



Lessons and Strategies Learned: Indigenous and Environmental rights in REDD+ Negotiations and Carbon Markets

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Presentation and background of the work

The Emission Reductions Program Document (ERPD) and Emission Reductions Purchase Agreement (ERPA) are the culmination of the long theoretical and technical process that began with I REDD+ readiness. It has evolved in various phases of preparation and climate funds and projects, notably the Forest Carbon Partnership Facility (FCPF)'s Carbon Fund. In this study of negotiation of the ERPD, the author's experience in the previous phases and inputs is important, where indigenous proposals were developed on the components that later matured in the ERPD and ERPA, such as those related to the formulation of REDD+, its "additionality", carbon credit market, voluntary initiatives, safeguards, non-carbon benefits, non-market mechanisms, and enabling conditions, among others.

The author's experience was developed between 2010-2020 in technical assistance to indigenous organizations such as AIDSESEP, COICA, and their national and local partners, in technical discussions with IFIs and States, and the respective negotiations, especially in Peru, regarding state plans and projects of REDD+ phases, such as RPP (REDD+ Project Idea Note), REDD+ Package, FIP, UNREDD, UNDP-JDI as well as payment-for-results through JDI (phases I and II) and lately the ERP or ERPD. In this regard, see the studies and publications by Roberto Espinoza and other authors on [Deforestation and indigenous perspective](#) ; [REDD+ Assessment](#) ; [Indigenous REDD+](#) ; [Climate funds and lessons on Indigenous Peoples](#) ; and [Indigenous Equity and climate compensation](#) ; and REDD+ as Result-based Aid: [General Lessons and Bilateral Agreements of Norway](#) (Review of Development Economics, 21(2), 237-264, 2017 DOI:10.1111/rode.12271). On Peru, see [Peru's Participation in REDD+: Perceptions of and Impacts on Indigenous Communities](#) (Center for Global Development, 2018).

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Acronyms and Abbreviations

AIDSESP	The Interethnic Association for the Development of the Peruvian Rainforest	FERIAAM	Awajun Regional Indigenous Federation of Alto Mayo
DFA	Deforestation-Free Agriculture	GCF	Green Climate Fund
IDB	Inter-American Development Bank	GHG	Greenhouse Gasses
WB	World Bank	IFIs	International Financial Institutions
PPF	Permanent Production Forests	MESD	Ministry of Environment and Social Development
UNFCCC	United Nations Framework Convention on Climate Change	MAQR	Complaints and Claims Attention Mechanism
NDC	Nationally Determined Contributions	DGM	Dedicated Grant Mechanism for Indigenous Peoples and Local Communities [of the Forest Investment Program]
CODEPISAM	The Coordinator for the development and defense of the Indigenous Peoples of San Martín	ESMF	Environmental and Social Management Framework
CONFENIAE	The Confederation of Indigenous Nationalities of the Ecuadorian Amazon	MINAM	Ministry of the Environment
FPIC	Free, Prior, Informed Consent	PF	Process Framework
JDI	Joint Declaration of Intent between Peru, Norway, and Germany	MRSE	Compensation Mechanisms for Ecosystem Services
ESS	Environmental and Social Standard of the World Bank (IBRD/IDA)	MRV-I	Indigenous Monitoring, Reporting and Verification
LCDS	Low Carbon Development Strategy	UNREDD	United Nations Collaborative Program on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries
ERPD	Emissions Reduction Program Document	OPIAC	Organization of Indigenous Peoples of the Colombian Amazon
ERPA	Emissions Reduction Purchase/ Payment Agreement	ORAU	Aidesepe Ucayali Regional Organization
FAO	Food and Agriculture Organization of the United Nations	ESCP	Environmental and Social Commitment Plan (ESCP)
FCPF	Forest Carbon Partnership Facility	ICP	Indigenous Climate Platform
FIP	Forest Investment Program	BSP	Benefit Sharing Plan
FENAMAD	Native Federation of the River Madre de Dios and Tributaries	PIACI	Indigenous Peoples Living in Isolation or with Initial Contact
FEPIKRESAM	Federation of Kichwa Indigenous Peoples of the San Martín Region	PIVA	Indigenous Pillar of Amazon Vision
FECONAUC	Federation of Native Communities of Ucayali and Tributaries	AVP	REM Amazon Vision Program Colombia
FERISHAM	Shawi Indigenous Regional Federation of San Martín	NFCP	National Forest Conservation Program

UNDP	United Nations Development Program	UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNDP-JDI	UNDP Peru Project with JDI Funds	NPA	Natural Protected Areas
UNEP	United Nations Environment Programme or UN Environment	IUCN	International Union for Conservation of Nature
IP	Indigenous Peoples	CBD	Convention on Biological Diversity of the UN
SEP	Stakeholder Engagement Plan for ERPD Peru	IACHR	Inter-American Commission on Human Rights
ERP	Emissions Reduction Plan [or Program]	FMP	Forest Management Plan
Pro Amazonia	Integrated Amazon Program for Forest Conservation and Sustainable Production	IPMP	Integrated Pest Management Plan
P4R	Payment-for-results	GEF	Global Environment Facility
Readiness	REDD+ National Readiness Phase	PSHA	Shuar Arutam People
REDD+	Reduced emissions from deforestation and forest degradation in developing countries, plus the role of conservation, sustainable management of forests, and the enhancement of forest carbon stocks	MIACC	Amazonian Indigenous Roundtable on Climate Change
REDD+ Package	REDD+ National Implementation Phase	MAE	Ministry of Environment of Ecuador
RIA	Amazon Indigenous REDD+	MtC	Million tons of carbon
RLMCC	Regulation of the Framework Law on Climate Change (DS013-2019-MINAM)	REDD+ RBP	REDD+ Results-based payments
RPP	Readiness Preparation Proposal for REDD+ [under FCPF]		
Socio Bosque	Forest Protection Program of the Ministry of the Environment of Ecuador		
TAP-FCPF	Technical Advisory Panel of the FCPF on the ERPD		
ICCA	Indigenous Peoples' and Community Conserved Areas and Territories		
CCT	Conditional Cash Transfers		
MTCO2e	Metric tons of carbon dioxide equivalent		
LULUCF	Land Use, Land Use Change, and Forestry		
AV	Amazon Vision		

Executive Summary

This report is a tool for reflective-action. It deploys recommendations for effective compliance with indigenous and environmental rights in the Amazon Emissions Reduction Programs (ERP) and in the Emissions Reduction Payment Agreements (ERPA). Adaptations to other cases can be projected to Afro-descendants and traditional communities from other regions with tropical forests. Additionally, it can be used to address related issues arising from the Nationally Determined Contributions (NDC) and the commitments made under the United Nations Framework Convention on Climate Change (UNFCCC).

The study begins with the assessment of the common pillars in the approaches of the ERPD-ERPA, as well as the lessons of said processes in Peru, Colombia, and Ecuador. It continues with a detailed analysis of its ten key documents on environmental and social management and commitments, benefit-sharing, participation of Indigenous Peoples and other stakeholders, forest management, biodiversity, and pollution and pests. Approaches and proposals are developed on discriminatory negotiation, co-construction, equity and intercultural adaptation, climate ambition, “green agribusiness,” bioeconomies and added value of standing forests, efficiency and interculturality, territorial and fundamental rights, indigenous forestry, use-conservation, and comprehensive control of pesticide contamination.

An analysis of four scenarios and key dimensions in the ERPD-ERPA is added, such as the indigenous standards in their implementing agencies, with a comparative analysis, and in particular that of the Green Climate Fund. Likewise, the lessons and strategy proposals with REDD+ donors and climate funds are addressed, the role of actors and observers in national and international spaces, and the challenges in restrictive national contexts.

In the final conclusions, lessons, and recommendations, the following points are highlighted:

- Prioritize indigenous self-determination over ERPD-ERPAs and REDD+ used as offsets, for indigenous territories.
- Generate synergies between climate action and indigenous territorial autonomy.
- Ensure territorial security so that the REDD+ component of the NDC and ERPD/ERPA are viable.
- Integrate the analysis of zoonotic viruses and the natural pressure of extractivism into the forest conservation agenda.

- Recognize the importance of the indigenous bioeconomy with the added value of standing forests.
- Guarantee indigenous territorial self-government as an enabling climate condition.
- Maximize the synergy between adaptation and mitigation potential of forests.
- Ensure the empowerment of indigenous women.
- Prioritize co-construction and consent in the design of ERPDs.
- Reduce the asymmetry between actors of ERPD processes.
- Strengthen support and effectiveness in indigenous proposals.
- Prioritize the Indigenous REDD+ alternative.
- Recognize the potential of “indigenous climate platforms” in the framework of the Paris Agreement.
- Measure and recognize the climate contribution of indigenous territories and governance.
- Recognize the strategic nature of the “flying rivers” (evapotranspiration).
- Recognize the contribution and positioning of “non-carbon benefits.”
- Ensure equity between indigenous climate contribution and benefits/ compensation.
- Support Indigenous Peoples to be implementers of climate funds.
- Use a pressure-negotiation tandem advocacy strategy.
- Recognize that negotiating ERPDs and accessing climate funds are endurance races, not speed races, for indigenous and environmental movements.



1. Background and Objectives

This document develops recommendations for organizations of Indigenous Peoples of the Amazon and tropical forests, so that due respect for their rights is at the center of the design and implementation of state forest Emissions Reduction Program Document (ERPD) and Emissions Reduction Payment Agreement (ERPA)¹ in Peru. These recommendations are also relevant for International Financial Institutions (IFIs) such as the World Bank (WB) and Inter-American Development Bank (IDB), as well as the Green Climate Fund (GCF) and UN system agencies (such as UNDP, FAO) and the Amazon states, to improve the design and implementation of the REDD+ agreements such as ERPD and ERPA. Likewise, the recommendations can be applied (with the pertinent adjustments) to other peoples within the Amazon such as Afro-descendants, quilombolas, caboclos, marrons, ribereños, campesinos, or other demographic groups. They can also be connected to the context of climate actions in which the ERPD and ERPA are inscribed, such as the National Determined Contributions (NDC) and the application of agreements of the United Nations Framework Convention on Climate Change (UNFCCC).

The proposals collect and expand the experience of the negotiations in which the author participated together with the main indigenous organization in Peru, AIDSESP and its associates, Aidesep Ucayali Regional Organization (ORAU) and Coordinator for the Defense and Development of the Indigenous Peoples of San Martín (CODEPISAM). The negotiations were around the ERPD or Emissions Reduction Program (ERP) of the Peruvian government, with the World Bank and the FCPF (Forest Carbon Partnership Facility) Carbon Fund between 2018 and 2020. Critical analyzes and detailed alternative proposals were developed, which were negotiated with the Ministry of the Environment (MINAM) and the WB, on the documents of the ERPD, ERPA, Environmental and Social Management Framework (ESMF), and the complementary documents of social and environmental safeguards.

The changes to the project were discussed in detail, achieving the acceptance of more than one hundred reformulations proposed by Indigenous Peoples to the ERP aimed at improving its design and implementation. The recommendations included in the document are based on innovative alternative approaches such as the “indigenous approach and adaptation of REDD+” or “Amazon Indigenous REDD+.” In these approaches, territoriality is an enabling condition, safeguards on carbon piracy are included,

¹ While ERPA is fairly common among REDD+ RBP programs, ERPD is mostly used by the FCPF Carbon Fund. Other REDD+ programs may not use either term.

the Indigenous Monitoring, Reporting, and Verification (MRV-I) is established as well as the Dedicated Grant Mechanism (DGM), indigenous collective action is recognized to meet and increase the NDC goals (“Minga NDC”), and Equity and Interculturality are prioritized in indigenous climate compensation.

2. What are the ERPD-ERPA and what are their problems?

Climate mitigation projects in the Amazonian countries, which have significant blocks of tropical forests, will converge or be incorporated within the broader framework of reducing national emissions, principally in forestry. **This implies that the architecture of the global carbon market, with payment-for-results plans and benefit sharing schemes, incorporates Indigenous Peoples.** This is where the ERPD and the linked ERPA arise, a form of results-based payment (RBP) which is the legal and contractual basis of the States in the carbon market. The ERPD and ERPA are based on and regulate pre-existing REDD+ projects, called underlying, and also new ones derived from the distribution of benefits, called eligible. It is essential to analyze this new dimension and its implications to improve equitable and intercultural indigenous access to climate finance.

The ERPD and ERPA involve the construction and definition of policies on state interventions to reduce GHG in the framework of REDD+, which will allow access to financing for various payment-for-results global programs,² and also, to the subsequent distribution of benefits to the various public or social actors that have intervened. **These simultaneous processes will have short, medium, and long-term repercussions** to define issues such as: (a) criteria, approaches, and policies for reducing GHGs; (b) interventions to be promoted and prioritized by the State; (c) criteria and processes for the distribution of benefits among national actors; and (d) the content, quality, and limits of access to such climate finance by Amazonian Indigenous Peoples.

The main problem of this global architecture based on the carbon market is that the climate programs are laying the conceptual, legal and political foundations for payment-for-results for the reduction of forest emissions, favoring state entities (at the central and subnational levels) and marginalizing the role of Indigenous Peoples in the strategies and distribution of benefits. This asymmetry is evident in the approaches promoted by these programs where the contradictions

² For example, in Peru, linked to JDI, FCPF, Green Climate Fund, and certifications such as the REDD+ Environmental Excellence Standard (TREES) of ART (Architecture for REDD+ Transactions) and Winrock [Winrock International » Setting the Carbon Standard](#)

of the future carbon market based on “green” agribusiness, “deforestation-free” agriculture, “climate-smart agriculture,” or “green commodities” are evident.

A **new stage** is underway, where the direction of the legal, political, and technical framework is outlined, and strategic discussions and definitions are accelerated on how Indigenous Peoples are going to access the distribution of benefits through payment-for-results. **The analysis must be multifaceted and simultaneous, to evaluate not only the short term indigenous participation in specific temporary climate projects, but also to identify the approaches, criteria, and mechanisms that will establish the long-term axis of equity, interculturality, and effectiveness of climate compensation for the climate contribution of Indigenous Peoples.**

Some of the central issues that must be addressed in order not to undermine the position of Indigenous Peoples of the Amazon are the following:

1. Carbon rights and Indigenous rights.

In some countries (Peru and others) the foundations have been laid to recognize that titled Indigenous communities (a type of “forest enabler title”) have the right to take advantage of all ecosystem services, in particular the rights to carbon³ derived from removal, carbon storage, and emission reduction as well as the other actors with other “enabling titles” such as business, environmental, or tourist concessions. However, this can be reviewed in the contractual legal content of the ERPA signed by each State, as holder, owner, and recipient of payment for emission reduction results.

2. Contribution/indigenous climate compensation.⁴

This is about establishing the analytical basis for the climatic contributions that of Indigenous Peoples can generate. For example, ecosystem services that help stabilize the climate. This entails identifying specific mechanisms for climate compensation for Indigenous Peoples that are culturally relevant.

3. Inequitable and inadequate indigenous access to climate finance.

This is the result of a climate finance system based on vertical and distant relations with indigenous aspirations. This derives from the approach and policy structures of climate processes and the characteristics in each country of the carbon market. Indigenous access remains like the

³ <https://www.serfor.gob.pe/wp-content/uploads/2016/03/LFFS-Y-SUS-REGLAMENTOS.pdf>

⁴ http://www.minam.gob.pe/wp-content/uploads/2014/06/ley_302105_MRSE.pdf

superficial. This reveals some possibilities that are still open in climate negotiations, but whose results depend on indigenous persistence, in scenarios of slow maturation and with a complexity of actors.

4. **Prioritization of green agribusiness over other alternatives.** State regulations and public policies prioritize green agribusiness or sustainable agriculture, but not holistic, direct, and specific landscape management. The assumption on which green agriculture is based is that by increasing the productivity of deforestation agents, more profits will be generated in the same areas without expanding them, and added to greater state regional control, thereby containing deforestation by agribusiness and cattle ranching. In practice, the ecosystem on which green agribusiness is based is not sustainable since the priorities are set by the agents of deforestation (settlers, agrarian producers, or agribusiness) and the governments that lack capacity to contain said deforestation. **Thus, Indigenous Peoples with their territories, despite their low deforestation and effectiveness in the governance of large landscapes, are marginalized when it comes to asserting their practices, approaches, and proposals.**

There are still multiple gaps and challenges to be solved in these processes, for example:

- Is the future of the Amazon green agribusiness? Is it also, but secondarily, a future of **added value** from standing forests? In this duality, does the former not advance and the latter recede?
- Is there sufficient evidence of the success of either of those options?
- How do they combine, and what is produced with the increase in **agricultural productivity** in the forests, with land trafficking, widespread corruption, and the lack of state regulation? How are the expectations of agents of deforestation going to be regulated with the increase in productivity and profits?
- Are there validated strategies in the event of **reverse outcomes**, creating expectations that have a boomerang effect and end up increasing Amazonian migration and colonization?
- Will the marginality of indigenous territories with low deforestation **be able to resist the pressure** of the most dynamic markets and products, which are precisely the deforesting agribusinesses?

