

Profonampe



# Indigenous or Native Peoples Policy

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# 1 Introduction and Justification

Profonanpe is a private, non-profit entity specialized in raising, managing and channeling financial resources for the implementation of programs and projects that contribute to biodiversity conservation and climate change mitigation and adaptation. Profonanpe has recently extended its mandate by absorbing the National Environmental Fund (FONAM) to raise, channel and manage complementary resources for integrated environmental management, including forests, water, air, soil, solid waste, climate change, biological diversity, environmental liabilities, and continues with its agenda of strengthening Natural Protected Areas (NPAs).

As a result of this mandate, the portfolio of projects managed by Profonanpe involves work in territories that are home to Amazonian indigenous and peasant communities. Therefore, the interventions designed and implemented must respect and promote the rights of indigenous or native peoples, promote their informed participation to mitigate and manage any negative impact that could be generated, and enhance the positive impacts that improve their well-being and quality of life.

In this sense, Profonanpe has developed the present Indigenous or Native Peoples Policy, which has been developed from the Environmental and Social Policy (PAS) 8 of Indigenous or Native Peoples<sup>1</sup>.

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<sup>1</sup> Profonanpe (2018). Profonanpe's Environmental and Social Policies

## Objectives

### 2

Profonanpe's Indigenous or Native Peoples Policy (hereinafter The Policy) has 3 objectives:

- Respect and promote the collective rights of the indigenous or native peoples found in the areas of intervention in which the interventions implemented by Profonanpe and/or its strategic allies are carried out.
- Promote the informed participation of indigenous or native peoples throughout the life cycle of the programs and projects implemented by Profonanpe and/or its strategic allies, in order to prevent, minimize or correct any negative impact that could be generated and, on the other hand, to enhance the positive impacts for the benefit of indigenous or native peoples.
- Promote activities that lead to the wellbeing of indigenous or native peoples and improve their livelihoods and the environmental sustainability of their territories.

### 3

## Scope of Application

The scope of application of this Policy covers all territories with the presence of indigenous or native peoples in which interventions are implemented by Profonanpe and/or its strategic allies.



## Definitions

## 4

### a) Collective Rights

Rights of the indigenous or native peoples, recognized in the Political Constitution of Peru and the ILO Convention 169, as well as in international treaties ratified by Peru and national legislation. It includes, among others, the rights to cultural identity; to the participation of indigenous or native peoples; to consultation; to choose their development priorities; to preserve their customs, provided that these are not incompatible with the fundamental rights defined by the national legal system or with internationally recognized human rights; to special jurisdiction; to land and territory, that is, to the use of the natural resources found in their geographic area and traditionally used within the framework of current legislation; to health with an intercultural approach; and to intercultural education.

### b) Indigenous or Native

Refers to an individual's self-identification with an indigenous people of which he or she feels part and with which there are ties of collective attachment to geographically distinct habitats or territories; to cultural, economic, social or political institutions separate from the dominant society or culture; and/or to a distinct language or dialects<sup>2</sup>.

### c) Indigenous or Native Peoples

The indigenous or native peoples are those collectives that have their origin in times prior to the State, that take place in this country or region, that conserve all or part of their distinctive institutions, and that, in addition, present the collective consciousness of possessing an indigenous or native identity.

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<sup>2</sup> Environmental and Social Safeguards at the Green Climate Fund. Green Climate Fund Handbook, 2015



The definition and criteria defined in the Law on the Right to Prior Consultation will be used. It specifies that peasant or Andean communities and native communities or Amazonian peoples are part of this group. In order to identify them, objective and subjective criteria are considered.

The objective criteria are: a) Direct descent from the native populations of the national territory, b) Lifestyles and spiritual and historical ties with the territory they traditionally use or occupy, c) Social institutions and own customs, and d) Cultural patterns and lifestyle different from those of other segments of the national population. The subjective criterion is linked to the collective group's awareness of having an indigenous or native identity.

According to information from the Ministry of Culture<sup>3</sup>, there are 55 Indigenous or Native Peoples. Of these, 51 belong to the Amazon and 4 to the Andes.

### d) Participation and Involvement of the Indigenous or Native Population

Following the classification of the term participation<sup>4</sup>, in this Policy it will be understood as the process of including the beneficiaries, among which are the Indigenous or Native Peoples, throughout the life cycle of a program or project as active actors in the definition, implementation and monitoring of the interventions that will affect them, under the leadership and articulation of the technical teams of the programs or projects.

