BRIEFING NOTE
MAKING THE GCF IP POLICY WORK FOR IPS: SECURING LAND, TERRITORIES & RESOURCES RIGHTS IN CLIMATE CHANGE ACTIONS

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Indigenous Peoples are faithful Stewards of Nature and Biodiversity

There are an estimated 370 million Indigenous Peoples living in over 90 countries around the world.¹ Many of the territories in which indigenous peoples live contain critical ecosystems that possess much of the earth’s remaining biodiversity and forests. These same ecosystems, and the resources in them, are vital for mitigation and adaptation to climate change as well as the livelihoods and survival of Indigenous Peoples.²

IPs, traditional natural resource management systems and traditional ecological knowledge have also been recognized as an important source of resiliency and adaptation, not least by the recent IPCC AR5, a number of UNFCCC COP decisions, including especially the Paris Agreement, Cancun and Warsaw decision; the Outcome document of the World Conference on Indigenous Peoples Issues (WCIP), including most of the UN development agencies which have established indigenous peoples specific policies.

Indigenous Peoples and local communities play an essential role in protecting forests, savannah woodlands and preventing changes in land use and land cover, both of which are important for reducing greenhouse gas emissions.

Indigenous peoples and local community lands hold nearly 300 billion metric tons of carbon—equivalent to 33 times global energy emissions in 2017. They manage at least 22% of the total carbon found in tropical and subtropical forestlands.

While Indigenous Peoples and local communities directly manage over 50% of the world’s lands, they have legal ownership rights to only 10%.³ This gap leaves such lands vulnerable to threats from agro-industrial production, destructive mining and logging practices, and large-scale infrastructure developments. Recognizing their rights is therefore critical to meeting the critical aims of the Paris Agreement, the SDGs, global forest and restoration targets, and protecting 30% of the earth by 2030.

The rights of indigenous and community women—who play significant roles as leaders, forest managers, economic providers and transmitters of traditional knowledge and cultures—are not provided any adequate legal protection. There is a need to disaggregate data on the differentiated impacts of climate change on indigenous peoples in general, and indigenous women, in particular.

Lowest Carbon Footprint, Yet Paying Double Price for Climate Change Impacts

IPs in all regions are already feeling the impacts of climate change and are among those most vulnerable to its impacts due to high dependence on natural resources for livelihoods. Although these communities may have historically been able to adapt, the sudden rise in sea levels, shifts in growing seasons, and erratic weather have created problems that require both technical and financial assistance.

Climate change has therefore worsened an already bad situation, associated with IPs’ historical marginalization in development practice, high poverty levels, low level of literacy, weak/poor representation in governance and decision-making structures, adversely affecting indigenous peoples’ well-being, livelihoods, cultures and identities.

Ultimately, Indigenous Peoples pay a “double negative price” for Climate Change - they suffer from direct adverse climate change impacts, as well as from unsafeguarded actions or measures taken to stop climate change from occurring or developing further.

Secure Land Tenure Rights, for IPs makes Climate mitigation and adaptation Sense

² United Nations Office for Project Services (UNOPS), Indigenous Peoples Funds Assessment, 11 October 2015.
Research shows that when IP/LCs have legally recognized and enforceable rights, both deforestation and carbon emissions can be significantly lower compared with areas outside of community forests. Furthermore, evidence suggests that community-based systems of grassland management, such as migratory pastoral and agro-pastoral systems, tend to support greater carbon storage than ranching or sedentary models. Therefore securing IPs land rights constitutes one of the most cost-effective and equitable solutions to fulfilling the ambitious goals of the Paris Agreement, which calls on all Parties to pursue actions on the basis of equity, and in the context of sustainable development and efforts to eradicate poverty (UNFCCC, Article 4.1).

Many indigenous peoples' livelihoods, and customary practices are highly dependent on forest and forest resources. These include the practice of subsistence hunter-gathering and grazing, including access to water and firewood, indigenous medicine among other benefits. These are critical livelihood production activities of indigenous peoples that contribute to their food security. At the same time, these are important forms of land use and forest management practices for utilized by many local and indigenous communities that contribute to sustainable forest management.

Focusing only on environmental protection and conservation of forests without understanding and recognizing the contributions of indigenous peoples through their traditional forest use and management practices (including traditional knowledge) could further marginalize and undermine the traditional livelihoods of indigenous peoples. On the other hand, REDD+ can also contribute to recognizing the value of traditional knowledge systems for forest management and strengthen the capacity of indigenous peoples for long-term conservation and sustainable forest management.

**Land Tenure Security in the Context of the GCF Indigenous Peoples Policy**

The critical place and role of land tenure, territories and natural resource security in the survival and cultural identity of Indigenous peoples of the world, is at the heart of the IP Policy. Further, the implicit restriction that land tenure insecurity places on IPs’ efforts to participate in and benefit from development initiatives including climate change actions is clearly underscored.

The centrality of collective ownership of land, territories and natural resources, including areas that hold special significance for the IPs group, such as sacred sites in sustaining IPs’ way of seeing and experiencing the world is acknowledged within the policy objectives, scope of application and in its key principles.

As such, one of the policy objectives aspires “To promote and respect indigenous peoples’ rights to 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 that they have otherwise acquired”

With respect to scope of the policy application, para. 17 p. 5, adopts the criteria of *presence, collective attachment or right to areas* where GCF-financed activities will be implemented, areas in which IPs “have lost collective attachment to distinct habitats or ancestral territories in the project area because of forced severance, conflict, government resettlement programs, dispossession of their land, natural disasters, or incorporation of such territories into an urban area”, as one of the triggers to apply the policy.

