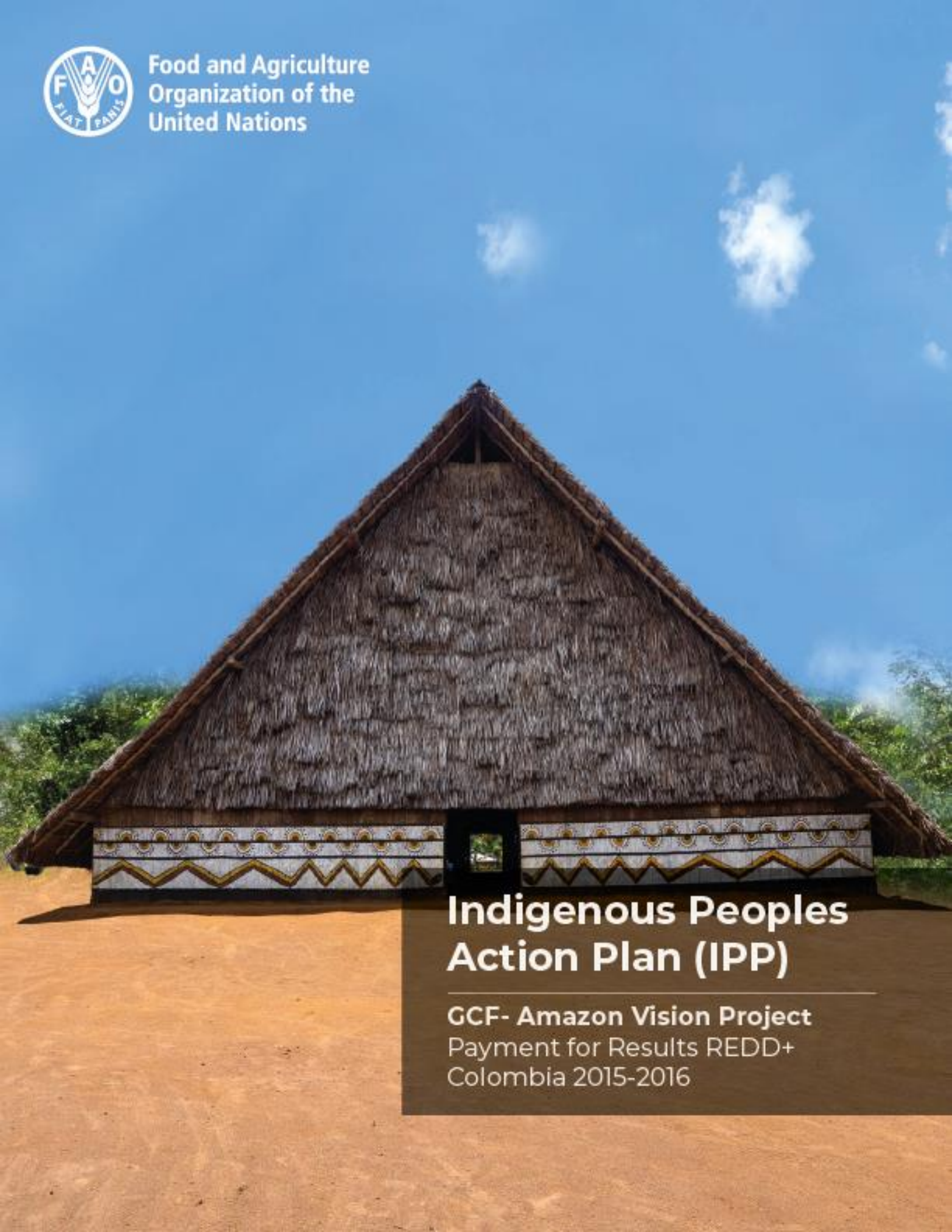




**Food and Agriculture
Organization of the
United Nations**

A large, traditional thatched-roof house with a steep gable roof, constructed from natural materials. The base of the house is decorated with intricate geometric patterns in white, yellow, and black. The house is set against a clear blue sky with a few wispy clouds. The foreground is a reddish-brown dirt path.

Indigenous Peoples Action Plan (IPP)

**GCF- Amazon Vision Project
Payment for Results REDD+
Colombia 2015-2016**

Indigenous Peoples Action Plan (IPP)

GCF- Amazon Vision Project

Food and Agriculture Organization of the United Nations, Bogotá, Colombia.

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Contents

Authors	vi
Acrónimos	Error! Bookmark not defined.
Glossary	ix
1. Introduction	1
1.1 Specific objectives	3
1.2 Document structure	3
2. Description of the EICDGB and the GCF-Amazon Visión Project	3
3. Legal framework and policies applicable to Indigenous Peoples in Colombia	6
3.1 Regulatory framework on lands and territories	7
3.2 Territorial governance, State recognition and political participation	8
3.3 Cultural Heritage related to forests and natural resource management	13
3.4 Gender approach in Indigenous Peoples of the Amazon biome	14
4. Prior Consultation and Free, Prior and Informed Consent	17
4.1 National context	17
4.2. Regional context	19
4.3 Application of the Prior, Free and Informed Consent un the GCF-Amazon Vision	23
4.4 Application of the CLPI in the GCF-Amazon Vision project and the EICDGB	27
4.5 Project IPP timeline and shedule of activities	38
5. Risk management and environmental and social benefits	43
5.1 Risk assessment and categorization	43
5.2. Prevention and/or mitigation measures in line with FAO and GFC policies on Indigenous Peoples.	45
6. Integration of the gender perspective in the preparation of the IPP	52
7. Indigenous Peoples Action Plan (IPP)	54
8. Monitoring and evaluation of the IPP project	55
8.1 IPP Project Budget	57
9. Annex	57

Figures

<i>Figure 1. Indigenous Peoples of the Colombian Amazon region. Source: OPIAC website</i>	5
<i>Figure 2. Steps of the CLPI process in the framework of the FAO manual (2017)</i>	24
<i>Figure 3. IPP Timeline</i>	38
<i>Figure 4. Gender plan strategies for the GCF-Amazon Vision project</i>	53

Tables

<i>Table 1. Relationship between GCF-Amazon Vision Outputs and other projects</i>	4
<i>Table 2. Organizations attached to OPIAC</i>	10
<i>Table 3. Differences between Prior Consultation and CLPI in the Colombian internal system</i>	17
<i>Table 4. Key Milestones for PIVA</i>	19
<i>Table 5. Subrules for the application of the right to Prior Consultation</i>	21
<i>Table 6. Mainstreaming steps of CLPI and Prior Consultation</i>	25
<i>Table 7. Activities to be carried out to provide the CLPI process with initiatives, in the framework of the GCF-Amazon Vision Project</i>	28
<i>Table 8. Summary of the application of the CLPI in the GCF-Amazon Vision project and the EICDGB and its relationship with the Prior Consultation of the AVP</i>	33
<i>Table 9. Schedule of activities</i>	40
<i>Table 10. Risks identified in the Environmental and Social Management Framework (ESMF) of the GCF-Amazon Vision project and Measures to reduce negative impacts</i>	47
<i>Table 11. Monitoring matrix of the steps of the FAO CLPI in every sub-project</i>	56

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Abbreviations

AATI	Association of Indigenous Traditional Authorities (Initials in Spanish)
ANCP	National Authority of Prior Consultation (Initials in Spanish)
ANT	National Land Agency (Initials in Spanish)
APR	Annual Project Report
AVP	Amazon Vision Program
CBD	Convention of Biological Diversity
CDA	Corporation for Sustainable Development of the North and the Amazon East (Acronym in Spanish)
CICC	Intersectoral Commission on Climate Change (Initials in Spanish)
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora (Acronym in Spanish)
CLCDS	Colombian Low Carbon Development Strategy
CLPI	Free, Prior and Informed Consent (Initials in Spanish)
CNPV	Colombian National Population and Housing Census (Acronym in Spanish)
CONPES	National Strategy for Comprehensive Public (Acronym in Spanish)
CORMACARENA	Corporation for the Sustainable Development of Macarena (Acronym in Spanish)
CORPOAMAZONIA	Corporation for Sustainable Development of South of the Amazon (Acronym in Spanish)
CRC	Regional Autonomous Corporation of Cauca (Acronym in Spanish)
DAIRM	Directorate of Indigenous Affairs, ROM and Minorities (Initials in Spanish)
DANE	National Administrative Department of Statistics (Initials in Spanish)
DNP	Departamento Nacional de Planeación (in Spanish)
EICDGB	Integrated Strategy for Control of Deforestation and Forest Management – ‘Forests, Territories of Life’ (Initials in Spanish)
ENREDD+	National REDD+ Strategy
ESMP	Environmental and Social Management Plan
ESS	Environmental and Social Safeguards
ETI	Indigenous Territory Entities (Initials in Spanish)
FAO	Food and Agriculture Organization of the United Nations
FP	Funding Proposal
GCF	Green Climate Fund
GHG	Greenhouse Gases
GRM	Grievance Redress Mechanism
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
IDEAM	Institute of Hydrology, Meteorology and Environmental Studies (Acronym in Spanish)
IGAC	Agustin Codazzi Geographic Institute (Initials in Spanish)
ILO	International Labor Organization
IP	Indigenous Peoples
IPP	Indigenous Peoples Action Plan
IPPF	Indigenous Peoples Planification Framework

