



Tebtebba

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NGO in Special Consultative Status with the Economic and Social Council of the UN

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The Green Climate Fund Board
175, Art Center-Daero, Yeonsu-gu
Incheon 406-840,
Republic of Korea

Dear Green Climate Fund Board members:

The upcoming Board meeting in Samoa will offer the possibility of discussing the elements and modalities for an Environmental Social Management System for the GCF. To that regard we wish to reiterate the need for the GCF to develop and adopt an Indigenous Peoples' policy. Such a proposal was already stressed in a Tebtebba-Forest Peoples' Programme submission on the Environmental and Social Management System (ESMS) sent to the Board in February 2016. It has been endorsed by a total of 66 indigenous peoples' organizations, NGO and CSO support groups and networks and can be accessed at this link:

<http://www.forestpeoples.org/sites/fpp/files/news/2016/02/Indigenous%20Peoples'%20Submission%20to%20the%20GCF%20ESMS.pdf>

We are therefore taking the liberty of sharing with you a brief note on the proposed elements of an Indigenous Peoples' policy for the Green Climate Fund to consider. We believe this is an urgent matter that should be put on the Board agenda for the coming Board meetings in 2017.

The Indigenous Peoples' Policy should clearly spell out the legal framework, including applicable international human rights standards and obligations and customary law, as well as consultation and engagement criteria for indigenous peoples and relevant safeguards. Other climate funds and international organizations (for instance, the UN Development Group, UN-REDD or the Adaptation Fund) have already adopted indigenous peoples' policies that are aligned to higher standards and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). These are potentially useful precedents to build on, thereby ensuring coherence among climate funds.

Furthermore, it should be recalled that the Cancun Agreement explicitly acknowledges the obligation to respect the rights of indigenous peoples in any climate change programme and action, while the Paris Agreement also recognizes the positive contribution of indigenous peoples' traditional knowledge in adaptation.

An Indigenous Peoples' Policy therefore would serve various purposes. The first one is to align GCF policies and safeguards to the highest standards and best practice, while serving the purposes of the Paris Agreement and other relevant international commitments on climate change.

Secondly, the adoption of an Indigenous Peoples' Policy will significantly contribute to a transformative, high-impact paradigm-shift by enabling and providing opportunities for indigenous peoples to apply traditional knowledge and traditional management systems in mitigation and adaptation that prove to be both efficient and cost-effective. The adoption of an Indigenous Peoples' Policy is also urgent, in consideration of the fact that many projects in the GCF pipeline might potentially impact or possibly engage indigenous peoples. This policy should apply as a minimum standard to all GCF-funded projects, regardless of the legal status of indigenous peoples.

Attached please find elements of the proposed Indigenous Peoples' Policy for the Board's consideration.

ELEMENTS OF A PROPOSED GREEN CLIMATE FUND'S POLICY ON INDIGENOUS PEOPLES

GCF programs and projects must follow a human rights-based approach, and respect and fulfil obligations from applicable international human rights obligations and standards, such as the UNDRIP and ILO Convention 169, as well as customary law. Particular attention should be paid to indigenous peoples' collective rights to land, territories and resources, resource-use and customary rights. A specific provision should deal with indigenous peoples in voluntary isolation.

Free, prior and informed consent (FPIC) should be adhered to and respected in accordance to highest standards and best practice. It should be meant as an iterative process whereby consent is sought and obtained at every stage and at all levels (local to global) of a project cycle. Full and effective participation, engagement and representation of indigenous peoples (including indigenous women, youth and persons with disability) must be ensured at all stages of GCF activities.

Accordingly, the GCF should envisage the establishment of an Indigenous Peoples' Advisory Body, the provision of tailored oversight and consultative mechanisms, as well as the appointment of an indigenous peoples' focal point in the GCF Secretariat, in accordance to GCF Governing Instruments' provisions. Representatives of potentially affected communities should be given the opportunity to communicate directly to the Secretariat, the GCF Board, ITAP and to the Independent Redress Mechanism, to be complemented with community-based grievance mechanisms.

The policy should also spell out the modalities by which indigenous peoples can contribute to project and program evaluation and assessment by means of Community-Based Monitoring and Information Systems (CBMIS). Relevant performance and compliance indicators should be developed with the participation of indigenous peoples. As regards access to information, this will have to be disclosed in a timely, effective and culturally-appropriate manner.

Indigenous peoples' traditional knowledge and traditional ecosystem management systems' contribution to achieving the goals and purposes of the Green Climate Fund should be acknowledged. Tailored modalities should be envisaged in support of these systems, such as among others, by means of direct funding modalities. The role of women should be recognized as well as the need to protect and enhance traditional knowledge and ensure equitable access to benefit-sharing.

Capacity building should be envisaged for the GCF Secretariat and NDAs, Accredited Entities and NIEs to enhance understanding of indigenous peoples' rights, the Indigenous Peoples' Policy, and capacity to comply with international standards and obligations on the rights of indigenous peoples. Such opportunities might be provided in readiness programs, in occasion of the preparation of concept notes by NDAs, and of proposals by NIEs, in full consultation with indigenous peoples.

Adopted during the Dialogue on the Engagement of the Green Climate Fund and its Accredited Entities with Indigenous Peoples and a Possible Funding Window for Indigenous

Peoples held on 12-13 November 2016 in Marrakech, Morocco during the UNFCCC COP22.

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