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Country case study report • February 2025

Independent Evaluation of the Green Climate
Fund's Approach to Indigenous Peoples

GREEN CLIMATE FUND
INDEPENDENT EVALUATION UNIT

Independent Evaluation of the Green Climate Fund's Approach to Indigenous Peoples

COUNTRY CASE STUDY REPORT: COLOMBIA

02/2025

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First Edition

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Citation

The suggested citation for this evaluation is:

Independent Evaluation Unit (2025). *Independent Evaluation of the Green Climate Fund's Approach to Indigenous Peoples*. Country case study report: Colombia (February). Songdo, South Korea: Independent Evaluation Unit, Green Climate Fund.

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A FREE PUBLICATION

Printed on eco-friendly paper

CONTENTS

ABBREVIATIONS	V
A. INTRODUCTION	1
1. GCF IPs-related portfolio in the country	1
a. FP056 – Scaling up climate resilient water management practices for vulnerable communities in La Mojana.....	3
b. FP134 – Colombia REDD+ Results-based Payments for results period 2015–2016	4
c. FP203 – Heritage Colombia (HECO): Maximizing the contributions of sustainably managed landscapes in Colombia for the achievement of climate goals	4
2. General overview of the Indigenous Peoples Plan of the projects evaluated in Colombia.....	6
3. Readiness and Preparatory Support Programme – Strengthening the capabilities of Indigenous Peoples in climate finance in Colombia.....	8
B. IPS IN COLOMBIA: POLITICAL CONSTITUTION AND LEGAL FRAMEWORK	9
1. Free, prior and informed consent in Colombia	10
2. National legislation framework and the protection of IPs rights in Colombia	11
3. Organization of national entities related to the IPs of Colombia	12
C. KEY FINDINGS	13
1. Effectiveness and efficiency of the IPs Policy in meeting its objectives.....	13
2. Relevance of the Policy to the contexts of the projects	15
3. Coherence of the Policy	15
4. Country ownership principle.....	16
5. Gender considerations alongside IPs	16
6. Sustainability.....	17
7. Unintended effects – positive and negative	17

a. Unintended negative effects.....	17
b. Unintended positive effects.....	18
8. Innovation and IPs knowledge.....	18
D. LESSONS LEARNED.....	18
APPENDIX 1. LIST OF INTERVIEWEES	20
REFERENCES	22

TABLES

Table 1. GCF IPs-related funded proposals in Colombia.....	2
Table 2. Overview of Indigenous Peoples Plan of IPs-related projects in Colombia	6

BOXES

Box 1. Local realities and adaptation needs	13
Box 2. The role of Indigenous Peoples Organizations in fostering engagements.....	17

ABBREVIATIONS

AE	Accredited entity
APR	Annual performance report
DAE	Direct access entity
DNP	Departamento Nacional de Planeación (National Planning Department)
EE	Executing entity
FAO	Food and Agriculture Organization of the United Nations
FP	Funding proposal
FPIC	Free, prior and informed consent
GCF	Green Climate Fund
HECO	Heritage Colombia
ILO	International Labour Organization
IPs	Indigenous Peoples
IPO	Indigenous Peoples organization
NDA	National Designated Authority
ONIC	Organización Nacional Indígena de Colombia (National Indigenous Organization of Colombia)
OPIAC	Organización Nacional de los pueblos Indígenas de la Amazonía Colombiana (National Organization of Indigenous Peoples of the Colombian Amazon)
RBP	Results-based payment
REDD	Reducing emissions from deforestation and forest degradation
RPSP	Readiness and Preparatory Support Programme
UNDP	United Nations Development Programme
WWF	World Wildlife Fund

A. INTRODUCTION

This evaluation aims to objectively assess the Green Climate Fund's (GCF) performance in implementing its Indigenous Peoples Policy throughout its different stages.

The Indigenous People Policy (hereafter referred to as “the Policy” or “IPs Policy”) aims to provide a framework that ensures GCF activities are designed and carried out with full respect for the dignity, human rights, and cultural uniqueness of IPs, ensuring that they:

- benefit from GCF activities and projects in a culturally appropriate manner.
- do not suffer harm or adverse effects from the design and implementation of GCF-financed activities.

The evaluation examines the impact of implementing the Policy in GCF-funded activities involving IPs. This case study focuses on how the Policy was applied in Colombia. Colombia was chosen due to the number, size and significance of GCF-funded projects in the country that involve IPs.

The Colombia mission was conducted between 24 and 30 June 2024 in the cities of Bogotá and Montería by Rishabh Moudgill, Policy and Evaluation Specialist of the GCF Independent Evaluation Unit, Deborah Delgado, IPs evaluator specialist, and Ati Villafaña, social scientist and Indigenous leader. The evaluation team visited the wetland regions of La Mojana in Sucre to visit the project site for funding proposal 056 (FP056) “Scaling up climate resilient water management practices for vulnerable communities in La Mojana”.

1. GCF IPs-RELATED PORTFOLIO IN THE COUNTRY

As summarized in Table 1, Colombia currently has 13 GCF-funded projects and 18 ongoing Readiness and Preparatory Support Programme (RPSP) activities (Green Climate Fund, n.d.-c). The total GCF financing approved for Colombia is USD 315.2 million, of which USD 7.1 million has been allocated to RPSP support (Green Climate Fund, n.d.-c).

Table 1. GCF IPs-related funded proposals in Colombia

PROJECT CODE	PROJECT TITLE	BUDGET STATUS	THEME(S)	ACCREDITED ENTITY	EXECUTING ENTITY	MODALITY	STATUS
FP056	Scaling up climate resilient water management practices for vulnerable communities in La Mojana	Under implementation (74% disbursed)	Adaptation: - Ecosystems and Ecosystem Services - Health, food and water security - Livelihoods of people and communities	United Nations Development Programme (UNDP)	National Adaptation Fund of Colombia (Fondo Adaptación)	FP	Under implementation
FP134	Colombia REDD+* Results-based Payments for results period 2015–2016	Under implementation (100% disbursed)	Mitigation - Forest and land-use	Food and Agriculture Organization of the United Nations (FAO)	FAO	FP	Under implementation
FP203	Heritage Colombia (HECO): Maximizing the Contributions of Sustainably Managed Landscapes in Colombia for Achievement of Climate Goals	Under implementation (8% disbursed)	Cross-cutting	World Wildlife Fund (WWF)	- Fondo Patrimonio Natural para la Biodiversidad y Áreas Protegidas - Fondo Mundial para la Naturaleza Colombia	FP	Under implementation
N/A	Strengthening capabilities of IPs on climate finance in Colombia	Completed (100% disbursed)	Increasing capacity for access to GCF	Fondo para la Acción Ambiental y la Niñez (Fondo Acción)	Fondo Acción	RPSP	Completed

Source: GCF iPMS data, as of July 2024.