M&E	Monitoring and Evaluation
MADS	Ministry of Environment and Sustainable Development (Acronym in Spanish)
MIAACC	Amazonian Indigenous Board for Environment and Climate Change (Initials in Spanish)
MinInterior	Ministry of the Interior
MPC	Permanent Board of Negotiation (Initials in Spanish)
MRA	Amazon Regional Board (Initials in Spanish)
NDA	National Designated Authority
NDC	Nationally Determined Contribution
NDP	National Development Plan
NGO	Non-Governmental Organization
OIG	Office of the Inspector General
ONIC	National Indigenous Organization of Colombia (Initials in Spanish)
OPIAC	Indigenous Peoples of the Colombian Amazon (Initials in Spanish)
PAS	Support and Monitoring Platform – Amazon Vision (Acronym in Spanish)
PC	Prior Consultation
PIDCP	International Covenant on Civil and Political Rights (initials in Spanish)
PIDESC	International Covenant on Economic, Social and Cultural Rights (Initials in Spanish)
PIM	Project Implementation Manual
PIVA	Pillar 4 of the AVP (Initials in Spanish)
PM	Project Manager
PMU	Project Management Unit
PNACC	National Plan for Adaptation to Climate Change (Initials in Spanish)
PNCC	National Climate Change Policy (Initials in Spanish)
PNGIBSE	National Policy for the Integral Management of Biodiversity and Its Ecosystem Services (Initials in Spanish)
POA	Operative Annual Plan (Initials in Spanish)
RBM	Results-based Management
RBP	Results-based Payments
REDD+	Reduction of Emissions by Deforestation and Degradation, Sustainable Forest Management, Conservation and Increase of Stocks/Carbon Contents
REM	REDD+ Early Movers
SAC	Citizen Service System (Initials in Spanish)
SDG	Sustainable Development Goals
SFM	Sustainable Forest Management
SGP	General Participation System (Initials in Spanish)
SMByC	Forest and Carbon Monitoring System (Initials in Spanish)
SNIF	National Forest Information System (Initials in Spanish)
TL	Technical Leader
UNFCCC	United Nations Framework Convention on Climate Change
UNFPA	United Nations Population Fund

Glossary

Amazon Indigenous Environmental and Climate Change Board (MIAACC in Spanish): MRA's thematic board, this body directs all consultation processes related to indigenous environmental issues, as well as the formulation and application of environmental planning and management guidelines that will be carried out in the Amazon territory.

Amazon Regional Board (MRA in Spanish): Main body for consultation and participation of the Indigenous Peoples of the Amazon region. Created by Decree 3012 of 2005.

Associations of Traditional Indigenous Authorities (AATIS in Spanish): Public entities governed by Colombian law that are in charge of promoting and coordinating the execution of projects related to health, education and well-being with local, regional and national authorities. (Decree 1088 of 1993).

Cabildos (Councils): "A special public entity, whose members are part of an indigenous community, elected and recognized by it with a traditional sociopolitical organization, whose function is to legally represent the community, exercise authority and carry out the activities attributed to it by law, their uses, customs and the internal regulations of each community" (Decree 2164 of 1995).

Councils and traditional authorities: Political-administrative authorities of the indigenous territories that, additionally, can form associations to facilitate coordination with the National Government. (Decree 1088 of 1993).

Direct impact: There is direct impact when a measure (administrative or legislative) implies that: "(i) social, spiritual, cultural, health and occupational structures are disturbed; (ii) there is an impact on the sources of livelihood located within the territory of the ethnic minority; (iii) it is impossible to carry out the jobs from which sustenance is derived; and (iv) a resettlement of the community occurs in a place other than its territory. Likewise, according to jurisprudence, Prior Consultation also applies: (v) when a policy, plan or project affects any of the rights of indigenous or tribal peoples; (vi) when the measure is aimed at developing ILO Convention 169; (vii) likewise if burdens are imposed or benefits are attributed to a community, in such a way as to modify its situation or legal position; or (viii) by interference with the defining elements of the identity or culture of the people concerned." (SU-123 of 2018)

Ethnic Community: In Colombia they are the indigenous, black, Afro-Colombian, Raizal, Palenquera and ROM (gypsy) communities.

Free, prior and informed consent – (CLPI in Spanish): This document addresses two concepts of CLPI, the one defined by national regulations and the specific FAO procedure, although it has to be understood that the two procedures are a development of ILO Convention 169.

- National: The first thing that should be highlighted is that in national jurisprudence it refers to Free, Prior and Informed Consent – CPLI and is defined as the right that Indigenous Peoples have to the implementation of a measure (legislative or administrative) that affects them intensely and requires their prior, free and informed consent. That is, "in those cases where

the intensity of the impact on indigenous people requires that there be CLPI, the State in principle only has the power to implement the measure if it obtains the prior, free and informed consent of the indigenous community.” (SU-123 of 2018)

- FAO: This is a right of Indigenous Peoples that “*allows them to provide or withhold/withdraw consent, at any point, regarding projects impacting their territories.*” Once consent has been given, they can withdraw it at any time.” CLPI also allows them to engage in negotiations to shape the design, implementation conditions, monitoring and evaluation of projects. This means that CLPI is not just about obtaining consent, but is a process in itself in which Indigenous Peoples develop their own internal debates and, in a setting, where they do not feel intimidated. The CLPI process does not guarantee consent as an outcome. The result of an CLPI process can be: “consent of the indigenous community on the proposed activity, consent after negotiation and change of the conditions under which the project will be planned, implemented, monitored and evaluated, or the denial of consent.” (FAO, 2017)

General Participation System: “These are the resources that the Nation transfers to the territorial entities, by mandate of Articles 356 and 357 of the Constitution, with the objective of satisfying basic needs mainly in education, health, drinking water and basic sanitation.”¹

General Royalties System: “Mechanism that seeks to guarantee the equitable distribution and efficient use of income from the exploitation of the country's non-renewable natural resources”.²

Indigenous Councils: Form of administration of those indigenous territories that are already constituted as reservations. (Decree 1953 of 2014).

Indigenous Reserve: Empty or barren lands occupied by indigenous communities and constituted as communal lands of ethnic or Indigenous groups (Decree 2164 of 1995).

Indigenous Territory: Areas owned regularly and permanently, or that are part of the traditional scope of social, economic and cultural activities of Indigenous Peoples (Decree 2164 of 1995).

Intense direct impact: There is intense direct impact when a measure (administrative or legislative) implies: “(i) the transfer or relocation of the indigenous and tribal people from their place of settlement; (ii) the storage or deposit of dangerous or toxic materials in their territories; and (iii) when measures that imply a high cultural, as well as social and environmental impact, that puts their subsistence at risk.” (SU-123 of 2018)

Judgment (Sentence): "Judgments are the rulings of the judge that decide on the pretensions of the claim, the exceptions of merit, whatever the instance in which they are pronounced, those that decide the incident of liquidation of damages, and those that resolve the resources of cassation and review.

¹ https://www.minvivienda.gov.co/sites/default/files/documentos/abc_sgp.pdf

² <https://www.dnp.gov.co/atencion-al-ciudadano/Paginas/que-es-el-sistema-general-de-regalias%E2%80%8B.aspx>

The culmination of the process occurs with the judgment or sentence, in which the judge defines the rights and obligations of the parties involved in the process." (Constitutional Court)³.

