



GLOBAL ENVIRONMENT FACILITY  
INVESTING IN OUR PLANET

# Principles and Guidelines for Engagement with **Indigenous Peoples**





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## REFERENCES:

- GEF Policy on Agency Minimum Standards on Environmental and Social Safeguards
- GEF Policy on Public Involvement in GEF Projects
- Issues Paper: Final, submitted by the Indigenous Peoples Task Force





# Introduction

1 The GEF was established to provide resources to developing countries and countries with economies in transition to assist them in protecting and benefiting the global environment. The GEF is a financial mechanism for the United Nations Convention on Biological Diversity (CBD), the UN Framework Convention on Climate Change (UNFCCC), the UN Convention to Combat Desertification (UNCCD), the Stockholm Convention on Persistent Organic Pollutants (POPs), and related international agreements.



The GEF also provides resources to assist countries to adapt to the negative impacts of climate change. GEF activities are incremental and build on baseline activities, often in areas related to the sustainable development of recipient countries.

- 2 Traditional indigenous lands and territories are very important to achieving GEF's goals for the global environment. Rich in natural resources, traditional indigenous lands and territories may contain up to 80 percent of the planet's biodiversity.<sup>1</sup> In addition, Indigenous Peoples are expected to be among the most threatened by the impacts of climate change and global development.<sup>2</sup>
- 3 Indigenous Peoples make valuable contributions to the world's heritage due to their in-depth, varied and locally rooted traditional knowledge and their understanding of ecosystem management. Further, the GEF recognizes that program results can be enhanced when Indigenous Peoples are

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1 GEF project document on *Assessment and Recommendations on Improving Access of Indigenous Peoples to Conservation Funding*, 2007.

2 Macchi, M. IUCN Issues Paper, *Indigenous and Traditional Peoples and Climate Change*, 2008.

appropriately integrated into projects that involve or have impacts on Indigenous Peoples. Hence, the GEF seeks to ensure continued appropriate inclusion of Indigenous Peoples.

- 4 It should be noted that it is the GEF's aim to provide financing only for activities that pose no negative environmental and social issues; however, the GEF understands that despite best efforts, adverse environmental and social impacts can arise from activities in pursuit of sustainable development. The GEF currently has policies and processes in place to help ensure that Indigenous Peoples are appropriately involved and incorporated into GEF-financed projects, including the *GEF Policy on Agency Minimum Standards on Environmental and Social Safeguards*<sup>3</sup> and the *GEF Policy on Public Involvement in GEF Projects*.<sup>4</sup>
- 5 Indigenous Peoples have expressed a desire to enhance engagement with the GEF. In response to a request from Indigenous Peoples, the GEF has formulated this paper on Principles and Guidelines for

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3 Council document, GEF/C.41.10/Rev.01.

4 Council document, GEF/C.7/6.



Engagement with Indigenous Peoples to ensure that the GEF and its partner agencies make appropriate efforts to include and promote Indigenous Peoples in applicable processes and projects.

6 The purpose of this paper is to reaffirm the existing GEF Principles related to Indigenous Peoples, including those articulated in the *GEF Policy on Agency Minimum Standards on Environmental and Social Safeguards* and the *GEF Policy on Public Involvement in GEF Projects*, and to further elaborate new guidelines that provide additional clarity and practical guidance on the application of these policies to GEF Partner Agencies and all stakeholders interested in GEF-financed projects. The paper also establishes mechanisms through which the GEF will strengthen its engagement with Indigenous Peoples.<sup>5</sup>

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<sup>5</sup> Note: A GEF Policy is a statement of principles that mandates or constrains activities undertaken to achieve the institutional goals of the GEF. GEF Procedures are a set of instructions or process that must be followed to adhere to GEF Policy. A GEF Guideline provides additional information to explain or help implement GEF Policy. The importance of GEF guidelines and their role in ensuring participation of major groups and local communities, including Indigenous Peoples, is highlighted in the GEF Instrument. See the GEF's Instrument for the Establishment of the Restructured Global Environmental Facility (or GEF Instrument), October 2011

- 7 The paper briefly describes the main concerns and desires expressed by Indigenous Peoples and other experts with respect to Indigenous Peoples engagement in GEF-financed projects and processes. The paper also summarizes relevant policies and processes of the GEF and GEF Partner Agencies as they relate to engagement with Indigenous Peoples.
- 8 This paper has been prepared by the GEF Secretariat drawing on input from Indigenous Peoples representatives and through a consultative process with a variety of experts and stakeholders.<sup>6</sup>

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<sup>6</sup> Valuable inputs have been provided by: the Indigenous Peoples Task Force to the GEF, GEF Partner Agencies, CBD, the GEF NGO Network, CSO (e.g. Indian Law Resource Center, TEBTEBBA, World Wildlife Fund, The Nature Conservancy, Conservation International, Forest Peoples Program) and other experts.





