality. A few figures illustrate their crucial role in tackling these intertwined crises:

- Globally, Indigenous Peoples represent 6.2 % of the world's population but 18.7 % of the extreme poor.[ii]
- An estimated 36% of the world's remaining intact forests, at least 24% of the above-ground carbon in tropical forests[iii] and up to 80% of the world's remaining forest biodiversity[iv] are found within Indigenous Peoples' territories.

Hence, Indigenous Peoples are indispensable partners for achieving the Paris Agreement on climate change, the Global Biodiversity Framework and the 2030 Agenda on Sustainable Development and its pledge to "leave no one behind". While donors generally align their funding with these global frameworks, only a small fraction is allocated to support Indigenous Peoples[v], which is not commensurate with the roles and needs of communities on the ground. However, there is no specific reporting or tracking of funding to Indigenous Peoples. Available evidence is based on estimates, ad hoc methodologies, and individual surveys, which are complex and time consuming, and carry a risk of misinterpretation or miscalculation when aggregating diverse data. Moreover, most funds are channeled through governments, NGOs, UN agencies, multilateral banks or other so-called "intermediaries", and there is hardly any data on the transaction costs of the different funding modalities or the amount of funding that reaches Indigenous Peoples' organizations.

The current data gap makes it impossible to answer basic questions about what amounts of funds are going to whom, for what purpose and with what impact. While data on funding is not an end, it is crucial for informing decision-making and for devising efficient strategies to increase funding to realize Indigenous Peoples' rights, combat climate change, conserve and sustainably manage biodiversity and achieve sustainable development.

In November 2023, the Global Alliance of Territorial Communities and Charapa convened a multistakeholder workshop,[vi] which resulted in the adoption of the **Paris Roadmap for Tracking of Funds**[vii]. One of the key elements of the Roadmap is:

- Development of a common framework for reporting and tracking of funding for Indigenous Peoples, with classifications, terms and standards that are aligned with the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).

The common framework will provide common classifications, terms and standards that can be used by different actors, such as Indigenous Peoples, bilateral donors, philanthropic funders, NGOs, UN agencies. These actors do not necessarily report through the same channels or systems, but they can all use the classifications, terms and standards of the common framework for their specific reporting purposes. For example, donors can use the common framework when reporting on their contribution to Indigenous Peoples under specific pledges. Likewise, Indigenous Peoples can use it when monitoring funding reaching their organizations, territories and communities.

In summary, the common framework can be the basis for:
- Donors to report on the funding they allocate for Indigenous Peoples.
- The Development Assistance Committee of the Organisation for Economic Co-operation and Development (OECD-DAC), the International Aid Transparency Initiative (IATI) and CANDID to build systematic tracking and monitoring into their statistical systems, based on the classifications, terms and standards of the common framework[viii].
- Multilateral agencies, international NGOs and other partners to report on funding received from donors as well as funding transferred to Indigenous Peoples' organizations, territories, and communities.
- Indigenous Peoples' organizations and funding mechanisms to collect, analyze, aggregate and communicate data about the funding reaching their communities.

The common framework will ensure that data from different sources refer to the same classifications and standards, and will therefore enhance consistency and allow for comparability and aggregation of data across different sources and reporting systems.

This paper outlines the main elements of such a framework, to be further discussed at the technical workshop that will take place in New York on the 18th of April 2024.

Outline of the common framework for reporting and tracking

Objective

The objective of the common framework is:

- To facilitate reporting and tracking of funding that advances Indigenous Peoples' rights and well-being.

What is funding that advances Indigenous Peoples rights and well-being

The rights enshrined in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) "constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world" (UNDRIP, article 43).

UNDRIP constitutes a global and comprehensive framework for reporting, as it covers the full range of Indigenous Peoples' rights. These include rights to health; education; food; housing; lands, territories and resources; governance; participation in decision-making; free, prior and informed consent; gender equality; employment and traditional occupations, and many more.

Funding is classified as advancing the realization of the rights and well-being of Indigenous Peoples if it:

- Has an objective to support the implementation of elements covered under the UN Declaration on the Rights of Indigenous Peoples, or:
- Include Indigenous Peoples and/or Indigenous elders, women, men, youth, children and persons with disabilities as a specific target group for support.

ANNEX 1 provides a brief explanation of who are Indigenous Peoples, and **ANNEX 2** provides an overview of Indigenous Peoples' rights, as enshrined in UNDRIP.

Funding that supports the general population in a given region, country or situation and which may coincidentally include Indigenous Peoples but does not have Indigenous Peoples (or Indigenous elders, women, men, youth, children and persons with disabilities) as a specific target group is not classified as advancing the realization of Indigenous Peoples' rights.

