

An Indigenous Peoples Policy for the Green Climate Fund

Background

The Fund's Governing Instrument¹ - as well as other policies such as the Interim Environment and Social Standard (ESS)² and the draft Environment and Social Management Standard (ESMS)³ - refer to the GCF's obligation to fully and effectively engage with indigenous peoples in the design, development and implementation of the strategies and activities to be financed by the Fund, while respecting their rights. More recently, in its 15th meeting, the Board has given a mandate to the Secretariat to develop a Fund-wide Indigenous Peoples policy for the Green Climate Fund for consideration at the 16th meeting of the Board.⁴

The obligation to respect human rights and to engage indigenous peoples in climate change policies and actions has been explicitly recognized in the Cancun Agreement.⁵ The need to respect the rights of indigenous peoples has been further reiterated in the preamble of the Paris Agreement.⁶ The Paris Agreement goes on to acknowledge the positive contribution of indigenous peoples' traditional knowledge systems in achieving its goals⁷ and to recognize the need to strengthen practices and efforts of local communities and indigenous peoples related to addressing and responding to climate change.⁸

In this submission we present the recommendations of indigenous peoples organisations and support groups regarding the content, framework and purpose of an Indigenous Peoples' Policy for the Green Climate Fund that can ensure that the objectives of these agreements are realized in practice while respecting the rights and interests of indigenous peoples.

¹ "XIII. STAKEHOLDER INPUT AND PARTICIPATION: 71. The Board will develop mechanisms to promote the input and participation of stakeholders, including private-sector actors, civil society organizations, vulnerable groups, women and indigenous peoples, in the design, development and implementation of the strategies and activities to be financed by the Fund"

² https://www.greenclimate.fund/documents/20182/114264/1.7_-_Environmental_and_Social_Safeguards.pdf/e4419923-4c2d-450c-a714-0d4ad3cc77e6

³ https://www.greenclimate.fund/documents/20182/24913/DGP_15-12-2016_-_GCF_Environmental_and_Social_Management_System.pdf/3b05eb86-4636-4179-aa1d-ebfcec34037e

⁴ "Requests the Secretariat to prepare for consideration by the Board, at its seventeenth meeting, a fund-wide Indigenous Peoples Policy; and (b) Invites submissions from the Board, and Alternate members and observer organizations in relation to the development of the GCF Indigenous Peoples Policy"

http://www.greenclimate.fund/documents/20182/490910/GCF_B.15_02_-_Report_on_the_activities_of_the_Co-Chairs.pdf/d1ec152c-e2d5-446a-ae29-79a4e5ee5d03

⁵ <https://unfccc.int/resource/docs/2010/cop16/eng/07a01.pdf>

⁶ "Acknowledging that climate change is a common concern of humankind, Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples," Preamble, Paris Agreement

<http://unfccc.int/resource/docs/2015/cop21/eng/10a01.pdf#page=2>

⁷ "Parties acknowledge that adaptation action should follow a country-driven, gender-responsive, participatory and fully transparent approach, taking into consideration vulnerable groups, communities and ecosystems, and should be based on and guided by the best available science and, as appropriate, traditional knowledge, knowledge of indigenous peoples and local knowledge systems";

⁸ "Recognizes the need to strengthen knowledge, technologies, practices and efforts of local communities and indigenous peoples related to addressing and responding to climate change, and establishes a platform for the exchange of experiences and sharing of best practices on mitigation and adaptation in a holistic and integrated manner"

Rationale

Indigenous peoples (men and women) play key roles in, and offer invaluable contributions to, climate change adaptation and mitigation through their traditional knowledge and sustainable resource management systems and practices, which are critical in achieving the goals of the Green Climate Fund. Despite their small carbon footprint, indigenous peoples are among the most vulnerable to climate change and to the consequences of ill-conceived solutions to climate change, including specific adverse impacts on indigenous women.

An Indigenous Peoples Policy is required to provide guidance, due diligence rules and operational standards for the Fund, Accredited Entities and stakeholders in order to support countries in the implementation of their climate change programmes. The Policy could also, if well-designed, enhance the contributions of indigenous peoples to climate change solutions in line with the goals of this Fund, on a foundation of respect for their rights and wellbeing, and in a manner that can avoid future grievances. The policy will also allow for a comprehensive and holistic approach to indigenous peoples-related matters that pertain to the Fund's activities and goals.

