

Solidarity Fund for Defenders of the Commons and ICCAs — IUCN Headquarters, Gland (Switzerland) 19th and 20th November 2015 Meeting Report



Participants are listed on Attendance List.

Translation for Diel and Didja provided by Ellen, Bertrand and Elisabetta

Notes prepared by Sarah Ryder with gbf and written inputs from many meeting's participants

Pictures by M. Taghi Farvar

Highlighted for follow-up
Hypotheses to be checked

Thursday 19 November – morning

Introductions

Grazia Borrini Feyerabend – Global Coordinator ICCA Consortium. We are in this room at the IUCN Hq. thanks to the IUCN Global Protected Areas Programme, which supports this Consortium's initiative as part of follow-up to our collaboration at the World Parks Congress (Sydney, 2014)

Myra de Bruijn – International Secretariat of Friends of the Earth International. 75 member groups worldwide, based in Amsterdam. Many groups are working to defend their control over natural resources and land. Some members work with ICCAs at a national level.

Elisabetta Cangelosi – International Land Coalition, based in Brussels – network of more than 600 organisations (including ICCA Consortium). Works on women's rights and land rights defenders.

Ellen Desmet – Putumayo Foundation in the Peruvian Amazon – helping against mining threats.

Taghi Farvar – President ICCA Consortium, UNINOMAD and CENESTA Iran.

Delfin Ganapin - Global Manager UNDP GEF SGP. Used to organise communities in the Philippines during the period of martial law.

Terence Hay-Edie – Biodiversity Programme Advisor UNDP GEF SGP. Has been involved with the Consortium for many years. Based in Bangkok.

Emma Lee – Melythina tiakana warrana Aboriginal Corporation (name means "heart of country"), in Tasmania (Australia).

Diel Mochire Mwange – From Bambuti community in the DRC. Works with PIDEF and is representative of the indigenous peoples' network REPALEF. Since 2012, they have worked with the

Consortium to secure their land rights. Also new members of ILC. Here to share with you several challenges that we are facing as communities.

Dario Novellino – works with groups on the ground in south-east Asia. Looking for very interactive meeting which results in concrete results for people in the field.

Rupert Quinlan - Campaign Director, Global Witness. Now based in London but previously worked in Australia on Aboriginal land claims.

Hal Rhoades – Gaia Foundation UK (member of the ICCA Consortium). Works on indigenous knowledge revival and protecting land. Most partners are based in sub-Saharan Africa. Works on 'Yes to Life, No to Mining' campaign.

Sarah Ryder – Programme Manager ICCA Consortium.

Bertrand Sansonnens – Swiss member of FOEI, Pronatura. Member of forest and biodiversity programme steering group of FOEI. Looking to bring work of FOEI and Consortium closer together.

Didja Tchari Djibrillah - Association des Femmes Peuples Autochtones, Tchad. Works on conservation of biodiversity and environmental protection, improving the living conditions of indigenous women and child health issues. Based in Geneva for 6 months to work with UN and learn how they deal with indigenous issues at the international level.

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| Recall of the genesis of the Solidarity Fund idea and objectives of the meeting – Grazia Borrini-Feyerabend (Presentation available on request) |
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Dario proposed this initiative at the time of the VIth General Assembly of the Consortium in Valdeavellano (Spain), which did not discuss it in depth but broadly approved its going ahead. Took a couple of years to develop the idea, find funding and organise for the consultancies and a series of events. The Consortium is strongly supported in this by a number of its members organisations, including some not present in the room due to financial and workload constraints (see the list of supporters).

Introduced ICCAs and gave the 3 defining characteristics:

1. an indigenous people or local community possesses a close and profound relation with a site (territory, area or habitat);
2. the people or community is the major player in decision- making related to the site and has *de facto* and/or *de jure* capacity to develop and enforce regulations;
3. the people's or community's decisions and efforts lead to the conservation of biodiversity, ecological functions and associated cultural values, regardless of original or primary motivations

It is important to note that ICCAs not only conserve environments but also secure livelihoods. They embody the capacity of communities to adapt in the face of change (resilience), are an occasion for empowerment of indigenous peoples and local communities and a source of pride for the local youth. But they are under immense threat, some from outside and some from within. The Consortium is rooted in the movements that promoted equity in conservation around the turn of the millennium. Its mission is to promote the appropriate recognition of ICCAs and appropriate support to them. Currently there are 88 Members and about 200 Honorary Members. The Consortium works at local, national and international level. Main strategy is to demonstrate what is happening at local level + change policies at international level... and pressure/squeeze the national level to respond. We have a moral imperative to support the people on the ground who suffer from discrimination, threats, killing, displacement, etc. That is why we called this meeting and we are here.

Works with CALG (Coalition Against Land Grabbing) – Linked to Consortium and has collaborated with FOEI. This presentation is based on reports that were commissioned by the ICCA Consortium in Asia and Africa. Quotes from report of Global witness: each week at least 2 people are killed for taking a stand against environmental destruction – 40% of victims are indigenous people. Used example of **Philippines** to summarise what is happening around the world. Philippines is a hotspot and a mega diversity area, making it a priority for conservation. Forests serve as home to 12 million indigenous people but forest cover is being lost very quickly. The Philippines is among the countries with the highest number of cases of extrajudicial killing, torture and enforced disappearance. Why has this situation become so bad? There has been strong presidential support for mining interests. Armed forces have been mobilised to protect mining investments and ‘cleanse areas of insurgents’. Communities have been broken from outside and from within by increasing militarisation and rise of paramilitaries. Forced recruitments have taken place. Blackmailing. The situation now is that members of the same tribe are fighting one another. All this happens despite very good and strong laws governing indigenous peoples’ land rights. People are being forced to leave their territories. There is much protest in Manila, the struggle for the environment is linked with a struggle for survival. What happens when people oppose mining interests? They are accused of being members of banned organisations. Currently many indigenous people are facing charges of rebellion, arson, illegal possession of firearms in criminal cases. The filing of trumped up criminal charges to leaders of defenders of commons organisations is an increasing trend. Gave several concrete examples concerning mining operations and palm oil plantations. The issue of prevention is very important. People do not have the financial means to move away or protect themselves. Oil palm plantations – after 30 years growing oil palms, soil quality becomes so poor and cannot be rehabilitated so that companies must find new land to buy and use. This is what is driving the expansion of these plantations.