Prior Consultation: Inalienable constitutional right of ethnic peoples that materializes as a participatory instrument, which must be carried out when a direct impact occurs that could modify the legal situation of the communities, disturb their social and cultural structures, their uses and relationships, with land and natural resources, among others. (Constitutional Court - SU-123 of 2018 and SU-121 of 2022)

"It is the right of Indigenous Peoples to be consulted regarding measures (legislative or administrative) that directly affect them. It is an instrument of dialogue between indigenous communities, Governments, civil society and productive agents in aspects and decisions that affect this sector of the population." (SU-123 of 2018)

Reservation: Formally defined territory, which has a registered collective property title and an organization governed by its internal regulations.

Special Indigenous Jurisdiction: "A collective right of indigenous communities, the exercise of which corresponds to their authorities, to judge their members, and, in turn, as an individual right of the members of indigenous peoples to enjoy jurisdiction, in by virtue of which the right is granted to be judged by its own authorities, in accordance with its rules and procedures, within its territorial scope, in order to guarantee respect for the individual's particular worldview. (Sentence T-208 of 2019)

Traditional authorities: "Members of an indigenous community who exercise the power of organization, government, management or social control, within the structure of the respective culture." (Decree 2164 of 1995)

Writ for Protection of Fundamental Rights (Tutela): "The Writ for Protection of Fundamental Rights or Action for Tutela is a mechanism enshrined in article 86 of the Political Constitution of 1991, which every person has to claim before the judges, at all times and places, for immediate judicial protection of their fundamental rights. It only applies when there is no other means of judicial defense available, except when it is used as a temporary mechanism to avoid irreparable harm."⁴. (Constitutional Court)

³ <https://www.corteconstitucional.gov.co/inicio/glosario.php>

⁴ <https://www.corteconstitucional.gov.co/inicio/glosario.php>

1. Introduction

The Integrated Strategy for Control of Deforestation and Forest Management “Forests, Territories of Life” ([Estrategia Integral de Control de la Deforestación y Gestión de los Bosques \(EICDGB\) “Bosques Territorios de Vida”](#)) is a cross-sectoral policy instrument that involves the co-responsibility of the different sectors of the Colombian State, and whose objective is to stop deforestation and forest degradation, addressing the complexity of the causes and agents that create them, starting from the recognition of the strategic significance of these ecosystems for the country, due to their sociocultural, economic and environmental importance, given their potential as a development option within the framework of the peace-building process, and for their contribution to mitigation and adaptation to climate change (MADS, 2018).

This strategy promotes the sustainable management of forests in Colombia, under a focus on forest management and comprehensive rural development, and the development of intersectoral actions that also impact the good living of local communities, contribute to local development, and increase ecosystem resilience by promoting mitigation to climate change (MADS, 2018). The National Policy for Deforestation Control and the Sustainable Management of Forests (CONPES 4021 of 2020) ([Política Nacional para el Control de la Deforestación y la Gestión Sostenible de los Bosques \(CONPES 4021 de 2020\)](#)), which provides policy guidelines to counteract deforestation and promote the sustainable management of these ecosystems, is linked to this strategy. The actions that the National Government has to develop in a coordinated manner with sectors and communities, among other stakeholders, were identified through the analysis of the causes that affect the processes of change in land-use and loss of natural forest (DNP, 2020).

In this context, the REDD+ Results-Based Payments (RBP) Project proposed by the Government of Colombia to the Green Climate Fund (GCF) was approved at Executive Board No. 26 on August 21, 2020, and is executed by the Food and Agriculture Organization of the United Nations (FAO) in close collaboration and coordination with the Ministry of Environment and Sustainable Development (MADS) and the Institute of Hydrology, Meteorology and Environmental Studies (IDEAM in Spanish). The National Designated Authority (NDA) for the project is the National Planning Department (DNP in Spanish). This project recognizes the results of Reducing Emissions from Deforestation and Degradation (REDD+) of Colombia for the years 2015 and 2016 in the Amazon biome, where a total volume of 6.95 million tons of carbon dioxide equivalent (MtCO₂eq) was submitted to the GCF for results-based payments (RBP). The results presented were analyzed against GCF requirements, resulting in a final emissions reduction volume of 5.5 MtCO₂eq.

Colombia uses RBP resources to invest in additional activities that support the implementation of its Comprehensive Strategy for Deforestation Control and Forest Management (EICDGB) in the Amazon biome. This will strengthen national and local capacities to monitor and control deforestation, contribute to the sustainable management of forest areas, as well as strengthen territorial governance and the capacities of Indigenous Peoples to manage and preserve forests.

The project aims to support the implementation of the National REDD+ Strategy, which in the case of Colombia is contained in the **EICDGB**. This strategy was built in harmony with the REDD+ application framework that was defined in the UNFCCC, and is a cross-sectoral policy instrument that involves the co-responsibility of the different sectors of the Colombian State, and whose objective is to stop deforestation and forest degradation⁵, addressing the complexity of the causes and agents that generate it; starting from recognizing the strategic significance of these ecosystems for the country, because of their sociocultural, economic and environmental importance, due to their potential as a development option within the framework of peace-building, and for their contribution to the mitigation and adaptation to climate change. The strategy proposes four goals that are nested in the general goal of reducing emissions from deforestation of the NDC through specific goals, baseline and actions (MADS, 2018). In context, the project contemplates the articulation with pillars, objectives and goals of the Amazon Vision Program (AVP).

The territorial implementation is carried out in an area with a high ecosystem diversity and a high presence of indigenous groups. In this sense, this document presents the Indigenous Peoples Action Plan (IPP) of the GCF-Amazon Vision Project, and which aims to define the procedures to assure that the initiatives and activities implemented in the territories of the Indigenous Peoples (IP) of the Amazon biome (where the project will be developed) are carried out under the principles of Free, Prior and Informed Consent (CLPI in Spanish) that must be applied by the FAO as accredited and executing entity. The above is in line with national legislation within the framework of Prior Consultation (PC). The laws that favor this population are found in the Political Constitution of Colombia, and in the ILO Convention 169, approved in the country through Law 21m of 1991.

The above has to be done with full respect for the rights, culture, traditional knowledge and practices of Indigenous Peoples, territorial and development vision, and internal decision-making processes, while adequately managing the project's risks and potential impacts, to maximize the benefits of the interventions. Consequently, this document considers the current national legislation and the international agreements signed by the country regarding Indigenous Peoples; the guidelines established in the EICDGB; the guidelines established in the FAO Indigenous Peoples Policy; FAO's Social and Environmental Safeguard No. 9 (ESS9) on Indigenous Peoples and Cultural Heritage, and the GCF Indigenous Peoples Policy.

It is important to highlight that this document takes up elements contained in the Environmental and Social Management Framework (ESMF) that is part of the annexes to the *Funding Proposal* approved by the GCF at Executive Board No. 26 on August 21, 2020, and is located aligned with the Environmental and Social Management Plan (ESMP) that was prepared for the implementation of the GCF-Amazon Vision Project, in such a way that its participation in decision-making is guaranteed at all stages of the project. Furthermore, the ESMF accounts for the full respect of the IP territorial and cultural rights, their traditional knowledge and practices, while adequately managing the risks and potential impacts of the project relevant to the indigenous peoples present in the Amazon biome.

⁵ Minambiente. 2017. Forests Territories of Life. Estrategia Integral de Control a la Deforestación y Gestión de los Bosques. Bogotá. https://redd.unfccc.int/media/eicdgb_bosques_territorios_de_vida_web.pdf

1.1 Specific objectives

The specific objectives of this document are:

- Provide an overview of the conditions of Indigenous Peoples of the Colombian Amazon biome.
- Define the measures that will be applied in the project to ensure the application of FAO and GCF policies for Indigenous Peoples.
- Assess the possible positive and negative effects of the activities proposed within the project's framework, and define how to address them.
- Guide the planning process of activities involving Indigenous Peoples, following previous agreements derived from the implementation of the Amazon Vision Program.
- Provide guidance on the preparation and implementation of Indigenous Peoples subprojects that will be supported within the framework of Output 2 and Output 3 of the project.
-

1.2 Document structure

This document consists of an introductory section, the description of the project, the applicable legal and regulatory framework, and conceptual definitions on the sociocultural context in which the project is developed; and subsequently addresses aspects required in the territorial implementation of the project actions, such as the CLPI procedure, the Prior Consultation, and the proposed Indigenous Peoples Action Plan (IPP), which must be updated as the project progresses, so that it adapts to the dynamics and contexts in which it is developed.

