**Call for Inputs HRC 54 - Special Rapporteur on the Rights of Indigenous Peoples - questionnaire to inform the thematic report that be presented at the 54th Session of the Human Rights Council.**

 **“Green financing, a just transition to protect Indigenous Peoples’ rights”**

**QUESTIONNAIRE**

The Special Rapporteur is particularly interested in receiving inputs **on any or all of the following issues**, including case studies and specific examples of best practices led by Indigenous Peoples as well as initiatives taken by States and international organizations.

| **NO.** | **QUESTION** | **COMMENT** |
| --- | --- | --- |
|  | Are development finance institutions (DFIs) complying with their safeguard policies? For example, are these institutions or organizations conducting or ensuring the conduct of independent, transparent and participatory environment, social and human rights impact assessments and obtaining free prior and informed consent when Indigenous Peoples are impacted by a DFI-funded project?  | - |
|  | Are there opportunities for Indigenous Peoples to participate in the development and implementation of DFI-funded projects related to conservation, clean energy transition and carbon markets?  | - |
|  | What role do DFIs play in shaping policy, beyond the financial investment itself? How are DFI’s ensuring that Indigenous Peoples are represented in the development of global institutional strategies, particularly the creation and implementation of policies affecting Indigenous Peoples? | - |
|  | Please describe your experience with DFI grievance mechanisms and inspection panels at the institutional or national level. Are these mechanisms effective in providing remedies for human rights violations? For example, are there structural issues with how these mechanisms operate in terms of the actors they focus on, timeframes within which they operate, remedies available etc. How can these mechanisms be improved?  | - |
|  | Please describe any efforts to address sexual and gender-based violence and gender inequality, the rights of persons with disabilities and lesbian, gay and gender diverse people as part of wider efforts to improve the DFI regulatory and institutional framework. | - |
|  | Please provide examples of domestic legal frameworks in receiving countries that protect Indigenous Peoples' rights in the context of green financing. | - |
|  | How is Indigenous Peoples’ ownership and control rights over their lands, territories and resources protected in the regulation of carbon and biodiversity offset markets? | Indigenous Peoples’ ownership and control rights are based on National Guidance on Voluntary Carbon Market Mechanisms. The technical requirements of carbon projects shall undergo local and, where appropriate, subnational stakeholder consultations consistent with applicable domestic arrangements in relation to public participation, local communities and indigenous peoples. |
|  | What role do private conservation organizations play, if any, in the development of safeguarding policies of international financial institutions? | - |
|  | What is the role of States in regulating the activities of private conservation organizations? | States do not play a role in regulating private conservation organizations. However, they must be registered. |
|  | Please describe how green financing has either benefited Indigenous Peoples and served to strengthen their rights, or alternatively has failed to adequately respect their rights and contributed to human rights violations? | Green financing provides minimum safeguards to Indigenous Peoples under the Sustainable Responsible Investment (SRI) Taxonomy issued by the Securities Commission Malaysia (SC). As such, economic activities seek alignment with the environmental component of the SRI Taxonomy to ensure their compliance with all the national laws and legislative requirements relating to environmental and social considerations applicable in Malaysia. This includes environmental protection, climate change, land use, human rights, anticorruption, labour welfare and others. Upon certifying compliance with the minimum safeguard, an economic activity can be considered to support the objectives of the environmental component if it does not cause significant harm to any other environmental objectives (climate change mitigation and adaptation, conservation of health ecosystem and biodiversity and promotion of resource resilience and transition to circular economy).While Climate Change Principle Based Taxonomy issued by Bank Negara Malaysia strongly encourages financial institutions, as part of their lending and/or investment decisions, also ascertains what businesses are engaged in activities in accordance with national human rights and labour laws.  |
|  | Please provide examples of Indigenous Peoples leading the development and/or implementation of sustainable development projects funded by States, DFIs and international conservation organizations. | - |
|  | How have Indigenous Peoples been involved in developing carbon markets, if at all? If Indigenous Peoples are participating in carbon markets, how is their free, prior and informed consent sought or obtained by companies who wish to use their lands, territories or natural resources for offsets? | Based on National Guidance on Voluntary Carbon Market Mechanisms, the technical requirements of carbon project shall undergo local and, where appropriate, subnational stakeholder’s consultations consistent with applicable domestic arrangements in relations to public participation, local communities and indigenous peoples. |
|  | How can the carbon market be regulated to ensure that all actors, regardless of the nature or scale of the initiative (voluntary carbon market or jurisdictional approaches), are required to respect Indigenous Peoples' rights, including their right to give or withhold consent to carbon projects related to their lands, territories and resources? | Currently, there are no regulations on carbon market. Based on National Guidance on Voluntary Carbon Market Mechanisms, the technical requirements of carbon project shall undergo local and, where appropriate, subnational stakeholder consultations consistent with applicable domestic arrangements in relations to public participation, local communities and indigenous peoples. |
|  | How can Indigenous Peoples access funding, directly or indirectly, to further implementation of the Paris Agreement and the Convention on Biological Diversity Global Biodiversity Framework including 30x30 (Target 3)? What are the main obstacles that Indigenous Peoples face in accessing funding and how can these be overcome? For example, how does the imposition of restrictive conditions affect their ability to access funding. | Global Environment Facility (GEF) is one of the financial mechanisms under the Paris Agreement and the Convention on Biological Diversity. GEF continuously supports the sustainable use of biodiversity as part of the integrated landscape/seascape management. This includes support customary sustainable use of biodiversity by Indigenous Peoples and Local Communities (IPLCs).Among key interventions under the GEF Cycle 8, is to improve land tenure rights and policies especially the legal recognition of the customary rights and tenure security of IPLCs (e.g., free, prior, and informed consent processes and Indigenous and Community Conserved Areas). The program is structured to contribute directly to achieving the following action targets of the first draft of the Global Biodiversity Framework.Indigenous Peoples are an important partner and target group for the Small Grant Program which is a flagship program under the GEF. The Indigenous Community through local CSOs and CBOs can access SGP. This would include support to territories and areas conserved by indigenous peoples and local communities. Main obstacle is their capacity to develop the proposal as required by the Fund. To overcome this barrier, an established NGO will be appointed to provide capacity building and guidance for project development and implementation.  |

**Note:**

* Please limit inputs to **10 pages.**
* Submissions will be published as received on the mandate’s webpage. **Kindly indicate** in your email **if you DO NOT wish your submission to be made public.**