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4 RRI, Issue Brief 1: Indigenous Peoples and Local Community Tenure In the INDCs: Status and Recommendations, April 2016
5 Ibid
6 Green Climate Fund IP Policy, art. 11(g) p.4
Consequently, this connection to land, culture and spirituality is incorporated in the proposed safeguards arrangements entrenched in the policy, including the *Indigenous Peoples Plans (IPP)* and *Involuntary resettlement*. The IPPs, for example outlines the actions to minimize and/or compensate for the adverse impacts and identify opportunities and actions to enhance the positive impacts of a project for indigenous peoples in a culturally appropriate manner.

One of the guiding principles on which the IP Policy is anchored on, is the application and respect for Free, Prior, Informed Consent (FPIC) whenever consideration is being given to GCF-financed activities that will affect indigenous peoples’ lands, territories, resources, livelihoods and cultures or require their relocation.

The GCF IP policy therefore holds that all GCF activities will fully respect and support indigenous peoples’ rights related to land, territories and resources, and rights related to cultural and spiritual heritage and values, traditional knowledge, resource management systems and practices, occupations and livelihoods, customary institutions, and overall well-being.

The policy requires that Accredited Entities, i) Document efforts to avoid and otherwise minimize impacts; ii) identify and review all property interests, tenure arrangements and traditional resource usage prior to purchasing, leasing; iii) ensure that affected IPs are informed of and understand, their land tenure situation, scope and nature of the activities proposed for GCF-financing and their potential impacts.

In all these activities, *gender inclusive* and specifically consideration of women’s roles in the management and use of GCF resources during project implementation must be accounted for.

Where GCF financed activities entail commercial use of IPs’ land, Territories and resources, the policy grants IPs the right to equitable share of benefits deriving from the commercial use, seek compensation or to access possibilities for development that would compensate for the losses to be occasioned by the project. These rights include the right to be consulted and consent to the amount and quality of compensations including alternative livelihoods.

For lands under traditional occupation or customary use, with no legal recognition, Accredited Entities are encouraged to work with IPs and their national governments to propose a plan for the legal recognition of these rights according to national legislation and international treaties as well as traditions and land tenure systems of IPs. Further, the policy commits to prioritizing efforts aimed at avoiding involuntary resettlement, relocation or displacement from IPs customary lands.

The policy commits to make available for accredited entities resources for technical or financial support to facilitate efforts towards recognition of customary or traditional land tenure arrangements, protection of traditional knowledge and to enhance IPs, women, PWDs capacities to participate and engage in GCF-financed activities for the preparation of plans, strategies including those related to land, territories and natural resources.

The GCF IP policy therefore aspires to contribute to efforts towards promotion and respect for the land, territories and resources rights of indigenous peoples in the context of GCF financed activities.

### Translating Gains in Policy into Positive Progress in Livelihoods on the Ground

7 means physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets or access to assets, including those that lead to loss of income sources or other means of livelihood), or both, caused by project-related land acquisition or restrictions on land use;
8 Green Climate Fund IP Policy ((v) par. 222 a,b)
9 Ibid, Par. 58 & 59
10 Ibid Para 11(a) on policy of objectives
11 Ibid, Para, 72
- Self-determined situation analysis of the IPs’ land, territories and natural resource, including their traditional occupations, land that are of cultural and spiritual values (sacred waters, mountains, trees, rocks, burial sites) and language, tradition, identity or ceremonial aspects of your culture ... pre-existing violations and outstanding land rights claims

- Develop thorough knowledge and enhanced understanding of the IP policy including the integrated safeguards mechanism and entities involved

- Appreciate the import and dynamics of operationalizing FPIC processes at the community level, particularly indigenous community groups’ decision-making arrangements that should be engaged by the NDA\textsuperscript{12} and Accredited Entities during project implementation.

- Developing consensus among IPs groups on what “Culturally appropriate” approaches entails in the context of land and natural resource tenure

- Pro-actively engaging with relevant actors along the GCF delivery chain – the Accredited, Entities\textsuperscript{13}, NDAs, the GCF Secretariat and the Board, including Independent Panels where necessary and the Institution with direct mandate with the IP policy implementation.

- Sustain engagement with the Indigenous Peoples Advisory Group to the GCF (IPAG), to keep a breast with emerging trends and provide feedback loops on the policy implementation

- Identify Indigenous Peoples’ Experts and lobby for their inclusion in the GCF’s roster of Experts to advise and influence the GCF family through its independent panels and advisory bodies.

- Pro-actively engage with the National Designated Authority/National Focal point and the National Direct Access Entities on the Country Readiness & Preparatory support to ensure IPs’ Climate change related priorities, including land tenure security and enhanced capacities for consultation, advocacy, project implementation and management, are reflected and integrated in the Country’s GCF Projects/programmes pipeline development.

- Contribute to participatory monitoring and reporting of application of the policy to inform subsequent review and iteration of the IP Policy

- Contribute and shape instruments and tools such as The Indigenous Peoples Plan (IPP) and the Indigenous Peoples Management Framework (IPMF), Resettlement Policy Frameworks in order to ensure the proper implementation of the IP Policy and the ESMS, and to pre-empt any potential negative impacts arising out of activities funded by the GCF

\textsuperscript{12} national authority in charge of keeping the relations and of being the institutional contact with the Green Climate Fund at the national level

\textsuperscript{13} is a national or international body or institution, (an agency, UN agency, NGO, or international bank or other financial institution) that has obtained accreditation to be able to present projects and access Green Climate Fund funds