Problems in The Philippines (as listed by Human Rights Watch):

- lack of political will to change
- military resistance to accountability
- dysfunctional criminal justice system

Several indigenous peoples’ societies in the Philippines traditionally do not have chieftainships, highly egalitarian. Some of them have limited interaction with the outside world which makes them vulnerable to exploitation from false and exaggerated promises. In the absence of strong leadership amongst indigenous communities and due to intra-community factions (e.g. pro-mining versus anti-mining) it is becoming increasingly difficult to mobilize a strong and uncompromising opposition to mining and large-scale agribusiness.

For local indigenous people-based organisations such as those in Mindanao, the struggle for environment is totally intertwined with the struggle for self-determination, and defence of cultural/ancestral rights. Today, the magnitude of the problem caused by the expansion of mining and large-scale agribusiness is such, and the forces behind it so powerful, that local communities are encountering serious difficulties in opposing corporations without the support and mobilisation of NGOs and Civil Society at the national and international levels.



The 5th meeting on human rights and agribusiness in Southeast Asia just took place on 5th & 6th Nov 2015 with 93 participants. This was a practical and very tangible example of how the international community can support the Defenders of Commons and ICCAs. This was also different from previous meetings as indigenous peoples were able to show what is actually happening by guiding an international mission to the impacted areas. The media were invited to highlight what is happening and pose questions to government. An outcome of the meeting was a call for public inquiry into land grabbing by palm oil companies. Restraining orders will be filed against companies while complaints by impacted communities are investigated. In addition to this, local communities felt inspired and regained a new energy to oppose the interests of oil palm companies.

Anglophone Africa (summary of Report produced by Kanyinke Sena) – According to the World Bank, 90% of Africa's rural land is undocumented making it very vulnerable to land grabbing with poor compensation. Key issues are the demands for agriculture, biofuels and raw materials. There has been a massive increase in mining and logging concessions, and land acquisition for infrastructure. Rural people are displaced to make way for all this. Published statistics on killings underestimate the problems as they often happen in remote areas with limited reporting. Gave several concrete examples from English speaking Africa.

Overall, it would appear that a gap exists between international-based debates on ip's rights and what actually happens in the field. Despite all progress made at the international advocacy level, the real voices of the Defenders of Commons and ICCAs are rarely heard and global policies have seldom resulted in appropriate local policies.

In sum: what is a Solidarity Fund needed for?

1. We must help the defenders because they are fighting for the very things that we want to protect as well.
2. We must ensure that efforts at the international level are reflected at the local level. Policies, declarations, conventions, international standards need to be matched by action on the ground. The connections between the two need to be strengthened. People on the ground must be placed in a position to understand and interact with the international level.

To conclude, a Solidarity Fund could really help communities to develop their internal forces, advocacy strategies and actions so as to better resist and avoid being completely overwhelmed by outside forces.

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| Ellen Desmet (Putumayo Education Foundation) reporting for Latin America (Presentation available on request) |
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This issue should be examined from a HR perspective. Defenders of Commons and ICCAs can be viewed as a specific group of HR defenders under the 1998 [Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms](#) and the 1671 Resolution of the General Assembly of the Organisation of America States (OAS). They are vulnerable subgroups as part of a broader perspective that sees both indigenous peoples and local communities to have collective rights (the latter also by virtue of ILO Resolution 169 and the 2007 UN Declaration on the Rights of IPs).

Offers several concrete examples from Latin America (Peru, Nicaragua, Chile...). Report mentions videos and documentaries which have been made about specific cases.

Types of risks:

1. Stigmatization and defamation
2. Threats
3. Legal action
4. Murders
5. Forced displacement
6. Confinement
7. Militarization

Fund is needed because of

1. high levels of risk under which some peoples live
2. currently most support goes to defending *civil and political* rights defenders
3. ICCAs have their own vision of 'development' which is often in contradiction with other views of development, this can create extra forms of marginalisation and impact on their ability to attract funding and support.

There is the experience of "Protection Fund for Defenders of Land Rights" in Colombia 2011-2012 from which we can learn. (Short discussion on corporate responsibility. Chatham House hosts a lot of forums for private sector think tanks. Credit rating is where it hurts.)

In conclusion: defenders of the commons and ICCAs are human rights defenders. The Fund is needed and can provide a powerful tool to support defenders but should pay attention to context.

Description of experience of campaigns & mechanisms with relevance for the Solidarity Fund

Myra de Bruijn (Friends of the Earth International) (Presentation available on request)

The solidarity mechanism to protect Environmental Human Rights Defenders is not the core work of FOEI but is considered to be an important issue. Federation of 75 national member groups with a decentralised structure. Mobilise people to work together to resist damaging policies and transform the system. See that local activists face threats from very powerful forces (in 2 years, more than 100 cases have been noted and many more may be happening but go unnoticed). Risks are: unawareness, working alone and remotely, limited knowledge of legal system, lack of access to legal support; discrimination and poor defence capacity.



FOEI has mapped where these cases have happened. They received a 2 year grant from the EU to offer:

- Personal security support
- Legal support
- Local protection capacity building
- Fact finding missions
- Public-facing online actions
- Calls to expose abuses of human rights defenders and put pressure on governments and companies
- Advocate for legally binding international treaty to address corporate human rights violations
- Learning and sharing of good practices

They have produced a report which is downloadable from their website. This grant has now ended so the initiative has been continued with other support as it is deemed to be so important (current funding is approx. \$40,000).

