



Tebtebba

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**Forest Peoples
Programme**

October 22, 2015

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

Dear Green Climate Fund Secretariat and Board members,

Your upcoming meeting in Zambia will be a crucial one for the history and future of the Green Climate Fund. You will be discussing key policy issues such as the information disclosure policy and the monitoring and accountability framework for accredited entities, two important tools to ensure transparency, participation and accountability. You will also decide the first projects to be funded by the Fund, therefore providing the first opportunity to verify the effectiveness and efficiency of the GCF procedures and interim policies.

One of the key prerequisites for successful implementation of adaptation and mitigation projects by the Fund is the full effective engagement and consultation with all stakeholders, including indigenous peoples. Effective consultation, and engagement of stakeholders are fundamental to ensure “country ownership”. However, in this context, we, indigenous peoples, would like to bring to your attention our concerns regarding the use of the terms “country ownership” and “multi-stakeholder engagement”.

While we are generally supportive of the GCF’s mandate to assist developing countries in adaptation and mitigation practices to counter climate change, some of the details both in mission and operations need a great degree of clarification before the fund goes into the

project approval stage. We are asking the fund to adopt the best and the most transparent practices as well as match operative terms to appropriate actions.

First of all, we would like to point at the limited scope of the term “country ownership” in the context of the GCF. The Governing Instrument for the Green Climate Fund provides 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”. The Business Model Framework decision text from B04/04 reads: “country ownership is loosely defined as a goal of placing maximum responsibility for the development of national programmes and, the management and oversight of resources, at country-level, by a multiplicity of stakeholders and implemented through national government bodies and other public, non-governmental, or private entities”.

However, we note that a simple reference to “multistakeholder” engagement cannot satisfy or guarantee the effective participation of indigenous peoples. This is true for a number of reasons, the first being that we, indigenous peoples, due to our specific situation, are “rights-holders” and our rights to self-determination, land, territories and resources, traditional knowledge, Free Prior and Informed Consent are recognized by the international law, as enshrined in the ILO 169 Convention and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). Secondly, our experiences with the so-called “multi-stakeholder dialogues” show that these approaches do not necessarily recognize our specific status, nor they address the asymmetries in accessing the resources and capacities needed to engage at the same level of other stakeholders.

This concern is further compounded by the fact that according to the GCF policies, ensuring “country ownership” would be the sole task of NDAs or focal points, notably governments that in many cases do not even recognize our existence as indigenous peoples and our rights as defined by international standards and instruments. It would be up to governments and implementing agencies to ensure the full consultation with stakeholders at various levels, from the definition of the country priorities to the development of the AMAs, (that in fact should incorporate stakeholder input), as well as ensure adherence to GCF fiduciary standards and envisage a dispute resolution procedure. Hence it would be solely up to the government or the implementing entity to ensure that indigenous peoples are effectively consulted and our contributions and proposals based on our traditional knowledge are properly considered.

However, the procedures envisaged by the Fund to verify that these consultations are effectively carried out do not seem to ensure full accountability.

As a matter of fact, even though multi-stakeholder participation is core to country ownership and the GCF's mandate overall, unfortunately, there is no mandatory and binding language on multi-stakeholder engagement. Instead, we only have "initial best-practice options for country coordination and multi-stakeholder engagement," as referenced in Decision B.08/10 from Barbados and laid out in Annex XIV of the Barbados decision document. The relevant decision text from B.08/10 reads:

(d) Endorses the initial best-practice options for country coordination and multi-stakeholder engagement, set out in Annex XIV noting that the specific guidance on multi-stakeholder engagement in the context of the developing of funding proposals will be included in the Fund's environmental and social safeguards;

(e) Urges developing countries, as well as entities in a position to provide readiness and preparatory support, to take into account the best-practice guidelines for the establishment of national designated authorities and focal points and the best-practice options for country coordination and multi-stakeholder engagement endorsed in this decision.

Therefore, as representatives of indigenous peoples, we are requesting to provide a proper definition of country ownership, and in order to achieve true country ownership, to adopt mandatory and binding language on multi-stakeholder engagement that provides the space for consultations with various stakeholders including indigenous peoples.

"True country ownership" also depends on full, effective and timely access to culturally appropriate information. In regards to the information disclosure policy that will be under consideration during the upcoming board meeting, this should include relevant provisions to ensure that Indigenous Peoples are fully and effectively consulted, and engaged. Timely and culturally appropriate information is also critical to ensure the principle of Free Prior and Informed Consent of Indigenous Peoples in regards any activity that would occur in our lands and territories.

Chapter V of the The Information Disclosure Policy states that *“While the GCF is committed to disclosing as much information as possible, the effective functioning of the GCF requires it to protect certain types of information by identifying the harm that disclosure of the relevant information could cause to the interests protected by the exceptions”*.

While we recognize the need to protect certain information that may jeopardize the interests of certain parties, we also believe that in order to duly respect our right to full and effective participation and Free Prior Informed Consent, a presumption of disclosure should be adopted for information that has implication on indigenous peoples and other stakeholders. For instance, given the key role of Implementing Entities in ensuring the respect of GCF interim social and environmental standards, the name of entities seeking accreditation should be disclosed in advance to enable a proper assessment of their track record and capacities.

Another issue of concern is direct access to finance for indigenous peoples. We believe that in order to be able to offer our contribution and solutions based on our traditional livelihoods and knowledge, direct access to financing for indigenous peoples should be ensured. We are fully aware of the modalities in which direct access is dealt with by the GCF where NDAs and focal points has the key role, with all the implications that have been described above. However, we are also aware that NDAs and focal points were asked by the Board (9th Board meeting) to select appropriate entities for pilot phase of EDA, that would would directly support communities and SMEs.