Abbreviation: REDD+ stands for reducing emissions from deforestation and forest degradation.

The accredited entities (AEs) and executing entities (EEs) engaged in the projects listed above include the UNDP as an AE, the FAO as an AE and EE, and the WWF as an AE.

Following are direct access entities (DAEs) and EEs involved with the GCF in Colombia:

- **Fondo Mundial para la Naturaleza Colombia (WWF Colombia) – EE**
WWF Colombia aims to enhance ecosystem protection and reduce environmental threats in priority ecoregions while meeting human needs and improving sustainable management systems. Its multi-scale strategy engages various participants at local, regional and global levels.
- **Fondo para la Acción Ambiental y la Niñez (Fondo Acción) – DAE and EE**
Fondo Acción is a private Colombian funding agency with over 24 years of experience in sustainable investments in the environment and childhood, connecting children and adults with their territory through financial, environmental and social approaches (Fondo Acción, n.d.).
The "Guide for Strengthening Indigenous Peoples' Capacities in Climate Change and Climate Financing" is a key outcome of the project "Strengthening Indigenous Peoples' Capacities for Climate Financing," funded by the GCF and executed by Fondo Acción. It aims to equip Indigenous leaders and authorities with the technical knowledge and skills to effectively access climate funds within their organizational and governance structures (Fondo Acción, 2021).
- **National Adaptation Fund of Colombia (Fondo Adaptación) – EE**
The National Adaptation Fund is linked to the Ministry of Finance and Public Credit of the Government of Colombia. It was established to oversee construction, reconstruction, recovery, and economic and social reactivation in areas affected by the La Niña phenomena of 2010 and 2011. The fund also actively promotes Indigenous school education.
- **Fondo Patrimonio Natural para la Biodiversidad y Áreas Protegidas – EE**
This NGO aims to promote the preservation, use, and sustainable management of biodiversity. It achieves this by enhancing the financial stability of the National System of Protected Areas and supporting other environmental management strategies through public, private and community governance (Patrimonio Natural, 2022). It is actively involved in Indigenous-related activities, such as initiating the free, prior and informed consent (FPIC) process in August 2024 for the Amazon Vision Programme.

a. FP056 – Scaling up climate resilient water management practices for vulnerable communities in La Mojana

This project was developed to scale up climate resilient water management practices for vulnerable communities in La Mojana. It primarily focuses on adaptation and aims to enhance ecosystems and their services, health, food and water security, and the livelihoods of people and communities. With an expected duration of eight years, it was approved in October 2017 and is scheduled for completion by May 2026. The total project value is USD 117.2 million, with 32.8 per cent financed by the GCF and 67.2 per cent through co-financing. The project benefits 405,625 people – 203,918 directly and 201,707 indirectly (Green Climate Fund, n.d.-a).

According to the Annual Performance Report (APR) 2023, the project has already reached 77 communities, which have implemented protocols and community early warning systems. Additionally, these communities have cultivated a deep knowledge of monitoring, responding to and communicating hydrometeorological risks (United Nations Development Programme, 2023). Wetland restoration efforts are being carried out through 69 community restoration plans,

contributing to the recovery of degraded ecosystems covering 22,353.45 hectares. A total of 19,970 people participated in restoration activities, including members of Indigenous groups. The Ministry of Environment aims to expand this area to 200,000 hectares and restore 814 kilometres of streams to reconnect the marshes and wetlands with the Cauca and San Jorge rivers. The region will support these crucial climate adaptation strategies over eight years (United Nations Development Programme, 2023).

Based on the information in the APR, 4,175 families – 375 of whom belong to Indigenous communities – have established climate resilient agroecosystems for food production during drought and flood seasons. By the end of 2023, these families had improved their access to clean water, and 60 water boards were formed or strengthened for water resource governance. Additionally, 238,143 people were trained in topics such as water resource management and climate change. The project also promoted the restoration of 60 kilometres of wetland channels and the rehabilitation of streams, relying on local partnerships to ensure sustainability and community ownership of the actions. Capacity-building and training were provided to rural extension officers and communities, ensuring the continuity of activities (United Nations Development Programme, 2023).

b. FP134 – Colombia REDD+ Results-based Payments for results period 2015–2016

According to the project's page on the GCF website, it primarily focuses on mitigation to enhance forest and land-use in Colombia. It was initiated in August 2019 and is scheduled for completion by July 2026. The total project value is USD 28.2 million, fully financed by the GCF. The project has avoided 7.0 million tons of emissions, a volume presented to the GCF for results-based payments (RBPs). Colombia will invest the RBP proceeds in strengthening local and national efforts to monitor and manage deforestation as part of its Integrated Strategy of Deforestation Control and Forest Management (*Estrategia Integral de Control a la Deforestación y Gestión de los Bosques*). Additionally, the initiative will support the sustainable management of forest regions and enhance IPs' capacities to protect their forests and govern their territories (Green Climate Fund, n.d.-d). The project operates in the Colombian Amazon region, with the FAO as the EE.

The APR emphasizes that the involvement of IPs in the prior consultation process should be aligned with the Amazon Vision Programme, which aims to include representatives from the 63 ethnic groups that are part of the Amazon Biome (Food and Agriculture Organization of the United Nations, 2022, section 4.1.6). The objective is to ensure the full and effective participation of IPs at local and regional levels, ensuring representation not only of ethnic issues but also of gender, age and disabilities. It is important to note that given the number of communities involved in the project, the consultation process requires in-depth knowledge of prior consultation in national constitutional and legal frameworks and international law. Another project highlight was the presentation detailing the progress made in drafting key documents during a workshop held in July 2022. These documents included the Indigenous Peoples Planning Framework, the Environmental and Social Management Plan and the Gender Action Plan (Food and Agriculture Organization of the United Nations, 2022).

c. FP203 – Heritage Colombia (HECO): Maximizing the contributions of sustainably managed landscapes in Colombia for the achievement of climate goals

The project's page on the GCF website states that the HECO project spans large-scale landscapes across the country, from the heart of the Amazon to the Caribbean coast, to foster innovation for

more sustainable ecosystem management in Colombia. This will be accomplished through a public-private partnership model that guarantees perpetual financing for the sustainable management of key ecosystems and landscapes. HECO takes a cross-cutting approach, aiming to have an impact in areas such as ecosystems and ecosystem services, forest and land-use, and the livelihoods of people and communities. Approved in March 2019 and set for completion by July 2033, the total project value is USD 145.2 million, with 29.6 per cent funded by the GCF and 70.4 per cent through co-financing. To date, the project has avoided 7.0 million tons of emissions. HECO benefits 16.9 million people – 329,658 directly and 16,614,522 indirectly (Green Climate Fund, n.d.-b).