- Requests for help come through FOEI members but can be for groups and communities who are not members
- Provide ad-hoc support
- Max Euro 2,500 per request
- 24h decision making with international executive committee (9 members and 4 or 5 must agree).
- FOEI communication and advocacy support if requested
- Cases documented in central data base and graduated to strategic campaigns

The aim is to protect and promote the rights of environment and human rights defenders at risk and effectively address systematic human rights abuses. Gave the example of Spanish companies Hidralia & Ecocener in Guatemala, leading to a campaign of FOE Spain to demand binding legislation for companies to respect human rights.

Rupert Quinlan (Global Witness)

Recently focus of work has been on South America, trying to look at possible fixes for cases. Looking at driving factors of abuses (petro-chemical, timber, mining, narco, sources of investment for expansion), expanding the team working on this, looking for key sectors where work and attention can be focused (sector-focus is deemed most likely to be effective). They are also looking at DRC and rest of Africa. Don't think that the level of abuse in Africa is adequately reported. On ad-hoc basis they try to support activists in immediate peril. There is no systematic way of doing this, maybe this occasion is an opportunity to examine the issue. In parts of Latin America, stories cannot be told because this will threaten lives. GW is looking into how they react in these situations. Use "sectors" to demonstrate who is engaging in abuses (generally presented as being counter-productive for business; this is most effective in generating results than talking about abuse). GW working with Chinese businesses to eliminate some risks. This is not perfect by any means but there is a real resolve in GW to look for solutions.

Hannibal Rhoades (YES to Life, NO to Mining campaign), (Presentation available on request)

Global solidarity network of communities that say no to mining, web platform to share news and tools. Origins came from meeting of African NGOs and community custodians – didn't agree to benefit-sharing measures, wanted no mining. Created to:

- carry forward this vision
- connect into a global movement

- channel international solidarity to local struggles
- provide space to share stories – standing up for life
- deepen the critique of mining from different perspectives and encourage systemic change
- create conditions for ‘emergence’ - we are all stronger through connections

Very new campaign, built up members, network, web platform, shared stories, coordinated 5 major solidarity initiatives, gathered 8 regional coordinators from all regions of the world. All this with no funding.

“Defenders” is an emerging theme in Gaia Foundation. Gave some specific examples. How do you deal with impunity? How do we deal with people who have lost their land (so there is no ICCA anymore) but continue with their campaign? Invites everyone to Gaia’s events at climate conference on December 10th. Want to deepen their impact by meeting people and organisations, mapping/creating networks to identify strategic areas to focus on.

Elisabetta Cangelosi (International Land Coalition) (Presentation available on request)

- 207 very diverse members from 64 countries
- 10 commitments based on land issues act as guiding principles
- ILC reference group made up of experts. LED (land and environmental rights defenders) platform is a joint project with Global Witness who have a database of killings. Decided to extend this data to violence, violations and threats. This is in a preliminary phase and is the evolution of a previous fund (Emergency solidarity fund). It will be managed by regional platforms.
 - a. Beneficiaries are ILC members (they can also apply on behalf of other organisations)
 - b. \$10,000 per region per year decided on case-by-case basis
 - c. Regional steering committees in charge of decision taking
 - d. Annual assessment of the fund to be provided to secretariat
 - e. Short and homogenous application forms
 - f. Published list of what it can be used for
 - g. Published list of what it cannot be used for
 - h. Information obtained will be used for database
 - i. Challenges
 - a. Assessment of eligibility
 - b. Awareness of fund
 - c. Disbursement procedure
 - d. Security of information exchange
 - e. Interaction with other funds
 - f. Complementary activities



Gave details of some specific cases responded to by pilot fund.

Thursday 19 November - afternoon

What options for a Solidarity Fund capable of meeting the needs of the defenders of the Commons and ICCAs? What mission, objectives, mechanisms and operational arrangements would be appropriate and effective? - Dario Novellino and Ellen Desmet

Group discussion led by Dario and Ellen.
Problems with current funds:

- Customary rights holders should be main beneficiaries as these are already recognised by international laws, but there is no strong safety net currently available for them....
- Current funds are very small and not enough to deal with the scope of the problem.
- Individual payments go to individuals but what about the families and communities left behind? The struggle needs to go on. Families should be supported and communities should not be allowed to become demoralised.
- Current funds may be limited in geographical terms, in time frame, and the application procedure may limit who can apply for funds.

Proposals:

- Must focus on prevention, compensation, supporting attempts to achieve reparation and restitution of damages, promotion of justice, visibility (in media), submitting requests for investigation
- Not meant to finance community development per se but could engage in livelihood and community development if needed
- May need to help communities reactivate food production activities, may have lost natural resources (crops, stored seeds, infrastructure – dwellings, schools, etc.)
- This fund must not let states 'off the hook', they have responsibilities and must be exposed for failing to uphold these
- Livelihood is a primary need of communities. Maybe this is covered by other forms of funds. This fund could support the search for other forms of funding.
- For individuals
 - Prevention, could be through more visibility or less visibility.
 - Voluntary relocation to safe locations, purchase of facilities (telephone, computer, etc.), monthly allowance to sustain them
 - Legal assistance – fees to engage lawyers
 - Medical costs in the case of injury – physical and psychological
 - Training in photography, participatory videos and GPS technologies
 - Advocacy training on global campaigns through the internet – information where internet freedom is restrained
- For families
 - School fees
 - Support for income-generating activities to be managed by the defender's family
- For communities
 - Needs following forced relocation
 - Legal assistance to respond to specific, immediate threat but also to secure community rights, ancestral domains and ICCA recognition
 - Meetings and cross visits between defenders from different communities for solidarity and reciprocal learning, and to build strategic alliances
 - Strengthening so they can influence global programmes and laws dealing with bio-cultural diversity, indigenous people and traditional rights.
 - Customary systems of governance need to be supported as they are sometimes targeted
- Other options
 - Local awards for defenders. To send a strong message to governments
 - International gathering of defenders who have received fund every 2 years to highlight work and existence of fund
 - Visibility – dedicated pages on websites of partner organisations, stories to be told on film and supported by celebrities

- Eligibility – for ICCAs we need with self-identification issues. Who counts as a victim? – Individuals/communities. Must face one of the identified risks, a threat or violation of human rights which impedes or constrains local governance and territorial defence.
- Who can submit applications, who can receive support, how many times, duration of support, maximum amount, selection criteria?