Calculating amounts and degree of support

Diverse funding modalities and reporting systems provide for different ways of reporting on funding that advances the realization of the rights and well-being of Indigenous Peoples:

Funding that advances the realization of Indigenous Peoples' rights can be provided as either **exclusive support** or by **integrating support** to Indigenous Peoples in broader processes, projects and programs.

Moreover, donors and partners can report on their support to the realization of Indigenous Peoples' rights in two different ways:
- As **monetary budget figures** which give concrete indication of the amount of funding allocated to advance the realization of Indigenous Peoples' rights[ix], and;
- By **scoring the degree/importance of support**[x] to Indigenous Peoples, including within a broader process, program or project.

Ideally, donors and partners would report on both parameters, as the scoring allows for a quick identification of funding flows while the reporting on budget figures allows for quantification and aggregation of actual funding.

Reporting based on above-mentioned parameters, would be as follows:

Classification of funding	Budget reporting	Scoring
Has as its main objective to support the implementation of elements covered under the UNDRIP	100 % of budget allocation	Principal
Has a specific objective to support the implementation of elements covered under the UNDRIP in broader processes, programs and projects	Percentage of budget allocated to support the implementation of elements covered under the UNDRIP	Significant

Has Indigenous Peoples and/or Indigenous elders, women, men, youth, children and persons with disabilities as its main target group for support.	100 % of budget allocation	Principal
Include Indigenous Peoples and/or Indigenous elders, women, men, youth, children and persons with disabilities as a specific target group for support in broader processes, programs and projects	Percentage of budget allocated to support Indigenous Peoples within the overall budget	Significant
Supports the general population in a given region, country or situation; may include Indigenous Peoples but does not have Indigenous Peoples as a specific target group	0% of budget allocation	Non-targeted

Funding modality

Funding that advances the realization of Indigenous Peoples' rights can be provided by donors as either direct or indirect funding to Indigenous Peoples.

Direct funding is funding that is transferred directly from donors to:
- Representative institutions[1] of Indigenous Peoples
- Institutions or funding mechanisms established by Indigenous individuals, communities or organizations to advance the realization of Indigenous Peoples' rights

If donors allocate funds to such Indigenous institutions or funding mechanisms, and these Indigenous institutions or funding mechanisms, exercising their right to self-determination, decide to have the funds transferred through a fiscal sponsor, it would still be considered direct funding.

Indirect funding is funding that is transferred from donors to:
- Governments, NGOs, UN agencies, multilateral and regional banks or other so-called "intermediaries", with the purpose to advance the realization of Indigenous Peoples' rights

Reporting by Indigenous Peoples' organizations

Reporting by Indigenous Peoples on the level of funding that reaches their organizations, territories, and communities and the impact it generates is essential for transparency, accountability and empowerment of communities. Indigenous Peoples' organizations should use the above parameters to report on:

- **Self-identification of their institution,** indicating whether it is a:
  - Representative institution of Indigenous Peoples
  - Institution or funding mechanism established by Indigenous individuals/communities to advance the realization of Indigenous Peoples' rights
- **Monetary budget figures,** indicating the amount of funding received to advance the realization of Indigenous Peoples' rights,
- **Funding modality,** indicating whether funding is received as direct or indirect funding

Additional reporting parameters

It is important to keep in mind that donors, partners and Indigenous Peoples' organizations already have elaborate reporting systems in place that track other aspects of funding, such as:

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[1] See ANNEX C for an explanation of Indigenous Peoples' representative institutions

- Geography (regions, countries and areas)
- Thematic area of support (sectors, themes, SDGs, issues)
- Timeframe (duration of support)
- Type of support (unrestricted budget or core support, projects, technical assistance)
- Target groups (women, children, persons with disabilities, etc)

The suggested parameters for specifically reporting on funding for Indigenous Peoples are designed to add on and not replace existing reporting systems for tracking of funding (such as those managed by OECD-DAC, IATI and others).

Examples of how to apply the common framework

The following examples are meant to give guidance on how the parameters of the common reporting framework would be applied and interpreted in different funding contexts.

Example A:
Donor X supports a local Indigenous organization to do community mapping of their land, develop a management plan and support small-scale enterprises for livelihood improvement.

Guidance:
Although the project is not explicitly framed in the terms of the UNDRIP, it supports Indigenous Peoples' right to use, develop and control lands, territories and resources, as well as economic development. Hence, the project advances the realization of the rights and well-being of Indigenous Peoples as it supports the implementation of elements covered under the UNDRIP. The recipient organization is a territorial governance institution, established by Indigenous community members, and qualifies as a representative institution of Indigenous Peoples.