# Background

## Indigenous Peoples & GEF Engagement

9 For several years, Indigenous Peoples have requested the GEF to develop a formal policy and guidance related to engagement with Indigenous Peoples. Indigenous Peoples base these requests on a desire to ensure that their contributions to sustainable development and environmental protection continue to be recognized and promoted.

- 10 Indigenous Peoples have also expressed a desire for relevant intergovernmental organizations, such as the GEF, to continually update their operations and policies to align with evolving best practices with respect to the rights of Indigenous Peoples. Of particular importance to Indigenous Peoples is the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).<sup>7</sup>
- 11 In response to these requests, the GEF began a process of engagement with Indigenous Peoples to learn more and to respond effectively to their requests for the development of a framework for engagement between the GEF and Indigenous Peoples. As part of this consultative process, an Indigenous Peoples' Task Force (IPTF)<sup>8</sup> to the GEF was established in July 2011 to provide feedback to the GEF Secretariat, including on options for enhancing the engagement and participation of Indigenous Peoples with the GEF and its operations. Several consultation workshops took place to gather this input.<sup>9</sup>
- 12 In November 2011, the IPTF produced an issues paper from which the GEF Secretariat has drawn to develop this paper. The IPTF prepared their issues paper in a participatory manner with consultations in various regions.<sup>10</sup>
- 13 The main areas highlighted by the IPTF in their issues paper include a desire to see the GEF establish a rights-based policy recognizing and promoting respect for the rights of Indigenous Peoples. This includes the GEF adopting a rights-based approach and contributing to the realization of the UNDRIP, the African Charter, and the International Labour

Organization (ILO) Convention 169 for those states that support or have ratified these instruments. Indigenous Peoples requested the GEF to articulate additional guidance on their definition of Indigenous Peoples and their human rights, particularly as they related to declarations by the United Nations, as well as their positions on land rights, free, prior and informed consent (FPIC), traditional knowledge, access and benefit sharing of resources, as well as full and effective participation in GEF processes and operations. The IPTF also highlights mechanisms whereby the GEF can support the effective implementation of its guidance.<sup>11</sup>

## Existing Policies, Programs and Processes

- 14 The GEF, from its early days, has acknowledged the important role that Indigenous Peoples play in GEF policy, program and process development, both as valuable contributors in the project development stages, and as potential partners and stakeholders in the identification, development, implementation, monitoring, and evaluation stages. The GEF reaffirmed this commitment in its November 2010 Council decision GEF/C.39/10/Rev.1, *Enhancing the Engagement of Civil Society in the Operations of the GEF*.<sup>12</sup>
- 15 Currently, policies related to Indigenous Peoples are incorporated into many areas of GEF strategy and operations. This interwoven characteristic makes it difficult to capture the depth of Indigenous Peoples guidance currently within the GEF; and also highlights the need to provide clarity to ensure that the GEF's current support and guidance is relevant and sufficient.

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7 United Nations Resolution adopted by the General Assembly, 61/295. Declaration on the Rights of Indigenous People, 2007.

8 IPTF's Indigenous Peoples representatives were designated through a process of self-selection by Indigenous Peoples.

9 The Swiss Government generously provided the financial support for the engagement process, as well as the development of this paper and the IPTF issues paper.

10 See Indigenous Peoples Task Force, Issues Paper: Final, November 30, 2011, pages 2-3.

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11 Indigenous Peoples Task Force, Issues Paper: Final, November 30, 2011.

12 Council Document GEF/C.39/10, *Enhancing the Engagement of Civil Society Organizations in the Operation of the GEF*.

- 16 There are several GEF policies that relate to Indigenous Peoples or offer protections for them, including the *GEF Policy on Agency Minimum Standards on Environmental and Social Safeguard*, the *GEF Policy on Public Involvement in GEF Projects, Recommended Minimum Fiduciary Standards for GEF Implementing and Executing Agencies*, and GEF policies and guidelines relating to the GEF project cycle and project review by the GEF Secretariat.
- 17 The *GEF Policy on Agency Minimum Standards on Environmental and Social Safeguards* includes, as one of its eight core criteria, a criterion and minimum standards related to Indigenous Peoples. GEF Partner Agencies wishing to implement projects that engage with or affect Indigenous Peoples must meet this criterion in order to implement GEF Projects. This policy provides clarity on the GEF's recommended use of FPIC. The standards further stipulate criteria and minimum requirements for projects where Indigenous Peoples are involved, as well as specific criteria relevant to Indigenous Peoples, including resettlement, physical cultural resources and accountability and grievance.<sup>13</sup>
- 18 The *GEF Policy on Public Involvement in GEF Projects* also mandates the involvement of Indigenous Peoples throughout the identification, development, implementation, monitoring and evaluation of GEF-financed projects that involve or have impacts on indigenous Peoples. Public involvement, including indigenous and local communities, encompasses information dissemination, consultation and stakeholder participation throughout the project cycle. This policy takes into account the need to include Indigenous Peoples and local communities at the earliest phase of project work, which helps accommodate their ways of organization, cultural values, language and other factors.<sup>14</sup> The need for public involvement was reiterated in the November 2010 Council decision C.30/10, that provides future options for enhancing the GEF's engagement with civil society organizations (CSO), including Indigenous Peoples, through its operations.<sup>15</sup>
- 19 In GEF's project cycle, the development of the Project Identification Form (PIF) represents an important first step. In the PIF, project developers must comment on the roles and inclusion of Indigenous Peoples in the project. The GEF's formal PIF Preparation Guidelines further clarifies that applicants are expected to indicate how they will follow relevant GEF policies.<sup>16</sup> A brief stakeholder engagement plan should also be incorporated into the document.<sup>17</sup> The formal project review conducted by the GEF Secretariat requires staff to ascertain whether Indigenous Peoples are affected by, and have appropriately participated in project preparation.<sup>18</sup>
- 20 The *GEF's Recommended Minimum Fiduciary Standards for GEF Implementing and Executing Agencies* outlines appraisal processes required of GEF Partner Agencies to ensure that proposed projects and/or activities meet appropriate