Operational modalities and typologies

- Accounting and reporting will have to be part of the fund
- Accept both solicited and unsolicited applications
- Mobilise a network of trusted field-based individuals
- Many people have limited access to internet so limited knowledge of what funds are available
- Procedures need to be rapid
- There should be a principle of confidentiality
- Administering this fund for varied regions with varied needs is very complex and time consuming, and will require many reports, etc. Where possible this should be devolved to well established organisations which have a proven track record
- Emergency grants Euro 2,000 – 10,000
Small longer term grants 10,000 – 50,000
- Options:
 1. A fund with a field-based operational arm - managed by board of trustees of employing a focal coordinator and a financial administrator, assigning trained field personnel (Regional fund facilitators) - Tasks – monitoring field contingencies, identification of defenders, establishing direct connections with communities at risk, helping to implement responses to threats, reporting to a board of trustees
 2. Fund managed by an ad-hoc board liaising with a variety of existing organisations, board of trustees, two employees as above. Would not have regional personnel but links to like-minded specialised organisations.
 3. Fund in support of an existing fund. Least complex option. Would provide additional funds and enter into an agreement on how the funds would be disbursed.
 4. Fund attached to UN organisation or mechanism. Managed by the fund's board of trustees in coordination with key individuals such as the Special Rapporteur on the rights of indigenous people.

Valid for all options – fund should make an attempt to engage the National Human Rights Commissions in each selected region for the promotion of the rights of defenders. Should run pilot projects in each region.



Group work via carousel methodology

1. Mission/vision/objectives of the Solidarity Fund

- Mission - Ensure the continued existence of
 - (i) ICCAs and the commons
 - (ii) The environment (or environmental human rights)
 - (iii) Biocultural diversity

- (iv) People's sovereignty over their land and natural resources
- (v) People's rights to their lands, territories and natural resources

Through supporting the work of their defenders who are at risk / who experience human rights violations (including threats etc.).

Argument pro

broader language:

easier to gather more support from possible partners/funders, but also to be clearer in communication

Counterargument:

there is no specific fund yet on ICCAs and the commons, keep the focus



- Types of support
 - 'emergency' support:
 - i. Cover medical costs (or try to provide medical insurance)
 - ii. Provide assistance to legal proceedings for obtaining reparation and justice / to defend against criminal charges
 - iii. Cover the movement of defenders at risk to a safe place
 - iv. Cf concept of "harm business"
 - Protection strategies (preventive aspect)
 -
- Eligibility:
 - Individuals
 - Families

Individuals and families can/should be the focus of more immediate/emergency support
 - Communities
 - Community-based organisations (e.g. fund activities that enable access to other funds)
 - Federations (working at the territorial level)

Communities and organizations can/should be the main focus of protection strategies
- Other issues
 - Importance of clarity of communication

2. Functions of the Solidarity Fund

Are we dealing only with "threats" or with broader struggles? With both!

Scope of the Fund:

- *Who are the defenders?* Individual IP and LC, organised IP and LC groups and NGOs engaged with them...
- *Geographic scope?* Global, mostly the global south...
- *Thematic scope?* Bio-cultural diversity, environmental human rights, collective rights and responsibilities...
- *Temporal scope?* We must engage in the long term

Four FUNCTIONS:

- ▪ **prevention of the victimization of the defenders** (active identification of possible cases, adding visibility, alerts (e.g. radio), capacity-building for self-defence and resistance to abuse...)
- provision of **emergency support** (escape, medical, legal...)
- provision of **longer term compensation for the affected families and communities** (restoration, restitution...)
- **securing justice** for the victims and punishment for the perpetrators (a value in itself but also effective for preventing new cases)

The latter function would feed on the first.

Does all this apply to the case of transhumant people? It should!



The Solidarity alliance means the FUND + Partners in support of the STRUGGLE

Is it possible to set up an “insurance” for the defenders?

Let us seek SIMPLICITY in the operations of the Alliance and Fund

3. Operations of the Solidarity Fund

- 1) Principles- What general characteristics should the operational structure of the fund try to embody?
- 2) Processes- What practical mechanisms should the operational structure make use of to effectively make decisions, win, allocate and disperse funds, etc..

It is important to stress at the outset that all participants recognised that the principles we wish the fund to embody, which themselves stem from the practical needs of HR defenders reflected in our broader vision, will play an important role in shaping operational processes for getting funds from A to B. For this reason we need to discuss principles and processes alternately, discussing the implications of certain agreed principles for the fund’s possible structure. The notes are drawn entirely from the varied responses and questions of participants.

Principle 1: Flexibility and speed

Speed and flexibility were mentioned by all four groups and seemed to be considered indivisible. They were perceived as being key to the fund's ability to take decisions and disperse funds rapidly in response to emerging situations and crises. Participants also affirmed that prioritising speed and flexibility will have profound impacts on operational process from the structuring of the fund/alliance to the funds we seek to secure.

One key insight was that, whilst the group wishes the fund to be substantial in monetary terms, the organisations and granting bodies that can grant such large funds often simultaneously impose large, even unmanageable, bureaucratic and administrative burdens. The key risk here is that flexibility and speed, as required for the issue at hand (supporting rights defenders in immediate danger), could be compromised in order to access such funds.



Examples of other organisations and funds with flexible structures and the ability to be highly responsive to emerging situations were given as possible models. These were Samdhana and Green Grants International.

Principle 2: Decentralisation

Decentralisation of the fund's operations was seen as key to the fund being a) flexible and fast, and b) sensitive to emerging situations at the grassroots and able to make well informed decisions based on political and physical realities.