- Budget reporting: 100%
- Scoring: principal
- Funding modality: direct

Example B:
Donor X support a national network of Indigenous Peoples to engage in negotiations about article 6.8 of the UNFCCC on non-market approaches to implement mitigation and adaptation actions. The recipient is an Indigenous network, but the outcomes of the support (in terms of influencing policies) will not be exclusively for Indigenous Peoples.

Guidance:
Although the outcomes may benefit other groups, it primarily supports the right of Indigenous Peoples to participate in decision-making in matters which would affect their rights, which is an element covered under the UNDRIP. The recipient organization is a national network established by various Indigenous territorial and governance organizations of the country. Hence, the network qualifies as a representative institution of Indigenous Peoples.

- Budget reporting: 100%

- Scoring: principal
- Funding modality: direct

Example C:
Donor X supports a funding mechanism established by an Alliance of Indigenous Peoples and local communities to support locally determined development priorities. The Alliance estimates that half of the funding goes to Indigenous Peoples and the other half to local communities.

Guidance:
Indigenous Peoples constitute a specific target group for support under the funding mechanism, and locally determined development priorities is an element covered under the UNDRIP. As funding under the mechanisms is supposed to be shared equally between Indigenous Peoples and local communities, 50% of the funding counts as advancing the realization of the rights and well-being of Indigenous Peoples. Although it also comprises local communities, Indigenous organizations have established the funding mechanism with a view to advancing the realization of Indigenous Peoples' rights in their communities.

- Budget reporting: 50 %
- Scoring: significant
- Funding modality: direct

Example D:
Donor X provides non-earmarked budget support to an international NGO that works with Indigenous Peoples. Support to Indigenous Peoples is a specific objective of the NGO's overall strategy, but it also has objectives to generally influence climate change and biodiversity strategies, and to support local communities. The international NGO estimates that 15% of its budget is spent to promote Indigenous Peoples' rights to lands, territories and resources, and rights to participation in decision-making. It estimates that half of these funds are transferred to Indigenous organizations, and the other half spent on activities undertaken by the NGO.

Guidance:
15% of the NGO's budget is allocated to support the implementation of elements covered under the UNDRIP and can be reported as such by both the donor and the NGO. The NGO can also report on the money transferred to Indigenous Peoples (7.5% of the budget). The international NGO is not an Indigenous Peoples' organization and was not selected by an Indigenous Peoples representative institution to receive the money on their behalf.

- Budget reporting: 15%
- Scoring: significant
- Funding modality: indirect
- NGO reporting on funds transferred to Indigenous Peoples: 7.5%

Example E:
Donor X provides a grant to an international Network of Indigenous Peoples and local communities. The Network estimates that app. 70% of its constituents are Indigenous Peoples and

30 % are local communities. The Network is not constituted as a legal entity and cannot receive funds. The Network selects an NGO to receive the funds on its behalf. The NGO charges an overhead to cover the costs related to the administration of the funds.

<u>Guidance:</u>

70% of the funding is allocated to support the implementation of elements covered under the UNDRIP and/or has Indigenous Peoples as a specific target group. The NGO is selected by Indigenous Peoples to receive funds on their behalf (fiscal sponsor), and the overhead charged by the NGO is an indispensable amount needed for administering the funds, whether by a fiscal sponsor or by an Indigenous organization.

- Budget reporting: 70%
- Scoring: principal
- Funding modality: direct

ANNEX 1: Who are Indigenous Peoples?

There is no universal definition of "Indigenous Peoples", but UNDRIP underlines that self-identification is a constituting element of the right to self-determination and stipulates that: "Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions" (article 33).

ILO Convention No. 169[xi] gives a set of criteria, which serve to identify Indigenous Peoples, including the fundamental criteria of self-identification. These criteria are used internationally, including in the application of the UNDRIP and have been the basis for legislative frameworks as well as operational policies, guidelines and safeguards of UN agencies, donors, regional banks and other institutions. These criteria comprise both objective and subjective elements for identifying Indigenous Peoples in context:

Objective criteria	Subjective criterion
• Descent from populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or establishment of present state boundaries • Irrespective of their legal status, they retain some or all of their own social, economic, cultural and political institutions.	Self-identification as indigenous is a fundamental criterion for identifying indigenous peoples

Globally, there is an estimated 476.6 million Indigenous Peoples, representing 6.2 per cent of the world's population. Asia and the Pacific is the region where the highest proportion of Indigenous Peoples live (70.5 per cent), followed by Africa (16.3 per cent), Latin America and the Caribbean (11.5 per cent), Northern America (1.6 per cent) and Europe and Central Asia (0.1 per cent). The vast majority of Indigenous Peoples live in countries that are eligible for Official Development Assistance (ODA)[xii]. Only 2.7 % of the global indigenous population live in high-income countries[xiii].