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13 See Council Document GEF/C.41/Rev.1, *GEF Policy on Agency Minimum Standards on Environmental and Social Safeguards*, pages 17, 22-29.

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14 See Council Documents GEF/C.7/6, *Public Involvement in GEF Projects and C.6/Inf.5, Draft Outline of Policy Paper on Public Involvement in GEF-Financed Projects*.

15 See Council Document GEF/C.39/10, *Enhancing the Engagement of Civil Society Organizations in the Operation of the GEF*.

16 The PIF Preparation Guidelines provide clarifications aimed at facilitating the preparation of the PIF proposal using the PIF template. Specifically related to Indigenous Peoples, these Guidelines request the following related to Section B.5.: "Relevant documents on *Enhancing Civil Society Engagement and Partnership with the GEF and Public Involvement in GEF Projects* provide information about the GEF policies and initiatives in this area. Please provide information how those policies will be followed in the proposed project." See PIF Preparation Guidelines, November 2011.

17 See Council Document GEF/C.39/10, *Enhancing the Engagement of Civil Society Organizations in the Operation of the GEF*, page 5.

18 See the GEF's Program Manager's Review Checklist for Project Proposal Documentation page 5: "For questions on GEF policy on involvement with Indigenous Peoples, [Program Manager] refer to *Indigenous Communities and Biodiversity*."

technical, economic, financial, fiduciary, environmental, social, institutional and/or other relevant criteria, including GEF-mandated criteria, and whether they are reasonably likely to meet stated objectives and outcomes.<sup>19</sup>

21 Recognizing the important role that Indigenous Peoples play in protecting the global environment, the GEF has also directly considered Indigenous Peoples in its various focal area Strategic Objectives. For example, responding to CBD guidance, the GEF Biodiversity focal area highlights Indigenous Peoples as key partners in achieving its strategic objectives. Under the GEF-5 Biodiversity Focal Area Strategy, the GEF acknowledges the importance of the participation and capacity building of Indigenous Peoples for the identification, development, implementation, monitoring and evaluation of projects, including through supporting established frameworks such as Indigenous and Community Conserved Areas (ICCAs) and co-management regimes where appropriate. The GEF-5 Biodiversity Focal Area Strategy also establishes project support for capacity building among Indigenous Peoples for access to genetic resources and benefit sharing, as well as support for measures that promote concrete access and benefit-sharing agreements.<sup>20</sup> The GEF-5 International Waters Focal Areas Strategy also supports projects that incorporate Indigenous Peoples in the areas of freshwater basins, aquifers, marine systems and “blue forests.”<sup>21</sup>

22 Many GEF Partner Agencies and the executing agencies with which they work have adopted policies and standards for their respective operations. Seven of 10 current GEF Partner Agencies have adopted policies, safeguards or guidance with respect to the

engagement of Indigenous Peoples.<sup>22</sup> In addition, most of the GEF Partner Agencies have an assigned Indigenous Peoples focal point. Of note, GEF Partner Agencies are required to adhere to any higher standards that exist within their own institutions, over and above GEF policies and standards. GEF Partner Agencies and executing agencies are also required to adhere to domestic legislation and/or applicable international obligations.

23 Indigenous Peoples are also specifically engaged through a designated GEF Secretariat Indigenous Peoples focal point, as well as individual Secretariat staff working on relevant GEF-financed projects, including the GEF Small Grants Programme. These individuals serve as a reference to other GEF Secretariat staff as well as Council members.

24 The GEF has so far supported 160 full and medium sized projects involving Indigenous Peoples.<sup>23</sup> Two-thirds of these projects were either designed exclusively to benefit Indigenous Peoples (many of them executed by indigenous organizations) or had distinct components and/or sub-projects benefiting and targeting Indigenous Peoples.

25 The GEF Small Grants Programme (SGP) is another very important GEF funding modality that enables the GEF to partner with and support the sustainable development efforts of Indigenous Peoples globally. Approximately 15 percent of the GEF SGP projects target and involve Indigenous Peoples.<sup>24</sup> The GEF SGP has also established

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19 See Council Document, GEF/C.31/6, *Recommended Minimum Fiduciary Standards for GEF Implementing and Executing Agencies*.