- Are there effective strategies to overcome the **potential inequity** of what has already been pointed out that aggravates the current reality of minimal indigenous access to financing for climate projects?



3. Lessons in the processes of Peru

Stages are being superimposed on REDD+ that were supposed to be sequential, such as the preparation of a national preparation plan for REDD+, the design of the plan, its implementation, and finally, the commitments, goals, and strategies of ERPD and ERPA. Added to this overlap are the final activation processes of the carbon market, such as the ERPD-ERPA, **which are articulating and guiding the implementation of current and future climate financing as a whole.** It should be reiterated that the creation of the carbon market does not guarantee nor is it the same as climate ambition to stop the serious ongoing climate crisis. In this framework of disorderly and simultaneous processes, the experiences in three countries give the following lessons.

FROM EXCLUSION TO CONSENSUS AND CANCELLATION

The process in Peru gives important lessons on climate processes and Indigenous Peoples, in particular on ERPD-ERPA, to advance towards objectives such as self-determination and “full life” of Indigenous Peoples as well as guaranteed access to financing climate.

The indigenous achievements in Peru on the ERPD were articulated based on 5 thematic axis:

- Guarantee indigenous collective and territorial rights.
- Regulation of agribusiness and “green” plantations.
- Establish approaches and tools for equitable and intercultural compensation.
- Promote a holistic vision and the added value of standing forests.
- Strengthen indigenous participation, proposals, and autonomy.

The achievements obtained are proof of the coherence and solidity of indigenous proposals, led by AIDSESEP, ORAU, and CODEPISAM. However, the cancellation of the ERPD at the last minute leaves a bitter taste to this victory upon the realization that the adjustments recommended and incorporated into the ERPD are not going to materialize. During two years of designing the ERPD, there was no political will on the part of the WB or MINAM to address indigenous observations and proposals for adjustments to the ERPD (despite the fact that many meetings were requested to work effectively on this issue). In 2019 the ERPD was available and only at the end of 2020 when indigenous advocacy escalated internationally, the WB and MINAM decided to take clear actions to effectively give space for and discuss indigenous additions to the document.

The WB indicates the MINAM did not complete the documentation on time, which is true, but avoids the self-criticism of having turned its back on dialogue with AIDSESEP for months, only to open it at the last minute. The MINAM indicates the WB was responsible for the rigidity and impositions in the ERPA, which is true, but avoids the self-criticism that they knew this for a long time. However, there was one point on which both agreed: both refused to leverage the successful indigenous climate finance mechanism of the DGM Saweto and leverage it for benefit sharing in the ERPD. This is a great paradox since the DGM is the showcase success case of the WB of the DGMs at a global level, and MINAM recognizes that it demonstrated greater effectiveness and efficiency than other climate funds.

With the cancellation, Peru⁵ has been harmed seriously in the following ways:

- Loss of the opportunity to have a plan to reduce emissions, just at a time when violence is increasing in Ucayali with several indigenous leaders assassinated by land traffickers.
- Loss of work time and numerous costly consultants only not to complete the process, with consensus, despite the late state reactions.
- Frustration of indigenous expectations that the proactive dialogue on environmental climate issues could achieve results with the State.

Despite this, the process was an enormous experience and many lessons were learned, such as having addressed the critical issues, gaps, biases, and inconsistencies of the ERPD-ERPA, and having reached consensus between Indigenous Peoples, governments, and IFIs.

⁵ Considering this lost opportunity, neither MINAM nor the WB have taken stock or self-criticism, nor have they made changes to the personnel responsible for two years of work that ended in great national frustration for not having fulfilled their duties promptly and on time.

4. Recommendations from indigenous and environmental rights

Various recommendations are presented below, which are based on the lessons learned in the intense negotiations on the ERPD-ERPA between the Amazonian indigenous organizations of Peru, the Peruvian State, and the World Bank. The 11 documents and specific paragraphs are presented and worked on where several proposals were inserted and accepted, where there was disagreement or were left in consultation (ERPD, ERPA, ESMF, ESCP, BSP, PF, MPI, SEP, FMP, IPMP, BAP).⁶

The recommendations are also based on the experiences and evaluations of the ERPD in Colombia and the P4R in Ecuador (see tables in the annexes) as well as the author's experience in negotiations on climate projects and funds between 2010-2020 (see presentation of the author on back cover).

4.1 LACK OF EFFECTIVE INDIGENOUS PARTICIPATION IN THE DESIGN OF ERPDS AND ERPAS

States, with the backing of the IFIs and UN agencies, persist in an erroneous method of designing the ERPD-ERPA. This generates conflicts with Indigenous Peoples, leads to the repetition of errors, and does not achieve effective or sustainable results. It consists of planning the complex forest reality to achieve unprecedented and challenging goals of reducing emissions, **based on the opinion of isolated consultants and on commitments to local power groups and extractivists.** Quick and generic meetings are held with Indigenous Peoples to justify having complied with a procedure, but not with the intention to effectively consult and discuss discrepancies and seek consensus. Based on this, technical documents are generated, which are hurriedly and belatedly put to the consideration of indigenous organizations, to propose negotiations, but after a long period the indigenous recommendations end up being left aside.

In short, the “negotiation” that marginalizes the indigenous voice produces the imposition of pay-by-results plans that are questioned during their implementation (see the case of Ecuador in Annex II). Or, as the case of Peru shows, there is a late and tense negotiation that is frustrated by the exhaustion of deadlines or produces an ambiguous project with some progress and many biases (see the case of Colombia in

⁶ They are indicated in the access links in footnotes in the following sections.

Annex I). In the end, it is a net waste of technical and political time because when the text is finalized in detail, it enters into debate and controversy or confrontation arises, depending on the issues, and the process has to start all over again if one wants to reach consensus.

Persisting in what already exists, with evidence that it does not work, is a problem, and innovation cannot be achieved by persisting in the same methods that have no longer worked. The experience in Peru demonstrates this. Likewise, it is worth mentioning that in the ERPD of Peru, in two months of tense and intense dialogue between AIDSESP and the MINAM, much more progress was made than in two previous years. It was also reiterated in the redesign of the FIP between AIDSESP and the MINAM following the crisis due to indigenous rejection in 2011. On the other hand, the design of the ERPD in Colombia is an example of good practice, where joint construction or designs were chosen from the initial phases of the plans or projects, in systematic and transparent dialogue with indigenous organizations (see Annex I). The case of Colombia involved a slower, earlier, and more anticipated process, but in the end, **it is time gained**, because the quality of content achieved is broader, intercultural, and holistic and with more possibilities of adapting to reality and achieving results.

4.2 EQUITY AND INTERCULTURAL ADAPTATION OF ERPD

Although the ERPD and ERPA are assumed to be sales transactions between governments, IFIs, and their agencies, they have to comply with international commitments on human rights, and in many cases, specifically on Indigenous Peoples. That is why they cannot be assumed to be like almost private transactions, with the confidentiality and technocratic contents that they usually have.

Intercultural adaptation is not optional, nor does it depend on the expertise of consultants who design the ERPDS and ERPAs and all the complementary documents. It is an obligation since it is in line with international standards of indigenous rights. Therefore, they cannot be reduced to social annexes of cross-cutting dimensions to the ERPD, or to formats of bureaucratic and rhetorical procedures.

Below are the recommendations made by Indigenous Peoples in Peru aimed at making adjustments to the ERPD⁷ document related to this issue:

⁷ they arise from the experience of negotiation, agreements, and disagreements with the government of Peru and the WB, complemented with analyses of similar processes in Ecuador and Colombia (see tables and annexes) as well as the author's participation in negotiations over many years in other climate projects in Peru

Territorial Rights as an enabling condition

- Prioritize **indigenous territory titling** in the underlying projects and activities and those generated with the benefits of payment-for-results.
- Provide **additional and complementary funds** to the ERPD to solve pending indigenous land titling with field, administrative, and registry actions.

Conflict resolution

- Withdraw approaches that promote **transfers of use** to settlers, smallholders, and migrants, to generate credit guarantees, because they would encourage more invasions on territories used, occupied, possessed by Indigenous Peoples, whether or not they have property titles.
- Expand studies on **land trafficking** and apply effective corrective strategies.
- Include the **resizing of state areas directed to various concessions** (timber, tourism, conservation, and others) that are superimposed on territories occupied by Indigenous Peoples, and thus respect fundamental indigenous rights.

Consolidate Indigenous REDD+ or the indigenous adaptation of REDD+

- Include Indigenous REDD+ in the official national state registry of GHG emission reduction, and in particular forestry, to respect its position in the distribution of benefits.
- Include funds from the ERPD for the implementation of initiatives of communities and Indigenous Peoples, in innovative ways or cultural adaptation of conventional REDD+ or explicitly as Indigenous REDD+.
- Add and prioritize in the ERPD the option of **comprehensive forest restoration** through knowledge sharing on the natural regeneration of indigenous forests, and not reforestation for commercial purposes of monoculture, or worse still with exotic species.

Solid guarantees in the application of rights

- Highlight compliance or automatic application (self-application that is not conditioned by regulations) of *Convention 169-ILO* in the entirety of the ERPD.
- Ensure the right to *consultation and free prior informed consent* at any stage of the ERPD, and especially regarding the benefit distribution plan, its approaches, and mechanisms.
- Include evaluations with indigenous participation, of bad practices on REDD+, of “carbon piracy,” to

develop the prior accreditation of REDD+ operators and penalties for cancellation of their emission reduction records and payments by results.

- Ensure future climate risk assessments and precautionary measures in investments close to indigenous territories because, in addition to their socio-environmental impacts, they can destabilize the reduction of emissions in the ERPD.
- Expand the analysis of *risks and mitigation*, in processes that affect forests and peoples, such as the low social and state value of standing forests; colonization and land trafficking; palm oil and other agribusinesses; and state corruption and lack of coordination.

Equity in indigenous climate benefits

- Include in payment-for-results, the *co-benefits* of indigenous territories such as evapotranspiration, natural firebreaks, social barriers to land occupation, biodiversity connectivity, curbing deforestation-driven displacements.
- Include the *Measurement and Valuation* of the climatic contribution in indigenous territories.
- Assign benefits according to carbon flow and stock, in indigenous territories, and *not according to “incentive”* to historical deforesters (settlers and companies) not to deforest.
- Provide *Equitable* climatic compensation proportional to the high climatic contribution of indigenous territories.
- Provide Climate compensation through the *life plans* of Indigenous Peoples and not conditioned to competitive contest screening.
- Ensure indigenous autonomy for the *redistribution* of benefits according to their own institutional arrangements.
- Prioritize the territorial actors that operate *within forests* in benefit distribution plans and do not offer benefits to forests external actors.
- Include indigenous territories and peoples with low rates of deforestation because of their important role as social barriers to deforestation agents.

Non-bureaucratic budgets that ensure:

- State assistance to indigenous organizations to design new cooperation projects to address gaps in land titling and other indigenous proposals.
- Readjustments in costs of the ERPD to increase goals and funds in indigenous land titling and reduce those of “green” agribusinesses due to their uncertainty in reducing emissions.

- Priority in benefits to indigenous organizations because they face great threats to protect forests, avoiding expanding them to urban groups, because they are benefits reduced by the rigidity of the carbon market and of the ERPA themselves.

4.3 BIASES IN THE ERPA AND THE CARBON MARKET

ERPAs are commercial agreements for the purchase and sale of carbon credits between buyer states and seller states through the intermediation of IFIs and UN agencies. They have the rigidity and thoroughness characteristic of any merchandise business, where international carbon is the new commodity with the difficulty of quantifying its material nature, and worse still, if it involves payments, losses, gains, between the parties.

They are legal, binding contractual agreements, written in inflexible legal language, and they are presented to States and Indigenous Peoples as unmodifiable texts, where only procedural options stipulated in the document can be chosen.

There is no support for a climate process so complex socially and environmentally that it becomes consensual in the design of the ERPA, then, in the final phase the situation changes towards an imposition of the ERPA. In other words, the difficult sum of wills to reduce forest emissions ends up being reduced to a commercial contract that is not guided by environmental visions but by pressure from a market that deals with nothing more and nothing less than the global climate crisis.

Listed below are observations and recommendations made by Indigenous Peoples to the ERPA proposed by the WB to the Peruvian State⁸ on this issue:

- In case of conflicts with rights when applying the ERPA, highlight that in the ERPA there is a provision that highlights the commitment of the FCPF to evaluate, within the REDD approach, the way to sustain or improve the livelihoods of local communities and conserve biodiversity (A, iii).
- Demand consultation and prior consent from Indigenous Peoples on the benefit distribution plan, as well as the safeguard plans (Annex 1); since the State is obliged to seek consensus before approving said plans, which is a condition for the sale of carbon credits (3.01)
- Modify the clause that allows the States to postpone deadlines for compliance with indicated plans

⁸ The format of the observations in detail appears in the following link and in the analysis the item number of the indicated document is indicated in parentheses. <https://www.dropbox.com/s/vmt4s01ivd72clw/AIDSESEP%20y%20ERPA%20del%20BM.pdf?dl=0>

(benefits and safeguards) to increase the pressure and political will to reduce emissions (3.03, a, i).

- Clarify and readjust the apparent monopolization of the WB (or another IFI or agency) that obliges the States that, if more emissions are reduced than those contracted, they must be added in the purchase made by the WB (4.02, a).
- Clarify and readjust the apparent provision that the buyer will reduce the payment of the seller country, all its costs as a buyer, and additionally discount the payment of commissions. Whereupon the assistance role of the IFI disappears and is replaced as one more carbon business intermediary (4.03, b, d).
- Clarify and modify the provision that, from the benefits, the States deduct their costs for the development of emission reduction registration systems because this is usually financed by other climate funds and would also reduce the amounts of payment-for-results, already insufficient for the “closing of social gaps” (4.04, a).
- The danger in the ERPA framework is that selling States end up indebted to buyers and intermediary IFIs in the case of receiving advances from the payment for emission reduction and these are not met (4.04, b, i).
- The possibility for Indigenous Peoples to propose additional clauses to specify advances on account of payment-for-results, referring, for example, to the fact that the ERPA and the reduction of emissions have not violated any fundamental indigenous right (4.04, b, iii).
- The need for independent indigenous audits on compliance with the safeguards of the IFI involved and other indigenous rights such as Convention 169-ILO, among others. Such an audit would intervene in the buyer’s requirement of “satisfactory evidence” to meet requests for advance payments (4.04, b, iv, A).
- Another condition for advance payments is the information required by the buyer on the generation and/or increase of “Preferential Benefits Not Related to Carbon,” which reinforces the relevance of measuring “flying rivers” or evapotranspiration and the other climatic functions of indigenous territories mentioned in other sections.
- Evaluate the problem that return of funds from the selling States to IFIs and purchasing States, in the case that in the final verification, the payments for results are less than the payment advances provided (4.04, d, iv).

- Modify the “preferential right” of IFIs and purchasing States to intervene in the sale to other countries of emission reductions in addition to those agreed in the ERPA (5.04, a). Forests and their peoples would be “absorbed” by buyers in any other negotiation similar to the ERPA. The climate catastrophe, and the reduction of emissions, cannot turn the commercial dispute into commodities and move away from international solidarity.
- Correct the lack of transparency, that, via the ERPA, is imposed on States and that “cannot” be discussed with Indigenous Peoples, modifications or conditions are made to the underlying projects and those eligible, even if they have been consensual in the ERPD and its safeguards. The ERPA requires that selling States “ensure” that such projects comply with an annex which indicates details of content (9.01, a).
- In the ERPA (Annex 5 - Peru) the underlying and eligible projects are charged the costs of monitoring the reduction of emissions that serve not the climate but the carbon trade (1, b). Likewise, all emission reductions, including indigenous subprojects, are passed on to the buyer, where other co-operations are usually added (1, d), also the cost of maintaining the shares and waiting for verification (1, g).
- Modify the non-transparency of the ERPA that obliges seller States and indigenous organizations not to disclose anything about the ERPA or the negotiations without the buyer’s permission, up to 5 years after the project; but the buyer can do so (10.02 a, b, c). It would even require an express judicial action to change this provision.

4.4. ESMFS, CLIMATE AMBITION, AND “GREEN AGRIBUSINESS”

In Amazonian countries, deforestation due to changes in land use (LULUCF) and that derived from agriculture account for the majority of national GHG emissions. This high level cannot be explained without taking into account **state action (ministerial or regional)** against land trafficking, colonization, and monocultures. It is wrong to attribute it only to the “small farmer” as if he/she acted in isolation and not in a national and regional context. A context where the market and companies promote these monocultures and the State facilitates it through infrastructure, credits, incentives, allotment of plots, deregulation, ineffective control and sanction, and expansion of state corruption in land trafficking.

The economic drivers and recipients of micro deforestation can no longer be seen in isolation, but rather, as part of the production and market process,

of agribusiness in general, which has larger-scale engines, located in large companies at the productive, commercial, financial levels. They have not only state support, but also the active role of the State with regard to ministries such as those of agriculture, economy, transportation, trade, as well as subnational or regional governments.