Thanks to the concerted and constructive efforts of Indigenous Peoples, human rights institutions, experts and others, there is an increasing consensus about the approximately 5'000 peoples worldwide that are considered as Indigenous. For example, in 2005, the African Commission on Human and Peoples Rights (ACHPR) published a landmark report, clarifying who are the Indigenous Peoples in Africa. The ACHPR provided the following characteristics[2]:

- Their cultures and ways of life differ considerably from those of the dominant society;
- Their cultures are under threat, in some cases on the verge of extinction;
- The survival of their particular way of life depends on access and rights to their traditional land and resources;
- They often live in inaccessible, geographically isolated regions; and
- They suffer from political and social marginalization and are subject to domination and exploitation within national political and economic structures.

ANNEX 2: What are Indigenous Peoples' rights?

Indigenous Peoples are a distinct group of rightsholders under international law. Indigenous Peoples' rights are enshrined in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).

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[2] https://www.iwgia.org/images/publications/African_Commission_book.pdf

In essence, UNDRIP has a remedial purpose. It does not extend special rights to Indigenous Peoples but aims at repairing the ongoing consequences of the historical processes that have discriminated Indigenous Peoples and denied them the right to self-determination and other basic human rights. UNDRIP does not create new rights or privileges for Indigenous Peoples but mirrors universally applicable human rights and contextualizes these to the situation of Indigenous Peoples. It means that UNDRIP is complementary to – and underpinned by – the full range of human rights instruments.

Like all other human rights instruments, UNDRIP is composed of building blocks, which reflect specific rights and cross-cutting human rights norms. In order to address the overarching concerns of marginalization and assimilation of indigenous peoples, UNDRIP provides for the combined application of the principles of **non-discrimination** and **self- determination**.

This means, for example, that Indigenous Peoples have the same right to education as all other citizens, without any discrimination. This is the **non-discrimination aspect**. In addition, they have the right to an education in their own culture, provided in their own language. This is the **self-determination aspect**.

Likewise, Indigenous Peoples have right to participate in all general elections – but they also have right to self-government and to participate in public affairs through their own representative institutions. They have the right to access general health services – but they also have the right to maintain traditional medicinal and healing practices.

In the case of indigenous peoples, the principle of non-discrimination has a double dimension in order to ensure equality for **Indigenous Peoples as collectives** and for **Indigenous individuals. UNDRIP provides for equality between men and women** and stipulates that particular attention should be paid to the rights and special needs of Indigenous elders, women, youth, children and persons with disabilities.

UNDRIP covers the **full range** of Indigenous Peoples' rights, which can be organised in the following main clusters[xiv]:

- **Self-determination**, including non-discrimination; autonomous institutions; customary law; consultation and free, prior and informed consent (FPIC).
- **Non-discrimination, including recognition of Indigenous Peoples' rights in laws and policies;** rights and special needs of Indigenous elders, women, youth, children and persons with disabilities.
- **Cultural integrity**, including Indigenous languages, cultural heritage, traditional knowledge and intellectual property.
- **Lands, territories and natural resources**, including right to own, use, develop and control lands, territories and resources; recognition, protection and adjudication of rights; protection against dispossession, removal and relocation; compensation, restitution and redress; conservation and protection of the environment and productive capacity of lands.
- **Freedom of expression and media**, including access to information; establishment of Indigenous Peoples' own media; combating prejudice and discriminatory propaganda
- **Fundamental rights and freedoms**, including protection against arbitrary deprivation of life; disappearance of individuals; torture and cruel, inhuman or degrading treatment; community and domestic violence; appropriate conditions of detention; peaceful assembly.
- **Participation in public life**, including citizenship; participation in decision-making; universal and equal voting rights.
- **Justice**, including access to and equality before courts; access to remedy; translation in legal proceedings; consideration of customary law in legal proceedings; public hearing by competent and independent courts.

- **Education,** including access to education without discrimination; culturally and linguistically appropriate education.
- **Health,** including access to health services without discrimination; traditional medicines and health practices.
- **Employment and occupation,** including the right to work; equality in employment and occupations; traditional occupations; protection against forced labour and child labour; vocational training.
- **General economic and social development**, including improvement of their economic and social conditions, the right to food; the right to development; means of subsistence; social protection; housing, water and sanitation.
- **Cross-border contact**.