20 These measures include agreements that recognize the core ABS principles of Prior Informed Consent (PIC) and Mutually Agreed Terms (MAT). See *Compilation of GEF-5 Focal Area Strategies*, 2011.

21 See *Compilation of GEF-5 Focal Area Strategies*, 2011.

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22 The seven institutions with policies and safeguards in place for Indigenous Peoples include: the World Bank, the United Nations Development Program, the Inter-American Development Bank, the European Bank for Reconstruction and Development, the Asia Development Bank, the International Fund for Agricultural Development, and the Food and Agriculture Organization. The three institutions with no guidance are: the United Nations Industrial Development Organization, the United Nations Environmental Programme (draft policy in process) and the African Development Bank.

23 See also GEF document on *Indigenous Communities and Biodiversity*, 2008.

24 See GEF document on *Indigenous Communities and Biodiversity*, 2008.

principles for working with Indigenous Peoples, which include a flexible and streamlined project cycle, and flexible disbursement terms to accommodate culture, customs and seasonal movements. The GEF SGP also accepts proposals in national languages and in non-traditional formats, including video and community theater.

- 26 Indigenous Peoples have also been involved in the dialogue on GEF policies and processes through their participation as official representatives to the GEF NGO Network. There are three Indigenous Peoples representatives to the Coordination Committee of the GEF NGO Network. The GEF NGO Consultation Meeting, which is held before each GEF Council meeting, has served as a key official forum open to Indigenous Peoples to discuss policy matters that concern them. In addition, five representatives from the GEF NGO Network, including the Indigenous Peoples representative, have been participating and sharing their views in GEF Council meetings. Indigenous Peoples have also participated in various other GEF processes, including the Extended Constituency Workshops, representing the GEF NGO Network.
- 27 Finally, with respect to accountability and conflict resolution for GEF-financed projects, in 2007 the GEF CEO put into place a Conflict Resolution Commissioner to respond to complaints brought forward to the Secretariat. The GEF *Policy on Agency Minimum Standards on Environmental and Social Safeguards* also stipulates a minimum standard for accountability and grievance systems. In this policy, GEF Partner Agencies are required to have systems in place to ensure accountability and implementation of policies, as well as complaint and conflict resolution systems.<sup>25</sup> These existing measures, along with the GEF Indigenous Peoples focal point, provide important means for Indigenous Peoples to present concerns with GEF-financed projects.

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<sup>25</sup> See Council Document GEF/C.41/Rev.1, *GEF Policy on Agency Minimum Standards on Environmental and Social Safeguards*, page 6.







## Existing GEF Principles for Engagement of Indigenous Peoples

28 There are two existing GEF Policies that contain fundamental principles that inform engagement with Indigenous Peoples:

1) the *GEF Policy on Agency Minimum Standards on Environmental and Social Safeguards*; and

2) the *GEF Policy on Public Involvement in GEF Projects*.



- 29 A GEF Policy is a statement of principles that mandates or constrains activities undertaken to achieve the institutional goals of the GEF. GEF Procedures are a set of instructions or process that must be followed to adhere to GEF Policy. A GEF Guideline provides additional information to explain or help implement GEF Policy. The importance of GEF guidelines and their role in ensuring participation of local communities and Indigenous Peoples is highlighted in the GEF Instrument.<sup>26</sup>
- 30 The following relevant Principles are extracted in original form directly from these two existing GEF Policies:
- (a) GEF Partner Agencies are required to ensure that GEF-financed projects are designed and implemented in such a way that fosters full respect for Indigenous Peoples' and their members' identity, dignity, human rights, and cultural uniqueness so that they 1) receive culturally appropriate social and economic benefits; and 2) do not suffer adverse effects during the development process.<sup>27</sup>
  - (b) The full and effective participation of Indigenous Peoples should be sought in the identification, development, implementation, monitoring and evaluation of all relevant project activities. Responsibility for assuring public involvement rests within the country, normally with the government, project executing agency or agencies, with the support of GEF Partner Agencies. GEF-financed projects should, as appropriate, address the social, cultural and economic needs of Indigenous Peoples affected by GEF-financed projects.<sup>28</sup>

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26 See the GEF's Instrument for the Establishment of the Restructured Global Environmental Facility (or GEF Instrument), October 2011.

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27 See Council Document GEF/C.41/Rev.1, *GEF Policy on Agency Minimum Standards on Environmental and Social Safeguards*, page 24.

28 See Council Documents GEF/C.7/6, *Public Involvement in GEF Projects* and GEF/C.6/Inf.5, *Draft Outline of Policy Paper on Public Involvement in GEF-Financed Projects*.