Proposed Objectives

The objectives of the Indigenous Peoples Policy of the Green Climate Fund should cover, at a minimum, the following:

- a. to support and promote the positive contributions of indigenous peoples to climate change mitigation and adaptation;
- b. to enable the critical role of indigenous peoples in assisting the Fund to achieve its transformational goals, with regard to more effective, sustainable and equitable climate change results, outcomes and impacts;
- c. to avoid and mitigate possible adverse impacts of the Fund's activities on indigenous peoples' rights, interests and well-being;
- d. to ensure the respect of the rights of indigenous peoples in the whole spectrum of the Fund's activities and initiatives, in full alignment with applicable international obligations and standards such as ILO Convention 169 and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP);
- e. to recognize and respect in all activities financed by the Green Climate Fund, indigenous peoples' rights to collectively own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired;
- f. to recognize and effectively apply the principle of Free, Prior and Informed Consent (FPIC), in accordance with relevant international laws and standards, and international best practice principles; and
- g. to promote and ensure the full and effective participation of indigenous peoples at all levels of the Fund's activities and initiatives.

Policy Principles

The Fund's Indigenous Peoples' Policy consists of the following elements:

- ***Respect for indigenous peoples' rights, the related application of Free, Prior and Informed Consent (FPIC), and the full and effective participation of indigenous peoples on activities that may affect them***

The Fund's projects and programs shall respect the rights and responsibilities set forth in the UNDRIP, and other applicable international instruments relating to indigenous peoples. This includes the well-recognized right to own, develop, control and administer their traditional lands, resources and territories.

Also, GCF FPIC safeguard requirements should include clear procedures to ensure credible independent verification of compliance with this core standard by the GCF and its accredited entities.

Additionally, the Fund's social standards and activities shall fully respect not only indigenous peoples' rights to land, territories and resources, but also to their cultural and spiritual heritage and values, traditional knowledge, resource management systems and practices, occupations and livelihoods, customary institutions and overall wellbeing.

The Green Climate Fund, National Designated Authorities, Accredited Entities, Intermediaries and Implementing Entities shall ensure the full and effective participation of indigenous peoples in Fund's supported policies, processes, programs and projects that may affect them, positively or negatively, or infringe their rights and ability to sustain their way of life. Participation standards should include a clear requirement for the meaningful participation of indigenous peoples and affected communities in social and environmental impact assessments conducted by independent entities for GCF projects and investments, including requirements for review of draft ESIA studies by rights-holders, their collective organisations and their freely chosen advisors prior to the approval of a project or accreditation of an entity. This shall require the development and implementation of an Indigenous Peoples Engagement Plan, which describes a clear mechanism for sustained engagement and effective participation, including full disclosure of information, as well as meaningful consultation and informed participation processes and the activities, known at that time, that will require FPIC prior to their commencement. Indigenous peoples' representatives, duly selected by them, shall participate in initial identification, development, implementation, monitoring and evaluation in relevant projects.

The representatives of indigenous peoples that will engage in relevant GCF projects, processes, programs and projects will be chosen by indigenous peoples themselves in accordance with their own procedures, and mechanisms for representation.

The Fund shall ensure the inclusion and effective participation of indigenous peoples (including women and youth) in the conduct of the environmental, social and cultural impact studies and assessment. The Fund shall apply an interdisciplinary approach, including the participation of indigenous experts, taking into consideration the cultural and social dimensions, and the views and concerns of indigenous peoples shall be taken into account. Relevant case studies and reports prepared by indigenous peoples shall be given due consideration. Further, an independent and validation of findings shall be carried out with the participation of affected indigenous peoples, including the determination of risk categories of proposed project prior to the finalization/approval of the assessment report.

The Fund shall ensure the effective application of FPIC for projects that may impact indigenous peoples' traditional ownership and users' rights on lands, territories, resources, livelihoods and cultures. FPIC shall be an iterative process, requiring indigenous peoples' **consent before any GCF-funded project related initiative is undertaken, on the basis on their own independent deliberations and collective decision-making process, customs values and norms**, based on adequate information to be provided in a manner that is understood by them; and a process of transparent and inclusive consultations, including with women and youth, and free of coercion or intimidation. A specific *Guidance on the application of Free, Prior and Informed Consent and Engagement of Indigenous Peoples in the Green Climate Fund* will be developed in consultation with indigenous peoples, their organizations and advisors, and adopted based on this policy.

- ***Indigenous peoples under voluntary isolation***

The GCF shall respect the right of indigenous peoples under voluntary isolation to remain in said isolated condition and to live freely according to their culture. In order to safeguard the collective and individual physical, territorial, and cultural integrity of these peoples, projects that may have potential impacts on these peoples, their lands and territories, or their way of life, will have to include the appropriate measures to recognize, respect and protect their lands and territories, environment, health and culture, and to avoid contact with them as a consequence of the project.