Likewise, **the impacts of deforestation and state policies and projects for the expansion of national or local infrastructure are often not properly analyzed and addressed in the ESMF and ERPD.** Infrastructure expansion projects often include highways, railways, waterways, transmission lines, as catalysts for commercial expansion of agribusiness, monocultures, wood, livestock, mining, among others.

4.5. RECOMMENDATIONS

The following are recommendations based on negotiations to improve the ESMF of the ERPD in Peru:⁹

Indigenous collective and territorial rights

- Include the categorization of areas occupied by Indigenous Peoples, with titling rights, or of *cession in use* like communal reserves, communal conservation area.
- Reversal of forest concessions and *resizing of separate forest areas* for other types of concessions (PPF in Peru) in order to respect indigenous territorial rights.
- Finance the indigenous response to deforestation by *community control and forest surveillance committees*.
- Include the risk of conflicts due to the violation of rights when establishing state conservation areas (subnational or local) superimposed on the territory of Indigenous Peoples.
- Do not exclude communal titling activities, in cases of *boundary conflicts* or with overlapping extractivist concessions.
- Solve in the first year of the ERPD the latent conflicts between protected natural areas and Indigenous Peoples.
- *Prioritize the land titles* of indigenous communities in the lines of classification, zoning, and titling of forests with unassigned rights.
- Promote state intersectoral spaces to solve the overlap of third party rights, illegal land trafficking, and conflicts of invasions of indigenous communities.

⁹ The precise texts and the specific paragraphs where there were agreements, disagreements, and adjustments in consultation appear in the PDF of the document at the following link: <https://www.dropbox.com/s/ijpzx5yof90za20/Cambios%20MGAS.rar?dl=0>

- Regulate that there will be no ERPD actions with agrarian producers in an *irregular situation* settled at later dates to be specified, so as not to encourage more invasions with the ERPD itself.
- Relativize the census figures on Indigenous Peoples, due to their usual application failures in areas of difficult access and promote indigenous self-censuses with state participation.

Fewer illusions in agribusiness

- Withdrawal of actions to promote palm oil under the illusions of achieving “good practices” for a highly predatory crop.
- Do not expand agribusiness (coffee, cocoa, and others) but only improve existing areas.
- Withdraw the repeated mentions of entities that promote the “green agribusiness” bias, “climate-smart agriculture,” and the like.
- Exclude monocultures and exotic species in *forest plantation* activities and do not link the ERPD with the interests and expansion of the business groups involved.

Indigenous structures for financial implementation

- Respect the indigenous right of Convention 169-ILO to develop their own institutional structures for financial implementation, as is the case of DGM Saweto in Peru.¹⁰
- Select subprojects in the Benefit Sharing Plan (BSP) through the maturation of indigenous proposals and not through competitive contests and filters.
- Subcontracting of the indigenous financial mechanism, which works with the financial mechanism of the ERPD, to implement the ERPD actions and develop indigenous capacities and empowerment.

Indigenous participation, autonomy, and proposals

- Strengthen state institutional spaces at the regional or local level led by Indigenous Peoples.
- Deepen the risk analyzes of the ESMF, through consultations with grassroots communities, and restructure them during the first half of the implementation of the ERPD.
- Submit the underlying ERPD projects to comprehensive social and environmental assessment.
- Develop spaces that are not only “informative” but also for *dialogue and decision-making* on the

proposals of indigenous organizations within the framework of the communication strategy.

- Prioritize *assemblies* of indigenous communities and organizations involved as a priority method of information and consensus-building.
- Specify limitations that occurred in meetings with Indigenous Peoples to be qualified or not as “*meaningful consultation*” on the ERPD.
- Ensure that in all phases of the ERPD consultation and consent can be appealed based on ILO Convention 169, which is not subject to adding specific legislation.
- Develop a *Complaints and Claims Attention Mechanism* (MAQR by its Spanish acronyms) as a space for *resolutions* with cultural relevance and where actors agree on equal terms.
- Carry out *independent indigenous evaluations* of compliance with ERPD safeguards at all levels with formal responses by the relevant ERPD bodies.
- Take into account *indigenous specialists* in the actions of the ERPD on Indigenous Peoples in the budget for the implementation of the ESMF.

Holistic vision and added value of standing forests

- Promote and finance *business plans and responsible purchases of community products* and indigenous community committees for territorial and forest surveillance.
- Promote *indigenous economy* initiatives, bio businesses, access to the fair and organic market, under the approach of value-added uses of standing forests.
- Reject activities with *monoculture forest plantations and, worse still, exotic ones*.
- Include environmental and social assessment of *wetlands and peatlands*, their risks and mitigation measures, because of their importance in the flow and stock of carbon and threats to their environment.
- Update the *risk rating* of underlying activities and BSP with community participation.
- Consider the areas of influence of peoples living in isolation and initial contact as “*critical habitats*.”
- Prohibit *agrochemicals and hydrocarbons* in activities with Indigenous Peoples. In case the ERPD includes the above danger in other actors, due to the application of protocols, specify that their failure to comply will lead to the suspension of such activity.
- Prohibit the option of using exotic forest species by applying to official authorizations.

¹⁰ DGM Peru Regulation: <https://www.dropbox.com/s/0ugo2s3vxfysycuo/Reglamento%20MDE%20Peru%2024.06.13.pdf?dl=0>
WB 2017 Evaluation: <https://n9.c/1hq3k>

- Strengthen indigenous initiatives of *non-timber products* and their added value through associations for commercial links and technological training.
- Carry out an environmental and social assessment of *wetlands and peatlands* and risks of extractivism and infrastructure on their biomass and high potential for carbon accumulation and emissions.
- Carry out an assessment of social and environmental impacts and stakeholders that promote monocultures especially agribusinesses of palm oil, coffee, cocoa, pineapple, kion, papaya, rice, etc.

Violence and comprehensive indigenous security

- Implement measures such as the protection of monitoring committees in community *forest surveillance* that are at high risk.
- Develop a Comprehensive Protection Protocol to *ensure safety* in community policing, police protection, emergency evacuation, bulletproof vests, and life insurance policies.
- Specify ERPD actions to defend *rights defenders* of Indigenous Peoples and tropical forests.

4.5. ESCP AND TRANSFORMATIONAL CHANGES

The Environmental and Social Commitment Plan (ESCP) is a key document because it establishes environmental and social commitments that governments must adopt regarding financial resources (provided via the World Bank) to guarantee indigenous rights and protect forests. It specifies indicators, goals, and monitoring systems, the fulfillment of which or not, will affect the implementation of the ERPD and ERPA. It summarizes the agreements of safeguard instruments, is included as part of the legal agreement, and can be updated in the implementation process.

Below are some of the recommendations of environmental and social commitments that were made in the framework of the negotiations in Peru to strengthen and guarantee indigenous rights and the protection of forests¹¹ and that can be applied to countries with significant tropical forests:

Address gaps to guarantee indigenous territorial and collective rights. States should provide or guarantee *additional funds* to address risks and impacts in the application of the ERPD, specifically to guarantee the territorial and collective rights of Indigenous Peoples. This should not be simply indicated or listed in the ERPD, IPPF, BSP, and other complementary documents, but

effective ways of addressing and prioritizing it should be promoted.

- **Human and environmental health.** Promote the joint construction with indigenous organizations of state responses in community *health* to reduce social vulnerability to new waves of variants or mutations of COVID-19; other new pandemics due to outbreaks of zoonotic viruses derived from extractivist pressure on biodiversity; as well as the impacts of climatic disasters generated by the combination of global warming with local factors. ERPDs cannot circumvent this point because it will have repercussions on the key issues of displacement or reversals in deforestation.
- **Indigenous surveillance and security.** States must provide guarantees, funds, and security plans so the dangers, reactions, and violence used by the agents of deforestation are addressed in a responsible and effective manner. Indigenous territorial surveillance actions should be guaranteed in order to address this danger. Those who suffer the costs of the violent actions of agents of deforestation are Indigenous People and their families who are abandoned, which increases the discredit and distrust of the social and environmental actions promoted by these programs.
- **Expand spaces for indigenous participation and ensure their involvement from the beginning.** The design and approval of the ERPD and ERPA operate in processes that emphasize the need for transparency and social participation in general and indigenous participation in particular. However, most of the time, the discussions and negotiations take place in closed spaces within ministries and private consulting services hired by the implementers. What happens is that when negotiating or consulting with Indigenous Peoples and stakeholders in general, they end up presenting finished, packaged, and closed formulations, leaving very little time for dialogue, debate, consensus, and reformulations before the deadlines for internal approval first by IFIs, UN agencies and then by donors. The contradiction is foreseeable, and before hastily approving key aspects of the ESCP, such as the Safeguards Information Modules (SIM), as well as those referring to IPPF, PF, and SEP, it is better and preferable to postpone the definitions in this respect in the first stages of the implementation of the ERPD.
- **Contract autonomous indigenous technicians for the design, implementation, and monitoring of the ERPD.** The ERPD often contemplate workspaces for indigenous personnel usually at lower

¹¹ ESCP Changes: <https://www.dropbox.com/s/getrzub5ox22azt/Acuerdos%20Reajuste%20PCAS%20PRE%20Oct%202020.pdf?dl=0>

hierarchical levels as extensionists. This should be reconsidered and expanded to incorporate indigenous professionals into specialized bodies, especially planning, conducting, and monitoring the ERP. In both cases, said indigenous personnel, in addition to meeting the requirements of the terms of reference of their positions, should be selected from short lists proposed by indigenous organizations involved in order to guarantee professional contributions consistent with the visions and rights of Indigenous Peoples.

- **Guarantee independent monitoring.** The ERP include monitoring systems and indicators carried out by States that lead implementation. In this framework, it is important that the financial sources of the ERPA also have independent monitoring reports on compliance with safeguards and the ESCP prepared by indigenous organizations to the extent that they are committed to the survival of forests and reduction of deforestation.

4.6. INDIGENOUS PEOPLES PLANNING FRAMEWORK AND FUNDAMENTAL RIGHTS

The Indigenous Peoples Planning Framework (IPPF) implements the safeguards of IFIs for Indigenous Peoples and local communities. In the case of the WB, it corresponds with Environmental and Social Standard (ESS) 7¹² in the objective that said peoples be included throughout the cycle of design and implementation of the ERP. This standard also includes requirements to conduct social and environmental risk assessments; respect human rights, dignity, aspirations, identity, culture, and livelihoods; promote culturally appropriate and inclusive benefits and opportunities; ongoing relationships based on meaningful consultation and obtaining free, prior, and informed consent (FPIC).

Below are the recommendations made in the case of Peru so that these IPPFs effectively guarantee indigenous rights and the protection of forests. The recommendations also expand and update for countries with significant tropical forests.¹³

Holistic view and added value of standing forests

- Exclude *monocultures and exotic species* in forest plantations. Expand commercial reforestation towards comprehensive restoration of flora and fauna.
- Include the risk of not promoting *productivity and markets on added value of standing forests* in

communities so as not to be reduced to agricultural businesses; and add as mitigation, promoting them in underlying projects, public investment, and cooperation.

- Include the risk of absence of strategies for *repopulation of flora and fauna* for food and commercialization, with dependence on exotic monoculture plantations, and mitigate it, promoting it in underlying projects and public investment.

Indigenous participation and autonomy

- Implement state spaces for the articulation of indigenous organizations, to interact with the State and settle disputes about extractivism, taking into account the experience in Peru of the *Indigenous Climate Platform* (RM 197-MINAM-2020).¹⁴
- Include Indigenous Peoples in the governance of the ERP and in *decision-making* in the selection of subprojects with the distribution of benefits.
- Assign budgets to underlying projects to guarantee indigenous participation in the ERP and guarantee indigenous rights and solve territorial conflicts.
- Verify the legal status, legal recognition, and representativeness of indigenous organizations.
- Include in risk mitigation, *“Defense of Environmental Defenders”* actions as social safeguards, with resources for its implementation and management for consideration in the public and cooperation budget.
- Include risk mitigation to strengthen *indigenous women’s* spaces in coordination with organizations representing Indigenous Peoples.

Centrality of the Life Plans of Indigenous Peoples

- Include in the risk and mitigation matrix that the State promotes the development of the central climate role of *the life plans* of Indigenous Peoples, as well as indigenous participation in decisions on regional or subnational climate strategies.¹⁵

Indigenous collective and territorial rights

- *Increase the budgets* of underlying projects of the ERP and others that are generated to guarantee indigenous rights in the conflicts that are generated on this matter.
- Clarify that indigenous communities maintain their right to *customary use* and ownership of their

¹⁴ RM 197-MINAM-2020 of the Indigenous Climate Platform [Resolución Ministerial N° 197-2020-MINAM](#)

¹⁵ See in this regard the arts. 5.20, 10.1, 21.2 of Supreme Decree 013-MINAM-2019 <https://cdn.www.gob.pe/uploads/document/file/2026867/D.S.%20013-2021-MINAM.pdf.pdf>

¹² [World Bank Environmental and Social Framework](#)

¹³ The precise texts and specific paragraphs discussed are contained in the PDF of the document whose link is indicated in the IPPF changes <https://www.dropbox.com/s/10oibx40cpkaee9/V2%20Acuerdos%20MPPI%20oct%202020.pdf?dl=0>

territories, even if the State has not complied with legal certification.

- Clarify the validity of the right to *territorial expansion* of already titled communities.
- Include in the social assessment of the ERPD, the conflict analysis with indigenous communities and *land trafficking with smallholders* and measures to avoid negative impacts on the actions of the ERPD in relation to assigning rights to said smallholders.
- Include conflict resolution between Indigenous Peoples and forest business concessions as an enabling condition for involvement in ERPD activities.

Protection of Indigenous Peoples Living in Isolation or with Initial Contact

- Effectively apply protection protocols for Indigenous Peoples Living in Isolation or with Initial Contact (PIACI) as a condition for eligible activities under the ERPD and immediate suspension of any activity in the event of dangers or conflicts with these peoples.
- Prohibiting any approach to PIACI territories is better than relying on the application of sighting and care protocols, which are often difficult to implement and monitor.



4.7. EQUITY AND INTERCULTURALITY IN THE BENEFIT SHARING PLAN

The Benefit Sharing Plans (BSP) vary according to IFIs and types of ERPD, but in general terms, they are intended to identify the beneficiaries of monetary and non-monetary incentives based on future emission reduction results and define the manner in which the benefits will be allocated among them, as well as determine the channels for the distribution of said benefits.

In the case of the debate on Peru's BSP, prepared by

MINAM consultants and coordinated with the WB, various biases, problems, and controversies in relation to indigenous and environmental rights were evident. Initially, an environmentally sustainable and climate-friendly agricultural production was proposed, which concealed the promotion of "green agribusiness" in favor of small/medium-sized producers, minimizing climate compensation for the climate contribution of Indigenous Peoples.

Recommendations for this type of plan follow, based on the negotiations developed on the ERPD of Peru:¹⁶

Equity and Interculturality in Benefits

- Prioritize benefits to *territorial rights* holders within forests because the results depend on them. Adding other actors implies reducing the already scarce benefits due to price and payment restrictions in the carbon market.
- Distribute benefits within Indigenous Peoples by combining variables of "flow" (*reduction of emissions*) and "stock" (*historical accumulation*) of carbon. If only the first variable is considered, the indigenous are "punished" for having low rates of deforestation and therefore lower rates of deforestation reduction, and, on the contrary, those who have deforested are favored, and now promise to reduce the damage they caused. With the second variable, indigenous territories and peoples show high levels of historical carbon accumulation, which should influence greater equity in the distribution of benefits.
- Expand on co-benefits or *non-carbon benefits*, cooling services and water climate regulation due to the high *evapotranspiration* from indigenous territories.
- Include in co-benefits, the actions of *measuring and valuing evapotranspiration* produced by water cycles and transboundary climate regulation.
- Distribute benefits to Indigenous Peoples, based on the life plans of their communities and organizations, without imposing arbitrary selection and screening by "contests" for access to these benefits.
- Opt for the prioritization method of distribution of benefits according to the *maturation of projects* and not through ineffective competitive funds.
- Avoid interference by the ERPD in *internal processes* of Indigenous Peoples and communities and their representative organizations on the distribution of benefits within them.

¹⁶ The precise texts and specific paragraphs where some are inserted appear in the PDF of the document whose link is as follows: <https://www.dropbox.com/s/bs3s9la99sk0ptv/V2%20Acuerdos%20PDB%20del%20PRE%20Oct%202020.pdf?dl=0>

Strengthen indigenous financial mechanisms

- Include strengthening and prioritization of *direct indigenous mechanisms in the distribution of benefits*, such as “Conditional Cash Transfers” and the DGM in Peru, the Forest Protection Program of the Ministry of the Environment of Ecuador, and Contracts with indigenous organizations of PIVA in Colombia.¹⁷
- Overcome the resistance of IFIs and States to channeling benefits through direct indigenous mechanisms and avoid impositions of state intermediary channels questioned by indigenous organizations.
- Learn the lessons of the Peru case, where the WB and the State opposed strengthening, in the distribution of benefits, a successful indigenous mechanism such as the DGM “Saweto,” and sought to impose the intermediation of PROFONANPE, a private conservation fund which is questioned by indigenous organizations.¹⁸
- Open the space for consultation so that the rules of distribution for Indigenous Peoples are generated by them, or in the opposite case, require they be submitted for consultation and free, prior, and informed consent.