- (c) To be effective, public involvement activities should be broad-based and sustainable. GEF Partner Agencies will include in project budgets, as needed, the necessary financial and technical assistance to recipient governments and project executing agencies to ensure effective involvement of indigenous peoples. GEF Partner Agencies will work with governments and project executing agencies to ensure that activities to support involvement of indigenous peoples are effectively carried out over the long-term. GEF Partner Agencies will support executing agencies in: (i) providing relevant, timely, and accessible information to as many stakeholders as possible; (ii) facilitating broad-based and project-specific consultations, especially at the local or sub-national levels; and (iii) promoting the active participation of Indigenous Peoples throughout the project cycle, including through awareness raising and capacity strengthening activities.<sup>29</sup>
- (d) Public involvement activities, including those with Indigenous Peoples, are to be carried out in a transparent and open manner. Further, all GEF-financed projects should have full documentation and disclosure of non-confidential information, including full documentation of public involvement.<sup>30</sup>
- (e) The GEF adopts a standard of free, prior and informed consent for GEF-financed projects for which FPIC is required by virtue of the relevant

state's ratification of ILO Convention 169.<sup>31</sup> While there is no universally accepted definition of FPIC, for the purposes of this paragraph, GEF Partner Agencies will ensure that project executors document: (i) the mutually accepted consultation process between the project proponent and affected indigenous communities and (ii) evidence of agreement between the parties as the outcome of the consultations. FPIC does not necessarily require unanimity and may be achieved even when individuals or groups within the community explicitly disagree. For other projects,<sup>32</sup> GEF Partner Agencies are required to rely on their systems for consultation with Indigenous Peoples and will ensure that such consultations result in broad community support for the GEF-financed operations being proposed.<sup>33</sup>

- 31 Furthermore, the GEF shall make available the GEF Indigenous Peoples focal point to address concerns and, as stipulated in the *GEF Policy on Agency Minimum Environmental and Social Safeguard Standards*, where relevant, also the GEF Conflict Resolution Commissioner to work with Indigenous Peoples, the GEF Partner Agencies and the GEF participant country to help address complaints, resolve disputes, and address other issues of importance to GEF operations.<sup>34</sup>

29 See Council Documents GEF/C.7/6, Public Involvement in GEF Projects and C.6/Inf.5, Draft Outline of Policy Paper on Public Involvement in GEF-Financed Projects.

30 See Council Documents GEF/C.7/6, Public Involvement in GEF Projects and C.6/Inf.5, Draft Outline of Policy Paper on Public Involvement in GEF-Financed Projects.

31 Both ILO Convention 169 and UNDRIP are significant in that, among other things, they address the participation of Indigenous Peoples in matters that affect them. ILO 169 refers to "free and informed consent". UNDRIP refers, among other things, to "free, prior and informed consent (FPIC)". FPIC is not only applicable in state signatories to ILO 169, but also where it is required by domestic legislation or other applicable international obligations. See Council Document GEF/C.41/Rev.1, *GEF Policy on Agency Minimum Standards on Environmental and Social Safeguards*, pages 6 and 17.

32 For the purposes of this paragraph, "Other projects" refer to GEF-financed projects for which the relevant state has not ratified ILO Convention 169. See Council Document GEF/C.41/Rev.1, *GEF Policy on Agency Minimum Standards on Environmental and Social Safeguards*, page 17-18.

33 See Council Document GEF/C.41/Rev.1, *GEF Policy on Agency Minimum Standards on Environmental and Social Safeguards*, page 18.

34 See Council Document GEF/C.41/Rev.1, *GEF Policy on Agency Minimum Standards on Environmental and Social Safeguards*, page 18.





## GEF Guidelines for Engagement with Indigenous Peoples

32 The GEF has developed the following guidelines, with the aim of operationalizing existing GEF policies and enhancing the GEF's effectiveness and ensuring protection of rights and long-term benefits for Indigenous Peoples and the global environment.

- 33 These guidelines provide additional information to explain or help implement the *GEF Policy on Agency Minimum Standards on Environmental and Social Safeguards*, the *GEF Policy on Public Involvement on GEF Projects*, as well as GEF's other operational policies, principles and strategies related to Indigenous Peoples participation.<sup>35</sup>
- 34 In applying the following Guidelines to operationalize existing policies related to Indigenous Peoples, the GEF:
- i. acknowledges that Indigenous Peoples play an important role in coordinating efforts with the GEF in fulfilling its mandate to protect the global environment;
  - ii. recognizes that Indigenous Peoples are valuable stakeholders, partners and rights-holders with an important role in the sustainable use, management and conservation of the global environment;
  - iii. is committed to maximizing the benefits of its projects in an equitable manner as well as avoiding, minimizing, and/or mitigating any potential adverse impacts;
  - iv. affirms the full and effective participation of Indigenous Peoples in support of the GEF's mission, including involvement in the development and enhancement of policies and processes to ensure the environmental, social and financial sustainability of its work;
  - v. recognizes that Indigenous Peoples continue to face challenges in their pursuit to protect their rights, identities, cultures, and knowledge systems;
  - vi. acknowledges the important roles that indigenous women, elders, and youth play in conservation, traditional knowledge and natural resource management;
  - vii. acknowledges the United Nations Declaration on the Rights of Indigenous Peoples, supports the realization of the provisions articulated in the Declaration, and believes that GEF-financed projects can positively contribute to the realization of the principles of the Declaration, consistent with domestic legislation and/or applicable international obligations.