- ***Environmental and Social Safeguards***

The Environmental and Social Safeguards of the GCF shall be consistent with the scope, principles and criteria of this policy.

- ***Indigenous Peoples' Traditional Knowledge and Livelihood Systems***

The Fund recognizes indigenous peoples' traditional knowledge and traditional ecosystem and resource management systems are critical contributions to achieving the goals and purposes of the Green Climate Fund.

The GCF recognizes and respects indigenous peoples' cultural heritage as well as traditional knowledge held by indigenous peoples and the indigenous ways of ownership and knowledge transmission, and shall promote the participation and leadership of traditional knowledge holders in projects.

- ***Indigenous Women***

The GCF shall acknowledge the positive role and contributions of indigenous women in climate change-related actions and their particular vulnerability to climate change. The Fund shall support the empowerment, effective participation and leadership of indigenous women in GCF-financed projects through the implementation of the provisions under the GCF's *Gender Policy and Action Plan in combination with this Policy*.

- ***Resettlement***

The GCF shall not finance activities that would result in the involuntary resettlement (forced eviction) of indigenous peoples. GFC will seek to avoid funding activities that may involve physical displacement (i.e., relocation or loss of shelter), whether full or

partial and permanent or temporary, or economic and occupational displacement (i.e., loss of assets or access to assets that leads to loss of income sources or means of livelihood) as a result of Project. In exceptional circumstances where resettlement is necessary, they will only be lawful if they meet the following criteria: (i) authorized by national law; (ii) carried out in accordance with international human rights law (iii) undertaken solely for the purpose of promoting the general welfare; (iv) reasonable and proportional; and (v) follow due process standards and are regulated so as to ensure full and fair compensation and rehabilitation as well as right of return, if applicable.

- ***Comprehensiveness, in scope and coverage***

The Fund will apply its Indigenous Peoples' Policy to all its climate mitigation and adaptation activities, including in preparatory and readiness stages. It will be applied by all international, regional, national or subnational, public or private entities that are supported by the GCF.

The GCF will look for guidance to the many commonly accepted and applied definitions of indigenous peoples⁹ respecting self-identification as indigenous or tribal as a fundamental criterion for determining the application of this policy. At a minimum, this policy will apply to Indigenous Peoples as characterized in Article 1 of ILO Convention 169.¹⁰ Further to this, the GCF will assess the presence of a number of characteristics, drawing on the working definition used by the UN.¹¹

- ***Direct Access to Funding***

The GCF shall provide appropriate access to grant financing for indigenous peoples, tailored to their requirements and needs and priorities, in order to support their initiatives and efforts for climate change mitigation and adaptation projects and programs as key to the achievement of the Goals of the GCF.

- ***Accountability, Grievances, and Conflict Resolution***

Proponents of GCF-funded projects and programs affecting indigenous peoples shall establish an effective grievance and dispute resolution mechanism at the project level, in order to address indigenous peoples' project-related concerns. This mechanism shall take into account customary laws, dispute resolution mechanisms, and justice systems

⁹ See <http://tinyurl.com/o7r5n8e>.

¹⁰ (a) *tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;*

(b) *peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.*

2. *Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply.*

¹¹ These characteristics include, among others: collective attachment to customary and traditional territories, lands and resources, including groups for whom such attachments have been forcibly severed; priority in time in the lands and territories they occupy; distinct cultural, social, economic institutions, potentially including distinctive languages, customary laws, and other distinct forms of social organization; and experience of subjugation or marginalization in relation to dominant society. This draws on the work of Jose R. Martinez Cobo, the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in his Study on the Problem of Discrimination against Indigenous Populations.

of indigenous peoples as appropriate, ideally utilizing independent indigenous experts. Such bespoke indigenous mechanism should not preclude the option to use the wider GCF accountability mechanism and accountability mechanisms of project proponents (Accredited and Executing entities), ensuring that potential claimants are provided with the necessary financial and technical support to access such mechanisms. The use of GCF grievance mechanisms will not preclude or prejudice access to any other redress mechanisms (judicial, administrative, domestic or international) otherwise available to indigenous peoples.

The GCF Independent Redress Mechanism and the Indigenous Peoples' focal point shall be available, accessible, transparent and be actively involved in complaints brought forward by indigenous peoples to the GCF.