Participants also considered decentralisation important to create a spirit of collaboration amongst the instigators of the fund and avoid competition, especially for funds; bringing in/ providing spaces for marginalised voices, identities and geographies into the operation of the fund, especially those relating to indigenous peoples; gaining accurate and timely information from reliable observers.

In practical terms it was generally agreed that these principles/ideas would involve the meaningful decentralisation of the fund and alliance at multiple levels.

- 1) The fund itself would sit within a wider alliance made up of a 'coalition of the willing', mostly made up of NGOs who have previous pedigree working on issues of commons, ICCAs, customary knowledge and rights defenders. This would allow the organisations' diversity of strengths in the fields of advocacy, research, fundraising, community-based monitoring etc., to be pooled to both guide and support the fund in a meaningful and active way. There was discussion, but no resolution, of how open this alliance should be.
- 2) The operational process/structure for a) learning about emerging threats to commons and ICCA defenders, and b) disbursing funds to those defenders, would also be decentralised.
 - a) To ensure healthy and accurate connection to the struggles 'on the ground' to inform funding, it was suggested that the fund should, where possible, try and have 'eyes and ears on the ground' in the form of Regional Fund Facilitators. These individuals should be able to provide some kind of investigative

capacity and guide the fund on local complexities. Dario Novellino's role with CALG was an inspiration for this approach. There was some debate over how RFFs might be appointed or selected. Some consensus was reached with an approach via which RFFs would be individuals emanating from organisations members of the fund's wider alliance have strong, well-established relationships with.

- b) This logic was also applied to the method by which the fund could disburse funds. The idea posited by three out of four groups was that local/regional/national organisations connected directly with one or more alliance organisations AND with commons and ICCA defenders could act as conduits for the funds at the community level. It was suggested that this approach would also increase the visibility and awareness of the fund in defender communities, simultaneously increasing the fund's accessibility to those it is meant to serve.

Principle 3: Trust

Trust came through as an important, if not the most important, principle for all groups. There was a general agreement that the success of embodying the other principles of flexibility, speed and decentralisation in the fund/alliance's operational structure hinges on trust, and whether or not it exists internally and externally.



From a fundraising perspective, trust was cited as key to winning enough funding of the right kind. Credibility was a buzzword used by two out of four groups, who suggested that having strong connections to well established institutions (e.g. the UN) could be an asset in terms of building trust with funders outside the fund/alliance. A connection with such an institution would also help the fund navigate local complexities, and avoid being accused of 'taking sides' in openly political conflicts, an accusation that could further endanger defenders of the commons.

One group also stressed that in order to be fast and flexible in our operations, it will be important to cultivate funding relationships based on trust, not bureaucracy. This is to ensure that our funders will forgive some of the loose-ends and rough-edges of working quickly and flexibly in response to urgent emerging situations, due to their overall faith in the work and trust in us.

Trust among groups involved in the decentralised operational structure of the fund was also raised as a key determinant of the fund's proper operation. At alliance level, fostering an open, collaborative spirit and avoiding competition for funding was seen as key to the smooth functioning of the fund. Participants were clear that a sense of common mission must drive the fund and the work of the alliance, and that this would be key to creating trust.

Participants also felt that trust between alliance members and community organisations who would disburse funds, provide up to date information and play other key roles is vital. This

trust can be ensured to some extent by working through pre-existing relationships between alliance members and community organisations/local, regional or national NGOs.



Trust between communities of commons and ICCA Defenders and local organisations, NGOs or Regional Fund Facilitators is absolutely vital. Participants discussed how bringing money into communities, especially in politically complex situations, can cause friction and exacerbate inter-community tension which is often associated with conflict over land and resources. Where possible, it was suggested, the fund should support pre-existing, communal social support mechanisms (e.g. food and labour sharing relationships) and strengthen community resilience in a manner that helps prevent community conflict.

The ability of the fund to be able to navigate the complexities it will inevitably become embroiled in will depend on open channels of communication, honest engagement and trust from the community to the alliance/fund level.

4. Financial issues of the Solidarity Fund

- Need to be a credible entity to obtain funds
- Financial administrator may be needed depending on the size of the fund - costs, ethics
- Often management costs should not exceed 25 % to obtain funding - may depend on administrative structure
- Consider a phased approach to fundraising and operations - starting small is quicker - then grow
- Matching of expectations and funds size is vital
- Funders may put limitations on what funds can be used for
- Are there tax/registration issues with grant making?
- Need consistent internal regulations and processes to monitor efficiency
- Donors
 - 'ethical'? – eligibility
 - many small or fewer large
 - how to respond to donor demands
- Recipients
 - i. 'ethical'? – eligibility
 - ii. how many? how much? outcomes?
- Monitoring system. KPIs (key performance indicators)
 - i. reporting of incidents and threats
 - ii. number of prosecutions
 - iii. number of cases
- Any proposals to donors must be credible - backed/endorsed by supporting organisations and indigenous organisations
- Scope of fund
- Criteria for accepting funds. We are aiming to make change in society.

Skype connection with meeting participants as listed on attendance list

Grazia – gave a summary of the meeting to the Skype participants.

Marina Cazorla – CGBD (The Consultative Group on Biological Diversity) has been talking about these issues for a while. The funders they work with are meeting soon and this is an ongoing discussion. International Human Rights Funders Group have been doing interesting work in this area and are worth connecting with. The Goldman Environmental Prize is also involved in this work. **SR to contact Marina** for names and contact details that may be useful.



Kyra Bush – works with Marina as well. It is important that there is a co-evolution of time frames, particularly in North America. Need to work out details of the fund. Everyone involved with this initiative needs to work together to cover all the aspects of it.

Elisabetta – funding from EU is being broadened and enlarged to incorporate land and human rights defenders. Can extend to payments of Euro 10,000. They focus on emergency situations. Believes that

the next EU NGO forum should focus on land and human rights defenders, but the programme is not yet online.

Sergio Couto - will look into this. The European situation is not as extreme as in the rest of the world. Persecution is generally administrative (fines and onerous administrative procedures). Defenders in other areas of the world are under more severe and urgent threats, although there are problems also in Europe.