Collective and territorial rights

- Reiterate the indigenous right to *territorial ownership*, and not just use of natural resources.
- Link and align the BSP to the application of ILO Convention 169 and UNDRIP.
- Ratify the indigenous right to use and benefit from ecosystem services in their territories and not condition it on any *additional rules*.
- Prohibit actions with BSP funds, which involve promoting *overlapping* property or use rights in areas occupied or used by Indigenous Peoples.

Territorial prioritization in the ERP

Limit the *operating costs* of the ERPD to a reasonable percentage to be agreed upon, avoiding the mistake of creating bureaucratic employment at the expense of reducing actions in the territories.

Added value of standing forests

- Exclude *monocultures and exotic species* from forest plantations.

- Expand reforestation towards the comprehensive *restoration* of flora and fauna.
- Prohibit the promotion of *palm oil and other agribusinesses* in the ERPD.

4.8. EFFECTIVENESS AND INTERCULTURALITY IN THE STAKEHOLDER ENGAGEMENT PLAN

The ERPD contemplates Preparing Stakeholder Engagement Plans (SEP) in line with the World Bank’s Environmental and Social Standard 10 (ESS 10) *Stakeholder Engagement and Information Disclosure*. Standards 10 and 7 require meaningful consultation processes throughout the project cycle with Indigenous Peoples. The standards require the establishment of concrete mechanisms for effective participation and involvement, thus guaranteeing that their opinions are “taken into account” in the design of the ERPD.

Based on the experiences analyzed, the following recommendations are presented to enable Indigenous Peoples to create favorable conditions in the SEP to advance their rights, objectives, and proposals:

- **Include provisions so that indigenous proposals are not reduced to just “taking them into account” but considered as equal partners.** Guarantee real and effective spaces for horizontal, transparent, and promote informed dialogue, and consultation and consent, so that proposals are included in the design of the ERPD, its implementation, and readjustments derived from monitoring.
- **Prioritize guarantees of an effective solution to discrepancies between the State, IFIs, and Indigenous Peoples regarding ERPD actions.** Overcome the technocratic approach of “indigenous participation” as just one more procedure and not an effective dialogue with solutions, where the number of meetings, minutes, documents are used as indicators of “effectiveness” of participation, even though indigenous proposals are finally excluded and only show that they were “taken into account” and debated.
- **Prepare ERPD meetings.** Indigenous participants should not only register their attendance, but also require minutes of what was discussed and record their proposals, and ask if those were accepted or not and if not ask for the reason. Attendance at a meeting should not be an indication of the quality of “participation.”
- **Record, in the preparation and implementation of the SEP, the problems regarding the effective legitimacy and territorial representation of indigenous organizations.** Differentiate between

¹⁷ CCT <https://n9.cl/nwcp7>; DGM <https://n9.cl/za83>; Socio Bosque <https://n9.cl/15djt>; PIVA <https://n9.cl/8k6f3>

¹⁸ Conflict between the Achuar and PROFONANPE in the GCF project: <https://irm.greenclimate.fund/case/c0002#project-details>. Per GCF, issues raised include Land management, Land ownership & possession, Indigenous people rights, FPIC, Project due diligence, Environmental and social impact assessment, Consultation, and Project categorization.

“groups” or “indigenous NGOs” that have no decision on specific territories and tropical forests. For emission reduction objectives, priority should be given to indigenous territorial organizations, whether or not they have state legal status. An effort should be made to verify the legitimacy and representativeness of organizations and people who participate in consultations.

- **Verify that the indigenous observations and proposals made during the design of the ERPD as part of the SEP have been addressed in a meaningful way.** This implies explaining how they have been *responded to, whether included or not, and for what reason* in the subsequent texts of the ERPD. Avoid the mistake of only registering them briefly without opening timely dialogue and consensus processes and “postponing” it as a “gap” to address it when the ERPD is implemented.
- **Guarantee the participation of indigenous organizational structures at local, regional, and national levels in the processes of the SEP and others of the ERPD,** both in actions or conflicts at the local level, at the request of the grassroots communities involved as well as participate in addressing national ERPD actions.
- **Identify existing indigenous communities in the area of the ERPD,** even if they lack legal recognition and territorial title, to include them in ERPD actions and also as recipients in the distribution of benefits according to the results achieved.
- **Include territorial indigenous organizations in the ERPD in its decision-making bodies and not only in those of a consultative nature.** There is no other way to achieve their goals since they are actors committed to reducing emissions due to their social and cultural structures and their control and action in large forest blocks. Indigenous opinion in consultative bodies should be binding on issues involving them whether they are related to possible negative or positive impacts.
- **Hold community assemblies with equal participation of women and youth** as a method of consultation on issues affecting their territorial and social rights, rather than being replaced by workshops, meetings with delegates, radio messages, or the like.
- **Include the opinions, observations, visions, roles, proposals of indigenous women in ERPD actions for which their own spaces for self-reflection and organization should be guaranteed.** The construction of the indigenous women’s approach should be cross-cutting in the development of the

SEP and ERPD.

- **The Complaints and Claims Attention Mechanism (MAQR by its Spanish acronym) must have agility and impartiality to find equitable and timely solutions to indigenous demands.** Avoid assuming it to be one more procedural formality, or worse, to increase employment and bureaucratic funds, and where “procedures” are justified by themselves, rather than by the effectiveness of their results. This bias accumulates conflicts and the instability of the ERPD.

4.9. INDIGENOUS TERRITORIAL RIGHTS AND PROCESS FRAMEWORK

The ERPD’s Process Framework (PF) Document regulates the action of underlying projects and those generated in the distribution of benefits of the ERPA, on an essential issue for Indigenous Peoples, which is that of territorial rights. This is supported by widely accepted international standards such as two instruments within the UN framework, UNDRIP and C169-ILO. In the case of Peru, the Process Framework emphasized the risks and impacts on access to natural resources for subsistence or commercial purposes, whether related to Natural Protected Areas involved in the ERPD or other state processes of territorial planning or zoning, a very restrictive application of the territorial approach.

Based on this experience, the following recommendations are proposed, which are detailed in the PF referring to the ERPD of Peru:¹⁹

- **Strengthen indigenous rights, especially territorial rights, in order to use the regulatory framework that best favors them in understanding their rights.** Use, where appropriate, national legislation, domestic judicial jurisprudence, the national interpretation of the Cancun safeguards, the social and environmental standards of IFIs, the Convention 169-ILO, the jurisprudence of the IACHR and the UNDRIP.
- **Introduce the approach of productive conservation, or simultaneous use-conservation, based on indigenous knowledge that protects tropical forests.** Expand the conservative approach of state Natural Protected Areas (NPA) and take on the vision of “Territories of Life” or ICCA of Indigenous Peoples that do not need to be overlapped with NPAs and that is supported by the IUCN and CBD.²⁰

¹⁹ <https://www.dropbox.com/s/gnu1atlpbb00ae/AIDSESEP%20y%20Marco%20de%20Proceso.docx?dl=0>

²⁰ ICCA: <https://n9.cl/j2oaf> * [Territorios y áreas conservados por pueblos indígenas y comunidades locales - ICCA Consortium](https://n9.cl/j2oaf)

- **Expand the analysis that the difficulties of indigenous access to natural resources not only occur with NPAs, but also with delay of the governments in indigenous territorial titling,** other threats such as exacerbation of settlers, illegal mining and timber in their areas of ancestral use. It is the same as in the face of NPAs, since their traditional territorial uses and access to decent livelihoods have been prevented or hindered.
- **Incorporate indigenous proposals on innovative forms of productive conservation,** such as the cultural adaptation of state NPAs and conservation concessions to respect indigenous access rights to natural resources, not only for a limited “survival,” but for their visions of dignified life, to live well, and integral social reproduction as autonomous peoples.
- **Evidence the inconsistencies and lack of updating and adaptation of state regulations on indigenous territorial rights and their relationship to NPAs,** with respect to the provisions of the C169-ILO, UNDRIP, the Cancun safeguards of the UNFCCC, and in certain cases, some environmental and social standards of the IFIs. These gaps should be addressed in the ERPD “gap closure” plan.
- **Carry out a contextual risk analysis of the latent conflicts between NPAs and the Indigenous Peoples of the ERPD area** and develop measures to prevent and mitigate them.
- **Strengthen indigenous participation and involvement and guarantee the effective implementation of standards that protect the rights of Indigenous Peoples.** Likewise, include intercultural adaptation, and financial resources for non-timber uses, expanding its value added.
- **Incorporate into the zoning and master plans of the NPAs and other forms of conventional conservation, the holistic visions of Indigenous Peoples, their knowledge, and their approaches to territorial zoning** with diverse simultaneous uses.
- **Update studies on the livelihood and needs of Indigenous Peoples and their variation according to zones, traditions, social histories to differentiate and adapt to specific conditions and contexts the concepts.**
- **Include the option that local indigenous participation, and its actions on NPAs within the framework of the ERPD, may involve regional and national organizational bodies** at the request of local communities involved in the aforementioned

processes.

- **Inclusion in the ERPD of actions and funds to institutionally strengthen indigenous organizations as well as for them to be provided with the independent training and technical assistance** in order to reduce the asymmetry in the conditions of access to information and proposals, which prevent adequate information, transparency, and equity in participatory processes and especially on NPAs.
- **Include claims between Indigenous Peoples and NPAs in order to achieve timely solutions with intercultural adaptation and in accordance with the provisions of the UNDRIP, Convention 169-ILO, and the indigenous policy of the GCF.** State spaces for grievances about NPAs are often very restrictive for Indigenous Peoples, forcing them to appeal to long-term proceedings before national judges or the IACHR itself.

4.10. INDIGENOUS FORESTRY AND FOREST MANAGEMENT PLAN

The ERPD should prepare Guidelines for the development of Forest Management Plans (FMP) that are supposed to be in accordance with the ESMF and ESCP, and the standards of biodiversity conservation and sustainable management of natural resources of IFIs and GCF. These FMPs develop the forest management specifications that would be applied to underlying activities (those that reduce emissions) and those of the distribution of benefits in payment-for-results, regardless of the level of intensity of said forest exploitation.

This document is usually limited to a simple list of existing forest regulations and where gaps or contradictions regarding deforestation and violation of indigenous rights are evident and “resolves” them in a superficial way, leaving it as a gap to be addressed with promises for the future difficult to fulfill due to pressure from local power groups.

In this context, experience indicates that in the debate on these FMPs, they should be taken as guidelines to seek to establish concrete transformational changes in the practical field of forest management, or at least establish steps in that direction. In this framework, the following recommendations are proposed, which are detailed in the following document:²¹

- Establish corrective measures with strict deadlines and conditions, to reduce *inconsistencies and contradictions* between state regulations, policies,

21 FMP analysis: https://www.dropbox.com/s/0t7c7mmutd9rywa/AIDSESP%20y%20Lineamientos%20para%20el%20desarrollo%20de%20planes%20de%20manejo%20forestal%20%28L_PMF%29.21.09.2020.pdf?dl=0

and rhetoric on forest management, generally sustainable in theory, in the face of the realities of non-compliance, operational incapacity, institutionalized corruption, violence and impunity of illegal groups.

- Avoid the mistake of the coexistence of islands of good practices around the ERPD in a sea of deforestation pressure. Political will is required to cut the networks of corruption and for the defense of environmental defenders.
- Achieve guarantees and speed in state documentation for *sustainable community forest management* plans, based on respect for indigenous rights, and especially on non-timber products (fruits, essences, resins, dyes, flowers, aromas, and others), which, despite their high social, cultural, and economic potential, are often not given state priority because of the bias toward the model of the large timber enterprise of high commercial profitability.
- Apply corrective measures so that the models of *large corporate timber plantations* are not prioritized at the cost of imposing them in areas “used in one way or another” (UNDRIP) by Indigenous Peoples, affecting their ancestral rights.
- Prioritize the *restoration*, regeneration, or repopulation of flora and fauna based on indigenous knowledge and structures, based on the diversity and association of species, and avoid the bias of reforestation with a single species, and worse still exotics, due to their already extensively studied social and environmental impacts.
- Prevent *private interests or investments* in monoculture plantations for reforestation purposes from being the basis or condition for their support and involvement in the objectives of the ERPD, worse yet, if said reforestation is about exotic species.
- Avoid overlap and conflict in forest areas, between indigenous rights with direct or indirect uses in them versus *investments by environmental NGOs*. Achieve an adequate balance between different concessions (non-timber, conservation, tourism) in areas not really occupied by these peoples, and where indigenous rights of access and transit are respected. It is unsustainable that these concessions achieve broader extensions than community titles and in much shorter processing times.
- Evaluate *forest management certifications* (such as *Forest Stewardship Council, FSC*) and those related to REDD+ since cases have been found where the realities of operations did not have the standard on indigenous and environmental rights that they

were supposed to have obtained. Therefore, the ERP cannot assume they are completed processes and is an opportunity for critical review.

- Establish corrective measures on the *legal responsibility* of forest operators (timber or non-timber) in indigenous territories because it has consequences on bad practices and crimes, such as, among others, covert forms of servile labor, violation of human rights, destruction of seedlings, non-targeted logging, scams in volume determination and payments. These practices generate long-term state sanctions on communities. In the case of communal agreements with third parties, the person legally responsible should be the business operator, subject to effective indigenous social control with effective state technical assistance.
- Demand the *cultural adaptation* of forest management plans (timber or non-timber) that implies assuming the reality of the dispersion of the indigenous population, within each community, and the need for simultaneous uses on several fronts of forest action.
- Strengthen the various types of *organizational forms*, agreements, and regulations specific to indigenous communities to implement territorial and forest heritage monitoring, forest self-management, supervision of sustainable management plans, support in the traceability of forestry extraction, information and coordination with forest authorities on forest emission factors and illegal practices.
- Support with technical assistance to communities, in the field, with the “learn-by-doing” approach, on the preparation and implementation of forest management plans, directed logging, restrictions and sanctions.
- Promote innovative, flexible solutions, with cultural relevance, to situations of indebtedness of *communities due to sanctions and fines*, in forestry operations and irregular practices directed by third parties, with fraudulent or bad faith arrangements with communities.
- Strengthen state forest authorities, *technical teams with experience* in indigenous forest management and committed to developing their capacities for forest self-management within the framework of their own collective government.

4.11. POLLUTION AND INTEGRATED PEST MANAGEMENT PLAN

The ERPDs should develop specifications for Integrated Pest Management Plans (IPMP) in accordance with the ESMF and ESCP and be socially and environmentally

sustainable and ensure the use of integrated pest management (IPM) techniques in underlying and eligible projects. A landscape ecosystem approach should be assumed, including all kinds of pollutants such as processes related to agrochemicals, fertilizers, pesticides and other inputs and transgenics for agriculture (especially commodity agroindustry), livestock, commercial reforestation, and illicit crops as well as the actions for their elimination and substitution. It also includes the generation, recycling, collection, storage, transportation, and disposal of solid waste, hazardous or not, and flammable or toxic materials.

In this context, experience indicates that in the debate on these IPMPs,²² they should be taken as guidelines to move forward and establish concrete transformational changes in the practical field of agrochemical and waste management and to establish steps in that direction. In this framework, the following recommendations are proposed:

- Overcome the approach of an ERPD as an island of sustainability in a *sea of pollution*, where only what “the project does, pays for, or distributes” is prioritized, despite the fact that the intense biological, hydrological, and social connectivity is evident in areas nearby or distant within tropical forests inhabited by Indigenous and Afro-descendant Peoples.
- In the design and implementation of the ERPD and especially the IPMP, avoid that this issue is addressed as a simple list of some requirements to achieve islands of good practices in a sea of contamination with agrochemicals and waste. On the contrary, address it as a *window of opportunity* to rethink policies, standards, and inertia that promote pollution disguised as “modernity and agricultural productivity.” The ERPD as a space to initiate transformational changes that ensure environmental, forest, and human health.
- Pay attention to the pollution of *wetlands* in general, and peatlands in particular, which indicates them²³ as carbon sequestrants and accumulators of the highest level and even, depending on the area, higher than terrestrial tropical forests. Said contamination can destroy them or degrade their strategic climatic functions, in addition to being an essential source for sustainable indigenous hunting and fishing. This is indirect contamination through the groundwater table in the subsoil of plantations

²² Analysis of the IMP of Peru <https://www.dropbox.com/s/f2auh2ww8ips2gv/AIDSESEP%20y%20Lineamientos%20de%20Manejo%20Integrado%20de%20Plagas%20%28L-MIP%29%2021.09.2020%20REV%203.pdf?dl=0>

²³ Peatlands and climate change: https://www.cifor.org/publications/pdf_files/OccPapers/OP-208.pdf

with intense agriculture including controversial “green agribusiness” in underlying projects of the ERPD.