ANNEX 3: What are Indigenous Peoples' representative institutions?

Indigenous Peoples' right to retain and develop their own social, economic, cultural and political institutions is a fundamental right under the UNDRIP (see articles 5, 18, 20 and 34), and the existence of such institutions is also a core identification criterion of Indigenous Peoples (see Annex 1). These provisions aim at restoring Indigenous Peoples' power to decide for themselves through their own institutions. Moreover, the realization of the fundamental rights to consultation, participation and free, prior and informed consent hinges upon the identification of the right representative and decision-making institutions. UNDRIP establishes that:

"Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions" (Article 18).

Indigenous Peoples' representative institutions are governance institutions with a mandate to represent one or several Indigenous communities or peoples - through a process carried out by themselves. This also implies, that an Indigenous institution cannot claim representativity without being able to clearly identify the constituents it represents as well as its accountability mechanisms towards these constituents.

Indigenous Peoples' representative institutions exist at different levels; from those representing a single community to those representing several Indigenous Peoples within a single country to broad regional or global networks. These institutions also present a vast spectrum of different organizational forms. Some have retained traditional governance systems, while others have adopted or been forced to adopt new organizational forms.

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i See the Roadmap here

ii ILO, 2019: Implementing the ILO Indigenous and Tribal Peoples Convention No. 169: Towards an inclusive, sustainable and just future, p. 13 Available aquí

iii See data of the World Resources Institute

iv See e.g. IUCN statement and Indigenous Peoples and Local Communities Forest Tenure Pledge, Annual Report 2021-2022, p. 4, available here

v It is, for example, estimated that from 2011-2020, less than 1 percent of international climate development aid was allocated for tenure rights and forest management of Indigenous Peoples and/or local communities. See: https://www.regnskog.no/en/news/falling-short

vi The workshop was organized with the support of Indigenous Peoples Rights International, International Funders of Indigenous Peoples, Rainforest Foundation Norway, Rainforest Foundation US, Rights and Resources

Initiative, Tinta, United Nations Development Programme and the UN Permanent Forum on Indigenous Issues with financial support from the Ford Foundation, the David and Lucile Packard Foundation and the Christensen Fund.

[vii] See the Roadmap here

[viii] All bilateral donors and several major philanthropic funders report on their allocation of funds to the Development Assistance Committee of the Organisation for Economic Co-operation and Development (OECD-DAC). However, the OECD-DAC does not have a system to specifically track funding for Indigenous Peoples. Therefore, the UN Permanent Forum on Indigenous Issues (UNPFII), in 2023, made a specific recommendation to the OECD-DAC to include a policy marker in its system for donor reporting to facilitate tracking of funding allocated for Indigenous Peoples across all sectors (UNPFII, 2023, art. 93, available here). Moreover, such a marker can also be included in the statistical systems managed by the International Aid Transparency Initiative (IATI) (see: https://iatistandard.org/en/) and CANDID (see: https://candid.org), which collate and aggregate data on international development finance and philanthropic funding, respectively.

[ix] This, for example, is how donors are reporting on their contributions to the 1.7 billion USD Indigenous Peoples and Local Communities Forest Tenure Pledge, see Annual Report 2021-2022 here

[x] This is in line with the approach associated with the OECD-DAC "policy markers". Here, donors would indicate whether supporting the realization of Indigenous Peoples' rights is: a) **principal,** i.e. the main objective of the activity and fundamental in its design and expected results or b) **significant** if supporting Indigenous Peoples is an important and deliberate objective, but not the principal reason for undertaking the activity, or c) **non-targeted** if it has been screened but has not been found to target Indigenous Peoples specifically.

[xi] ILO Convention No. 169 on the rights of Indigenous Peoples was adopted by the ILO in 1989. It is compatible with and reinforces the rights enshrined in the UNDRIP. It is legally binding on the 24 countries that have ratified it so far, including many countries in Latin America and donor countries such as Denmark, Germany, the Netherlands, Norway and Spain. See full list of ratifications here: https://www.ilo.org/dyn/normlex/en/f?p=1000:11300:::::P11300_INSTRUMENT_SORT:1

[xii] See: OECD-DAC list of ODA eligible countries

[xiii] ILO 2019: 54

[xiv] This clustering of the rights enshrined in the UNDRIP is inspired by the structure of the Indigenous Navigator; a tool developed for the monitoring of UNDRIP. See: https://indigenousnavigator.org