The APR for this project has not yet been published. However, the FP indicates that, since the project was recently approved, its activities are still in the early stages of development.

Nevertheless, the following key outputs are worth noting:

- The strengthening of inter-institutional governance in targeted landscapes – for integrated, climate-informed land and water planning.
- The consolidation of community governance and connectivity corridors – to improve the sustainable use of land and water.

The project aims to increase the investment of royalty revenues in these landscapes, promoting more sustainable, climate-informed practices. The Institute of Hydrology, Meteorology and Environmental Studies and national and regional environmental authorities will establish participatory monitoring systems. Additionally, the project will improve the application and use of climate information in territorial planning and local decision-making to reduce carbon emissions and strengthen adaptive capacity. Protected area management is set to improve, reducing deforestation and maintaining or improving ecosystem integrity and functionality, while management practices in buffer zones and connectivity corridors are strengthened to achieve similar outcomes (Green Climate Fund, 2023).

2. GENERAL OVERVIEW OF THE INDIGENOUS PEOPLES PLAN OF THE PROJECTS EVALUATED IN COLOMBIA

Table 2. Overview of Indigenous Peoples Plan of IPs-related projects in Colombia

THEME	FP056	FP134	FP203
Project design approach	<p>This water resilience-centred project was co-designed and co-funded by the Government of Colombia's Adaptation Fund.¹ Its IPs component focuses on reducing the La Mojana region's most vulnerable and susceptible population. The Zenú people are particularly vulnerable to climate change as the national government does not recognize their rights as IPs.</p> <p>The project incorporates the Zenú's traditional water management systems into climate adaptation actions. Its design specifically targets the Zenú's social structures and traditional knowledge of water management and food production systems.</p> <p>The plan for IPs states that the project was presented to the Zenú people in feedback meetings, and their input was incorporated into the project plan.</p>	<p>This project focuses on reducing deforestation reduction, conserving biodiversity, and strengthening sustainable livelihoods in the Amazon forest.</p> <p>The IPs' approach is based on the Amazon Vision Framework, which recognizes the positive outcome of the collective governance rights of IPs' territories to protect the Amazon from deforestation and biodiversity loss.</p> <p>Output 3 focuses on strengthening IPs organizations and their governance capacities to protect their territories.</p>	<p>The WWF proposed this project, which recognizes its strategic value for the organization in the region (Green Climate Fund, 2023, p. 3).</p> <p>The relevance of IPs' participation primarily concerns their collective territorial governance structures for environmental protection.</p>
FPIC	<p>The project plan was presented to a Zenú People's Council representative in feedback sessions.</p> <p>The representative's response was integrated into the project outputs.</p>	<p>The consultation workshops were conducted in alignment with the Amazon Vision Framework, with the participation of key Indigenous organizations. These included the National Indigenous Organization of Colombia (Organización Nacional Indígena de Colombia [ONIC]), the National Organization of Indigenous Peoples of the</p>	<p>FPIC is applied according to WWF standards and Colombian environmental screening criteria.</p> <p>Delegates from councils representing IPs' communities have expressed interest in the project due to its potential to strengthen the territorial rights of IPs by developing the technical capacities within communities to</p>

¹ Fondo Adaptación (n.d.-b).

THEME	FP056	FP134	FP203
		Colombian Amazon (Organización Nacional de los pueblos Indígenas de la Amazonía Colombiana [OPIAC]), the Roundtable of the Amazon Region, and the Indigenous Roundtable for Climate Change and the Environment in the Amazon. This comprehensive stakeholder involvement ensured the legitimacy of the consultation process.	conduct climate adaptation and mitigation actions.
Integration of IPs' knowledge	The Indigenous Peoples Plan recommends implementing institutional strengthening to nurture new leaders in climate adaptation. Additionally, it proposes establishing intercultural teams comprising the communities' young people and adult women and men. The exchange of knowledge was emphasized as fundamental to making the project accessible to the cultural diversity of the Zenú people.	The consultation process confirmed the importance of Indigenous knowledge systems in enhancing territorial protection and conserving the Amazon forest, particularly through territorial planning and the Indigenous "plan of life".	IPs have emphasized the importance of their traditional knowledge for the project, insisting that conservation agreements must respect subsistence activities, cultural practices and sacred sites through specific frameworks such as Decree 1500 (2018) for the Sierra Nevada de Santa Marta. Furthermore, consultation processes must be established with groups such as the Yukpa of Serranía del Perijá, who possess significant traditional knowledge about sustainable land-use despite lacking official reserves.
Country ownership	Alignment with the principles and adaptation strategies of the National Adaptation Plan is not mentioned, possibly reflecting that the National Adaptation Fund co-financed the project.	This project is centred on Colombia's National REDD+ strategy and the REDD Early Movers' Amazon Vision Framework, funded by the governments of Germany, the United Kingdom and Norway. ²	The project has conducted activities with the WWF's support since 2015 as part of the HECO programme implemented by the Ministry of Environment and Sustainable Development and the National Parks agency (Green Climate Fund, 2023, p. 4).

Source: Evaluation team review of Indigenous Peoples Plans of FP056, FP134 and FP203.

² Visión Amazonía (n.d.).

3. READINESS AND PREPARATORY SUPPORT PROGRAMME – STRENGTHENING THE CAPABILITIES OF INDIGENOUS PEOPLES IN CLIMATE FINANCE IN COLOMBIA

The grant was designed to empower IPs by enhancing their understanding and participation in climate finance and climate action projects. Implemented by Fondo Acción as the delivery partner, it focuses on building the capacity of Indigenous communities to engage in climate change adaptation and mitigation efforts. The initiative recognizes the vital role IPs play in environmental stewardship, rooted in their traditional knowledge and relationship with biodiversity and natural resources, which are crucial for developing sustainable, low-emission strategies (Green Climate Fund, 2019).

The grant funds targeted training that provides IPs with the skills to navigate complex financial mechanisms offered by agencies such as the GCF and integrate climate change considerations into their planning instruments, including Indigenous life plans. Its objective is to enhance their resilience to climate change impacts while enabling them to contribute more effectively to national and regional climate adaptation strategies.

The project aims to ensure that the voices of these communities are heard in the formulation of Colombia's national climate programmes by involving key Indigenous organizations such as the ONIC and OPIAC. This inclusive approach promotes collaboration between the government and IPs, fostering an environment where Indigenous perspectives are integrated into broader climate policy and action plans, thereby contributing to more sustainable and culturally appropriate outcomes.