## 5 Guiding Principles

The guiding principles of this Policy are<sup>5</sup>:

- **Transparency and Access to Information**

The projects that Profonanpe implements directly or through its strategic allies must provide relevant, timely and culturally pertinent information so that all stakeholders can have the necessary inputs for their involvement and informed participation in the decision-making processes. Preferably, the information will be provided in advance so that indigenous or native peoples can express their point of view throughout the participatory process.

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<sup>3</sup> <https://bdpi.cultura.gob.pe/pueblos-indigenas>, consulted on 11/12/2020

<sup>4</sup> Arnstein, Sherry (1969). "A ladder of citizen participation", Journal of the American Institute of Planners, Volume 35, Issue 4, pp: 216-224.

<sup>5</sup> These guiding principles are the result of a combination of those proposed by the Indigenous Policy of the Green Climate Fund and those indicated in the document "Methodological design for the development of the Stakeholder Involvement Plan", Project "Building the Resilience of Wetlands in the Province of Datem del Marañón, Peru", prepared by Mirella Camacho.

- **Good Faith in Participation**

The dialogue established between the teams in the field and other Profonanpe representatives, as well as its strategic allies, must be based on the good faith of the interested parties that contributes to the generation of a climate of trust, collaboration and mutual respect, considering that the results sought by the project will bring benefits to all those involved.

- **Interculturality**

Recognition, respect and consideration of the existing differences between cultures will be promoted and the contributions that each culture generates in the interventions managed and/or implemented by Profonanpe and/or its strategic allies will be valued.

- **Inclusion and Representativeness**

Participation and involvement mechanisms are inclusive and value the different views of community groups, women, children, youth, and the elderly. Likewise, all stakeholders participate through their representative base organizations and higher-level representative bodies that are linked to the program or project.

- **Flexibility**

The mechanisms, instruments and procedures must respond and adapt to the special circumstances and characteristics of Indigenous or Native Peoples.

- **Absence of Coercion**

The participation of Indigenous or Native Peoples shall be carried out without any coercion or conditioning; on the contrary, their own procedures and mechanisms shall be respected.

- **Effective Governance**

All stakeholders participate effectively and efficiently in the dialogue and decision-making processes, recognizing the corresponding channels and mechanisms generated for this purpose. This includes mechanisms to manage the resolution of disputes and/or conflicts based on dialogue and respect.

# Description of Roles and Responsibilities

## 6

The roles and responsibilities of the stakeholders, within the framework of the Policy, require mapping to identify who is directly and indirectly involved in the interventions that the institution and/or its strategic allies implement.

In general, the following major groups of stakeholders can be identified:

- Stakeholders whose livelihoods depend directly or indirectly on the areas where interventions are implemented.
- Stakeholders with specific competencies in governance, administration, management and control over the goods and services of the areas where the interventions are implemented.
- Stakeholders from the private business sector and their associations, whose economic activity is related to the areas where the interventions will be implemented.
- Civil society stakeholders that carry out activities in the areas where the interventions are implemented.
- Stakeholders who represent the interests of the communities and participate in articulation and coordination spaces with other stakeholders at the Basin, local, regional or national level.

On the other hand, as far as Profonanpe's involvement is concerned, the directions and project management units that are responsible for directing, managing, monitoring and evaluating the Policy are:

- The Direction for Monitoring and Evaluation (DIME) is responsible for monitoring compliance with the Policy in the programs and projects managed and/or implemented by Profonanpe. It is also responsible for carrying out, through independent external consultants, evaluations and audits to ensure compliance with the provisions of the Policy in the interventions managed and/or implemented by Profonanpe.



- The Research and Development Office (OID) is responsible for determining improvement actions based on lessons learned and good practices identified during the evaluation of the Policy. To this end, external consultants may be hired to systematize the findings, lessons learned and best practices of the projects implemented. It is also in charge of transforming these lessons learned into public policy inputs, which will be proposed to environmental sector entities.
- The Project Management Units (UGP) are the ones that execute the activities of the programs and projects and intervene directly with the indigenous or native populations. They must execute their activities taking into account what is stated in the Policy.