## Planning and Development

- 35 For any GEF-financed project that is anticipated to adversely affect Indigenous Peoples, the GEF requires that its Partner Agencies prepare an appropriate plan.<sup>36</sup> This plan should ideally be prepared at the earliest stages of project development and incorporate the elements set forth in the GEF Guidelines for Engagement with Indigenous Peoples articulated in paragraphs 36 and 39 to 44 below. The plan should be culturally appropriate and include information on the legal context and Indigenous Peoples screening, a baseline assessment, FPIC procedures, evaluation of land tenure, local participation mechanisms, capacity building, traditional knowledge, and monitoring and evaluation reporting.

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35 For GEF Partner Agencies working to establish and or strengthen safeguard requirements to meet the GEF's *Policy on Agency Minimum Standards on Environmental and Social Safeguards* and the *GEF Policy on Public Involvement on GEF Projects*, among others, the safeguard systems of the multilateral development banks (MDBs) provide an example of policies and associated guidance. Elements of these safeguard systems specific to Indigenous Peoples include IFAD's *Policy on Engagement with Indigenous Peoples*, FAO's *Policy on Indigenous and Tribal Peoples*, the AsDB's *Principles and Appendix 3 on Indigenous Peoples*, EBRD's *Performance Requirement 7 on Indigenous Peoples*, the IDB's *Operational Policy on Indigenous Peoples*, the IFC's *Performance Standard 7 on Indigenous Peoples* and the corresponding *Guidance Note 7*, and the World Bank's *Operational Policy 4.10 on Indigenous Peoples*.

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36 See Council Document GEF/C.41/Rev.1, *GEF Policy on Agency Minimum Standards on Environmental and Social Safeguards*, page 25.

## Participation, Rights and Governance

36 The GEF and its agencies will ensure, consistent with domestic legislation or applicable international obligations:

- (a) the full and effective participation<sup>37</sup> of Indigenous Peoples in GEF policies, processes, programs and projects that may positively or negatively impact them, or infringe upon their rights and ability to sustain their way of life. This should include timely identification of Indigenous Peoples and their participation in the screening, environmental, cultural and social impact assessments. Indigenous Peoples representatives should also participate in project identification, development, implementation, monitoring and evaluation in relevant projects. The representation and participation of Indigenous Peoples in relevant GEF projects, processes, programs and projects is to be chosen by Indigenous People themselves in accordance with their own procedures, as far as possible and practical.

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37 There is no universally accepted meaning of 'full and effective participation.' For purposes of applying the GEF's Minimum Standard 4, full and effective participation should normally include the following elements: (i) begins early in the project cycle and is carried out on an ongoing basis throughout the project cycle; (ii) provides prior and timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is inclusive of those directly affected, with particular attention to the needs of women and vulnerable and/or disadvantaged groups; (iv) is free of external manipulation, interference, coercion or intimidation; (v) allows the client to consider and respond to the views expressed, thereby enabling the incorporation of relevant views of affected people and other stakeholders into decision-making as appropriate; and (vi) is commensurate with the potential impacts and risks. 'Full and effective participation' does not require consent but emphasizes strong participation..For additional information, see the Asian Development Bank's *Safeguard Policy Statement*, paragraph 54 and the International Financial Corporation's *Performance Standard 1*, paragraph 30, and the Convention on Biological Diversity's publication, *Contribution from the Secretariat of the Convention on Biological Diversity to the Study on "Indigenous Peoples and the Right to Participate in Decision-making,"* undertaken by the Expert Mechanism on the Rights of Indigenous Peoples, Submitted December 2009.

Participation of Indigenous Peoples in GEF policies, processes, programs, and projects may include, but not be limited to Focal Area Strategy Development, Constituency Workshops, National Portfolio Formulation Exercises, SGP National Steering Committees, and the GEF project cycle (including project identification, development, implementation, and monitoring and evaluation).

- (b) the use of self-identification, among other factors, as an important criterion for determining indigenous status, as appropriate, for GEF-financed projects. Other factors or criteria would include identification by others as Indigenous Peoples, collective attachment to land, presence of customary institutions, indigenous language, and primarily subsistence-oriented production are other social and cultural criterion that may be relevant to identify Indigenous Peoples.<sup>38</sup>
- (c) that Indigenous Peoples, in their efforts to maintain ownership and access to their lands, territories, and resources are not undermined by GEF-financed projects. The GEF will support and promote efforts to build on Indigenous Peoples' capacity to manage their lands, territories and resources sustainably for the global environmental good and to benefit from GEF-financed projects that utilize such lands, territories, or resources.<sup>39</sup>

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38 See, for example, UNDRIP, UNDG Guidelines on Indigenous Peoples' Issues, Martinez Cobo Report's working definition, the African Charter, ILO Convention no. 169, Mme. Erica-Irene Dae's identification, as well as GEF Partner Agency definitions included in their safeguards and policy documents relevant to Indigenous Peoples.