Kundan Kumar – personal experience of many people who have been falsely imprisoned for being defenders. There is clearly a great need. There is no support for their dependents or legal costs. Many members at RRI (Rights and Resources Initiative) feel this is very important and are working on proposing something for DRC this year. **Offered to connect Diel with Solange from RRI.**

Taghi – David Gordon (Goldman Prize) is interested in this initiative and will be able to connect us to many other interested parties.

Friday 20 November – morning

Continuation of the meeting – consolidation of Thursday's considerations

We need to consolidate the writing and a time table.

What are the core elements to be decided?

- Renaming suggestions for the Fund – to be discussed later.

We need clarity on functions. Then the participants in the meeting can go back to their organisations to see how they can contribute.

The first thing is to 'have an ear on the ground'. These defenders are not visible; they are not present in anyone's agenda. We need to create awareness of the issue, and amplify their voices.

We could have two components in the fund: 1 a core fund for the emergency activities; 2 a partnership funds for the longer term work.

Capacity to disburse is necessary - yesterday we said it's better to take advantage of an existing organisation. Who can disburse for each of the intervention areas? Then there is a need for fundraising. There is a concern about putting it in the hands of different people.

There are two parts that should be distinguished: one is the emergency fund & the other is larger prevention/justice piece. The alliance could facilitate coordination and administration. We could fundraise for these separately.

The administrative disbursements are mostly related to the emergency fund, and the longer term interventions are more owned collectively by the alliance. Still need to package both elements: they both sit within the alliance. The alliance will build the trust among the organisations.

Which body will take responsibility for assessing cases? It's a matter of trust.

Because it's a solidarity fund - **one major function is fundraising**; it's to provide that function for all the groups who can't access funds. There will need to be a **well-respected board** who can be trusted by the whole alliance. The board would be the main holder of the fund. Having a board is an important element, plus who will manage the fund? We need **a fund coordinator and an administrator, plus regional advisors**.

Are we going to depend on donations or do we have other possibilities? What about insurance companies?

Skype connection with meeting participants as listed on attendance list

Grazia - gave a summary of the results of the meeting so far : justification; core functions; alliance that has a common understanding of the needs and engagement to respond to those; benefiting individuals/families but also their communities; gap between international and local level; victims need to access support- solidarity fund would provide service of fundraising; the double meaning of the solidarity fund (linking the alliance with the defenders & bringing together resources); introducing the work of the participating groups. Instead of duplicating we want to bring together an alliance with different capacities. We see the importance of the multiple networks instead of one organisation only: it creates a strong capacity.

Maurizio Ferrari - progress sounds good. As Dario emphasised it should also focus on the collectives. It's important to both look at reaction, as well as the need to set up prevention: try to address what can be done before the violations can take place. The prevention aspect needs some thinking: solidarity advocacy work. For example if a community already senses a sort of threat, it would be helpful to set up community monitoring, e.g. **community radios so that threats can be detected**. That would **link an emergency situation to prevention**. The other thing that would be useful is safeguards. **Safeguards for individuals and communities that include procedures that can assure anonymity; to provide safe shelters for community members**. Within FPP, we had a brief discussion, we may be able to bring expertise to the table, which can be related to working with isolated communities, but we also need some expertise from specialist human rights organisations. It would be good if the fund could provide advice on some security aspects. The follow-up question - what are the next steps on how the alliance would manage the fund?

Terence - re human rights specialist functions, participatory video for difficult situations was discussed a few years ago with a UN special Rapporteur, which could be shared.

Taghi - I'm concerned with the sustainability of the fund. The Fund should invest in something that can generate income. Or we should find another way to have a regular income, maybe from participating organisations.

Sean Wilmore - In the last 15 years we have had 1,500 rangers killed. It's a big battle for the rangers. We support those who are left behind, but we are also equipping and resourcing the rangers there. The biggest issue is morale. We are a small organisation, but we have 5 times more efficiency than others. We work through 68 rangers' organisations. We are prepared to collaborate with other NGOs. We provide support to widows. We have set up radios, first aid training, equipping, housing, education, incl. online media.

One thing to be aware of: there will be many interests involved, you will be in competition with larger NGOs, make sure not much money goes to overhead. Important to see the fund as partners on the ground rather than the fund doing the work itself. We have had certain royals and celebrities to promote the fund. An interesting focus: providing compensation for the victims. To give the skills to protect themselves. Yes, for us 1/4 is response but 3/4 is prevention.

What are the type of communities are rangers supporting? Protection is not only for the environment, the rangers are also heroes for the communities, giving first aid, etc.

How have you been dealing with requests from rangers that say they need guns? We don't buy guns. We focus more on training and equipping. Thin Green Line foundation website gives more information. Should perhaps find a way to share information, e.g. Facebook page, dropbox.

Basic agreement on next steps and sharing of responsibilities

Issue of **risk analysis and management at a community level can be part of the prevention strategies**. It relates to whether we want to support the prevention of threats on the defenders or the struggle itself.

There is a report made by a large group of organisations to the inter-American commission on human rights.

The basis of an Alliance is on building trust and complementarity. It should go beyond just the Fund. We cannot force organisations to join. The future will depend on to what extent the alliance is formalised. We should look at the added value of an alliance, beyond solidarity.

Is there a concern about who is able to access the alliance? There must be a screening on the experience of the organisation. This is a natural process; the organisation grows and evolves around the need. And usually there is a founding group that sets the rules.

It would be necessary to define the 'defender'; who will we support? The spectrum of defenders is important. It relates to customary rights defenders, this gives it a different preventative need.

Should the fund be limited only to support defenders of customary rights? Not necessarily, because customary rights can also be or become legal rights.

Definitely we want to create a new consciousness about the struggle of the defenders of the commons and ICCAs. Defenders: the definition can go beyond the idea of a ranger, it can relate to advocacy strategies.