## 7 Requirements

The requirements of the Policy include the institutional frameworks and actions that are necessary to achieve the objectives of this policy. To this end, it is necessary to establish adequate and effective information and communication channels; identify the risks and impacts that the interventions may generate; establish adequate mitigation measures; and prepare an action plan that will allow the indigenous or native peoples to obtain benefits derived from the implementation of the interventions.

Specific requirements are:

- **Recognition of Special Circumstances Related to the Intervention**

Indigenous or native peoples have particular characteristics that cannot be generalized from one community to another; within their social structure there may be groups that could be more exposed than others to the possible risks and/or impacts generated by the

projects, as well as in the distribution of the benefits derived from them. Knowledge of these circumstances will help those implementing interventions to define how to interact with each of these groups. A special case should be made for populations in isolation or in initial contact, which should be treated according to existing protocols in national regulations.

- **Free, Prior and Informed Consent**<sup>6</sup>

Access to information initiates the process of obtaining the free, prior and informed consent of the indigenous or native peoples regarding the activities of the program or project. This process must be based on the good faith of the participants, which is expressed in the willingness to have frequent meetings; to disclose all relevant information so that informed decisions can be made; to use mutually accepted negotiation procedures; to have the flexibility to change initial positions and modify offers when necessary; and to allow sufficient time for decision making.

- **Mechanism for Complaints, Claims and Suggestions**

Indigenous or native peoples must have an independent, easily accessible and predictable procedure that allows them to raise their complaints and suggestions during the life cycle of programs and projects. Preferably, this procedure should be discussed, developed and informed jointly with the indigenous or native peoples at the design stage. In this way, in the event of discrepancies or suggestions, these can be addressed and resolved within the framework of the participation spaces promoted by the program or project. If the complaint cannot be dealt with at the community or local level, it will be passed on to national bodies that have a certain degree of independence on the issue in question.

## Implementation Arrangements

## 8

For the implementation of the Policy, there must be an Action Plan that establishes the way in which concrete actions will be mainstreamed and implemented in the specific context of the project or program. This Action Plan must be supported by its respective budgetary provision in the program or project's operations plan. A specialist will be assigned to supervise and monitor the actions derived from this policy at the level of the interventions in which Profonanpe intervenes. Likewise, each Project Management Unit shall have a specialist in charge of implementing the Policy.

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<sup>6</sup> It should be noted that prior consultation processes are the responsibility of the State and are governed by the Law on the Right to Prior Consultation of Indigenous or Native Peoples, recognized in Convention 169 of the International Labor Organization, Law No. 29785 and its regulations.



## **9 Integration into Profonanpe's Environmental and Social Management System**

The Policy and its respective Action Plan will be integrated into Profonanpe's Environmental and Social Management System.

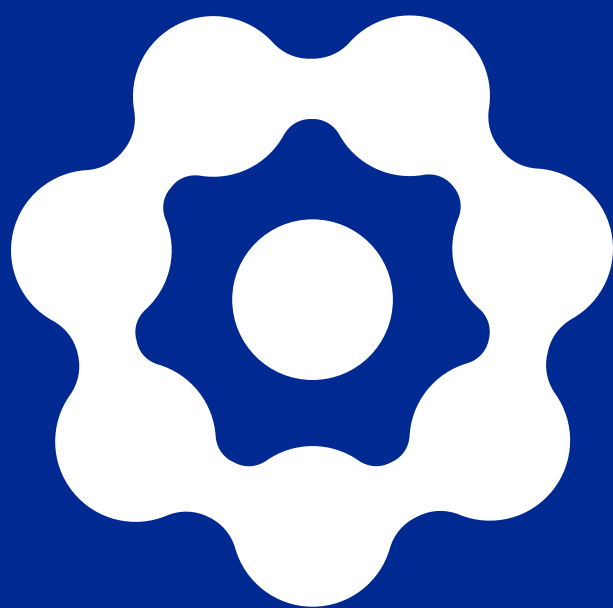
## **Effective Date of Implementation, Review and Update**

**10**

The Policy will come into force the day after its approval by the Executive Director. The OID will be responsible for its review every two years in coordination with the DIME, involving and informing the program or project teams, for their participation and timely application. The updates resulting from the review process must be evaluated and approved by the Executive Director prior to their entry into force and subsequent implementation.

## **11 Dissemination**

The Policy will be published on the institution's website, and will be disseminated through its internal channels to members of the organization and project management units. Likewise, this content will be disseminated in the induction program provided to all employees at the beginning of their employment.



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