- ***Competencies and Capacity Building***

The GCF shall develop the capacity of its key advisory and decision-making bodies to understand and properly address indigenous peoples' issues and rights, including in the modalities for the appointment of its Board members and Secretariat management and staff. The Secretariat shall appoint a senior staff member(s) with competencies in indigenous peoples issues to lead the implementation of this Policy. The GCF shall also ensure indigenous peoples, or those with expertise in indigenous issues are included in the Accreditation Panel, the Investment Committee, the Risk Management Committee and the Private Sector Advisory Group and technical advisers.

The GCF shall support specific capacity building programs for indigenous peoples to ensure their full and effective engagement with the GCF at all levels (Secretariat, Board, NDAs and IEs). This support shall include at a minimum activities related to consultation, advocacy, institutional building for project implementation and management, as well as effective engagement of indigenous peoples in the formulation of project proposals and monitoring and evaluation.

V. Implementation framework /Mechanisms

The development of mechanisms and practices in support of the effective implementation of the GCF's Indigenous Peoples' Policy are vital for the long-term operation of this Policy. As such, the GCF will establish specific mechanisms to facilitate implementation on the basis of the Indigenous Peoples' Policy.

The Board will oversee the implementation of the Policy through the review of periodic monitoring reports from the Secretariat, impact evaluation reports from the Evaluation Unit and reports from the Independent Redress Mechanism. The Secretariat will undertake its due diligence for the implementation of this Policy through the accreditation of AEs and intermediaries and the project approval and monitoring process. It will subsequently report to the Board on the progress made towards implementing the Policy.

An **Indigenous Peoples Focal Point** within the Secretariat will be designated and appointed, to support effective and timely engagement with indigenous peoples. He/she will provide support to GCF Secretariat, indigenous peoples and accredited entities on issues related to this Policy and will facilitate the work of the Indigenous Peoples Advisory Group. The Indigenous Peoples Focal Point will also lead the review and updating of this and other relevant GCF Policies.

An **Indigenous Peoples Advisory Group** will be established to enhance coordination between GCF entities and indigenous peoples. The key function of the group shall be to provide advice to the Indigenous Peoples Focal Point, and the NDAs and IEs in case of projects affecting indigenous peoples, on the operationalization and reviewing of this Policy, particularly on the appropriate modality to enhance dialogue among indigenous peoples, GCF entities and other experts.

The GCF Secretariat and Accredited Entities shall undertake a periodic assessment of the implementation of its indigenous peoples policy complementary to the environmental and social safeguards (ESS) process, which will require the collection of baseline data, and to (a) determine how the GCF can improve its response to the needs of indigenous peoples; (b) identify the drivers of change in order to achieve adaptation or mitigation goals; (c) identify and design the specific and culturally-appropriate elements to be included in the policies/projects/programmes; (d) estimate the implementation budgets; (e) select specific output, outcome and impact indicators for indigenous peoples; and (f) design project/programme implementation and monitoring institutional arrangements that develop effective participation of indigenous peoples.

An **Indigenous Peoples Policy Implementation Framework** will also be developed and adopted. The Framework will address include the following priority areas: (a) Governance and institutional structure; (b) operational guidelines; (c) capacity building; (d) outputs, outcomes, impacts and paradigm-shift objectives used for monitoring, reporting and evaluation; (e) resource allocation and budgeting; and (f) knowledge generation and communications.

Signatories:

1. African Biodiversity Network (ABN), Kenya
2. African Women's Network for Community Management of Forests (REFACOF), Cameroon
3. Aksi! For gender, Social and Ecological Justice, Indonesia
4. Alyansa Tigil Mina (ATM), Philippines
5. Asian Indigenous Women Network, Philippines
6. Asociación Ak Tenamit, Guatemala
7. Articulação Pacari plantas medicinais do Cerrado, Brasil
8. Bangladesh Indigenous Peoples Network on Climate Change and Biodiversity (BIPNET)
9. Both ENDS, The Netherlands
10. Cambodia Indigenous Peoples' Organization, Cambodia
11. Center of Indigenous Cultures of Perú (CHIRAPAQ), Peru
12. Center for Indigenous Peoples' Research and Development (CIPRED), Nepal
13. Centre of Research and Development in Upland Areas (CERDA), Vietnam
14. Centro para la Autonomía y Desarrollo de los Pueblos Indígenas (CADPI), Nicaragua
15. Center for Indigenist Development - Philippines, Inc. (CIDev-Phil)
16. Civic Response, Ghana
17. Columban Missionaries, Ireland
18. Dignité Pygmée, Democratic Republic of Congo
19. Federación por la Autodeterminación de los Pueblos Indígenas (FAPI), Paraguay
20. Federation of Community Forestry Users Nepal (FECOFUN), Nepal
21. Forest Peoples Programme, UK
22. Foro Indígena del Abya Yala (FIAU), Latin America and the Caribbean
23. Friends of the Earth, Malaysia
24. Fundación para el Ecodesarrollo y la Conservación (FUNDAECO), Guatemala