Frontline defenders gave an idea for what should be decided for establishing a protocol to protect human rights defenders:

- Who is the initiator or do we set criteria for cases?
- What is the value added in acting as an alliance?
- Types of support - advocacy, security training, etc.
- Scope of the mechanism: who can access it?
- Process of decision-making
- Definitions
- Communications protocol/ how you communicate / digital security (security in a box)
- Set level of priorities
- Reliability of information
- Targets for advocacy/allies

A graphic structure could help to show short and long term strategic objectives.

Another specific activity could be creating a database of funding opportunities.

The human rights responsibility of governments - there may be a number of cases where ranger terminology may be meaningful for governments (cf also experience Philippines). We should be open to the context of the community. We should include 'rangers' but not confine it to that.

Commons are grounded in customary rights, but they are not necessarily bound to remain fixed to customary rights.

The name should include 'commons and ICCAs'. It should also include alliance. Don't remove the word 'Fund' from the name, because it would change the perception of what we are doing.

Maurizio on Skype - perhaps we should look at a title with two parts: first, solidarity alliance or fund. the fund seems to be a function of the alliance so perhaps the word alliance has to go first, but to raise funds the word 'fund' should also be there. Second, for the defenders of the commons and the ICCAs: there is quite a wide spectrum of situations who could become beneficiaries to this initiative; it should be wider than customary rights, but it shouldn't be too large. If we say 'commons and ICCAs', commons is familiar but ICCAs is less familiar. We should discuss whether we should keep ICCAs in there or just focus on the 'commons' of course with the understanding that the ICCAs will be part of the spectrum of beneficiaries.

We could agree to remove 'ICCAs', but it is complicated. We would then need to specify which commons... clarify details/ eligibility criteria in the spectrum of beneficiaries. Do we really want to create new definitions within the 'commons' debate/definitions. We now have digital, urban and natural commons. The natural commons is very large, including oceans, etc. Do we wish to add "community commons"? Then also "indigenous peoples' commons"? We would head into debates...

ILC can contribute to drafting the proposal; grassroots outreach; global advocacy component.

Ellen - happy to provide comments. Putumayo is a small organisation, perhaps too small to join the alliance. However, we can bring some international law expertise.

FPP also has a legal team. **Maurizio will discuss it with the team.**

Creating access to tools and resources is something that could be useful.

Summary of possible roles :

Putumayo → legal support

ILC → community connections/ support + global advocacy

FPP → community connections/ support + possibly legal support

Gaia YLNM → community connections + global communications

FOEI → connection to communities + database of cases + re-granting + global advocacy + to consider

→ possibility of administering / hosting the Fund (dependent on the composition of the Alliance)

ICCA Consortium → community connections/ support + global advocacy + possibility of hosting the

Global Coordinator and other eventual personnel

Global Witness → investigation of cases + communications + global advocacy (???)

RRI → global advocacy (???)

Oackland Foundation →

investigation of cases +

communications + global advocacy

(???)

International Ranger Federation &

Thin Green Line Foundation →

Fundraising + capacity building +

databases (???)

IUCN Global Protected Areas

Programme → global advocacy +

fundraising (???)

Observatorio Ciudadano → legal

support (???)

International Association for the

Study of the Commons → case

studies + global advocacy (???)