39 For instance, Minimum Standard 4 of the GEF's *Agency Minimum Standards on Environmental and Social Safeguards* requires that GEF Partner Agencies "...ensure that affected Indigenous Peoples share equitably in benefits" from parks and protected areas in cases where access of Indigenous Peoples is restricted from such parks and protected areas.





- (d) the avoidance of projects that can negatively impact Indigenous Peoples' traditional ownership and user rights on lands, territories, resources, livelihoods or cultures, and where avoidance is not possible, adequate mitigation measures should be taken. This will include the preparation of appropriate land tenure evaluations, as needed, protective measures, and social impact assessments, among others.
- (e) the application of a standard of free, prior and informed consent (FPIC) for GEF-financed projects in those countries that have ratified ILO Convention 169, as noted in paragraph 30 e) above.<sup>40</sup>

<sup>37</sup> Council Document GEF/C41/10/Rev1 also notes that FPIC is also applicable in countries where it is required by domestic legislation or other applicable international obligations.<sup>41</sup>

<sup>38</sup> The GEF also recognizes the recommendation from Indigenous Peoples that FPIC be applied to GEF-financed activities on, or significantly impacting, their traditional and user rights on their land, territories and resources, consistent with the UN Declaration on the Rights of Indigenous Peoples, and that securing FPIC should rely on widely accepted consultation processes.<sup>42</sup>

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<sup>40</sup> The GEF's Safeguard Policy notes that FPIC does not necessarily require unanimity and may be achieved even when individuals or groups within the community explicitly disagree. See Council Document GEF/C.41/Rev.1, *GEF Policy on Agency Minimum Standards on Environmental and Social Safeguards*, page 18.

<sup>41</sup> See Council Document GEF/C.41/Rev.1, *GEF Policy on Agency Minimum Standards on Environmental and Social Safeguards*, page 6, paragraph 23.

<sup>42</sup> See, for example, UNDG Guidelines and, REDD+ FPIC Guidelines *Free, Prior, and Informed Consent in REDD+*, published by RECROFTC, February 2011 ([http://www.recoftc.org/site/uploads/content/pdf/FPICinREDDManual\\_127.pdf](http://www.recoftc.org/site/uploads/content/pdf/FPICinREDDManual_127.pdf)). Also see IFC Performance Standard 7 and Guidance Note 7, which describe how the IFC implements FPIC.

## Resettlement

39 The GEF does not finance involuntary resettlement of Indigenous Peoples.<sup>43</sup>

## Traditional Knowledge and Benefit Sharing

40 The GEF recognizes and respects:

- (a) the importance of traditional knowledge, innovations and practices to the long-term well-being of Indigenous Peoples, and the domestic legislation or applicable international obligations designed to support the maintenance of this traditional knowledge, innovations and practices.<sup>44</sup>
- (b) that traditional knowledge can enhance GEF-financed projects and encourages the availability of facilitated and flexible processes to allow for the incorporation of traditional knowledge, innovations and practices into relevant GEF-financed projects.
- (c) the important role of indigenous women, elders and youth in the maintenance, enhancement, and transfer of traditional knowledge, innovations and practices and supports the inclusion of these groups and other traditional experts in GEF project activities, as necessary.
- (d) the importance of appropriate access to, and equitable sharing of, benefits related to the utilization of genetic resources and associated traditional knowledge of Indigenous Peoples.
- (e) existing guidance on traditional knowledge and access and benefit sharing of genetic resources,

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43 See Council Document GEF/C.41/Rev.1, *GEF Policy on Agency Minimum Standards on Environmental and Social Safeguards* for additional information.

44 See, for example, Article 8j of the Convention on Biological Diversity

including the Tkarihwaie: ri Code, the Akwe: Kon Guidelines, the Bonn guidelines and the Nagoya Protocol. The GEF encourages the use of the guidance contained in these documents in GEF-financed projects, as appropriate.

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## Gender Equality

41 The GEF supports the empowerment, participation and leadership of indigenous women and men in GEF-financed projects through the implementation of the provisions under the GEF Policies on *Agency Minimum Standards on Environmental and Social Safeguards* and *Gender Mainstreaming*.

## Accountability, Grievances, and Conflict Resolution

42 The GEF and its agencies will facilitate access by Indigenous Peoples to local or country level grievance and dispute resolution systems as a first step in addressing project concerns. GEF Partner Agencies are required to have accountability and grievance systems in place, at the project and/or institution level, to respond to and address complaints brought forward by Indigenous Peoples.<sup>45</sup>

43 The GEF Conflict Resolution Commissioner and the GEF Indigenous Peoples focal point will be available and actively involved in complaints brought forward by Indigenous Peoples to the GEF that fail to be adequately addressed at the local, country, or GEF Partner Agency level.