A direct outcome of the RPSP is a guide on building the knowledge and skills of IPs, *Diálogo de Saberes y Herramientas para Impulsar la Acción Climática de los Pueblos Indígenas en Colombia: Una Guía para el Fortalecimiento de Capacidades de los Pueblos Indígenas en Cambio Climático y Financiamiento Climático*. The guide aims to enhance the wisdom and expertise of Colombia's IPs, enabling them to access climate finance effectively and engage in sustainable projects that address climate change (Colombia, Fondo Acción and Green Climate Fund, 2021).

The guide focuses on building capacity through practical tools and knowledge-sharing, empowering Indigenous leaders to incorporate climate finance into their planning processes, such as life plans. It covers key topics like climate change policies, environmental governance and the processes for accessing international climate funds. This approach ensures that Indigenous communities can protect their territories while contributing to climate mitigation and adaptation efforts.

Ultimately, the document is a crucial resource for IPs, facilitating their participation in national and international climate finance mechanisms. It reflects the broader goal of ensuring that Indigenous perspectives and traditional knowledge are integrated into climate action, promoting both environmental sustainability and the preservation of cultural heritage (Colombia, Fondo Acción and Green Climate Fund, 2021).

National government appoints a National Designated Authority (NDA) to represent them in their interactions with the GCF. Colombia's NDA includes two members from the National Planning Department (Departamento Nacional de Planeación – DNP), the Director of Environment and Sustainable Development and an NDA Technical Advisor. According to the GCF web page for Colombia, both are based in Bogotá. Additionally, the “Country Programming (2019) – Readiness Proposal”, prepared with Fondo Acción for Colombia, identifies the Territorial Deputy General Director of the DNP as the contact position (Green Climate Fund, 2019). It is worth noting that Colombia has not yet developed a country programme.

B. IPs IN COLOMBIA: POLITICAL CONSTITUTION AND LEGAL FRAMEWORK

The political representation of IPs is guaranteed under article 171, with the Legislative Act 02 of 2015 (Congreso de Colombia, 2015) amending the law through article 176 to secure a seat in the House of Representatives for Indigenous communities. IPs are also assured territorial autonomy, allowing them to apply their laws and customs, provided they comply with the Constitution's article 246. Their territories are recognized as territorial entities under article 286, which grants them the right to self-govern through their own authorities as designated in article 287. Article 329 requires the State to protect and develop these territories, reinforcing the autonomy of Indigenous councils, as defined in article 330.

Indigenous territorial entities and reserves are guaranteed to receive resources from the General Participation System to finance public services, including reserves that have not yet been constituted as territorial entities, as outlined in article 356. Until the anticipated legislation is implemented, the government may establish fiscal and coordination rules between Indigenous territories and other entities, as confirmed in article 329. Additional legal frameworks have been enacted over the decades, including regulations for creating associations of Indigenous councils.

The 1991 Colombian Constitution is notable for formally recognizing the country's multi-ethnic and multicultural identity and assigning a special role to Indigenous communities (Arruti, 2000). This acknowledgement and the country's other legal frameworks involving IPs are reflected in the fact that, although IPs represent only 3.4 per cent of the population (Indigenous Navigator, 2014), their reserves occupy approximately 31 per cent of the national territory (International Work Group for Indigenous Affairs, 2024).

Despite this, IPs in Colombia have historically been disproportionately affected by violence from armed conflicts. In September 2023, Indigenous communities in Nariño Province were forcibly displaced during episodes of armed violence, with some families reporting forced confinement. The Awá people in the southern Pacific region have already been declared at risk of extermination by the Constitutional Court in 2009, leading them to demand a quicker and more effective institutional response. The Constitutional Court then issued a ruling protecting the right of IPs to FPIC regarding the administrative configuration of their territories (Amnesty International, 2024). Order 004 from Corte Constitucional de Colombia (2009a) emphasizes the need for special measures to ensure the protection and rights of Indigenous communities displaced by the armed conflict, including prior consultation for decisions affecting their territories, citing the Awá people multiple times in its text.

Colombia's National Climate Change Adaptation Plan of Colombia (Colombia, Departamento Nacional de Planeación, 2018) highlights the importance of involving IPs in climate adaptation processes, especially through ecosystem-based adaptation, which values the traditional knowledge of local communities. The plan acknowledges the cultural, spiritual, and religious value of ecosystem services, especially for Indigenous communities, in the context of climate change's impact on the territory. It also notes how certain forms of natural resource exploitation exacerbate climate vulnerability, negatively impacting the life plans of Indigenous and Afro-Colombian communities.

The plan also details establishing a mangrove governance network that consolidates Indigenous forms of self-governance in mangroves and supports community-led research. Traditionally focused on mangroves, these studies promote the sustainable use of ecosystem goods and services. They also

support operationalizing and reinforcing governance structures for ethnic minorities, including black and Indigenous communities, to ensure the integrated management of mangrove ecosystems.

Although FP056 is designed to implement climate adaptation actions, its Indigenous Peoples Plan does not mention its alignment with the National Adaptation Plan or its methodologies for examining nature's spiritual and religious value for IPs. However, the FP134 Indigenous Peoples Plan aligns with the Amazon Vision Framework and Colombia's national REDD+ strategy.

1. FREE, PRIOR AND INFORMED CONSENT IN COLOMBIA

FPIC is a fundamental right of IPs, internationally recognized by the following:

- *Indigenous and Tribal Peoples Convention* (Convention 169/C169) (International Labour Organization, 1989)
- *United Nations Declaration on the Rights of Indigenous Peoples* (United Nations, 2007)
- *American Declaration on the Rights of Indigenous Peoples* (Organization of American States, 2016)

In Colombia, the right to FPIC was ratified nationally by the *Law 21 of 1991* (Colombia, Departamento Administrativo de la Función Pública, 1991b). This incorporates Convention 169 into the country's legal framework, requiring governments to consult IPs, particularly through their representative institutions, whenever legislative or administrative measures directly affect them. FPIC must ensure their free and equitable participation in decisions, including mechanisms that allow for the full development of their initiatives with the necessary resources. The process must be conducted in good faith, seeking agreement or consent. When the state has rights over minerals or natural resources on Indigenous lands, it must consult with the potentially affected IPs about the impacts, ensure their participation in the benefits and offer fair compensation for damages. FPIC is also required in cases of land alienation and educational programmes, prioritizing the use of native languages and encouraging Indigenous autonomy in organizing these initiatives (International Labour Organization, 1989).