- Establish corrective *measures and regulations* so that pollutants, whether they are chemical inputs or from other sources, do not circulate among the population and in indigenous communities, under the purported “free market” or the “priority of greater productivity to get out of poverty,” which are associated with the state’s incapacity to carry out operational oversight in the field and the lack of control of information in the media.
- Strengthen Indigenous Peoples’ practices of natural soil recovery and enrichment and biological pest control with repellents and species association as well as the recovery of this *knowledge*, its transmission, the “learning-doing” about it with the new generations, and its position in the dialogue of knowledge with modern science.
- Expand studies on traditional and new pests of agricultural products that spread from forests to national or global markets, such as, among others, *coffee, cocoa, rice, and certain fruits* (papaya, orange, etc.) linked to their territorial concentration as a single species, weakening the natural anti-pesticide processes due to the wise association of polycultures. For commercial reasons and interests, these studies are not usually delved into or made available to the public or disseminated among public opinion.
- Develop training modules on IPM in indigenous communities, with due cultural adaptation and *dialogue of knowledge*, where indigenous practices and proposals on pests and contaminants are strengthened and not minimized. Likewise, they should include a critical analysis of various polluting sources, whether or not they are included in specific regulatory standards, and also train about the environmental approaches of the precautionary principle of not using said elements when in doubt or scientific debate on the matter.
- Prioritize indigenous training in regulations on various toxic and inorganic pollutants, of legal and illegal origin, in their community assemblies in the native language and with culturally appropriate materials in order to close the great *gaps in* access to information.
- Establish spaces for research in contaminant and pest management based on indigenous knowledge, be it traditional knowledge or current adaptations, and in a dialogue of knowledge with modern science, horizontally and with mutual respect.

- Ensure spaces and resources to exercise the right to comprehensive participation of the diverse forest peoples, involving, at the request of the grassroots communities involved, all their organizational coordination bodies (local, regional, national) in the design and implementation of actions related to pollutants and pests.



4.12. USE-CONSERVATION AND BIODIVERSITY ACTION PLAN

The ERPD should develop specifications and criteria for the development of the Biodiversity Action Plan (BAP), which is supposed to be in accordance with the ESMF and the ESCP, and therefore socially and environmentally sustainable, and that they should ensure the effectiveness and sustainability in the underlying and eligible projects, which support the promise of emission reduction of the ERPD.

The design of these BAPs can and should be taken as opportunities to advance towards transformational changes in indigenous protection of biodiversity, promoting the application of regulations in that direction, both the national and that of the ESS 6 standard in the case of the WB, and also overcoming its possible limitations.

Within this framework, the following recommendations are proposed, based on the BAP negotiations for Peru's ERPD:²⁴

- Include a more comprehensive vision of the indigenous right to *livelihoods* or dignified life that involves resolving conflicts between indigenous communities and the protected, state, private, or mixed conservation areas based on fundamental human rights in relation to restrictions on access, use, and utilization of biodiversity or *nature's bounties* as indicated by Indigenous Peoples.

- Do not avoid previous conflicts in the ERPD with arguments of legal imposition of said *protected areas*, often without due consultation and prior consent, because it means postponing the situation for greater conflicts, which can impact on the actions and results of the ERPDs.
- Include in the assessment of possible impacts and designs of BAPs, indigenous cultural visions and knowledge about biodiversity processes, in *dialogue of knowledge* with rigorous analysis on the depth and complexity of the relationship chain between species of flora and fauna and microorganisms in tropical forests.
- Correct the inconsistency of ESS 6 of accepting actions that affect critical habitats if *"there are no alternatives* for the project in habitats of lower biodiversity value." This is an unacceptable imposition of the ERPD above the essential value of biodiversity, and in addition, unilaterally relativizing and prioritizing areas of greater or lesser biodiversity value as well as accepting to affect other habitats of supposed "lesser value" that may be located in indigenous territories, or adjacent to them, or produce impacts at a distance considering ecosystem connections.
- The essential free, prior and informed *consent and consultation* of Indigenous Peoples in actions that affect their territories and habitats, whether directly, indirectly or remotely.
- A principle that must be above the inconsistency of ESS 6 of accepting effects on critical habitats when there is an apparent and alleged compliance with *"due diligence"* by usually limited national laws.
- The priority of in-depth, cumulative, and remote social impact studies of *agricultural or forest plantations* of monocultures or exotic species, whose results determine the acceptance or not of said plantations, even if they do not directly affect critical habitats. This corrects another inconsistency of ESS 6 in this regard.
- Overcome the bias of assessing the socio-environmental reality of biodiversity in tropical forests, *exaggerating the real weight of national legal frameworks* instead of prioritizing the analysis of specific socio-environmental processes, paying more attention to deinstitutionalization, state and social corruption, interest groups, among others. Existing standards are of relative importance for indigenous rights since, if they are positive, they tend to have limited or contradictory application.
- The importance of ensuring *rapid alert and reporting* mechanisms to the actors involved in the ERPD on incidents or accidents that affect biodiversity in the

²⁴ Analysis of BAP: <https://www.dropbox.com/s/d5p117irtv5mdxe/AIDSESP%20y%20Lineamientos%20de%20Marco%20de%20Manejo%20de%20la%20Biodiversidad%20%28L-PAB%29%2021.09.2020.pdf?dl=0>

- area of intervention in order to avoid delay or cover-up and slowness in corrective or solution measures.
- Expand the focus on so-called “critical habitats” so as not to be limited to legal figures that limited state legislation allows. Go beyond restrictive legal framework to include areas that support networks of living beings in forests and which may include zones or ecosystems that are within or around indigenous communities or in reserves for peoples in isolation or initial contact
 - Include *grassroots indigenous communities and their organizational bodies* (local, regional, national) linked directly or indirectly to certain critical habitats beyond the legal limits and restrictions on property, possession, or supposed free availability. Apply a comprehensive and holistic view of landscapes, where, due to biological flows and connectivity, there may be negative impacts over great distances that affect the way of life and human rights of Indigenous Peoples.
 - Include as critical habitats “Territories of Life” or “Territories and Areas conserved by Indigenous Peoples and local communities” or ICCA²⁵ (“The Indigenous Peoples and Community Conserved Areas and Territories”), which are defined by the CBD²⁶ as natural or modified ecosystems that contain important biodiversity values, ecological services, and cultural values and that are voluntarily conserved by Indigenous Peoples through customary laws and other effective means. The ICCAs are based on agreements of the IUCN congresses since 2012 and have the support of the CBD, UNDP, GEF, FAO, UNEP to develop their international registration within the framework of the UN as a productive conservation area by Indigenous Peoples and that do not require state protected areas to be imposed or overlapped.
 - Strengthen the capacities and institutional resources of indigenous organizations, including the design, implementation, and monitoring of BAPs as well as the forms, files, reports, and processes involved to reduce asymmetry in the effectiveness and sustainability of participation among ERPD and ERPA actors.
 - Include in the design and implementation of the BAPs the due free, prior, and informed consent and consultation of Indigenous Peoples involved in the ERPD regarding activities of conservation or biodiversity management, whether of a national nature as well as regional, local, and international categorizations.

- Explain and solve the tensions and conflicts between Indigenous Peoples and the various legal, technical, and financial categories and processes of *conservation or protected areas* in general. Update relations between said conservation and Indigenous Peoples, avoiding the normalization of latent tensions, and worse still, increasing them with additional actions of the BAPs within the ERPD framework.
- Resolve these tensions, whether on national conservation categories, and especially on *international ones*, which are often processed without full information or culturally appropriate dialogue, and which include the so-called Key Biodiversity Areas (KBAs), Alliance for Zero Extinction (AZE), UNESCO Sites (World Heritage sites, geoparks, and biosphere reserves).²⁷

5. Indigenous standards in ERPD implementing agencies

5.1. GREEN CLIMATE FUND

The Green Climate Fund (GCF)²⁸ is the largest multilateral climate fund that absorbs most of the climate financing, already deposited with around forty billion dollars and committed to gradually reaching one hundred billion per year. The donors are States and a few companies such as British Petroleum among others.

International indigenous advocacy achieved that in 2016 the GCF adopted an advanced policy for Indigenous Peoples based on the territorial and collective rights of peoples as well as on prior consent and consultation, self-government, self-determination, financing indigenous climate proposals, and other positive aspects, which will be discussed later.

The GCF offers large-scale funds: micro up to \$10 million, small up to \$50 million; medium up to \$250 million, and the large in higher amounts. Only entities that pass the accreditation process have access, and they can be certain governments, IFIs (WB, IDB), the Andean Development Corporation (CAF), UN agencies (UNDP, FAO and others), environmental entities (IUCN, WWF, Conservation International and others). The GCF is financing plans to reduce emissions and pay for results either within the interstate carbon market (as in Colombia, via FAO)²⁹ or outside of it (as in Ecuador, via the UNDP).³⁰

²⁷ KBA, [Key Biodiversity Areas](#); AZE, [Alliance for Zero Extinction](#)

²⁸ [Green Climate Fund](#)

²⁹ ERPD Colombia with FAO: REDD+ RBP <https://www.dropbox.com/s/liuau0amuq0xr10/ERPD%20Colombia%20FAO%202020.pdf?dl=0>

³⁰ Pay for Results UNDP in Ecuador: https://www.dropbox.com/s/focs2cea2xrfuu4/pnud_ec_%20ESMF%20Ecuador%20para%20GCF%20propuesta%20septiembre%202018%20%282%29.pdf?dl=0

²⁵ ICCA Consortium [Inicio - ICCA Consortium](#)

²⁶ ICCA and CBD : [CBD/COP/DEC/14/8](#)

It is important for indigenous organizations to prepare for scenarios where national ERPD proposals will predominate within the GCF framework, which must be assessed in its standards and procedures. In this context, there is the possibility that indigenous organizations design climate proposals to the GCF on their own terms and negotiate conditions with accredited entities for their presentation and implementation, guaranteeing the indigenous rights and self-management approach. In Peru, indigenous organizations, encouraged by AIDSEP, achieved that the government is obliged to provide technical assistance to indigenous organizations that request it to prepare proposals before the GCF under an autonomous approach to reducing emissions, which could converge with future ERPD.³¹

The GCF adopts its own policy for Indigenous Peoples (IPP-GCF) with favorable content for indigenous rights. However in GCF projects, this policy is not applied, instead the International Finance Corporation (IFC) policy, which has not prevented conflicts and indigenous grievances, is applied to GCF projects on emission reductions.³²

The following is a summary of the main points of the Green Climate Fund's Indigenous Peoples policy (IPP-GCF):³³

Centrality of UNDRIP

- Recognizes that “the rights of Indigenous Peoples are affirmed in international human rights instruments, including various binding treaties and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).”

Territory and self-government

- Has the objective of promoting and respecting the rights of Indigenous Peoples to own, develop, and *control their lands, territories, and resources*, whether they are traditionally owned or other forms of occupation or traditional use, and also those acquired by other means (1.1g).
- Its guiding principle establishes that the GCF will promote respect for indigenous rights to freely pursue their economic, social, and cultural development and the right to *autonomy and self-government* in matters related to internal and local affairs as well as the ways and means to finance its autonomous functions (22, h).

³¹ Indigenous Prior Consultation Act on Peruvian Climate Law Regulations: <https://www.dropbox.com/s/hsuary01g0mhw98/Acta%20de%20consulta%20propuesta%20de%20reglamento%20de%20LMCC.pdf?dl=0>

³² Conflict between the Achuar and Profonanpe in the GCF project: <https://www.dropbox.com/s/1d53hjhrbqb5yi6/nota-informativa-fpp-tetebba-gcf-profananpe-spanish-2016.pdf?dl=0>

³³ https://www.greenclimate.fund/documents/20182/574763/GCF_policy_-_Indigenous_Peoples_Policy.pdf/6af04791-f88e-4c8a-8115-32315a3e4042

Equity in climate finance

- The general objective is that Indigenous Peoples *benefit in a culturally appropriate way from the activities and projects of the GCF* and are not harmed or adversely affected by the design and implementation of activities funded by the GCF.
- The GCF may consider taking actions to better respond to the needs of Indigenous Peoples to *support their initiatives and efforts in climate change mitigation and adaptation actions*.
- Seeks to guarantee their *appropriation, participation, and intervention in the design, implementation, equitable distribution of benefits*, monitoring, and evaluation of financed activities.
- *Equitable access to project benefits*. The concerns or preferences of Indigenous Peoples will be addressed through meaningful consultation, including the process of seeking and obtaining their *free, prior, and informed consent*.

ERPD, NDC, RIA, payment-for-results

- This policy will apply to all activities *financed by the GCF, carried out by both public and private entities*.
- This Policy will apply to activities financed by the GCF that support REDD+ actions, including the preparation phase, *payments for results and any access and financing modalities*, guidance, terms of reference, and evaluation tools developed by the GCF regarding REDD+ actions. Consequently, *any REDD+ activity* proposed to be financed by the GCF, including *payments for results*, will guarantee the requirements of this Policy and relevant GCF standards.

GCF channeling indigenous proposals

- Accredited entities may include technical or financial support as part of GCF-funded activities for the preparation of *plans, strategies, or other activities* aimed at indigenous participation in climate change actions consistent with the GCF's mandate.
- National authorities and accredited entities may seek support by preparing *proposals for preparatory support and financing for various initiatives*, including (a) accompanying the *development priorities* of Indigenous Peoples through programs (such as community-driven development) carried out by governments in cooperation with Indigenous Peoples.
- The GCF will support *capacity building programs* for Indigenous Peoples as part of the preparation of funding proposals, ensuring their effective participation at all levels of the GCF. It will include, at

a minimum, consultation, promotion, institutional strengthening for project implementation and management as well as effective indigenous participation in monitoring and evaluation projects.

The GCF may allocate funds to support Indigenous Peoples' climate change mitigation and adaptation initiatives, if needed to correct the worsening inequality of Indigenous Peoples due to climate change or because they do not adequately benefit from GCF support.

6. Strategies on REDD donors and climate funds

The processes of Amazonian Indigenous Peoples will continue to have as their central axis the control of their ancestral territories and the internal autonomy to manage them according to their own life plans and visions of living well. In this context, it will be inevitable that States approach their territories and organizations, or even overlap them, with forest emission reduction plans (ERPD) linked to payment-for-results contracts (ERPA) with climate funds and the rules of the market between States that sell and States that purchase carbon credits.

The 26 years of negotiations between the UNFCCC and the Paris Agreement has built a scenario where the only UN instrument against the climate crisis accepted by most countries is the voluntary reduction of GHG emissions through NDCs and those with the incentive of ERPD and ERPA of the interstate carbon credit market linked to REDD+.

For Amazonian countries, most of their emissions and NDC are forest emissions, which is why for many decades to come this will be the main scenario for climate negotiations (environmental, forest, and social) in which there will be updates or adjustments, but a substitution of this scenario is unlikely to occur in the coming decades. **In this sense, in Amazonian countries, the central scenario and priority will be the ERPD and ERPA as well as for climate funds and REDD+ donors. Faced with this global architecture of emissions reduction, it is important that indigenous organizations develop strategies and objectives to achieve adjustments, corrections, or adaptations that strengthen their processes of territorial governance and self-determination.**

6.1 LESSONS LEARNED FROM INDIGENOUS ADVOCACY IN THE CASES OF PERU, ECUADOR, AND COLOMBIA

The advocacy strategy on equity and interculturality in indigenous climate compensation/contribution in the three countries, their climate funds, and especially the ERPD-ERPA, LCDS, and NDC³⁴ (national and subnational) will be more solid as long as it includes in its approaches, the lessons learned from previous similar indigenous advocacy processes.

The most advanced case is that of **Peru**, where the indigenous organization AIDSESEP (and its regional and local partners) had significant achievements in terms of targeting and redirecting climate funds for indigenous objectives, such as: territorial titling; indigenous economy initiatives; positioning of the Amazon Indigenous REDD+ innovation as an alternative to conventional REDD+; state legalization of RIA; the reorientation of the national FIP project; the reorientation of DGM-Saweto; the implementation of the DGM with effectiveness and cultural relevance; the legitimation of the DGM approach (beneficiaries as implementers) as a climate strategy; the innovative proposal of "Minga NDC"; the reorientation of JDI; life plans as the basis for climate interventions; the adequacy of the UNREDD project; the reorientation of the regulations of the climate framework law; the legalization and establishment of the indigenous climate platform; and the reorientation of the ERPD.³⁵

The successes achieved imply that the advocacy processes developed by AIDSESEP in Peru and the scenarios in which they were deployed must be taken into account as well as the lessons that emerged, among which the following stand out:

- The political weight of the indigenous territorial and organizational strength expressed in the legitimacy of AIDSESEP, which represents a territorial network of 50 towns, 1,800 communities, which are associated in 109 local federations, and these in 09 subnational regions.
- The critical inclusion of indigenous people in the national and global REDD+ process, rather than alienation, in order to curb biases and impositions from within and achieve gradual reorientation.
- The capacity deployed for exhaustive analysis of climate projects, the development of systematic questions, and the formulation of coherent alternatives.
- The vision and persistence to reorient technocratic approaches towards indigenous rights and objectives, overcoming alignment with or general

³⁴ LCDS, Biological Diversity and Climate Change Strategy; NDC, National Determined Contributions

³⁵ JDI, Joint Declaration of Intent between Peru, Norway, and Germany; FIP, Forest Investment Program; DGM-Saweto, Specific Dedicated Mechanism for Indigenous Peoples; MINGA-NDC, AIDSESEP Proposal for the increase in the NDC goal; RIA, Amazon Indigenous REDD+.

criticism with no alternatives.