44 Decisions and complaints brought forward by Indigenous Peoples will be documented by the GEF Indigenous Peoples focal point.

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45 See Council Document GEF/C.41/Rev.1, *GEF Policy on Agency Minimum Standards on Environmental and Social Safeguards*. Further, use of the terms grievance, accountability, compliance and dispute resolutions may vary based on the GEF Partner Agency or institution.





# Mechanisms

45 The development of mechanisms and practices in support of the effective implementation of the GEF's Guidelines for Engagement with Indigenous Peoples is very important for the long-term institutionalization of the Guidelines. As such, the GEF will establish the following internal mechanisms to facilitate implementation:

- (a) Designation of an Indigenous Peoples focal point for effective and timely engagement with Indigenous Peoples. This individual will provide support to GEF Secretariat, Indigenous Peoples and GEF Partner Agencies on issues related to the GEF's *Principles and Guidelines for Engagement with Indigenous Peoples* and will facilitate the work of the Indigenous Peoples Advisory Group described in paragraph b) below. The Indigenous Peoples focal point will also lead the review and updating of these Guidelines.
- (b) Enhanced coordination between GEF Partner Agencies, GEF Secretariat staff, and Indigenous Peoples through the creation of an Indigenous Peoples Advisory Group. The key function of the group would be to provide advice to the Indigenous Peoples focal point on the operationalization and reviewing of this Principles and Guidelines paper, particularly on the appropriate modality to enhance dialogue among Indigenous Peoples, GEF Partner Agencies, the GEF Secretariat representatives and other experts.<sup>46</sup>
- (c) Reviewing and enhancing GEF monitoring systems to track the effectiveness of the implementation of GEF Policies, Procedures, and Guidelines related to Indigenous Peoples, and the level of engagement of Indigenous Peoples in GEF projects and processes, in the context of the GEF Results Based Management Framework and the GEF Annual Monitoring Report.
- (d) Knowledge and capacity development for Indigenous Peoples to support their active and effective participation in GEF planning, project cycle and other relevant processes, such as Focal Area Strategy Development, Constituency

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<sup>46</sup> An important factor in Indigenous Peoples participation will be self-selected representation by the indigenous constituencies at the regional and national level, where practical. See also UNDG Guidelines.

Workshops, National Portfolio Formulation Exercises, and GEF SGP National Steering Committees.

- (e) Capacity building among the GEF Secretariat staff, as well as knowledge development and transfer mechanisms to foster information exchange amongst the GEF and relevant external bodies with expertise in Indigenous Peoples.
- (f) Identification and strengthening of financial arrangements to support Indigenous Peoples and their efforts to protect their rights and effectively manage their resources through existing and new projects and programs, including GEF SGP and Critical Ecosystem Partnership Fund.

## References

Reference I: GEF Policy on Agency Minimum Standards on Environmental and Social Safeguards<sup>47</sup>

Reference II: GEF Policy on Public Involvement in GEF Projects<sup>48</sup>

Reference III: Issues Paper submitted by the GEF Indigenous Peoples Task Force<sup>49</sup>

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<sup>47</sup> See Council Document GEF/C.41/Rev.1, *GEF Policy on Agency Minimum Standards on Environmental and Social Safeguards*, pages 17, 22-29

<sup>48</sup> See Council Documents GEF/C.7/6, *Public Involvement in GEF Projects* and C.6/Inf.5, *Draft Outline of Policy Paper on Public Involvement in GEF-Financed Projects*.

<sup>49</sup> See Council Documents GEF/C.42/Inf.03/Rev.1, *Principles and Guidelines for Engagement with Indigenous Peoples*. Annex A; or separate publication on the paper

## ACKNOWLEDGEMENTS

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## ABOUT THE GEF

The Global Environmental Facility unites 182 member governments—in partnership with international institutions, nongovernmental organizations, and the private sector—to address global environmental issues. An independent financial organization, the GEF provides grants to developing countries and countries with economies in transition for projects related to biodiversity, climate change, international waters, land degradation, the ozone layer, and persistent organic pollutants. These projects benefit the global environment, linking local, national, and global environmental challenges and promoting sustainable livelihoods.

Established in 1991, the GEF is today the largest funder of projects to improve the global environment. The GEF has allocated US\$9.2 billion, supplemented by more than US\$40 billion in co-financing, for more than 2,700 projects in more than 165 developing countries and countries with economies in transition. Through its Small Grants Programme, the GEF has also made more than 12,000 small grants directly to nongovernmental and community organizations.

The GEF partnership includes 10 Agencies: the UN Development Programme, the UN Environment Programme, the World Bank, the UN Food and Agriculture Organization, the UN Industrial Development Organization, the African Development Bank, the Asian Development Bank, the European Bank for Reconstruction and Development, the Inter-American Development Bank, and the International Fund for Agricultural Development. The Scientific and Technical Advisory Panel provides technical and scientific advice on the GEF's policies and projects.

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