25. Global Environment Centre, Malaysia
26. Heinrich Böll Foundation, North America
27. Hodopathy Ethno Medicine Doctor's Association of India (HEDAN), India
28. Human Health Aid, Burundi
29. If Not Us Then Who?, USA
30. Indigenous Environmental Network, United States of America
31. Indigenous Information Network, Kenya
32. Indigenous Knowledge and Peoples Network SWBC, Nepal
33. Indigenous Livelihood Enhancement Partners (ILEPA), Kenya
34. International Alliance of Indigenous and Tribal Peoples of the Tropical Forests (IAITPTF) Global Network
35. Indigenous Peoples Hub Africa
36. Interamerican Association for Environmental Defense, Latin America
37. International Rivers
38. International Work Group for Indigenous Affairs (IWGIA), Denmark
39. Institut Dayakologi- West Kalimantan, Indonesia
40. Jharkhand Wanaadhikar Abhiyan (JAWA), India
41. Kitanglad Integrated NGOs (KIN), Philippines
42. Kua'aina Ulu Auamo, Hawaii
43. La Asociación Ixacavaa de desarrollo e información indígena de Costa Rica
44. La Plataforma Dominicana de Afro descendientes, Dominican Republic
45. Lelewal, Cameroon
46. Mainyoto Pastoralists Integrated Development Organization (MPIDO), Kenya
47. Maleya Foundation, Bangladesh
48. Marine Ecosystems Protected Areas (MEPA) Trust Fund, Antigua and Barbuda
49. Mindanao Peoples' Peace Movement- Katawhang Lumad (MPPM-KL), Philippines
50. Naga Women Union (NWU), India
51. Naga Peoples Movement for Human Rights (NPMHR), India
52. Nama Traditional Leaders Association, Namibia
53. National Alliance of Women (NAWO) India
54. National Coordinator-GEF/SGP, Antigua and Barbuda
55. National Indigenous Women's Federation (NIWF), Nepal
56. National Alliance of Women (NAWO) India
57. Nepal Federation of Indigenous Nationalities (NEFIN), Nepal
58. Network for Indigenous Peoples of Solomon (NIPS), Solomon Islands
59. Nirmanie Development Foundation, Sri Lanka
60. Ogiek Peoples Development Program (OPDP)
61. Organo Electoral- Tribunal Supremo Electoral, Bolivia
62. Philippine Rural Reconstruction Movement (PRRM), Philippines
63. Pikhumpangon Dlibon Subanen Inc. (PDSI), Philippines
64. Promotion of Indigenous and Nature Together (POINT), Myanmar
65. PRISMA (Programa Regional de Investigacion sobre Desarrollo y Media Ambiente), El Salvador
66. Rainforest Foundation Norway (RFN), Norway
67. RECOFTC - The Center for People and Forests, Asia-Pacific
68. Red de Cooperación Amazónica-REDCAM, Venezuela
69. Red de Mujeres Indígenas y Biodiversidad, Latin America
70. Rights and Resources Initiative, USA
71. Sámi Parliament of Norway
72. Sengwer Indigenous Peoples' Program
73. Silingang Dapit South Eastern Mindanao (SILDAP), Philippines
74. SONIA ("Society for New Initiatives and Activities") for a Just New World, Italy
75. Surty Diza, National Steering Committee Member, DGM Indonesia

76. Taiwan Indigenous Conserved Territories Union, Taiwan
77. Tebtebba (Indigenous Peoples' International Centre for Policy Research and Education), Philippines
78. The Society for Alternative Learning and Transformation (SALT), Kenya
79. Third World Network, Malaysia
80. Torang Trust, (Jharkhand)India
81. Transparency International, South Korea Chapter
82. Trinamul Unnyan Sangstha, Bangladesh
83. Unissons nous pour la Promotion des Batwa (UNIPROBA), Burundi
84. Universidad Intercultural Maya de Quintana Roo, Mexico
85. Ugnayang Pambansa para sa Katutubong Kaalaman at Talino (UPAKAT), Philippines
86. Union pour l'Émancipation de la Femme Autochtone, Democratic Republic of Congo
87. United Organisation for Batwa Development in Uganda (UOBDU), Uganda
88. Women's Environment and Development Organization (WEDO), USA
89. Worldview-The Gambia
90. Youth Federation of Indigenous Nationalities (YFIN), Nepal
91. Zo Indigenous Forum, India