A significant milestone in defending IPs' rights to FPIC was the Constitutional Court of Colombia's *Ruling T-769/09* (Corte Constitucional de Colombia, 2009b). This reinforces the protection of IPs' territorial rights, ordering the government to implement measures to prevent third-party invasions of their territories. Additionally, it establishes FPIC for Indigenous communities as a fundamental tool to preserve their ethnic, social, economic and cultural integrity. This right is intended to ensure that communities participate in decisions directly affecting their territories, especially in cases of natural resource exploitation. Before any exploration activity or FPIC process begins, the Ministry of Environment must conduct a detailed study to identify potential rights violations and environmental impacts. The Ministry of Interior is prohibited from proceeding with the FPIC process if any violation is found.

Some Colombian IPs have autonomous FPIC protocols (International Work Group for Indigenous Affairs, 2019; Confederación Indígena Tayrona "C.I.T." Organización del Pueblo Arhuaco, 2017; Instituto de Estudios para el Desarrollo y la Paz and Joanna Barney, 2022). In addition to the provisions in national and international legal frameworks, these protocols set their own rules to regulate relations and define the methods and procedures that must be followed for any plans, projects or activities proposed in their territories. These protocols ensure that the unique characteristics of each Indigenous society are respected, regardless of whether the proposed action has a positive or negative impact (Instituto de Estudios para el Desarrollo y la Paz and Joanna Barney, 2022).

Decree 2353, issued on 26 December 2019 (Colombia, Ministerio del Interior, 2019), establishes the procedures, guidelines, methodologies, protocols and tools necessary for conducting FPIC processes. The Directorate of the National Authority coordinates these for prior consultation, an agency linked to the Ministry of the Interior, to ensure consultations are conducted properly and according to established standards, as established by the *Presidential Directive 10 of 2013*. The processes consist of five stages: certification, coordination and preparation, pre-consultation, consultation, and follow-up (Colombia, Ministerio del Interior, 2013).

The Colombian legal framework regarding FPIC is comprehensive, particularly for actions with potential negative impacts on Indigenous territories. Regarding potentially beneficial actions within development projects involving Indigenous territories, the guarantee of FPIC rights is formalized in *Presidential Directive 1 of 2010* (Colombia, Departamento Administrativo de la Función Pública, 2010). This Directive addresses actions involving:

- The organization and functioning of general professional training programmes.
- Teaching children in their Indigenous language or the most spoken language within the group.
- The formulation, design or execution of research projects conducted by public entities related to the natural, biotic, economic, cultural or religious resources of ethnic groups.
- The adoption of measures concerning the health and disease of National Ethnic Groups, except in emergencies that compromise the right to life.
- The implementation of priority measures related to the development of a National Ethnic Group.
- Other cases are expressly determined by legislation.

2. NATIONAL LEGISLATION FRAMEWORK AND THE PROTECTION OF IPS RIGHTS IN COLOMBIA

In Colombia, the legal framework for protecting IPs is marked by strong, enforceable language that reflects its commitment to upholding Indigenous rights. The 1991 Constitution of Colombia is foundational in this regard, as it explicitly acknowledges the rights of IPs over their territories, cultural preservation and participation in matters that affect them. For instance, article 329 grants autonomy to Indigenous communities to manage their territories, representing a powerful expression of territorial sovereignty. Additionally, article 330 requires that natural resource exploitation within Indigenous territories must involve the participation of the respective Indigenous communities and grant them a proactive role in decision-making processes (Colombia, Departamento Administrativo de la Función Pública, 1991a).

One of Colombia's strongest legislative provisions is the requirement for prior consultation under ILO Convention 169 (Larsen, 2016; International Labour Organization, 1989), which Colombia has ratified. This binding international convention strengthens Indigenous rights in Colombia's legal framework. Prior consultation ensures that Indigenous communities have the right to be consulted before any legislative or administrative measures that could affect them are taken, especially regarding resource extraction and land-use. The language of the Convention is unequivocal, obligating the state to "ensure" consultation and participation, marking a clear legal obligation rather than a discretionary measure.

Moreover, the Colombian Constitutional Court has successfully enforced these rights through its rulings (Larsen, 2016; Zillman, Lucas and Pring, 2002). For example, in the Atrato River case, the Court recognized the river as a legal subject with rights and mandated that Indigenous communities

must have a say in its environmental governance (Larsen, 2016). This landmark ruling reinforces the legal strength of environmental and Indigenous rights by going beyond human rights to embrace the rights of nature, profoundly linking them to Indigenous cultures.

Colombia's legal framework is notable not only for these legal provisions but also for its strong language, using terms like "obligate", "require", and "ensure", which establishes clear, actionable mandates for state authorities (Larsen, 2016; Macpherson, Torres Ventura and Clavijo Ospina, 2020). These contrast with weaker regulatory frameworks seen in other countries, where terms like "consider," "promote", or "encourage" leave more room for discretion and often result in less concrete enforcement.

Colombia's courts have consistently upheld the Constitution's strong provisions, establishing a higher standard for compliance with Indigenous rights and environmental protections. The legal framework is proactive, offering Indigenous communities multiple mechanisms to challenge violations of their rights. One such mechanism is the *acción de tutela*, which allows them to defend their constitutional rights when infringed upon (Larsen, 2016; Macpherson, Torres Ventura and Clavijo Ospina, 2020).

To ensure the enforcement of the constitutional and legal framework for protecting IPs, Colombia has created governmental entities dedicated to promoting and protecting their rights. Consequently, actions funded by international organizations in the national territory that impact IPs, Afro-Colombians and other minorities must respect their authority and adhere to the country's regulatory framework and operational guidelines. The most prominent of these bodies at the national level are the Directorate of Indigenous Affairs, ROM and Minorities (under the Ministry of the Interior), the Office of the Ombudsman, and the ONIC.

3. ORGANIZATION OF NATIONAL ENTITIES RELATED TO THE IPs OF COLOMBIA

Ministry of the Interior – Directorate of Indigenous Affairs, ROM and Minorities

The Ministry of the Interior houses a directorate dedicated to advising on and formulating public policies for IPs, Afro-Colombians and other minorities. Although not exclusively focused on IPs, the directorate is responsible for evaluating, monitoring and coordinating actions to protect the territorial, cultural, social and economic rights of these groups. It also ensures their active participation in making decisions that affect them. The directorate's responsibilities also include ensuring prior consultation processes for communities, promoting environmental protection, advancing benefits for women and families, and monitoring reparations for victims to ensure justice and equity (Colombia, Ministerio del Interior, n.d.).