GCF B.09/05 Terms of Reference for EDA pilots (Annex II sect. II and IV) offer an opportunity for IPs to apply for EDA since one of the ToRs is:

- *“support small scale activities with local actors that directly address needs and benefits of vulnerable people and communities”*.

The Requests for Proposals (RFP) will be made operational with bids early next year. The Board, also taking into account that Indigenous Peoples contribution to adaptation and mitigation is being acknowledged at various levels, including the UNFCCC, might want to signal to NDAs that these requests for Proposals envisage the possibility of indigenous

peoples to be effective and actively engaged from project design, to development and implementation, envisaging the possibility for us to present our own proposals.

Distinguished Board members, we indigenous peoples, have a long standing experience in engaging as active observers and in policy dialogues with international financial institutions and climate funds. This far our capacity to engage with the Fund has been very limited because Indigenous Peoples are not recognized as a separate constituency as the case is in the UNFCCC nor do we enjoy active observer status. Our capacity to fully and effectively engage is also undermined by limited resources to support participation of indigenous observers in the GCF's board meetings and regional preparatory meetings. Further, there are no mandatory requirements for NDAs, focal points or IEs to fully and effectively engage indigenous peoples in accordance to international human rights standards and instruments.

On the basis of the above, we urge the Green Climate Board to:

- a. Develop and adopt stringent criteria to ensure the effective engagement, consultation and participation of indigenous peoples both in the GCF activities and at country and regional level (such as with the Nationally Designated Authority and the Implementing Entities);
- b. Develop and adopt an Indigenous Peoples' policy, that would contain provisions and criteria aimed at the implementation of international human rights standard and obligations such as the ILO 169 and UNDRIP;
- c. Produce a report on the extent to which NDAs have this far engaged with Indigenous Peoples and other stakeholders in developing their country priorities and providing no-objection for accreditation of accredited entities;
- d. Ensure disclosure of information that has implication to indigenous peoples and other stakeholders. The name of entities seeking accreditation should be disclosed in advance to enable a proper assessment of their track record and capacities;
- e. Instruct NDAs and IEs to ensure that indigenous peoples are given the opportunity to directly access financing under the pilot Enhanced Direct Access program and propose adaptation and mitigation projects based on traditional knowledge and livelihoods. On the basis of an assessment of such pilot projects, and of precedents in other climate

financing bodies, the Board should then develop criteria and modalities to establish an Indigenous Peoples direct access fund or financing window.

We finally call on you to provide an opportunity for an open dialogue and exchange of views and sharing of experience on the potential contributions that indigenous peoples can provide in mitigation and adaptation as well as on how crucial policy challenges around indigenous peoples and the obligation to respect our rights can be addressed and solved. Such an exchange could take the form of a workshop for Board members in occasion of one of the upcoming Board meetings.

Looking forward hearing from you as we send this letter.

Thank you,

Indigenous Peoples' Organizations and Networks and Support Groups:

1. Tebtebba Foundation
2. Forest Peoples Programme (FPP), UK
3. Aliansi Masyarakat Adat Nusantara (AMAN - The Indigenous Peoples Alliance of the Archipelago), Indonesia
4. Centro para la Autonomía y Desarrollo de los Pueblos Indígenas (CADPI), Nicaragua
5. Centre of Research & Development in Upland Areas (CERDA), Viet Nam
6. Centro de Culturas Indígenas el Perú / Center of Indigenous Cultures of Peru (CHIRAPAQ), Peru
7. Continental Network of Indigenous Women of the Americas (ECMIA)
8. International Working Group on Indigenous Affairs (IWGIA), Denmark
9. Dignité Pygmée (DIPY), Democratic Republic of Congo
10. Asamblea Mixte para el Desarrollo Sostenible (ASAM-DES), Mexico
11. Sami Council of the Arctic Region
12. International Indian Treaty Council (IITC)
13. Silingang Dapit sa Sidlakang Mindanao (SILDAP-South Eastern Mindanao), Philippines

14. Indigenous Livelihoods Enhancement Partners (ILEPA), Kenya
15. Mainyoito Pastoralists Integrated Development Organization (MPIDO), Kenya
16. Center for Support of Indigenous Peoples of the North (CSIPN)
17. Association des Femmes Peules Autochtones du Tchad (AFPAT)
18. Network for Indigenous Peoples of the Solomons (NIPS), Solomon Islands
19. Porgera Alliance, Papua New Guinea
20. Maleya Foundation, Bangladesh
21. Nga Tirairaka o Ngati Hine, Aotearoa/New Zealand
22. Indigenous Information Network (IIN), Kenya
23. International Alliance of Indigenous and Tribal Peoples of the Tropical Forests (IAITPTF)
24. AIPP (Asia Indigenous Peoples Pact)
25. Coordinator of Indigenous Organizations of the Amazon River Basin (COICA)
26. Asian Indigenous Women's Network (AIWN)
27. Sonia Foundation, Italy

Non-Governmental Organizations/Civil Society:

1. Institute for Policy Studies, USA
2. Friends of the Earth US, USA
3. Labour, Health and Human Rights Development Centre, Nigeria
4. Rainforest Foundation Norway, Norway
5. Worldview, The Gambia
6. Coastal Livelihood and Environmental Action Network (CLEAN), Bangladesh
7. Foundation for Gaia, United Kingdom

8. INTLawyers, Switzerland
9. Center for International Environmental Law (CIEL), USA
10. Asian People's Movement on Debt and Development (APMDD)
11. Centre for 21st century Issues (C21st), Nigeria
12. African Women Economic Policy Network (AWEPON)