- The mobilization of indigenous organizations to stop errors, biases, and impositions of state or other actors in climate processes and press for their reformulation.
- Have specialized technical assistance on a permanent basis and its intervention and action in negotiations between indigenous leadership and environmental authorities.
- The persistence, tenacity, perseverance, and continuity of indigenous action to face dense, cumbersome, long-term processes from 2010 to the present.
- Permanent vigilance and public pronouncements simultaneous to communication with national or global climate decision-makers to open permanent negotiations.
- The ambiguity of state conduct in environmental matters, where in climate matters, there is dialogue with indigenous proposals in slow and repetitive processes, but in parallel, other state channels repress the proposals with various extractivist impositions.

Regarding the processes in **Colombia** with OPIAC and in **Ecuador** with CONFENIAE, the following aspects and lessons learned can be taken into account:

- The importance of organizational strength for territorial coverage of 50% of the Colombian Amazon by indigenous territories and of the Amazonian Indigenous Nationalities in Ecuador and that they are the support and legitimacy of OPIAC and CONFENIAE respectively.
- The critical inclusion of indigenous people in the national and global REDD+ process, rather than alienation, in order to curb biases and impositions from within and achieve reorientation.
- The vision and persistence to seek to reorient official technocratic approaches to indigenous rights and objectives, overcoming simple alignment with and subordination to them, and also simple ideological general criticism or without alternatives.
- In **Colombia**, the achievement of the Amazonian Indigenous Roundtable on Climate Change (MIACC by its Spanish acronym) as a space for dialogue and negotiation between indigenous organizations and the State.
- Also, the inclusion of key approaches in the subprojects of PIVA with indigenous territories to promote their “own government,” fundamental in any perspective of self-government and self-

determination.

- Life plans (in their various forms) of Indigenous Peoples as a condition for basing PIVA projects on them.
- The inclusion of approaches, safeguards, significant preventions for the rights of Indigenous Peoples within the ERPD project of Colombia that is designed to be channeled to the green climate fund through FAO and MESD.³⁶
- In **Ecuador**, the allocation of significant funds to indigenous organizations, via Socio Bosque, as a form of payment-for-results in reducing emissions. Although there are cases of controversies between the MAE and the PSHA, where the impacts of mining extractivism, indigenous resistance, and the relaxation or rigidity of state supervision are mixed.³⁷
- The consolidation and legitimacy of the Life Plans of indigenous nationalities, as the technical and political base, for the implementation of climate finance actions.

6.2 STRATEGIES FOR INDIGENOUS ADVOCACY IN THE NEGOTIATION PROCESSES ON CLIMATE FINANCING

Analysis and experience of national climate processes and advocacy experiences show that Amazonian indigenous organizations regarding climate finance and their donors could consider the following strategies:

Adaptive routes. Strategies with precise and defined horizons are required, but at the same time, with the necessary openness to implement them, adapting to different advocacy routes or paths, adapting to changing scenarios and correlations of forces. This is because climate processes and financing, which, while having gradual and phased starting logic, are often implemented differently in practice, combining later stages with earlier ones, as has happened with simultaneous REDD+ funding for the Ideas, Plans, Readiness and Results phases of REDD+.

Slowness, gradualness, and resistance. Indigenous climate proposals and actions, and their funding, are often slow to process by national and global decision-makers; therefore, they are long-term processes, despite the obvious indigenous climate and social urgencies. ERPD-ERPAs can last one to two years in their design and then five more years before seeing payments for

³⁶ MESD, Ministry of Environment and Social Development; MIACC (by its Spanish acronym), Amazonian Indigenous Roundtable on Climate Change; PIVA (by its Spanish acronym), Indigenous Pillar of Amazon Vision.

³⁷ MAE (by its Spanish acronym), Ministry of Environment of Ecuador; PSHA (by its Spanish acronym), Shuar Arutam People Pueblo Shuar Arutam; Socio Bosque, MAE Forest Protection Program

results. Even NDC goals, which include those conditional on international cooperation, are evaluated and changed every five years, and it is to be expected that, in order to achieve effective global results, this process will last decades with five-year periods of intermediate adjustments.

Faced with this, immediate and short-term solutions cannot be expected, for which expectations must be adjusted to avoid anticipated frustrations or discouragement. As stated in another study,³⁸ it is about “*endurance races, not speed races, and the first one who gets tired loses.*” The complexity is greater because Amazonian States are not characterized by fully respecting, in substance and form, the agreements reached with indigenous organizations. This changes when large indigenous mobilizations occur, which impact public opinion and create intense situations with accelerated political and institutional times outside the slow “normal.”

Thorough critiques and detailed proposals. ERPDs and programs with climate funds are long documents of 200 or more pages, reaching 1,000 with safeguards and technical complexities due to the inclusion of multiple variables and forestry, social, indigenous, economic, institutional regulations in addition to the application of the standards and safeguards of the financial entities involved. **For this reason, indigenous proposals cannot generate an impact if they do not take into account the substantial elements of said programs, based on their detailed analysis, precise critical observation, and sustained presentation of alternatives.** Ignoring this risks receiving equally generic and superficial reactions or promises, and thereby placing themselves on the margins of the institutional decision-making process.

In short, if the critique and proposal are extremely precise, concrete, and detailed, it will be very difficult to receive generic answers, at the risk that the State or financial institution appears to elude them, admitting the gap or inconsistency detected. Rigorous debate allows for effective negotiations on specific disputes. **This supposes that indigenous organizations have specialized technical assistance in climate processes and funds, and especially those related to ERPD-ERPA, but also committed to fundamental indigenous rights for their energetic defense in long negotiations.**

Local action with a global vision. Climate programs and funds are negotiated and resolved in national state bodies and those of global financial actors. However, the content of the products, activities, and methodologies are of a local nature and application, but their design is

not usually based on the local, and in particular, from free, prior, and informed consultation of the indigenous communal and territorial actors involved. A different process prevails where programs are based on national and global approaches and later adapted to the local reality, for which inconsistencies and contradictions are to be expected.

In this framework, the alternative indigenous proposal that starts in reverse, from the demands of the territorial, communal, and local, requires completing its formulation with the analysis of the connections between local demands, national policy conditions, and global priorities and approaches to climate cooperation. **“Local action with a global vision” requires support of international climate commitments of states as well as human rights and Indigenous Peoples’ rights, and its relationship with the safeguards or standards of the financial sources of climate cooperation.**

Permanent indigenous surveillance. National climate action, in order to produce results and benefits and to be “transformative,” requires intervening in multiple and intersecting dimensions, which affect powerful interest groups, and there are often setbacks and reinterpretations of what has been agreed with States. It confronts agribusiness, land trafficking, extractive industries, hydrocarbons, timber, livestock, infrastructure, and technocratic and business biases (productivism, denialism, racism) and even the free carbon market (permissible to bad practices) that operate from national, subnational, and local powers. It is neither prudent nor realistic to expect the stability and continuity of what has been negotiated or agreed upon. What predominates is instability and state setbacks, for which the **permanent vigilance of indigenous organizations is essential as well as the intensity of advocacy throughout climate processes and the capacities, together with allies, for resistance and consistent response to avoid reversibility surprises.**

Cycles in pressure-negotiation spiral. Indigenous experience in Amazonian countries indicates that negotiations in climate processes and financing, such as ERPD and others, do not usually occur in a single cycle or period of homogeneous negotiation or advocacy. **It takes place in a spiral, where indigenous preparation, attitude, and organizational capacities are required for recurrent cycles of pressure-negotiation, which return to indigenous proposals, either to deepen, detail, or secure them.** In this context, indigenous advocacy will have to be adaptive to take into account these parallel processes that will affect Indigenous Peoples, the Amazon, and climate funds.

The pandemic leaves states with financial deficits and

³⁸ https://www.forestpeoples.org/sites/default/files/documents/A_marathon_print_Spanish.pdf...

debts, and extractivist investments reappear as short-term fiscal “solutions.” On the contrary, for Indigenous Peoples, the health crisis leaves the lesson that their survival and resilience depends on food self-sufficiency. Such self-sufficiency depends on the integrity and vitality of the Amazon rainforest, which will be threatened by extractivist pressure. In this contradiction, the precariousness of indigenous rights and public services stands out, accompanied by technocratic discrimination that “normalizes” the inability to fulfill state obligations. Faced with this, it increases the urgency and relevance of overcoming inequity and cultural inappropriateness in climate financing.

Problematize “green agribusiness.” There are excessive expectations in promoting “climate-smart agriculture” without solid evidence that it will stop expansive and predatory agriculture, an approach that predominates in climate financing and creates favorable conditions for further colonization. The results are not as expected, and on the contrary, with state weakness and extractivist strength, they can end up exacerbating confusing processes such as parceling and land trafficking, and greater dependence on agribusiness products, markets, and networks, whether they are “green” or not. **In this context, it is essential to problematize “green agribusiness” and its impacts on emissions and distribution of benefits. Likewise, productive use-conservation alternatives should be developed based on the added value of standing forests or holistic bioeconomy, which are substantial in order to achieve equity and interculturality in the reduction of emissions and distribution of benefits.**

Effective development of territorial self-governments. In future scenarios, it is worth highlighting the strengthening of indigenous governance and organizations and their territorial control and autonomous capacities to face extractivist threats. **This governance and territorial self-government will be evidenced as effective, efficient, and sustainable actors of climate action compared to marches and countermarches of State entities and also of the slow and contradictory implementation of climate projects due to the same state precariousness. Indigenous territories, better controlled and governed autonomously, will be able to measure and value their climate contribution, highlight inconsistencies and dangers of the climate strategies of “green agribusiness,” and advance in the equity and interculturality of climate financing.**

7. Key actors in decision-making processes. How to influence them?

Decision-making spaces on ERPD-ERPA occur at national and international levels. The first, on the design phase, national approval, and implementation, include national and local decisions. The second are in the evaluation and approval phases of the ERPD and the fulfillment of the ERPA contract. In both there are direct “actors,” such as Indigenous Peoples, and “observers” from civil society. We will analyze the potential for intervention and advocacy that can be expected in them and develop recommendations.

National decisions on design

- In the design of ERPDs and ERPAs, there is usually no state openness for the early involvement of Indigenous Peoples and civil society, for which it is important to have other channels of information about what is being prepared at the level of reserved consultancies.
- As these are very extensive documents and technical language, specialized advice and commitment to the indigenous vision and objectives is essential in order to carry out critical analysis and prepare supported proposals in a timely manner.
- The closeness to or distance from indigenous rights in the designs of the ERPD will depend, in part, on the legal framework, social context, or approach of the design agency, but much more, according to the vision of the consultants involved. The ERPDs of three countries occurred under pro-extractivist governments, but the one in Colombia with the FAO is more advanced on the indigenous vision than the one in Peru and Ecuador formulated with the UNDP, despite having advanced legal frameworks. The most distant version was that of Peru, prepared by state consultants together with the World Bank. The safeguards of the three agencies are similar, and the difference was in the approach of the technical teams involved in each case.
- Indigenous organizations are strategic actors in the design phase of the ERPD, but they are usually convened in limited spaces and with inadequate methodologies and dialogues that take place when the design is very advanced. Indigenous Peoples often encounter superficial summaries, and little time to process extensive and complex documents. So-called “participation” should not be reduced to a procedure of appearances rather than processing effective consensus, and this cannot be supported

as “due diligence.”

- There is the challenge of technical assistance so that indigenous observations and alternatives can be formulated in a timely manner given the speed of the process, and to develop strong advocacy in the eyes of public opinion and financial agencies and donors to open negotiations for timely and not late and hasty reformulations. Financial institutions have responsibility for more dialogue (Colombia with FAO) or lower quality processes (Ecuador with UNDP and Peru with the WB).
- National NGOs do not have leadership of territories nor determining roles in the reduction of emissions nor in the design of ERPDs, but they do influence the final formulations. There is the dilemma of being contracted for the implementation of ERPDs and maintaining a position close to governments and power groups. If their local actions maintain independence, they can accompany indigenous observations and proposals to the ERPD.
- ERPD evaluators by financial sources are in an ambiguous position because they are guided by the positions of requesting countries, even if they are contradictory to emission reductions. It is necessary to improve the independence of their roles and include indigenous proposals to guarantee the safeguards and coherence of ERPDs in the reduction of emissions through the post-extractivist transition.
- Financial agencies demand compliance with their safeguards in ERPDs, but they accept incoherent actions, justified because they are the responsibility of the requesting country. This requires an indigenous advocacy that goes beyond immediate officials and appeals to those of higher hierarchy at the level of thematic specialists, safeguards, board of directors, and the mechanisms for grievances, claims, and investigations.

International decisions

- In financial sources of ERPDs such as the WB, IDB, GCF, UNDP, FAO, spaces for intervention for Indigenous Peoples and civil society “observers” are included. They may or may not have a prominent role in the assessment, approval, and adjustments of ERPDs, but it depends on their commitment to indigenous organizations affected by ERPDs.
- It will be necessary for these observers to fulfill their role of representation and oversight, seeking to engage proactively with indigenous organizations in countries with ERPD, and not vice versa, waiting for documentation to be sent to them.
- In some processes, the observers have played

irrelevant roles, but in others, they have had an intense influence on the negotiations through dialogues with delegates of donor countries as well as with officials of UN agencies or IFIs, which have resulted in conditional approvals of REDD+ projects, and it is feasible to do the same in ERPDs.

Decisions on the implementation of ERPDs and ERPAs

- The implementation of ERPDs should include the participation of local and national indigenous organizations in spaces for consultation, monitoring, grievance, and claims and in national decision-making bodies of ERPDs.
- Indigenous organizations, based on the impact of their management of large areas of tropical forests, can persist in achieving the greatest possible positioning in the spaces already identified and especially in decision-making bodies at the national level.
- The ERPD is the basis for applying ERPAs with public funds from donor countries channeled through the GCF, IFIs, and UN agencies, for which civil society organizations from donor countries, in solidarity with indigenous proposals, can play important roles in oversight, information transparency, safeguards compliance, independent social audits, which condition payment-for-results and equity and interculturality in the distribution of benefits.



8. CHALLENGES IN RESTRICTIVE NATIONAL CONTEXTS

Restrictive national contexts in countries with tropical forests, correspond to regimes based on the prioritization of extractive industries in relation to agribusiness, mining, hydrocarbons, timber, livestock, which are connected to land parceling and land trafficking and infrastructure works (roads, railways, dams). This extractivist pressure on forests generates social conflicts between Indigenous Peoples and the State that promotes extractivism, which often responds with repressive measures as well as division, co-optation, and corruption within

indigenous organizations. This complex context adds to the contradictions when these pro-extractivist States suddenly seek to commit to national and global climate goals with emission reduction plans and in order to receive payments for results.

In the face of these challenges, experience indicates the relevance of the following recommendations for action by indigenous organizations:

- Vigilance and defense of the *internal unity* of indigenous organizations to contain state pressures to impose their plans or appearances of “meaningful consultation.”
- This unity is strengthened by the hard work of collective assemblies in communities for *information transparency* and debate with biased or discordant versions.
- It is strengthened by promoting the expression of indigenous women since *networks of cooptation and state manipulation* act by marginalizing them and are biased toward income generation that encourages developmentalism and establishes a dangerous vicious circle.
- Indigenous women tend to be more impacted and reactive to the impacts of extractivism and to be more demanding regarding regulations and alternatives in this regard.
- Detailed critique of state climate plans is essential to demonstrate the technical, political, and cultural inconsistencies between what is written to IFIs and what happens in reality. *Revealing these contradictions to public opinion and donors* is essential to open spaces for indigenous proposals despite adverse conditions.
- *Early indigenous intervention* in the preparation of ERPDs to require the implementation of prior consultation to obtain consent. Record whether the State blocked, distorted, postponed, substituted, or manipulated said prior consultation. Even appeal to the *national judicial jurisdiction* to file actions to defend fundamental human rights.
- *The ILO mechanism of investigation processes* into national cases where there are complaints of violations of Convention 169-ILO, not only on prior consultation, but also on failure to protect of fundamental rights, lack of differentiated public policies, or inequity in access to climatic benefits can be used as an administrative defense mechanism at a high political-institutional level, albeit with lengthy processes. It was successfully used and applied in Peru in 1988³⁹ to free more than 100 Ashaninka

39 AIDSESP and the ILO on slavery in Peru <https://www.dropbox.com/s/j65h0rt5q7fj8u6/AIDSESP%2C%20OIT%20y%20esclavismo%20IWGIA.pdf?dl=0>

communities from slavery and servile labor by landowners and loggers.