Office of the Ombudsman

The Office of the Ombudsman is a public institution with a dedicated section for the rights of IPs. Its work focuses on protecting and promoting human rights for Indigenous communities and other minorities in matters involving government participation. Its responsibilities include conducting assessments and improving public understanding of protecting and respecting human rights (Defensoría del Pueblo, n.d.).

National Indigenous Organization of Colombia

The ONIC is an Indigenous Peoples organization (IPO) established to mediate negotiations and formulate policies between IPs and the State, safeguarding Indigenous autonomy and rights. It was established in 1982, based on the guiding principles of unity, territory, culture and autonomy, Mother Earth as the source of life, and the harmony and balance that structure Indigenous laws and systems (National Indigenous Organization of Colombia, n.d.). Despite being just a non-

governmental entity, the ONIC plays a crucial role in defending Indigenous rights. Its roots trace back to the peasant struggles of the 1960s when IPs joined the fight for land and to the formation of the Regional Indigenous Council of Cauca in the 1970s, which encouraged the creation of regional organizations and an Indigenous political platform.

The National Congress of IPs is the highest governing authority for IPs rights within the ONIC. It meets every four years to set the organization's activities and policies in the Political Mandate, with delegates from affiliated organizations participating. When the Congress is not in session, the National Assembly of Indigenous Authorities, composed of senior councillors from the ONIC affiliates, acts as the highest authority. Additionally, as a part of ONIC, the Indigenous Parliament is responsible for drafting and discussing laws within the framework of Indigenous autonomy (National Indigenous Organization of Colombia, n.d.). The ONIC also has the Greater Government Council and the National Council of Indigenous Justice, which have the same hierarchical status as the Indigenous Parliament and 10 other advisory departments (National Indigenous Organization of Colombia, n.d.).

In 2005, the National Indigenous Training School was established to strengthen the political and organizational capacities of Indigenous communities. It aims to reinforce IPs' cultural identity and sense of belonging by integrating their learning traditions with modern scientific and technological knowledge while preserving their cultural roots and ancestry (National Indigenous Organization of Colombia, n.d.).

C. KEY FINDINGS

1. EFFECTIVENESS AND EFFICIENCY OF THE IPs POLICY IN MEETING ITS OBJECTIVES

The success of projects involving IPs hinges primarily on conducting a proper and thorough FPIC process that respects IPs temporality³ and their evolving social, economic, environmental, cultural and territorial contexts.

All projects have been evaluated in Colombia, and interviewees ranging from the NDA to IPOs', including the AEs, generally agree that applying the GCF IPs Policy for FPIC has been challenging due to the national and local realities of IPs in the country.

Box 1. Local realities and adaptation needs

Iglesias and others (2021) stated that **local realities** refer to a region or community's specific environmental, social and contextual conditions that influence risk perceptions and climate adaptation needs. These realities include variables such as local dynamics of environmental degradation, water resource availability, and contextual conditions of agricultural or urban land-use. Each locality has unique experiences that shape how individuals and communities respond to external interventions and climate

³ In the context of the territorial rights of IPs in Colombia, temporality is a complex concept, as the Indigenous perspective does not align with the urgency or the linearity often required by formal processes. For community leaders, the harmonization of the territory and social justice concerning territorial rights are found in the ancestral past, rather than in a future construction. This means that, in important decision-making processes such as FPIC, Indigenous communities may require more time to assess the impacts based on their ancestral memory. Therefore, the FPIC process must consider this historical and spiritual temporality, allowing IPs to reflect and make decisions at their own pace.

challenges. Considering that local realities widely differ is essential to ensure that adaptation actions are relevant and effective, respecting each community's specific needs and circumstances.

Applying the GCF IPs Policy throughout the project cycle relies mostly on answering “yes or no” questions in FPs and APRs, leaving limited room for proper and deeper reflection on the potential risks to IPs.

Interviewees also suggested the GCF's monitoring framework could better align with the complex local realities of IPs communities. Better alignment would enhance the potential for effectively identifying and managing risks throughout the project.

In the initial design of the La Mojana project, issues with the geographical delimitation excluded some IPs' groups, leading to a lack of trust from IPs regarding the AE's ability to manage the project. These conflicts were resolved after an IPs' organization (ONIC) was included in the project design and FPIC process.

The evaluation found that many interviewees consider the GCF IPs Policy too strict and insufficiently integrated* with national, regional, and local FPIC protocols, despite it allows national policies and laws for Indigenous Peoples to be applied.

There was a general agreement among the interviewees that the language of the Policy is weaker than the national regulatory framework, particularly regarding the Colombian Constitution, even though the Policy allows the use of national laws and regulations regarding IPs where relevant. This difference in approaches can lead to tensions in projects, as IPs and their representatives have campaigned for years to establish stronger language within the national framework. In contrast, the IPs Policy is designed to be flexible and accommodate diverse country contexts. However, it is perceived as misaligned with the evolving needs of communities, leading to a sense of disconnection within GCF projects. As perceived by AEs, EEs and the NDA, this sense of disconnection has caused delays in project implementation and disagreements among community members and the entities involved in the project.

To be effective, applying the Policy in project implementation must include strengthening IPs organizations and community members, integrating them and trusted individuals alongside project implementation staff.

Achieving respect for and enhancement of IPs' knowledge and governing practices most often occurred in projects where IPO members received capacity-building and were actively involved in developing the FPIC as part of the project's design processes. Involving IPOs resulted in positive outcomes for the environment and social relationships within IPs' communities. For example, in La Mojana, including the Indigenous organization ONIC with UNDP in the FPIC process, project design and implementation helped resolve pre-existing internal conflicts. Together, ONIC and UNDP mediated community disputes, leading to improved project outcomes.

On the other hand, IPs representatives noted that when the staff conducting the FPIC process are not trusted by the community members or lack full awareness of the local context, it can erode the community's confidence in the institutions involved, including the GCF. This loss of trust often results in poor project outcomes as community members disengage with the project's implementation.

Working with IPs introduces additional risks to projects, highlighting the need for the GCF to strengthen its implementation of the Policy. Improved monitoring and evaluation mechanisms are needed to identify and manage risks effectively and promptly.

Most interviewees expressed concern about the monitoring and evaluation process of the risks to IPs in GCF-funded projects. They emphasized that the GCF should pay closer attention to the risks of internal and external conflicts during project implementation.

- **Some interviewees expected that apart from the AEs, GCF staff visit or evaluate the projects**, reflecting concerns that the GCF remains distant from the field and may not fully grasp the project's overall context.
- **AEs have their own risk monitoring and evaluation systems.** In Colombia, these are usually more appropriate to the local context than the GCF framework.

The high standards of the GCF IPs Policy can encourage other AEs and DAEs to improve the quality of their policies and operational guidelines towards IPs.