It is worth mentioning that this document is subject to updates in each project cycle, so that it can be adapted accordingly to the different dynamics and contexts in which the initiatives (subprojects) are developed. It is important to establish that part of the development of this document corresponds to the socialization with the relevant actors of the project, in order to integrate their opinions, visions and concerns that arise within the framework of participation that constitutes the basis of intervention on site of the actions and investments from the GCF-Amazon Vision project. Therefore, the IPP should be understood as a complement to the ESMP, and for further details on the participation procedures and the socio-environmental context of the intervention territories, they should be consulted therein.

2. Description of the EICDGB and the GCF-Amazon Visión Project

The main objective of the project is to support the implementation of the National REDD+ Strategy, which in the case of Colombia is contained in the ***Comprehensive Strategy for Deforestation Control and Forest Management (EICDGI) “Forest Territories of Life”***. This strategy was built in harmony with the REDD+ application framework that was defined in the UNFCCC. It constitutes a cross-sectoral policy instrument that involves the co-responsibility of the different sectors of the Colombian State, and whose objective is to stop deforestation and forest degradation, addressing the complexity of the causes and agents that generate it, starting from the recognition of the strategic

significance of these ecosystems for the country, for their sociocultural, economic and environmental importance, for their potential as a development option within the framework of the peace-building process, and for their contribution to the mitigation and adaptation to climate change. The strategy proposes four goals that are nested in the general goal of reducing emissions from deforestation of the NDC through specific goals, baseline and actions (MADS, 2018). The GCF-Amazon Vision project is executed by MADS and IDEAM with the technical and administrative support of FAO as an accredited and executing agency, and of the National Planning Department (DNP) in its capacity as focal point of the Green Climate Fund (GCF) in Colombia.

The project is implemented in the biome defined by IDEAM (MADS & IDEAM, 2014), which is administratively composed of 9 departments, namely: Putumayo, Caquetá, Amazonas, Guainía, Guaviare, Vaupés, Meta, Vichada and Cauca, with a duration of five years, until 2026, and a budget of USD 28.2 million. It focuses on: i) strengthening national and local capacities for monitoring and control; ii) sustainably managed forest areas and contributing to close the agricultural frontier; and iii) strengthened territorial governance and capacities of Indigenous Peoples for sustainable management and the conservation of forests, as support for the investments made by the AVP (for more information, please refer to the project's ESMP). In the specific case of the Indigenous Peoples, the project was formulated following the approach of the Indigenous Pillar 4 of the Amazon Vision Program (PIVA), a pillar that was built through a broad participatory process with the delegates of the Amazon Regional Board (MRA), a space for consultation created by Decree 3012 of 2005 to recommend the formulation, promulgation and execution of public policies of sustainable development for the indigenous peoples settled in this region to the different levels of the Government and participate in the evaluation and monitoring of the same, without prejudice to the functions of the State. The PIVA document was approved in session No. 39 of the MRA on March 23, 2016, and it contains definitional elements and phases of the PIVA, among which are aspects such as participatory activities, structure, principles, fundamental implementation conditions, lines of action, implementation criteria, and decision-making, monitoring and support structure.

Below, the relationship between Output 3 of the GCF-Amazon Vision project: “*Territorial governance and capacities of indigenous peoples strengthened for the sustainable management and conservation of forests*” is presented in more detail, with the strategic lines of the Comprehensive Strategy for Deforestation Control (EICDGB), and the PIVA of the AVP as an umbrella for intervention and a model of sustainable development for the region (**Table 1**).

Table 1. Relationship between GCF-Amazon Vision Outputs and other projects

GCF-Amazon Vision Project	EICDGB	Amazon Vision Program	Scale of intervention
3.Territorial governance and capacities of Indigenous Peoples strengthened for sustainable management and forest conservation.	1.Sociocultural management of forests and public awareness. 2. Line 2. Development of a forest economy and closure of the agricultural frontier.	4. Environmental governance for Indigenous Peoples, and defined lines of action: <ul style="list-style-type: none"> • Territory and environment • Own government • Economy and production 	Amazon Biome Projects through public call following the PIVA document.

	<p>3. Transectoral management of territorial planning and environmental determinants</p> <p>4. Permanent monitoring and control</p> <p>5. Generation and strengthening of capacities.</p>	<ul style="list-style-type: none"> • Women and Family • Cross-cutting issues⁶ 	
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Source: own

As mentioned above, the territorial implementation of the project is carried out in an area with high ecosystem diversity and a high presence of indigenous groups. In this sense, it is highlighted that, in the Amazon region or biome, there are 169 indigenous reservations of 57 different ethnicities. According to their extension, the most representative reservations are Predio Putumayo, Vaupés, Middle and Upper Basin of the Inírida River, Selva de Matavén, Mirití-Paraná, Yaigojé-Río Apaporis, Nukak-Maku, Tonina-Sejal-San José and Others, Ríos Cuiari and Isana, Bajo Río Guainía and Río Negro, Morichal Viejo-Santa Rosa-Cerro Cucuy-Santa Cruz-Caño Danta-Otros, and Río Atapabo and Inírida; among others (MADS & IDEAM, 2014) (Image 1).

Figure 1. Indigenous Peoples of the Colombian Amazon region. Source: OPIAC website

⁶ i) Which includes education, transmission and conservation of indigenous knowledge; ii) Recovery, exchange, own research and transmission of traditional knowledge and practices; iii) Strengthening of own languages and support for own education processes; iv) Strengthening of systems of traditional medicine; v) Strengthening of skills and knowledge of policy, administration, indigenous legislation for indigenous authorities and local and regional institutions; and v) Regional exchange of experiences and learning.



Source: OPIAC website. <https://www.opiac.org.co/>

In this sense, the project aims to recognize and highlight the specific knowledge and practices developed by indigenous peoples, as well as indigenous and peasant women in their relationship with forests, their link with the family and cultural livelihood of their communities and, therefore, their important role in the restoration and conservation of forests and resilience to climate change, which is why it is essential to consider their knowledge, vision and proposals in the project interventions.

In this context, and in line with the ESMF and ESMP of the Project, this Indigenous Peoples Action Plan (IPP) has been developed, in order to define the procedures to ensure that the specific activities of the lines of action of the EICDGB that are carried out in the territory of the Amazon biome, are done under the principles of free, prior and informed consent (CLPI), with full respect for their rights, culture, traditional knowledge and practices, territorial and development vision and internal decision-making processes.

3. Legal framework and policies applicable to Indigenous Peoples in Colombia

Law 89 of 1890 is one of the most relevant regulatory antecedents in the recognition of the forms of political organization of the Indigenous Peoples in Colombia and their territories, especially under the figure of the reservation, which has been maintained over time and developed in agrarian reforms, such as the one outlined in Law 135 of 1961, then in Law 160 of 1994 and, more recently, in Point 1 of the Final Agreement for Peace on the Comprehensive Rural Reform of 2016. Since 1991, the National Constitution has been the guiding instrument of the legal and political framework in indigenous

matters. The National Constitution recognizes the rights to ethnic and cultural diversity (article 7), to the autonomy of Indigenous Peoples in making decisions within their territories (article 63) and to be governed by their own rules and jurisdiction, as well as to ensure for the preservation of natural resources within their territories (articles 246 and 330). Based on this, this section develops three main points about the legal framework of Indigenous Peoples, with special emphasis on the Colombian Amazon. The first point is about lands and territories; the second on territorial governance, state recognition and political participation, and the third on cultural heritage.

3.1 Regulatory framework on lands and territories

After the entry into force of Law 160 of 1994 on agrarian reform, the National Government issued Decree 2164 of 1995 (still in force) and compiled in Decree 1071 of 2015. This Decree 2164 defines indigenous reservations as “...a legal and sociopolitical institution of a special nature, made up of one or more indigenous communities, which, with collective property title, enjoys the guarantees of private property, owns territory and is governed for its management and internal life by an autonomous body protected by indigenous jurisdiction and their own regulatory systems...”. In other words, an indigenous reservation is a formally defined territory, which has a registered property title and an organization governed by its internal regulations. The State recognizes the participation of each reservation in the Nation's income through the General Engagement System, and contemplates an allocation of the General Royalties System. The legally constituted indigenous reservations are beneficiaries of the system and receive transfers through local mayors' offices.