- Where Convention 169-ILO was not ratified, and even more so where it was, the Committee on the Elimination of Racial Discrimination (CERD) of the UN is available to support discrimination against Indigenous Peoples in the design of ERPDs and its permissiveness with colonization, land parceling, and the impact of “green agribusiness.”
- Indigenous and civil society observers, in the spaces where ERPDs and ERPA are processed both in IFIs and the GCF, can play a greater role of impact in the initial, intermediate, and resolution stages with advocacy of donors so that requesting countries do not restrict the free expression of indigenous organizations as well as the inclusion of their rights and specific proposals.
- If ERPD and ERPA are adopted in contexts and with contents that are restrictive of indigenous rights and proposals, despite this, the advocacy options are maintained because it will be inevitable that the contrast between the rhetoric of climate plans and the reality of deforestation and indigenous repression will become evident. These inconsistencies can be highlighted in the *monitoring of indicators and safeguard mechanisms (ESMF, ESCP, MPI, SEP, among others) and grievance mechanisms*. This advocacy may generate controversy between official and indigenous versions on the measurement of results and distribution of benefits and may result in modifications.

9. Conclusions and lessons

ERPDs-ERPAs run at two speeds with great asymmetry. The state-IFIs-GCF processes approve ERPDs-ERPAs much faster than indigenous organizations and their allies, unless they are engaged in the process from the earliest stages, can intervene and readjust them. It is dangerous for indigenous rights and the environmental rights of tropical forests that public policies be established without indigenous and social consensus. As a result, we have controversies on “green agribusiness,” reforestation with monocultures, rigidities in payments for results, and mechanisms of inequitable and inadequate distribution of benefits for Indigenous Peoples without adequate cultural relevance.

Long-term national approaches, structures, and processes are being imposed, which are detrimental to Indigenous Peoples and tropical forests, in the face of which it is essential to strengthen alternative proposals and actions. In this regard, conclusions, lessons, and

recommendations on approaches and objectives follow to strengthen indigenous action on ERPDs-ERPAs based on recent case studies and the author's experiences in climate negotiations since 2010, as explained in the introduction to this report.

1. For indigenous territories, prioritize alternatives to ERPD-ERPA and REDD+ in NDCs- Indigenous land management aligns climate, environmental, and forestry commitments, in opposition to extractivist hegemony. The REDD+ carbon market is connected to the state emission reduction goals of the NDCs and sale between States. The risk is that it allows the purchaser to continue polluting, although apparently offsetting it. However, for indigenous territories, a better approach is to advance indigenous self-determination and management to maximize the survival of tropical forests.

2. Generate synergies between climate action and territory and indigenous autonomy. The indigenous historical objectives in their rights to territoriality and self-determination should be applied to state, business, and social policies related to forest uses, agricultural promotion in forests, and territorial disputes with extractive powers. Precisely, these key processes are channeled and reinterpreted in climate commitments that are condensed in ERPDs-ERPAs, for which it is essential to value the synergies between climate action and territorial action and indigenous and environmental autonomy.

3. Ensure territorial security so that the ERPD/ERPA, REDD+, and NDC are viable. The control of forests and soils of rainforests is where indigenous demands for their territoriality and self-government and extractivist entities and their allies in the nation states, which at the same time are obliged to assume climate commitments, confront each other. In this framework, Indigenous Peoples can condition the climate structure on their territorial security demands since, without their involvement, it is impossible to meet national goals and there will be no viability of the ERPD-ERPA (in Carbon Fund countries), or REDD+, or NDCs, in countries relying on REDD+ in indigenous territories to meet their NDCs.

4. Integrate the analysis of zoonotic viruses and the natural pressure of extractivism into the climate agenda. The climate crisis is combined with the global health crisis. The COVID-19 pandemic is revealing the causal connection between extractivist deforestation, in particular agribusiness (conventional or "green"), which puts pressure on tropical fauna habitat, and causes zoonotic viruses to jump to humans. The post-extractivist transition is responding not only to an environmental and social emergency but also to a health and human survival one for which the ancestral post-extractivist aspiration

of the Indigenous Peoples of rainforests allows them to position themselves on the global emergency agenda and expand alliances in interconnected objectives.

5. Recognize the importance of the indigenous bioeconomy with the added value of standing forests.

REDD+ and climate mitigation under NDCs open up the possibility of moving forward, but it implies reducing extractivist approach and prioritizing bioeconomies in public and cooperation investments. If it is achieved, it will probably be at a slow and contradictory pace that extractivist inertia allows, which is why it is essential to drive it from outside the State, from territories, through the holistic bioeconomy in the essential "Full Life Plans" in NDC, ERPD, and REDD+.

6. Guarantee indigenous territorial self-government as an enabling climatic condition.

The climate, environmental, and forest plans and goals included in the NDC or national REDD+ plan, as well as any ERPD/ERPA, depend on the effectiveness of the social governance of the forest landscapes involved. States overtaken by deinstitutionalization, corruption, and centralism are unable to offer and guarantee such governance, which increases uncertainty about non-compliance with ERPDs. This highlights the importance of the alternative of indigenous territorial governance through its forms of self-government, which is an ancestral vision of Indigenous Peoples, but which is now reinforced and updated in various processes,⁴⁰ although in interaction with organizational dynamics focused on dependence on the State either via claims or by the inertia of welfarism.

7. Address the integration between adaptation-mitigation and ensure the empowerment of indigenous women.

The UNFCCC promotes a comprehensive vision between mitigation and adaptation, through which NDCs include both dimensions, the GCF allocates funds equally to both, and ERPDs include actions in this comprehensive vision. Given the global failure to contain warming to 1.5°C and the ongoing climate chaos, it is essential for Indigenous Peoples to expand adaptation actions and stop being marginalized in the face of the predominance of mitigation actions. In adaptation, the knowledge, visions, and proposals of indigenous women play a central role, which can increase their social empowerment. ERPDs can and should be spaces to advance this holistic vision and the prominence of indigenous women.

8. Prioritize co-construction and consent in the design of ERPDs.

The joint construction between indigenous organizations, States, and IFIs of ERPDs is the only viable

⁴⁰ IWGIA, International balance of indigenous autonomies [Report: Indigenous Peoples' Rights to Autonomy and Self-Government as a Manifestation of The Right To Self-Determination Prepar](#)

way to achieve the intercultural adaptation of ERPDs. This implies the political will of states and IFIs for a timely, patient, and transparent process of dialogue of knowledge and negotiation to reach consensus. Otherwise, with the vertical technocratic approach of designs between state consultants and IFIs, which is belatedly “consulted” in hasty meetings on extensive and complex documents, they will be ERPDs that incubate indigenous, social, and environmental conflicts and make emissions reduction and payment by results precarious and the distribution of benefits unfair.

The indigenous right to prior consultation to reach consent is inalienable and can be demanded at any stage of the design or implementation of the ERPD. Intensity of demands will increase if the approval of the ERPD was with null or inadequate indigenous participation. The technocratic and vertical acceleration of the ERPD design ends up stopping or lengthening the process given the unavoidable prior consultations and the accumulation of conflict if delayed. On the other hand, if co-construction or joint construction of ERPDs is chosen, the political and technical time of the process can be shortened and the participatory quality of the prior consultation and the intercultural content of the ERPD improved.

9. Reduce the asymmetry between actors of ERPD processes. Social and especially indigenous participants are in conditions of deep inequality (institutional and technical) in climate processes and especially those of ERPD negotiations and related ones such as for REDD+ and NDC. The results are ERPDs where technocracy, elitism, and proceduralism predominate. Such ERPDs are not generators of “transformational changes” in deforestation, extractivism, and corruption in rainforests, failing to reduce emissions. It is impossible to achieve profound and sustainable social and state changes without the empowerment of social actors and Indigenous Peoples, who utilize, control, possess, monitor, or own vast forest blocks. Overcoming this asymmetry begins by making it explicit as an enabling condition in ERPDs and that the States, IFIs, and donors allocate resources so that indigenous organizations have the technical assistance that allows them to collect, share, and promote indigenous proposals in an effective dialogue.

10. Strengthen the support and effectiveness of indigenous proposals. ERPDs and their safeguards documents are broadly technical and provide details of policies, plans, procedures, and actions. ERPAs and their “banking” rigidity of legal contracts for the sale of verified reductions in emissions of CO₂e between States, IFIs, GCF, and UN agencies are added. Faced with this technical and political complexity, indigenous opinions

and proposals, if they are general and only based on rights or cultural approaches, are insufficient and ineffective because they will be absorbed in ERPDs also in a generic way and therefore difficult to apply. Worse, they will not be able to change anything substantial about the rigid ERPA contracts. Therefore, a deep and detailed technical analysis of the extensive documentation referred to is essential in order to be able to exhaustively record the gaps, inconsistencies, violation of rights, and on that basis, generate corrective measures and proposals, which can be confronted and negotiated with firm support before States, IFIs, donors and implementing agencies.

11. Prioritize the alternative of Indigenous REDD+. Indigenous modification or improvements of ERPDs entail negotiations with States, which will refer to the quantitative approach of REDD+ and the carbon market as a supposed climate solution from which the plans and actions of the ERPD are derived. To participate only with criticism of total denial, or worse, of uncritical acceptance, is to do so with weakness in order to move forward.

On the contrary, the criticism of conventional REDD+ and the carbon market and the alternative of cultural adaptation through “Amazon Indigenous REDD+” (RIA by its Spanish acronym) has served to ensure that the indigenous proposal is not excluded because it is only “ideological”; it is admitted in negotiations, even legalized in state standards as a different process from conventional REDD+, and also able to specify and support the modifications that the ERPD should have.⁴¹

12. Recognize the potential of indigenous climate platforms in the framework of the Paris Agreement. Indigenous participation in climate processes and ERPDs occurs in particular spaces created by the ERPD or related to it, whether at the national or regional level, which are not necessarily the same ones where extractivist powers relate to the State and indigenous organizations. It is important to adhere to the UNFCCC resolution to organize indigenous climate platforms (ICP) as a space for dialogue on forest, environmental, and territorial policy with the State at national and regional levels. Such policies are articulated at the national level, but operational decisions occur at the regional levels. This ICP to engage with the State at both levels on climate processes, including ERPD, would allow going beyond the normal limits of the ERPD as a plan or project, and discuss transformational changes whatever the post-ERPD result. The related experience of Peru and AIDSEP is instructive in this regard.⁴²

41 Indigenous REDD+ in Peru: DS 007-2016-MINAM https://www.minam.gob.pe/wp-content/uploads/2016/07/DS_007-2016-MINAM.pdf, and DS 013-2019-MINAM https://cdn.www.gob.pe/uploads/document/file/473332/DS_013-2019.pdf

42 ICP in Peru, RM 197-MINAM-2020 of the Indigenous Climate Platform [Resolución Ministerial N° 197-2020-MINAM](https://www.gob.pe/uploads/document/file/473332/Resolución_Ministerial_Nº_197-2020-MINAM)

13. Measure and recognize the climate contribution of indigenous territories and governance.

ERPDs do not include the measurement and valuation of the climatic functions of indigenous territories, titled or not, but they do measure and value the emission reduction of settlers and migrants, “green agribusinesses,” reforestation with monocultures, the additionality of private REDD+ businesses (before or during ERPDs), and even those derived from state norms or plans. The gap and bias is evident, and it is urgent to fill it through indigenous initiatives for the measurement of at least eight climatic functions, such as the removal of CO₂, carbon storage, emission reduction, evapotranspiration, stopping deforestation displacement, stopping forest fires, biodiversity connectivity, and indigenous social governance so that these functions are reproduced. This measurement can be quantitative (MTCO₂e, MtC, m³) or qualitative, to be valued, as is the case with metric tons of carbon for ERPA transactions. Said valuation will serve to achieve equity in climate benefits without necessarily being linked to the carbon market between States.

14. Recognize the strategic nature of “flying rivers” (evapotranspiration).

A key climatic function of indigenous territories that should be measured, analyzed for its global impact, and valorized is evapotranspiration (soil evaporation plus forest transpiration) that generates gigantic masses of water vapor or “flying rivers” that cool countries where they are located and globally, in addition to making water flows possible. It is one of the predominant climatic contributions in indigenous territories that would be strategic to quantify and valorize and compare with that of other forest actors prioritized under the biases in ERPDs, with the consequent marginality of indigenous climate contribution and compensation.

15. Recognize the contribution and positioning of non-carbon benefits.

ERPDs take into account the so-called non-carbon benefits, complementary benefits or co-benefits, but since it is a market where the main merchandise is something else (carbon), they end up being minimized. It is necessary to strengthen a holistic view of forests in ERPDs, beyond carbon, since the maintenance of biodiversity connectivity is essential for forests to capture or store carbon. The same thing happens with cultural and ritual uses of forests and poverty reduction, since these processes are connected. Their separation for analytical purposes is leading to the bias of isolating and privileging carbon to facilitate the business of its sale and purchase between States, but at the cost of minimizing comprehensive sustainable management strategies and their co-benefits, where the contribution of indigenous culture, organization, knowledge, and territorial governance is substantial.

16. Ensure equity between indigenous climate contribution and compensation.

ERPDs should evaluate inequity with Indigenous Peoples in the definition of climate policies and in the distribution of climate financing, which is increased by the ERPD Benefit Sharing Plans because they are based on the biases of the additionality of REDD+ and the non-measurement or valorization of indigenous territorial climate contributions. Moreover, the price offered for forest carbon VERs (\$5/ton CO₂e), compared to what is being paid for technological carbon capture and storage (\$100/ton or more), is already grossly unequal and unfair. This results in injustice and disproportion between the high climate contribution of large forest blocks under indigenous governance, even under violence from deforestation groups, compared to the unequal distribution of climate compensation in payment-for-results and the distribution of benefits. This inequality and the urgency of solving it is a strong argument for indigenous organizations to introduce all their proposals in ERPDs.⁴³ Moreover, it means we are missing the opportunity of saving many tropical forests.⁴⁴

17. Support for Indigenous Peoples to be implementers of climate funds.

The financial mechanism is a central theme of ERPDs because of the impact of its decisions on underlying and eligible projects and the distribution of benefits. In its application with Indigenous Peoples there is the right to demand adaptation and cultural relevance and overcome the inertia of bureaucratic entities with urban visions and controversial agendas, which repeat wrong or frustrated experiences in the Amazon. This distance between indigenous beneficiaries and external implementers can be overcome when indigenous beneficiaries, through their local and national organizations, are the implementers themselves, who plan and operationalize actions, delegating administrative and financial matters to an external entity to be selected through public tender. The success of the DGM Saweto in Peru demonstrates the validity of this approach and also its replicability, because it is part of a climate financing mechanism of the global DGM and the FIP that should be taken into account by the GCF and others.

18. Utilize the pressure-negotiation tandem advocacy strategy.

The relationship of indigenous organizations with States, IFIs, and UN agencies on ERPDs oscillates between misinformation, non-transparency, haste, conflict, negotiations, advocacy, modifications, and repetition of the cycle over and over again until effective consensus and better practices can be achieved. It is a mistake to absolutize both the negotiation and the advocacy or pressure to arrive at solutions. Given the

⁴³ Expansion on Indigenous Equity and Climate Compensation [Ambición climática NDC. Contribución indígena y Retribución equitativa y cultural](#)

⁴⁴ See [A \\$50 Price on Carbon Will Boost Forest Carbon Sink 15 Percent: Study - Ecosystem Marketplace](#)

speed with which ERPDs take place and their technical complexities, it is essential to maintain vigilance and indigenous political pressure, as a condition for being heard, and at the same time, show the openness to move on to negotiations where discrepancies and definitions are aired. It is to be expected that stages will be repeated in similar pressure-negotiation-pressure cycles, although with a specific agenda and intensity each time, in the ERPD processes.

19. Recognize that ERPDs and climate funds are endurance races, not speed races, for indigenous and environmental movements. ERPDs and their correlates in NDC, IFIs, GCF, and climate funds imply long-term processes, with ups and downs, whose

results are not short-term, which is when indigenous organizations demand action. There is the dilemma of pressure from communities for urgent solutions in the face of advancing deforestation and local violence versus the investment of time and energy in climate processes that aim to achieve results in many years. If there is no participation, structures advance that will be difficult to dismantle in the future, and if there is participation, short-term results cannot be expected. It means that for indigenous organizations, it is a race of endurance, not of speed, where the first to tire will lose. It will be essential to participate with persistence and continuity and to explain to base communities that the fruits will take time to materialize.

Annex 1: Analysis of ERPD Colombia and indigenous rights

ERPD Colombia: Advances and ambiguities with FAO

Colombia is designing an ERPD for a project of payments for results for the years 2015-2016, which is based on previous processes such as those of the Amazon Vision Program (AVP) and the Indigenous Pillar of Amazon Vision (PIVA by its Spanish acronym) and lays the foundations for intervention for subsequent years and the location in them of the greater or lesser role of Indigenous Peoples and the characteristics of their access to the distribution of benefits.

