

INDIGENOUS PEOPLES' SUBMISSION ON THE REVIEW OF OBSERVERS' PARTICIPATION TO THE GCF

Tebtebba Foundation

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A. INTRODUCTION

Indigenous Peoples welcome the opportunity provided by the request for inputs on the review of Observer Participation with a view to identifying existing gaps and needed improvements, related to observer participation, accreditation of observer organizations and participation of active observers in activities and meetings of the board and to ultimately present a report with recommendations on the outcomes of the review for consideration by the Board no later than its fifteenth meeting¹ as mandated in decision B.01-13/03.

While we are fully aware that the objective of the review is less about expanding the range of active observers (by constituency or otherwise), than its enhancing the participation of current active observer, we still wish to convey our views to the Board and Secretariat. We believe that the lack of recognition of Indigenous Peoples as active observers in the Green Climate Fund is an anomaly, especially given our potential contribution to climate change adaptation and mitigation through our indigenous knowledge systems and traditional occupations with low carbon foot prints, and vulnerability to both direct negative impacts of climate change and unsafeguarded response measures.

B. PROMOTE AND ENHANCE COHERENCE WITH OTHER CLIMATE FUNDS THAT RECOGNIZE INDIGENOUS PEOPLES' ACTIVE OBSERVER STATUS

By not acknowledging the status of indigenous peoples as active observers, the GCF has not aligned to best practice, a situation that requires some analysis and reflection in the course of the review. Under the paragraph 'Points to guide the review': "Policy and practice of formal observer engagement and representation as well as comparable approaches undertaken by peer institutions and international best practice."² It is essential that the GCF promote complementarity and coherence with other multilateral mechanisms and processes that have established a dedicated active observer seat with Indigenous Peoples namely – Green Environmental Facility (GEF), World Bank's Climate Funds i.e., FCPF, Carbon Fund, Climate Investment Funds and the UN-REDD+ Collaborative initiative (FAO, UNDP & UNEP). While the UNFCCC processes recognizes nine observer constituencies, including Indigenous Peoples as distinct, spate constituency, the cited multilateral mechanisms do recognize indigenous peoples and may be not the entire nine.

¹ Decision of the Board on Terms of reference for the review of observer participation - B.BM-2016/11.

² *Ibid*, paragraph on points to guide the process IV a(i).

However, we are fully aware that in the lack of a COP decision on the matter, that we have and will continue to advocate for at UNFCCC level, Indigenous Peoples' opportunities to actively engage with the GCF can still be enhanced on an interim basis pending a COP decision, by various means.

For instance, under c) Participation of active observers in meetings of the Board (i) Observer constituency representation arrangements; (ii) The role of alternate active observers, the review can explicitly assess the possibility of ensuring proper rotation of seats for Indigenous Peoples observers to act as active observers within the recognized constituencies and in occasion of Board discussions that have a particular relevance for Indigenous Peoples.

The review should therefore consider how the role of alternate active observers could be strengthened to better support the representation of diverse constituencies, including, "by formally recognizing alternate active observers and allowing them into the Board room." The GCF should also assess the modalities required to recognize Indigenous Peoples as a separate constituency, in line with UNFCCC and GEF practice.

C. RECOGNITION OF INDIGENOUS PEOPLES AS A SEPARATE CONSTITUENCY

As regards constituency representation, the review should address whether the current allocation of active observers enables them to effectively represent their diverse constituencies. While the GCF only recognizes two observer constituencies – civil society and private sector – the UNFCCC recognizes nine. However, it should be noted that the UNFCCC initially started out with just two constituencies – business and industry, and environmental NGOs. Because of the recognition of the diversity of concerns represented, UNFCCC constituencies now also include local government and municipal authorities, Indigenous Peoples Organizations (IPO), research and independent NGOs, trade union NGOs, farmers and agricultural NGOs, women and gender NGOs, and youth NGOs. The review should consider possible expansion of GCF constituency representation, with consideration of active observers for Indigenous Peoples given priority consideration.

D. ASSESS INTERNATIONAL BEST PRACTICES AND STANDARDS AS WELL AS ALIGNMENT MODALITIES FOR THE GCF TO ALIGN

More broadly, with the GCF as a learning institution committed to international excellence and innovation, we recommend that the TOR consider:

- How policy and practice of observer participation at the GCF align with international best practice and standards, including the Principle 10 of the Rio Convention "*Environmental issues are best handled with participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to*

judicial and administrative proceedings, including redress and remedy, shall be provided.”³

- How policy and practice of formal stakeholder consultation – at the Board level and in-country – compare with peer institutions and international best practice.
- The adequacy and timeliness (in line with the requirement under the Board’s Rules of Procedure and its updated information disclosure policy) of the availability of Board documentation – before, during, and after Board proceedings, including formal and informal Board meetings, Board committee deliberations and between meetings decisions.

E. INDIGENOUS PEOPLES’ IN-COUNTRY ENGAGEMENT

A guiding principle in the GCF’s Governing Instrument is that “The Fund will pursue a country-driven approach and promote and strengthen engagement at the country level through effective involvement of relevant institutions and stakeholders.” As the Board shifts its focus to consideration of specific funding proposals and accreditation applications, it will become increasingly important that this principle is given full effect. The quality of CSO-Board engagement, and ultimately the quality of the decisions the Board takes on these issues will depend more on the information that comes to the Board through “effective involvement of relevant institutions and stakeholders” at the country level.”

For this reason, the review also should consider the following issues related to in-country observer participation:

- Nature and quality of engagement – both qualitative and quantitative – of NDAs/focal points and accredited entities with stakeholders within developing countries, including affected communities, Indigenous Peoples, women and other marginalized groups, civil society, local private sector, and local government. This should include assessments of proactive comprehensive outreach to stakeholders in-country by NDAs/focal points and accredited entities and explore whether best practices such as the country coordinating mechanisms (CCM) of the Global Fund to Fight AIDS, TB and Malaria could be a model for NDAs/focal points. For example, civil society stakeholders in-country should be informed about project proposals and given a minimum of 30 days for opportunities to provide comments directly to the NDA/FP before the NDA/FP issues a letter of no-objection.
- The review should also consider the development of a GCF toolkit on best-practice country coordination experiences, to help NDAs/FPs move beyond the broad guidelines established by the Board under country ownership.
- Availability of and ease of access to information in-country about the GCF, NDAs/focal points, and accredited entities – via electronic and non-electronic mechanisms. Such information should be made available with ample time and in local languages to give

³ The policy and practice of observer participation at the GCF can also refer to the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters (www.unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf) as well as the Almaty Guideline on public participation in international forums (<http://www.unece.org/fileadmin/DAM/env/documents/2005/pp/ece/ece.mp.pp.2005.2.add.5.e.pdf>).

room for civil society stakeholders' inputs. English language and outreach primarily via internet are potential obstacles to stakeholder engagement.

- The GCF should also assess the possibility and modalities to introduce specific indicators at country level to ensure that Indigenous Peoples' rights are fully enhanced, recognized and respected.

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