Foundation for Ecological Security

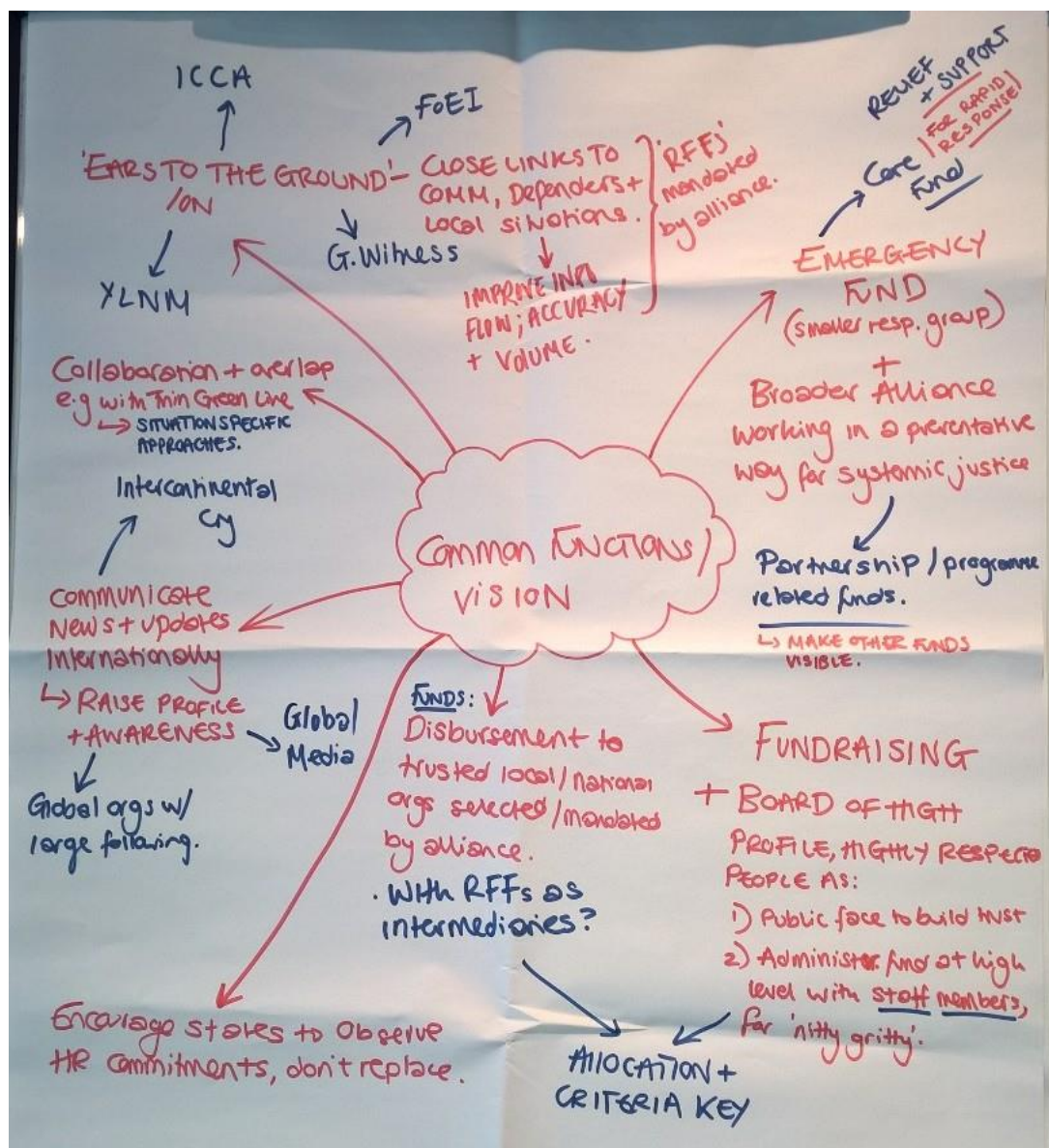
→ community connections/ support

(???)

IWGIA → investigation of cases +

global advocacy (???)





Solidarity Alliance and Fund for Defenders of the Commons and ICCAs --- SAFE ---

(table edited & completed after the meeting, offered for comments)

| What is to be done? | By whom? | By when? | Done? |
|---|-----------------|---------------------|-------|
| Report of the meeting of 19-20 Nov | ICCA Consortium | by end of November | |
| Early draft document of proposal | ICCA Consortium | by end of November | |
| Clear participation with own organisations & send initial comments to report and proposal | ALL | by 14 December 2015 | |

| | | | |
|--|--|------------------------|--|
| Agreement on participation and more extensive comments from participating organisations | ILC, FOI, FPP, Putumayo, Gaia, GW (proposed) , Dario, Delfin, Terence, others who joined via Skype | by 8 January 2016 | |
| List of key definitions, basic nomenclature | ILC, FPP, Putumayo, Gaia, FOEI, ICCA Consortium, Dario, Delfin, Terence, GW (proposed) , others... | by 8 January 2016 | |
| Statement of common intent for the Alliance + statements of willing contributions | ICCA Consortium, ILC, FOI, FPP, Putumayo, Gaia, GW (proposed) , others... | by end of January 2016 | |
| Consolidated draft of preliminary proposal | All participating organisations | early February 2016 | |
| Send preliminary proposal to wider group invited to join the Alliance and Fund | All participating organisations | early February 2016 | |
| Send preliminary proposal to concerned/ interested donors for feedback & comments | All participating organisations | March 2016 | |

Annex 1: **Solidarity Fund for Defenders of the Commons and ICCAs — Exploratory meeting at IUCN Headquarters, Gland (Switzerland) 19th and 20th November 2015**

Attendance List

| Name | Affiliation | Email address | Thurs 19 th pm | Fri 20 th am |
|--------------------------------|--|--|---------------------------|-------------------------|
| Bertrand Sansonnens | Pro Natura Switzerland & Friends of the Earth International | Bertrand.Sansonnens@pronatura.ch | X | |
| Cathal Doyle | Middlesex University (UK) | doncathal@gmail.com | | Via Skype |
| China Ching | The Christensen Fund, (USA) | China@christensenfund.org | Via Skype | |
| Dario Novellino | Centre for Biocultural Diversity, University of Kent (UK); CALG; ICCA Consortium | anthroworld@gmail.com | X | X |
| Delfin Ganapin | UNDP GEF SGP | delfin.ganapin@undp.org | from 10.30 am | X |
| Didja Tchari Djibrillah | Association des Femmes Peuples Autochtones (Tchad) | c/o mochirediel2000@gmail.com | X | |
| Diel Mochire Mwange | PIDEP, REPALEF and ANAPAC (Democratic Republic of Congo) | mochirediel2000@gmail.com | X | |
| Elisabetta Cangelosi | Internal Land Coalition - Protection fund for defenders of land rights | e.cangelosi@landcoalition.org | X | X |
| Ellen Desmet | Putumayo Foundation (Peru) & Universities of | e.desmet@uantwerpen.be desmet_ellen@hotmail.com | X | X |

| | | | | |
|----------------------------------|--|--|-----------|-----------|
| | Antwerp and Ghent (Belgium) | | | |
| Emma Lee | University of Tasmania (Australia) | e.lee@utas.edu.au | X | X |
| Grazia Borrini-Feyerabend | ICCA Consortium | gbffilter@gmail.com | X | X |
| Hannibal Rhoades | Gaia Foundation, Yes to Life No to Mining Campaign (UK) | hannibal@gaianet.org | X | X |
| Kundan Kumar | RRI (India) | kkumar@rightsandresources.org | Via Skype | |
| Kyra Bush | The Christensen Fund (USA) | kyra@christensenfund.org | Via Skype | |
| Marina Cazorla | Consultative Group on Biological Diversity (USA) | mcazorla@cgbd.org | Via Skype | |
| Maurizio Ferrari | Forest Peoples Programme (UK) | maurizio@forestpeoples.org | | Via Skype |
| Myra de Bruijn | Friends of the Earth International (The Netherlands) | myra@foei.org | X | X |
| Rupert Quinlan | Global Witness (UK) | rquinlan@globalwitness.org | X | Absent |
| Sarah Ryder | ICCA Consortium | sarahryder64@outlook.com | X | Absent |
| Sean Willmore | International Ranger Federation and Thin Green Line Foundation (Australia) | president@internationalrangers.org | | Via Skype |
| Sergio Couto | Iniciativa Comunes (Spain); ICCA Consortium | sergiocouto@yahoo.es | Via Skype | |
| Taghi M. Farvar | CENESTA, UNINOMAD and UNICAMEL (Iran); ICCA Consortium | taghi.farvar@gmail.com | X | X |
| Terence Hay-Edie | UNDP GEF SGP | terence.hay-edie@undp.org | from 10am | X |