Said project, based on which the carbon credit purchase agreement (ERPA) will be drawn up, has different names, but they correspond to the same project document, such as payment-for-results (P4R) or REDD+ RBP Project. Below is a summary of the possible main contributions and also inconsistencies, based on dialogue with the Organization of Indigenous Peoples of the Colombian Amazon (OPIAC by its Spanish acronym). In the section on **Strengths and positive indigenous contributions**, the detailed analysis of the contributions, observations, doubts, gaps, inconsistencies in the ERPD of Colombia is expanded, indicating in each case the pages of the FAO base document of May 2020 which are referred to.

Among the main contributions and advances are the promotion of the concepts of environmental governance, self-governance, self-government of Indigenous Peoples. The selection criteria for subprojects would be coordinated with indigenous organizations. The adverse risk in the promotion of rural environmental registration systems is that it can create “erroneous expectations” about land ownership and generate a perverse incentive for new colonization and displacement processes. **Include on the list of inadmissible activities various restrictions on dense monoculture plantations** with introduced exotic or native species. **The inclusion in the grievance mechanism of the criterion of recognizing and relying on “traditional indigenous mechanisms.”**

Main Strengths and Positive Indigenous Contributions

- **Promotion of environmental governance, self-governance, self-government of Indigenous Peoples (pg. 6).** The reiteration (pg. 56) that indigenous “territorial entities” assume municipal functions in environmental matters (Law 99 of 1993). Important indication of the risk in the project that does not “recognize, respect, or include the mechanisms of **self-government** and decision-

making” (p. 73), which is of the utmost importance for Indigenous Peoples, and it will be necessary to assess that mitigation actions adequately address it.

- **The explicit inclusion of a transcendental issue for Indigenous Peoples such as self-government** (pg. 233). This is about the mention in the EICDGB (by its Spanish acronym) or “Forests Territories of Life” National Strategy, in Line 1, measure 1.2 of the strengthening of self-government systems and traditional knowledge of ethnic groups for territorial governance and sustainable management of forests.
- The criteria for selecting the subprojects would be coordinated with the **indigenous organizations** articulated in the Amazonian Indigenous Roundtable for Environment and Climate Change (MIAAC by its Spanish acronym) (pg.12).
- The explicit admission that a **specific project plan** will be drawn up on Indigenous Peoples, which will be consulted and approved in coordination with indigenous spaces and organizations involved such as MIAACC, OPIAC, among others (pg. 55).
- The admission of risk of “potential adversity” referred to the promotion of **rural environmental registration systems**, which can create expectations about land ownership and generate an incentive for new colonization and displacement processes, and even more, the admission of risk from assessments of possible impacts in the implementation of the Amazon Vision Program (pg. 46). A transcendental issue that, despite being admitted, however, preventive or corrective measures are not appreciated, so the risk is much greater.
- The above risk is reiterated in activity 1.3 (pg. 66) on rural cadastres, and correctly emphasized in relation to the possibility of “**erroneous expectations**” being derived from land property registration systems and generating a “perverse incentive” for new colonization or displacement processes.
- Include in the list of non-admissible activities (pg. 100) various restrictions on plantations that are not usually seen in similar ERPDs such as in Peru and Ecuador. The idea is to exclude dense **monoculture plantations** with introduced, exotic, or native species as well as plantations in deforested areas after 2010, and “clones with (a clone or very few clones) of tree or shrub species in areas without forests, previous thickets, in areas with forests or natural thickets.”
- Inclusion in the grievance mechanism (pg. 185) of the criteria of recognizing and relying on

“traditional indigenous mechanisms for clarifying disagreements and resolving conflicts.” Criterion included in the “Heart of the Amazon” project and that could probably be applied in REDD+ RBP.

Principal dangers and limitations of the ERPA in Colombia

• Dangers of “green or smart” agribusiness

- » In activity 2.1 (pg. 67), it is proposed that the State should ensure the economic, social, and environmental viability of the operations of units called *“sustainable forestry units”* but which include agribusiness. This implies the ambiguity and controversy of a certain undue condition that the private sector that deforests should be ensured profitability in order to implement sustainability.
- » Of the 5 **projects** that the AVP executed (Heart of the Amazon) and executes (Connectivity and Conservation, Amazon Vision-REM, FAO with GCF, Sustainable Landscapes) and that encompass 13 components (pg. 33, Figure 3), most of which are related to agribusiness processes, that include companies and settlers with 5 components (sustainable land use, rural development, sustainable development, agro-environmental and sustainable management), and the technocracy that usually promotes it with another 5 (protected areas, monitoring, management, forest governance, enabling conditions, capacities), Indigenous Peoples are mentioned in only 2 of these components: governance with Indigenous Peoples in the Amazon Vision-REM project and REDD+ with Indigenous Peoples in the FAO project with the GCF.

• Ambiguity between Indigenous Peoples and settlers

- » The ambiguity of placing different options at the same level (or “combining”), such as agriculture (even those of “unsustainable practices”) and the management of standing forests, and “unifying” them under the name of “forest units” (pg. 10)
- » In relation to rural cadastre (activity 1.3), despite admitting the serious risk that it generates “erroneous expectations” and results in a “perverse incentive” for colonization and displacement, it is, however, classified as “low risk” without further support.
- » In the “Indigenous Peoples planning framework” (IPPF) some of the national contexts that affect these peoples are analyzed, but there

are notable absences (pg.84), such as the evaluation of the impact of so-called “drivers of development” for the State and on the part of public opinion, and that refer to drivers of mining, palm oil, agribusiness, timber, hydrocarbons, monocultures and the conflicts associated with the above, such as land trafficking, illegal crops, and corruption of authorities.

• Ambiguity, Actors, and Benefits

- » The problem that a mechanism for the distribution of climate benefits, such as **PIVA**, which had some partial adjustments by indigenous organizations, is no longer short-term or a specific project, but is becoming more widespread because the FAO project would assume PIVA procedures (pg. 12). Then, the joint design or construction with indigenous organizations of a benefit-sharing approach is still pending, with a mechanism of equitable access and cultural relevance of Indigenous Peoples to climate finance, and especially to those derived from payment for emission reduction results.
- » Controversial prioritization of actors and approaches expressed in the oversizing of the activities (and therefore of the objectives and approaches) of the project aimed at agents of deforestation, such as agribusiness and livestock, expressed in that **50% of the budget** would be allocated to them (pg. 18, product 2), which can reach 60% if one considers the additional 10% destined for state entities that usually devote themselves also to promoting them using the old umbrella of “sustainable,” but under which deforestation increased. This contrasts with what is intended for those who have been guaranteeing the productive conservation of forests, such as Indigenous Peoples, whose territories and governance are allocated only 30% of the project.
- » The controversy and inconsistency of the percentage of climate financing allocated to the Indigenous Peoples of the Colombian Amazon, and also, what would be effectively and directly implemented by their representative organizations. The ERPD-ERPA (or P4R, REDD+ RBP) mentions that the donors of Amazon Vision defined that support for PIVA will be up to **20% of their resources** (pg. 88). This mention raises questions: Will that same percentage be applied to the ERPA and subsequent projects in the coming years? Should this percentage be defined only by donors and in private negotiations with the State? If equity and interculturality are

international commitments and rights, does this not imply that it should be approached as public policy and not only as a financial administrative negotiation for the distribution of components of this or that project?

- » The distribution of investments and benefits of the REDD+ Early Movers Project of the Amazon Vision Program (REM-AVP) is mentioned (pg. 90), in which there is an imbalance and incoherence, which should not continue to be maintained in REDD+ RBP and similar projects. It refers to the undervaluing of the role and contribution of the main and strategic social actors in climate processes, such as Indigenous Peoples, and the overvaluing of other actors. If 50% of the Amazon forests are under indigenous ownership, it is inconsistent to assign them only **20% of the REM-AVP**. Likewise, being ineffective and controversial,

the results and contributions of public policies and the role of state technocracy, however, are those that deserve 40%, the highest allocation. Finally, settlers and agribusinesses, being actors of deforestation with an uncertain possibility of changing that role, receive 38% of the budget. All other actors receive much more than what is allocated to Indigenous Peoples.

- » The ambiguity regarding the strengthening of **self-government** since it is mentioned in the AVP and even in some indigenous projects of the PIVA. It is even recognized in P4R that “**subprojects** in indigenous territories do not recognize or respect nor do they include self-government and decision-making mechanisms” (pg. 47), but no major mitigation actions are developed, considering that it is a central indigenous right and aspiration.

ANNEX 2: Analysis of Ecuador's "payment-for-results" and indigenous rights

P4R Ecuador and the problems with UNDP and GCF

In this case, we are witnessing an implementation stage or application of payment-for-results for the reduction of emissions already carried out in previous years (2014 onwards), although certain studies are less optimistic when pointing out that the biomass in Ecuador and the Amazon basin is decreasing, probably due to logging, increasing degradation, although it is parallel to the decline in deforestation by satellite measurements.⁴⁵

In any case, there are proposals for "payments for results" (P4R), which include their respective distribution of benefits among national actors and among them Indigenous Peoples. This is the "result-based payments" or "payments for results" (P4R) project that is implemented with financing from the Green Climate Fund and through the UNDP as an accredited agency of the GCF and in coordination with the Ministry of Environment of Ecuador (MAE by its Spanish acronym) and involving the Socio Bosque, Pro-Amazonía, and REM (REDD+ Early Movers) projects.⁴⁶

To the extent that the latter are Ecuador's national preparation projects on REDD+ and that the final stage is that of payment-for-results, which is articulating and reorienting all other interventions, the analysis of the P4R project process is substantial. This process, as well as the lessons it leaves behind, will be very important for the Indigenous Peoples of other Amazonian countries. The P4R-UNDP is Ecuador's main base for access to climate finance, although perhaps without reaching ERPA contracts for now, but it would be the parameter of all other climate processes and projects.

Indigenous peoples control 60% of Ecuador's forests that provide diverse and strategic ecosystem and climate services, and yet they have earned only 13.46% (\$2.5 million) of the total budget (\$18.5 million) of the UNDP P4R project, in activity 4.4 "strengthening the implementation of REDD+ in indigenous territories."⁴⁷

In addition to the marginal allocation for Indigenous Peoples in the P4R, there are also technical or programmatic

problems in the project of various gaps or insufficiencies in relation to the Green Climate Fund's own policy for Indigenous Peoples, which are further elaborated in the section below the box. Now it can be summarized that legal and political security and control of traditional territories are not guaranteed. The self-government of Indigenous Nationalities is not strengthened. The inequity and asymmetry already indicated towards Indigenous Peoples in the distribution of benefits is maintained. Direct indigenous management of activities with appropriate technical assistance is not guaranteed as well as supporting development and resilience priorities and bioeconomy proposals with sufficient unconstrained funds. It does not include the implementation of the National REDD+ Plan⁴⁸ (worth \$80 million) developed with the participation of CONFENIAE and endorsed by the MAE; it is the product of a participatory process and cannot be ignored. The capacities and institutionality of indigenous organizations involved in the P4R project are not strengthened.

Legal and political security and control of traditional territories are not guaranteed. This affects art. 11g on the promotion of indigenous rights to own, develop, and control their lands, territories, and resources, whether they are traditional property or other forms of traditional occupation or use as well as those that they may have acquired through other means.

The self-government of the Indigenous Nationalities is not strengthened. This affects art.22^h of promoting indigenous self-government to freely pursue their economic, social, and cultural development and the right to autonomy and self-government in internal and local matters as well as the ways and means of financing their autonomous functions.

The inequity and asymmetry already indicated towards Indigenous Peoples in the distribution of benefits is maintained. This affects articles 3 and 44 of equitable access to the benefits of climate projects in addition to adequate consultation with peoples and that their concerns and preferences are addressed.

Direct indigenous management of activities with appropriate technical assistance is not guaranteed as well as supporting development and resilience priorities and bioeconomy proposals with sufficient unconstrained funds. This affects arts. 22g, 44, and 73 on "indigenous access" to GCF resources and support for their initiatives in climate change mitigation and adaptation.

It does not include the implementation of the National

45 Source: Walker, W. Et al., 2020. PNAS Vol.117 NO.6 [The role of forest conversion, degradation, and disturbance in the carbon dynamics of Amazon indigenous territories and protected areas | PNAS](#)

46 payment-for-results has already begun with \$52 million from the REM for a reduction of 9 million TC02, plus \$18.6 million from the GCF via UNDP for a reduction of 4.8 million TC02 in 2014. Source: Message from the MAE at the February 2020 Workshop.

47 <https://www.dropbox.com/s/gx6q6p0tjvnzte9/2RE%20funding-proposal-fp110-undp-ecuador.pdf?dl=0>

48 2019, "Holistic Management of Forests, Biodiversity, and Territories in Amazon Nationalities to combat Climate Change" [Se aprueba a CONFENIAE como Socio Implementador de Medidas y Acciones REDD+ | WWF](#)

REDD+ Plan⁴⁹ (worth \$80 million) developed with the participation of CONFENIAE, support of WWF, and endorsed by the MAE; it is the product of a participatory process and cannot be ignored. The measurement and valorization of the multiple climate contribution functions of indigenous territories are not included either. There is absence of actions for the comprehensive restoration of indigenous territories, including degraded areas of mining and oil environmental liabilities. All of the above

49 2019, "Holistic Management of Forests, Biodiversity, and Territories in Amazon Nationalities to combat Climate Change" [Se aprueba a CONFENIAE como Socio Implementador de Medidas y Acciones REDD+ | WWF](#)

concerns articles 92 and 99 referring to the obligation that any GCF funding on REDD+ be on "mode of access, financing, guidance, activity" on REDD+ based on its policy on Indigenous Peoples.

The capacities and institutionality of indigenous organizations involved in the P4R project are not strengthened. This concerns art. 96 that provides for capacity building and *institutional strengthening* of Indigenous Peoples for the formulation of proposals, management, monitoring, and evaluation of projects.

ANNEX 3: Use of international standards to reorient ERPDs

The specific items of the ILO Convention 169-, the UNDRIP and the Paris Agreement, which helped in the climate negotiations of indigenous organizations in Peru, are as follows.

Territorial security as an enabling condition in ERPD

- ILO 169: 7 (development, living conditions, and environment) * 13 (territorial right) * 14 (ancestral occupation)
- UNDRIP: Arts. 5, 18, 20, 23, 25, 26, 27, 31, and 32

Greater climate ambition in ERPDs

- ILO 169: 2°, b (respect for rights) * 4.1° (safeguard goods, work, cultures, environment of Indigenous Peoples) * 5°, c (measures in the face of new conditions) * 7.1°, 7.2°, 7.3° (Self-development of IP)
- Paris Agreement (arts. 4,11; 6, 1) Climate ambition to increase CND/NDC
- UNDRIP: Arts. 5, 18, 20, 23, 25, 26, 27, 31, and 32 UNDRIP.

Indigenous participation in ERPD decisions

- ILO 169: 6.1, b (Participation equal to others in organizations that concern them).
- UNDRIP: Arts. 5, 18, 20, 23, 25, 26, 27, 31, and 32 UNDRIP.

ERPD strengthen indigenous autonomous adaptation on REDD+ and carbon market

- ILO 169: 6.1b (IP in policies, programs, and organizations that involve them) * 7.1, 7.2, 7.3, 7.4, 19 (decide and control their own development) * 13 (territorial right) * 15.1 (natural resources)
- UNDRIP: Arts. 5, 18, 20, 23, 25, 26, 27, 31, and 32

Regulatory guarantees and sanctions for REDD+ operators

- ILO 169: 2b (respect for rights) * 4.1 (safeguard goods, cultures, environment of IP). 5. c (new living conditions) * 12 (protection against rights violation).
- UNDRIP: Arts. 5, 18, 20, 23, 25, 26, 27, 31, and 32.

Direct and equitable access to the benefits of the ERPD

- ILO 169: 2.2c (state assistance) * 4.1 (safeguard goods, work, cultures, environment of IP) * 5. c (measures in the face of new living conditions) * 6.1c (provide necessary resources for the development

of institutions and initiatives of IP) * 19 (land and funds for IP) * 27.3 (public funds for the education of peoples)

- UNDRIP: Arts. 5, 18, 20, 23, 25, 26, 27, 31, and 32 UNDRIP.

Gender approach in ERPD and its indigenous adaptation

- ILO 169: * 2b (respect for the rights of IPs) * 2.2.c (state aid to IP) * 4.1 (safeguard goods, work, cultures, environment of IP) * 5, c (measures in the face of new living conditions) * 6.1b (IP in policies, programs, and organizations that involve them) * 7.1, 7.2, 7.3, 7.4 (right to self-development) * 19 (land and funds for IP)
- UNDRIP: Arts. 5, 18, 20, 23, 25, 26, 27, 31, and 32

Indigenous articulation for advocacy on the ERPD

- *Paris Agreement, paragraph 135° (International Indigenous Climate Platform)* based on similar national instances.
- ILO 169: 27.1 (cooperation with education of IPs); 27.2 (progressive transfer of programs); 27.3 (self-education with state funding)
- UNDRIP: Arts. 5, 18, 20, 23, 25, 26, 27, 31, and 32 UNDRIP.