AEs operating in Colombia noted that the Policy led them to improve their practices and policies in projects involving IPs.

Overall, interviewees in Colombia perceived the Policy as aspirational but mostly ineffective in practice. In other words, while the Policy aims to provide a structure that ensures GCF activities are developed and implemented to fully respect, promote and safeguard IPs, its application within Colombia's complex Indigenous contexts is largely seen as ineffective in achieving the GCF's objective of delivering culturally appropriate benefits for IPs.

The GCF's monitoring and evaluation tools, such as APRs, are widely perceived as having limited capacity to anticipate risks. Interviewees noted that applying the Policy for risk identification and management focuses primarily on managing and mitigating risks rather than proactively avoiding them. Furthermore, the GCF's risk identification and management tools are considered poorly suited to the rapidly changing contexts of IPs, as they do not enable timely action. This often results in delayed responses to emerging conflicts, hindering the GCF's ability to achieve the Policy's objective of ensuring IPs do not suffer harm or adverse effects from the design and implementation of GCF-financed activities.

2. RELEVANCE OF THE POLICY TO THE CONTEXTS OF THE PROJECTS

In Colombia, the national, regional and communitarian FPIC protocols are stronger and more appropriate to the cultural and territorial contexts of the IPs communities. This is because such protocols are developed by IPs members, ensuring they align with their culture and language.

In the case of the La Mojana project, the articulation and consultation were triggered by local and communitarian demands, and the FPIC processes followed protocols established by ONIC, OPIAC, the UNDP and governmental guidelines. As described earlier, the Policy permits the use of national FPIC protocols, underlining the importance of adopting protocols developed by IPs. The Policy's provision for using national and community-developed FPIC protocols highlights its significance, as it enables incorporating IPs practices and priorities into project implementation.

3. COHERENCE OF THE POLICY

The GCF offers comprehensive frameworks to improve the quality of the climate rationale in project designs and proposals involving IPs.

Interviewees note that the GCF's leadership in promoting climate actions has enhanced the integration of climate adaptation and mitigation frameworks within the local contexts of IPs. This

has improved the quality of the climate rationale in projects involving IPs, strengthening the relationship between climate actions and protecting human rights.

4. COUNTRY OWNERSHIP PRINCIPLE

Enhancing the country ownership principle ensures that GCF policies offer the flexibility required to allocate sufficient time to properly articulate IPs-related projects so they align with national policies and priorities.

Aligning the GCF with the national, regional and local policies and priorities is essential for developing effective proposals and feasible projects.

The RPSP has been instrumental in this, particularly within the project led by Fondo Acción, which was designed to align the GCF's national climate finance priorities with the specific needs of IPs communities. This project promoted local governance and integrated the perspectives of Indigenous communities into climate finance decision-making (Green Climate Fund, 2019). Key results from the project include the following:

- **Promoting structured consultations:** The project organized workshops and dialogues with Indigenous leaders, allowing them to express their climate priorities and challenges.
- **Designing and enhancing participatory frameworks:** These frameworks empowered IPs to actively participate in decision-making, formalizing their role in project design and implementation rather than limiting them to a consultation role.
- **Incorporating Indigenous knowledge into national policies:** Local governance was strengthened by incorporating Indigenous ecological knowledge into national climate policies, ensuring traditional practices were respected and utilized in climate adaptation strategies.

The main limitation of the country ownership principle for IPs is that government climate priorities are often misaligned with those of IPs, undermining opportunities for projects with benefits for IPs to be designed and accessed via the GCF.

Interviewed IPs said they are not always satisfied with the government's involvement in projects implemented in their territories, particularly when their rights as an Indigenous group are not recognized. While the government includes IPOs such as ONIC in the technical and operational committees of ongoing projects, it was acknowledged that national ministries often fail to understand the self-governance principles of IPs. This lack of awareness hinders meaningful collaboration between the government and IPs during the origination of projects, especially during the design and submission of FPs to the GCF.

Although the GCF operates under the country ownership principle through the non-objection procedure, the NDA has raised concerns about its lack of participation in project monitoring and evaluation, particularly in identifying and managing potential risks for IPs.

The NDA expressed significant concern over their limited capacity to intervene in projects where the government is neither the AE nor the EE, particularly regarding risks to IPs in REDD+ projects.

5. GENDER CONSIDERATIONS ALONGSIDE IPs

Overall, the interviews indicated a broad perception that gender integration within projects involving IPs was implemented effectively. The GCF Gender Policy was seen as comprehensive and robust, providing clear guidelines that enabled AEs and IPOs to achieve tangible results for Indigenous women.

All stakeholders interviewed in Colombia – including AEs, DAEs, IPOs, the NDA and EEs – agreed that integrating the GCF IPs Policy with the GCF Gender Policy promoted a shift from merely including gender considerations to deeply integrating women in the design of activities. The GCF Gender Policy was considered a strong and implementable policy. The inclusion of women in FPIC processes was seen as enhancing biodiversity protection through their unique environmental knowledge while strengthening community resilience through their economic and political empowerment.

6. SUSTAINABILITY

Uncertainty about a project's continuation can discourage communities from remaining engaged. However, strengthening collaborative networks and aligning efforts with the government has increased the possibility of accessing other funding sources, potentially improving long-term project sustainability.

7. UNINTENDED EFFECTS – POSITIVE AND NEGATIVE

a. Unintended negative effects

The requirement to include governmental agencies in the project proposal has caused internal divisions and conflicts in IPs communities, affecting the project's cohesion and progress.

Achieving cohesion among conflicting stakeholders has been one of the most significant challenges in project design and implementation, adding complexity and delaying essential FPIC processes. This has caused divisions within communities, as members hold differing views on the involvement of government agencies. Local governments maintain positive relationships with IPs in some regions, while these relationships are less amicable in others. Since the FPIC seeks to secure consent from all communities involved in a project, conflicting views about including governmental agencies can delay the process and trigger internal conflicts within and between communities.

The lack of direct access to IPOs has caused divisions within communities, which have been resolved after the participation of ONIC in the FPIC processes. The lack of direct access for IPs to the GCF has eroded their trust in the project, triggering internal conflicts within communities.

Box 2. The role of Indigenous Peoples Organizations in fostering engagements

According to Segovia-Tzompa (2023), when international funding organizations such as the Adaptation Fund and the GCF prioritize intermediaries such as international organizations over granting IPOs direct access to resources, Indigenous communities often view this as undermining their agency, reducing transparency and disregarding their unique knowledge systems. This lack of direct funding and involvement in the project design can diminish their trust in international institutions, as it reinforces historical power imbalances and limits Indigenous influence over projects affecting their lands and resources.