Although the indigenous reservation is the main figure of indigenous territoriality, the Colombian State has also recognized other territorial figures, in part due to the high rates of informality that exist in Colombia in terms of land ownership and the processes of displacement and dispossession that ethnic communities have suffered from the internal armed conflict. Decree 2164 of 1995, for example, defines indigenous territories as areas owned regularly and permanently or that are part of the traditional scope of social, economic and cultural activities of Indigenous Peoples. Additionally, this Decree defines indigenous reserves as vacant lands occupied by indigenous communities and that are constituted as communal lands of ethnic groups.

Rulings of the Constitutional Court,⁷ but also some Decrees have referred to untitled or non-formalized ancestral territories. In 2004, the Constitutional Court declared the existence of an unconstitutional state of affairs regarding forced displacement that basically recognizes the serious, massive and systematic violation of the fundamental rights of the displaced population, among whom the Indigenous Peoples stand out (Sentence T- 025). For the Court, the presence of armed groups and warlike confrontations not only in the reservations but also in the untitled ancestral territories, as well as the precarious work of the State in the titling and formalization of lands, are factors that facilitate displacement and put indigenous peoples at greater risk of extermination (Judicial Decree 004 of

⁷ Since rulings from the 1990s, the Constitutional Court has referred to indigenous ancestral territories (C. Const. Sentence T-188-93; T-652-98). However, there was greater conceptual and regulatory development with the declaration of the unconstitutional state of affairs regarding forced displacement. In its article 13, the ILO Convention refers to “the entire habitat of the regions that the peoples concerned occupy or use in some way.” For its part, article 14 refers to “possession” and “land that they traditionally occupy.”

2009). As a result, the Constitutional Court referred to the concept of ancestral territory or historical occupation, which was later developed in the Law of Victims and Land Restitution (1448 of 2011) and its subsequent ethnic Decrees (4333 of 2011), based on articles 13 and 14 of ILO Convention 169 (approved by Colombia through Law 21 of 1991) and article 63 of the National Constitution.

Along the same line, in 2014 the National Government issued Decree 2333 that establishes a provisional protection route for occupied or ancestrally owned territories while the titling processes for indigenous reservations are carried out. More recently, in 2020, the National Government issued Decree 1824 on colonial or republican titles of indigenous reservations. The purpose of this decree is to grant the State functions and tools to clarify these titles or, in other words, clarify the current legal situation of the properties mentioned in titles issued several decades, or even centuries ago, and see what their validity and operability are in a new territorial configuration.

Beyond the recognition of the different indigenous territorial figures (reservations, reserves and ancestral territories) it is important to bear in mind that, throughout Colombia, but particularly in the Amazon region, a large part of the indigenous territories is in a situation of overlap with other forms of territorial planning. In other words, it is common to find titled or untitled indigenous territories that overlap with areas of the National System of Protected Areas (SINAP in Spanish), Forest Reserves of Law 2 ([Ley Segunda](#)), Archaeological Protected Areas, among others. This overlapping situation implies coordination processes with Indigenous Peoples and other State entities, such as environmental authorities, and most of the time they involve limitations on land use. These overlaps show that the territories inhabited by Indigenous Peoples are better preserved, as in fact is mentioned in the Convention on Biological Diversity which, in its article 8j, refers to the duty to respect, preserve and maintain *“the knowledge, innovations and practices of indigenous and local communities that involve traditional lifestyles relevant to the conservation and sustainable use of biological diversity”*.

3.2 Territorial governance, State recognition and political participation

The National Constitution also grants Indigenous Peoples the rights to self-government and self-determination, which are consolidated through the protection of their own government systems and the strengthening of capacities in autonomous decision-making on all matters of their interest (articles 287 and 330). In addition, the special indigenous jurisdiction recognizes their own justice systems and, likewise, allows Indigenous Peoples to exercise social control autonomously within their territories, in accordance with their own rules and procedures (article 246).

The Colombian State respects the regulatory and organizational systems of each ethnic group and develops actions in the territory in accordance with what is defined by the Indigenous Peoples. For example, Decree 1088 of 1993 recognizes the existence of cabildos (councils) and traditional indigenous authorities as political-administrative authorities of indigenous territories that, additionally, can form associations to facilitate coordination with the National Government. The Associations of Indigenous Traditional Authorities (AATI in Spanish) are public entities governed by Colombian law, and are in charge of promoting and coordinating the execution of projects in the areas of health, education and well-being with local, regional and national authorities (Decree 1088 of 1993). AATIs may or may not be associated with indigenous organizations.

For its part, Decree 2164 of 1995 defines traditional authorities as the “*members of an indigenous community who exercise a power of organization, government, management or social control, within the own structure of the respective culture.*” Meanwhile, the indigenous council is “*a special public entity, whose participants are members of an indigenous community, elected and recognized by it with a traditional sociopolitical organization, whose function is to legally represent the community, exercise authority and carry out activities that the laws, its uses, customs and internal regulations of each community attribute to them.*” The majority of the ethnic groups in the Amazon region have adopted the figure of the governing cabildo (council) for the relationship with the National Government and other stakeholders.

At the community level, the council leads the decision-making processes. These organizational and political figures of the 1990s were recognized so that little by little the Indigenous Territory Entities (ETI in Spanish), created in the National Constitution as higher bodies of territorial planning and management (article 329), began to operate. The ETI had to be formed in accordance with the provisions of the Organic Law of Territorial Planning and territorially delimited by the National Government. However, said Law was never issued. This legislative moratorium left the ETIs without operation for several decades, so it was necessary to develop new temporary regulatory instruments in the 21st century that would allow the ETIs to be configured.

Decree 1953 of 2014 is one of those measures that seeks to put Indigenous territories into operation temporarily. More than creating a territorial figure, Decree 1953 refers to Indigenous Councils as a form of administration of those indigenous territories that are already constituted as reservations. As the cultural context, environmental values and geographical dispersion are different in part of the Colombian Amazon, it was necessary to create a special regime for the implementation of indigenous territories in the departments of Amazonas, Guainía and Vaupés. Through Decree 632 of 2018, the concept of indigenous territories was included in non-municipalized areas, also governed by Indigenous Councils. According to GAIA Amazonas (2019), the Indigenous Councils can directly and permanently exercise all the functions of the State’s territorial authorities, while the AATIs can exercise some of these functions, with the intermediation of other actors. Among the functions of indigenous territories are to be governed by their own authorities, to exercise the government functions of their territory, to define, execute and evaluate their own economic, social, environmental and cultural policies, and to receive, manage and execute resources from public and private financing sources.

The main institution that accompanies the process of launching indigenous territories is the Ministry of Interior (MinInterior), through its Directorate of Indigenous Affairs, Rom and Minorities, which is the one that registers the Indigenous Councils. The delimitation of the indigenous territory is accompanied by the National Land Agency (ANT in Spanish) and the Agustín Codazzi Geographic Institute (IGAC in Spanish), which carry out the technical study, and the National Administrative Department of Statistics (DANE) which carries out the population count. In addition, there are other indigenous organizational and governance figures different from those already described, and who represent the communities and Indigenous Peoples at a regional and national level. The organizations that have representation in the Colombian Amazon are described below ⁸:

⁸ In Colombia there are other national organizations such as CIT and AICO that do not have an Amazonian impact but are part of the national consultation spaces according to Decree 1397 of 1996.

National Indigenous Organization of Colombia (ONIC in Spanish): The main organization that groups and represents the Indigenous Peoples of Colombia. Among its functions are the defense of the autonomy of the indigenous organization, the defense of indigenous territories, the control of natural resources located in indigenous territories and, likewise, ensures the application of the current regulatory framework.

Gobierno Mayor: This is an organization of Indigenous Peoples present in the departments of Cauca, Putumayo, Huila, Tolima, Valle del Cauca, Meta, Antioquia, Chocó, Caquetá, Vichada, Amazonas, Risaralda, Córdoba, Cesar, La Guajira, Nariño, Cundinamarca and Quindío.