For example, during the FPIC process of the La Mojana project, some Indigenous community members agreed to be indirect beneficiaries. In contrast, others insisted on accepting the project only if their organizations retained autonomy over the management of resources allocated to them.

In these cases, the participation of an IPO, such as ONIC, has been crucial in reaching agreements among community members with differing views.

ONIC's involvement in the FPIC process for the La Mojana project was critical in mediating pre-existing internal conflicts and strengthening the communities' ability to collaborate and achieve positive outcomes while reducing risks. After identifying unintended negative outcomes resulting from an inadequate FPIC

process, the AE partnered with ONIC to mediate these conflicts. This collaboration had a positive impact on communities and overall project outcomes.

b. Unintended positive effects

Under ONIC leadership and following the integration of gender considerations, the appropriate FPIC approach was applied according to communitarian protocols and community rules, resulting in permanent changes to the communities' consultation protocols.

Communities indicated they felt better prepared to articulate project design and participate in the FPIC and implementation processes. Additionally, Indigenous women reported feeling more empowered to engage in community decision-making processes as the project offered dedicated spaces for their participation.

8. INNOVATION AND IPS KNOWLEDGE

The GCF's business model limits its capacity to engage with IPOs. Interviewees from IPOs, DAEs and AEs noted that the complexity of the GCF's compliance process requires significant levels of financial management capacity which restricts the participation of self-governing IPOs. This is particularly concerning given the crucial role IPOs play in Colombia. The GCF's access modalities do not permit the integration of AE mechanisms to provide direct access to IPOs in GCF projects. This limitation reduces the IPOs' ability to help the GCF ensure that its approaches are more inclusive of IPs.

D. LESSONS LEARNED

- **The GCF IPs Policy should be used to facilitate the involvement of AEs with the national authorities** in the design of projects involving IPs aligned with national priorities.
- **Colombian IPs expect their knowledge systems to be scientifically recognized by international climate organizations, including the GCF, not just in their rhetoric but through tangible actions, as reflected in the following points:**
 - **Strengthening IPO participation:** IPOs are better equipped to implement projects with IPs than international organizations and expect the GCF to ensure the active involvement of IPOs in project design and implementation.
 - **Respecting Indigenous culture and governance:** IPs' culture, self-governance protocols, and temporality must be respected and enhanced to allow them to articulate, understand, and design projects effectively.
 - **Reframing climate science discourses:** IP's legitimacy, autonomy, and meaningful participation in climate finance requires a shift in climate science narratives.
- **The key demand for innovation is to develop modalities that will increase IPs' direct access to the GCF. According to AEs and Indigenous organizations, the GCF should commit to:**
 - Integrating climate with humanitarian actions to increase the legitimacy of IPs organizations, enabling them to access the GCF.

- Developing funding modalities that integrate with existing AE mechanisms, providing direct access to IPs.
- Requiring IPOs to serve as EEs in projects involving IPs, increasing IPs' trust in the GCF.
- **IPs Policy provisions regarding national legislation are not fully understood.**

Government legislation on IPs is stronger than the requirements in the GCF IPs Policy. AEs must explore ways to comply with the Policy's requirements while applying national laws as the Policy permits. The key to ensuring the project's alignment with national legislation and the GCF IPs Policy is stronger coordination by AEs with the NDA, IPOs and civil society organizations.

Appendix 1. LIST OF INTERVIEWEES

FULL NAME	POSITION	AFFILIATION
Rubén Oviedo	Member	Cabildo Cayo la Cruz Advisory Committee
Margarita Imbett Sierra	Community leaders Lomas de Palito	Casica Resguardo Chincelejo community group
Jimena Cortés	Contractor	National Planning Department (DNP)
Lina Castaño	Coordinator of the climate finance group	DNP
Lucio Santos	Forestry Officer REDD+ Team	FAO
Maria Alejandra Chau	Senior Natural Resources and Governance Specialist	FAO
Elizabeth Valenzuela	Technical Director	Fondo Acción
Luisa de Francisco Huerta	Project Coordinator “Strengthening the Business Sector in Climate Risk Management for the Efficient Use of Water Resources”	Fondo Acción
Pablo Devis	Climate Change Coordinator	Fondo Acción
Danilo Tapia	Community leaders San Marcos	Montegrande Indigenous Council
Alexannder Bolaños	Community leaders Lomas de Palito	ONIC
Beatriz Vivas	Counsellor of Planning, Administration and Finance	ONIC
Eduardo Lozano Bonilla	Legal adviser	ONIC
Alexander Bolaño Luna	Coordinator	ONIC La Mojana
Dayana Vergara	Social worker	ONIC La Mojana
Maribella Machado	Agroecosystem Engineer	ONIC La Mojana
Oriana Cortés	General Coordinating Advisor	OPIAC
Carlos López	Leader	Own Economies Office
Sandra Milena Araque	Environmental and social standards	UNDP
Álvaro Lomineth	Water Resources Analyst	UNDP Mojana
Diana Isabel Díaz Rodríguez	Coordinator of the Mojana project	UNDP Mojana
Eva Guzman Martelo	Agroecosystems Analyst	UNDP Mojana
Juan Manuel Lopez	Administrative team	UNDP Mojana
Marío Ruiz	Knowledge management and outreach at	UNDP Mojana

FULL NAME	POSITION	AFFILIATION
	the subregional level	
Oriana Vega	Monitoring and evaluation Analyst	UNDP Mojana
Pablo García	Geographic information system	UNDP Mojana
Rafael Mundaray	Early warnings	UNDP Mojana
Sebastián Osorio	Technical Assistant, Safeguard San Marcos	UNDP Mojana
Carlos Mauricio Herrera	Director of Conservation and Governance	WWF
Ximena Barrera	Director of Government Relations and International Affairs	WWF
Carolina Diaz Giraldo	Director of Environment and Sustainable Development	
David Silva	Community leaders San Marcos Captain of Caño Viejo Cuiba	
Filadelfo Ortega Romero	Community leaders Lomas de Palito Captain of Tacasuan	
Julio Cotera	Community leaders San Marcos Captain of Florida Town Council	
Lísida Lopez	Community leaders San Marcos Captain of Marusa Indigenous Council	
Máxima Polo	Captain of the Oasis Community leaders San Marcos	
Naí Gómez	Delegate of Captain Pital Community leaders San Marcos	
Rosanna Ovalle	Biodiversity Group Coordinator	
Sergio ignacio caldera Bustos	Captain of the Lomas de Palito community	
Yesid Solano	Indigenous Council Santo Domingo Vidal Community leaders San Marcos	

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