National Organization of Indigenous Peoples of the Colombian Amazon (OPIAC in Spanish): OPIAC is a public institution that politically represents the Indigenous Peoples of the Colombian Amazon. Its main objective is to ensure that all the collective and individual rights of its members are respected and recognized by all stakeholders located in the Colombian Amazon.

The founding members of OPIAC are the indigenous organizations of the six departments of the Colombian Amazon: Amazonas, Caquetá, Guaviare, Guainía, Putumayo and Vaupés, who attended the first Congress of indigenous organizations of the Colombian Amazon. At the departmental level, the organizations attached to the OPIAC are described below in **Table 2**.

Table 2. Organizations attached to OPIAC

Department	Organizations (names and acronyms in Spanish)
AMAZONAS	<ul style="list-style-type: none"> • ASOCIACIÓN DE AUTORIDADES INDÍGENAS DE LA PEDRERA AMAZONAS -AIPEA • ASOCIACIÓN DE CABILDOS INDÍGENAS DEL TRAPECIO AMAZÓNICO- ACITAM • ASOCIACIÓN TICUNA COCAMA Y YAGUA - ATICOYA-PUERTO NARIÑO • ASOCIACIÓN ZONAL DE CONSEJO DE AUTORIDADES INDÍGENAS DEL TRAPECIO AMAZÓNICO- AZCAITA • CONSEJO REGIONAL INDÍGENA DEL MEDIO AMAZONAS - CRIMA- ARARACUARA • ASOCIACIÓN DE AUTORIDADES INDÍGENAS DEL PUEBLO MIRAÑA Y BORA DEL MEDIO AMAZONAS PANÍ - RIO CAQUETA PANY - RIO CAQUETA • ASOCIACIÓN DE CAPITANES INDÍGENAS DEL MIRITÍ AMAZONAS - ACITMA • ASOCIACIÓN DE CAPITANES INDÍGENAS DEL YAIGOJÉ Y APAPORÍS - ACIYA • ASOCIACIÓN ZONAL INDÍGENA DE CABILDOS Y AUTORIDADES TRADICIONALES DE LA CHORRERA - AZICATCH • CONSEJO INDÍGENA MAYOR DEL PUEBLO MURUI - CIMPUM EL ENCANTO CIMPUM

	<ul style="list-style-type: none"> • CONSEJO INDÍGENA DE PUERTO ALEGRÍA - COINPA • ASOCIACIÓN DE AUTORIDADES INDÍGENAS DE LA ZONA PUERTO ARICA - AIZA • CABILDO INDÍGENA MAYOR DE TARAPACÁ – CIMTAR • ASOCIACIÓN DE AUTORIDADES INDÍGENAS DE TARAPACÁ AMAZONAS – ASOINTAM
<p style="text-align: center;">VAUPÉS</p>	<ul style="list-style-type: none"> • ASOCIACIÓN DE CAPITANES Y DE AUTORIDADES TRADICIONALES INDÍGENAS DEL RIO PIRA PARANA - VAUPÉS - ACAIPI • ASOCIACIÓN DE AUTORIDADES TRADICIONALES INDÍGENAS YURUTI DE VAUPÉS - ASATRAIYUVA • ASOCIACIÓN DE CAPITANES DE LA ZONA UNIÓN INDÍGENA DEL PAPURI - ACAZUNIP • ASOCIACIÓN DE AUTORIDADES TRADICIONALES DEL ALTO VAUPÉS - ASATAV • ASOCIACIÓN DE AUTORIDADES TRADICIONALES DE LA ZONA YAPU - ASATRIZY • ASOCIACIÓN DE AUTORIDADES TRADICIONALES INDÍGENAS DE LA ZONA DEL TIQUIE - AATIZOT • ASOCIACIÓN DE COMUNIDADES UNIDAS DEL RIO ISANA Y SURUBI - ACURIS • ASOCIACIÓN DE AUTORIDADES INDÍGENAS DE VAUPÉS MEDIO - AATIVAM • ASOCIACIÓN ZONAL DE AUTORIDADES TRADICIONALES INDÍGENAS DE ACARICUARA - AZATIAAC • ASOCIACIÓN DE COMUNIDADES INDÍGENAS DE TARAIRA-VAUPÉS - ACIYAVA • ASOCIACIÓN DE AUTORIDADES TRADICIONALES INDÍGENAS DEL ÁREA DE INFLUENCIA DIRECTA DE LA MICRO CENTRAL HIDROELÉCTRICA DE MITÚ - AATICAM • ASOCIACIÓN DE AUTORIDADES TRADICIONALES INDÍGENAS DEL QUERARI - ASATIQ • ASOCIACIÓN DE CAPITANES TRADICIONALES DEL ALTO APAPORIS - ACTIVA • ASOCIACIÓN DE AUTORIDADES TRADICIONALES PAMIJABOVA DEL RIO CUDUYARI PARA UN GOBIERNO PROPIO UDIC - ASO - UDIC • ASOCIACIÓN DE AUTORIDADES TRADICIONALES INDÍGENAS ALEDAÑAS A MITÚ - AATIAM

	<ul style="list-style-type: none"> • ASOCIACIÓN DE AUTORIDADES TRADICIONALES INDÍGENAS DEL BAJO VAUPÉS - ASATRIBVA • ORGANIZACIÓN ZONA CENTRAL INDÍGENA DE MITÚ - OZCIMI • ASOCIACIÓN ZONAL INDÍGENAS DEL RIO PAPUNAHUA - AZIRPA • ASOCIACIÓN DE AUTORIDADES TRADICIONALES ALEDAÑOS A LA CARRETERA - AATAC • ASOCIACIÓN DE AUTORIDADES TRADICIONALES DE TARAIRA VAUPÉS COMECA - AAITTAVC
CAQUETÁ	<ul style="list-style-type: none"> • ASOCIACIÓN DE AUTORIDADES TRADICIONALES INDÍGENAS DEL MUNICIPIO SOLANO CAQUETÁ - ASIMC • ASOCIACIÓN DE CABILDOS UITOTOS DEL ALTO RIO CAQUETÁ - ASCAINCA • ASOCIACIÓN DE CABILDOS INDÍGENAS DEL BAJO CAQUETÁ - ASIBAC • TANDACHIRIDÚ • ASOTHEWALA
GUAVIARE	<ul style="list-style-type: none"> • ASOCIACIÓN DE AUTORIDADES INDÍGENAS DEL GUAVIARE - ASOPAMUJRIMAJSA • ASOCIACIÓN DE AUTORIDADES INDÍGENAS DEL GUAVIARE - ASOCRIGUA II • ASOCIACIÓN DE AUTORIDADES INDÍGENAS DE MIRAFLORES GUAVIARE – ASATRIMIG
GUAINÍA	<ul style="list-style-type: none"> • ASOCIACIÓN DEL CONSEJO REGIONAL INDÍGENA DEL GUAINÍA - ASOCRIGUA I
PUTUMAYO	<ul style="list-style-type: none"> • ORGANIZACIÓN ZONAL INDÍGENA DEL PUTUMAYO – OZIP • ACIMVIP (VILLA GARZÓN) - ACIMVIP • ACILAPP (LEGUIZAMO) - ACILAPP • APKAC • UMIYAC • KAUSAI • ACIPS • OCIMPA PERMANENT COFAN - AMPII CANKE BOARD

Source: OPIAC (2023)

The OPIAC, in turn, is part of the **Amazon Regional Board (MRA)**, which is the main body for consultation and participation of the Indigenous Peoples of the Amazon. This body was created through an agreement between OPIAC and the National Government, with the aim of consolidating the participation of the Indigenous Peoples of the Amazon. This instance was formalized by **Decree 3012 of 2005** (compiled in Decree 1066 of 2015) as a space for consultation to recommend to Government institutions the formulation, dissemination and execution of public sustainable development policies aimed at the Indigenous Peoples of the region, as well as participation in the evaluation and monitoring of policies.

With regard to environmental issues, the consultation body is the **Amazonian Indigenous Board for Environment and Climate Change (MIAACC** in Spanish), constituted as the

thematic board of the MRA. This body directs all consultation processes related to indigenous environmental issues, as well as the formulation and application of environmental planning and management guidelines that will be developed in the Amazon region. The MIAACC was created in April 2012 with the purpose of designing and building the bases for the process of preparation of the National REDD+ Strategy. The working group is made up of twelve indigenous leaders from the Colombian Amazon (two from each department) and has technical support from MADS and OPIAC.

In addition to the MRA, there is the **Permanent Board of Indigenous Peoples (MPCI** in Spanish), which was established by Decree 1397 of 1996 with the purpose of facilitating negotiations between indigenous communities and groups and the Government of Colombia in relation to the administrative and legislative measures that may have an impact on this population. The MRA differs from the MPCI because its geographical scope is focused on the Amazon region.

It is worth mentioning that, although the MRA was designed mainly for the 6 departments of the Amazon region, according to the provisions of paragraph 2 of article 2 of Decree 3012 of 2005 that created the MRA, other peoples of the Amazon biome can participate in this space for dialogue; through the mentioned article it is possible to expand participation at the board in response to the topics to be discussed. Thus, during the Prior Consultation process and in the implementation of CPLI, it will be verified that there is due participation by the other Indigenous Peoples that make up the Amazon biome, even when they are not represented by bodies such as the MRA or the OPIAC.

3.3 Cultural Heritage related to forests and natural resource management

At the international level, the Convention of Biological Diversity (CBD) and the United Nations Framework Convention on Climate Change (UNFCCC) highlight the role of Indigenous Peoples in the conservation and sustainable use of biodiversity and the special contribution that their ancestral knowledge and land management practices for mitigation and adaptation to climate change have. This means, in other words, that the planning and own management of the territory is a cultural manifestation that directly affects its protection and conservation. This is reiterated by the Convention for the Safeguarding of the Cultural and Intangible Heritage (ratified by Law 1037 of 2006) when it refers to *“the deep interdependence that exists between intangible cultural heritage and material cultural and natural heritage.”* In addition to the fact that *“intangible cultural heritage, which is transmitted from generation to generation, is constantly recreated by communities and groups based on their environment, their interaction with nature and their history, instilling in them a feeling of identity and continuity and thus contributing to promote respect for cultural diversity and human creativity”* (article 2).

At the national level, the Constitutional Court, in rulings such as C-137 of 1996, mentions that *“the different ways in which ethnic communities relate to the environment and that determine traditional practices of exploitation and use of natural resources have to be considered as a particular form of cultural manifestation and creation of national identity. For this reason, such practices are part of the nation’s cultural heritage and to that extent, they are cultural assets, shaping the national identity - inalienable, imprescriptible, non-sizeable.”* Following the Court's guidelines, Colombia's Intangible

Cultural Heritage Policy also recognizes that the State must guarantee the protection of "*traditional knowledge about nature and the universe*" understood as "*the knowledge that human groups have generated and accumulated over time in their relationship with the environment and especially with biological processes and resources.*"

According to the Comprehensive Strategy Against Deforestation and Forest Management (EICDGB, 2018), such is the relevance of the existence of Indigenous Peoples and their traditional practices, that 46.1% of natural forests are found in indigenous reservations. The Indigenous Peoples in Colombia are owners of 31.2 million hectares, of which 27.5 million hectares are natural forests (IDEAM, 2017), since the use of the land in these territories is mainly intended for conservation and residually for agricultural use.

Although the traditional practices of Indigenous Peoples are part of the cultural heritage, Colombia does not have clear instruments and mechanisms for their protection. However, these knowledge systems associated with the protection and sustainable use of biodiversity have been incorporated little by little into planning instruments, such as life plans, but also into State instruments such as territorial planning plans and management of protected areas. Additionally, the country has tried to promote the creation of conservation categories in the National System of Protected Areas, which are based mainly on the vision of Indigenous Peoples.

The inclusion of elements of traditional knowledge systems in territorial planning instruments has also implied exercising the State's duty to respect and preserve ethnic languages and dialects. The language, dialects, names and their meaning establish a network of knowledge between language and nature. The right of Indigenous Peoples to define and name their own places and objects "is exercised over the entire ethnic territory, but takes on special importance for sites of high cultural and ecological value that have been defined as sacred, since for ethnic groups these places have a name given by the spiritual owners, a meaning and their own history that comes from the creation of the world" (PNNC, 2017). The relevance of ethnic languages becomes more important in an Amazonian context, where there are around 51 languages (ICANH, 2016).

3.4 Gender approach in Indigenous Peoples of the Amazon biome

In Colombia, the National Administrative Department of Statistics – DANE and the United Nations Population Fund UNFPA (2023)⁹ request to improve the recognition and guarantee of rights, gaps and inequalities that indigenous women experience, as a consequence of discrimination, stigma and the invisibility of their worldview and culture in different political, social, cultural, economic and academic spaces. According to the National Population and Housing Census (CNPV, 2018), 954,000 women in Colombia are identified as indigenous; this corresponds to 1.8% of the country's total population and 50.1% of the indigenous population. Of this number of women, 78.1% of them live in rural areas.¹⁰

Furthermore, the CNPV (2018) identifies that in relation to the distribution of care, half of indigenous women dedicate themselves exclusively to household chores, that is, 3 times more time per day doing

⁹ <https://colombia.unfpa.org/es/publications/dia-internacional-de-las-mujeres-indigenas>

¹⁰ <https://www.dane.gov.co/files/investigaciones/notas-estadisticas/sep-2020-%20mujeres-rurales.pdf>

unpaid work than men. Regarding poverty, DANE (2021) mentions that 63.6%¹¹ are in poverty. Furthermore, the unemployment rate among young indigenous women was 15.3%, with a gap of 5.0 percentage points compared to men. Concerning the gap in access to health, Indigenous Peoples in Colombia maintain difficulties in articulating their own health systems, for example, in reducing maternal mortality rates.

With regard to the situation of violence against indigenous women in Colombia, *“different challenges persist given the geographical dispersion, the differences between indigenous communities, groups and families, the lack of disaggregated statistical data and the high under-recording of cases in the institutions that are part of the integrated care route for violence.”*¹²

In the Colombian Amazon, different organizations (local, national and international) have been working in the strengthening and recognition of the roles traditionally played by indigenous women. Proof of this is the cultural strengthening projects in which women are the center of articulation, being recognized as caregivers, knowledgeable about traditional food security systems called *“chagras”* (thus, the name *“chagreras”*), and traditional medicine, among others.

However, the sexual division of labor limits women's participation in decision-making and forest conservation spaces, resulting in an absence of women's voices, which ends up creating inequalities in governance and representativeness processes. These inequalities deepen in the intersectionality of the conditions of access to women's rights, which is added to issues of age, access to education, pregnancy, territorial location or ethnic self-recognition, generating dynamics of accumulated inequalities.

Concerning the regulatory framework in Colombia related to indigenous women, an analysis that relates indigenous rights and women's rights has to be carried out, since the specific regulations for indigenous women are very limited. The GCF-Amazon Vision is framed at the international level with what is established in the Cancun Agreements (Decision 1/CP.16) and in its safeguards; in Convention 169 of the International Labor Organization (ILO) (ratified in Colombia through Law 21 of 1991) and the United Nations Declaration on the Rights of Indigenous Peoples. Finally, in the 2015 Paris Agreement which, in Article 7 declares that *“...adaptation action should follow a country-driven, gender-responsive, participatory and fully transparent approach, taking into consideration vulnerable groups, communities and ecosystems...”*

At the national level, the Political Constitution of 1991 in its Article 1, establishes respect for human dignity, which implies the recognition of women as people and citizens, holders of rights on equal terms with men, and also guarantees participation and not subjecting women to any type of discrimination. In relation to specific participatory processes for ethnic communities, Prior Consultation and Free, Prior and Informed Consent (CLPI in Spanish) have been recognized by Colombia as fundamental rights (Arts. 43, 286, 287, 329 and 330). In the current national regulations, Decree 1097 of 2020 stands out, which establishes the National Commission of Indigenous Women; this will have the objective of guiding and contributing technically to the formulation, implementation,

¹¹ <https://www.dane.gov.co/files/investigaciones/notas-estadisticas/oct-2021-nota-estadistica-situacion-mujeres-rurales-colombia.pdf>

¹² CONPES 4080 of 2022. Public Policy of gender equality for women: towards the country's sustainable development.

monitoring and evaluation of public policies, plans and projects developed by the rights of indigenous women, families and generations.

In the Planning Framework for Indigenous Peoples of the Comprehensive Strategy for Deforestation Control and Forest Management-EICDGB (2023)¹³, several risks are identified regarding the gender approach; among them the traditional division of labor that can limit the involvement of women in participation spaces; the low participation of women in the governance process, Prior Consultation, representation, articulations and dialogues between stakeholders, and community forestry programs, as well as in the decision-making spaces of organizations. Tension is also identified between their worldview regarding forest management and the economic instruments of conservation and sustainable use in collective territories and low capacity-building in the existing instruments for Monitoring and Follow-up of Forests that include indigenous women.

The Gender evaluation and Action Plan created in the formulation stage of the “FP134: Colombia REDD+ Results-based Payments for Results period 2015-2016” sought to understand gender issues around forests and REDD+ and considered that the inputs for incorporation of the gender approach in the Comprehensive Strategy for Deforestation Control and Forest Management were important. In addition to this, to continue strengthening the recognition and representation of indigenous women, as well as the role they play in the territories, are considered necessary. The role of women has been gaining strength within community forestry development, in terms of involvement in forestry activities. Women have taken a leading role in forestry activities, such as forest management, and the use and harvesting of forest products. In terms of traditional knowledge, women have more deeply rooted heritage from their ancestors in caring for forests, because they contribute to the conservation of water sources. Furthermore, they oppose in a certain way to the cutting down of trees; they ensure that water sources are respected, and they take responsibility for collecting firewood in the forest (in certain cultural contexts this is done more by men and boys).

Some of the main considerations in the diagnosis process is the identification of the differential effects of climate change for men and women according to their roles and the relationship they have with their territory and the available natural resources. Furthermore, according to OXFAM cited by (Camacho, A. et al., 2018), women experience greater vulnerability to the negative effects of climate change, related to less control and access to resources, which affects social reproduction tasks and generates other specific effects that are experienced, for example, after natural disasters. Taking into account the national context and the specific gaps that add to the vulnerabilities of indigenous women, it is important to recognize the roles they play in forest management and the impacts on climate change in aspects related to water supply, food preparation, fuel and care, among others.

Taking into account that the GCF- Amazon Vision Project is under the umbrella of the Amazon Vision Program, the Prior Consultation process that will be developed will seek effective and equitable participation in the decision-making spaces and processes that Prior Consultation brings, with affirmative actions for this, understanding current social dynamics and establishing mitigation measures, such as establishing consultation protocols that include actions from a gender

¹³ Ochoa, D. M. (January, 2023). Planning framework for Indigenous Peoples Comprehensive Strategy for Deforestation Control and Forest Management–EICDGB: Obtained from Fondo Acción: <https://fondoaccion.org/2023/02/08/mppi-eicdgb/>

perspective. The following section presents more details about the mentioned Prior Consultation process.

4. Prior Consultation and Free, Prior and Informed Consent

4.1 National context

Both Prior Consultation and Free, Prior and Informed Consent (CLPI) have been recognized by Colombia as fundamental rights. Although the National Constitution does not explicitly refer to Prior Consultation, it does indicate that ethnic communities have the right to participate in the decisions made regarding the exploitation of resources within their territories (article 330).

Additionally, Colombia adopted the ILO Convention 169 on Indigenous and Tribal Peoples through Law 21 of 1991, which, by recognizing human rights, has prevalence in Colombian internal legislation. Article 6 of said agreement establishes that Prior Consultation is a procedure through which representative institutions of ethnic communities can participate or be consulted when legislative or administrative measures are foreseen that may directly affect them.

For their part, articles 10, 11, 16 of the Convention determine that it is necessary to obtain CLPI for Indigenous Peoples when there are exceptional cases that imply the necessary transfer and relocation of ethnically differentiated peoples, as well as the deprivation of their cultural, religious and spiritual goods, and the storage or disposal of hazardous materials in their territories.

The Constitutional Court, based on the previous normative provisions, has been very clear in differentiating between Prior Consultation and CLPI. In the unification sentences SU-123 of 2018 and SU-121 of 2022, Prior Consultation has been defined as an inalienable constitutional right, but also as a participatory instrument that must be carried out when a direct impact occurs that could modify the legal situation of communities, disrupting their social and cultural structures, their uses and relationship with the land and natural resources, among others. However, when this direct impact is intense¹⁴, CLPI must be obtained¹⁵. For the Constitutional Court, this consent is required in three cases: transfer or relocation, storage of dangerous or toxic materials or measures of high cultural impact. However, in those cases in which there is an “irresolvable doubt” about whether the measure implies an “intense direct impact” or a “direct impact” it must be resolved by requiring Free, Prior and Informed Consent” (SU-121 of 2022). This indicates that CLPI is an autonomous right and different from consultation, which is also based on more strict requirements. The following table, extracted from the ruling SU-123 of 2018, allows us to identify the differences between the two rights and the way they are understood in the Colombian internal system.

Table 3. Differences between Prior Consultation and CLPI in the Colombian internal system

	Prior Consultation	Free, Prior and Informed Consent
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¹⁴ Please refer to the Glossary Section for further understanding

¹⁵ **Intense direct impact.** This requires prior, free and informed consent as a level of participation and occurs in the following three exceptional cases: i) the transfer or relocation of the indigenous and tribal people from their place of settlement; ii) the storage or deposit of dangerous or toxic materials in their territories; and iii) measures that imply a high cultural, as well as social and environmental impact that puts their subsistence at risk.

Concept	<p>“It is the right of Indigenous Peoples to be consulted regarding measures (legislative or administrative) that directly affect them. It is an instrument of dialogue between indigenous communities, governments, civil society and productive agents in aspects and decisions that affect this sector of the population.”</p>	<p>It is the right of Indigenous Peoples to have the implementation of a measure (legislative or administrative) that intensely affects them and requires their prior, free and informed consent.</p>
Purpose	<p>A genuine effort to reach an agreement with indigenous communities regarding measures that directly affect them and obtain their consent.</p>	<p>Guarantee the fundamental rights and survival (physical-cultural) of diverse ethnic communities</p>
Subjects involved	<p>The ancestral authorities of the community, and representatives of the State and the productive agent</p>	<p>The ancestral authorities of the community, and representatives of the State and the productive agent</p>
Minimum criteria	<p>Good faith, active and effective community participation, dialogue between peers and a flexible and appropriate procedure.</p>	<p>Good faith, active and effective community participation, dialogue between peers and a flexible and appropriate procedure.</p>
Activation hypothesis	<p>Legislative and administrative measures that directly affect an indigenous community</p>	<p>... i) the transfer or relocation of the indigenous or tribal people from their place of settlement; ii) measures that imply a high social, cultural and environmental impact that puts their subsistence at risk; or iii) those related to the storage or deposit of dangerous – toxic – materials on their lands and territories.</p>
Decision linking	<p>In the event that there is an agreement, the State and the economic agent have the obligation to materialize and comply with the agreement.</p> <p>If there is no agreement, the State</p>	<p>The State in principle only has the power to implement the measure if it obtains the prior, free and informed consent from the indigenous community.</p>

can take and implement the measure, as long as	its decision: i) is devoid of arbitrariness and authoritarianism; ii) is based on criteria of 'reasonableness, proportionality and objectivity...; iii) take into consideration the positions expressed by the ethnic people during the consultation; iv) respect the rights... in ILO Convention 169; and v) provide mechanisms to mitigate the negative effects of the measure.	The consent of the diverse ethnic people is in principle binding, since, without this, the implementation of the measure entails a violation of the rights of these groups. In exceptional cases, the measure may be implemented without the people's consent, but the State must in any case guarantee the fundamental rights and the (physical-cultural) survival of ethnic communities...
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Source: Constitutional Court. Sentence 123 of 2018

4.2. Regional context

Before the implementation of the Amazon Vision Program, specifically its Indigenous Pillar (PIVA), it was anticipated that it did not require prior, free and informed consent because it would not produce intense direct impact. This means that the Program did not put at risk the physical and cultural survival of the Indigenous Peoples of the Colombian Amazon. Additionally, the National Government considered that a Prior Consultation would not be required either because the impact that would be generated was positive for the communities, since what the Program sought was to reduce the direct and indirect causes of deforestation by increasing capacities and improving forestry governance of indigenous territories. Furthermore, the PIVA would provide a process of joint construction with the indigenous peoples themselves, so it was not a question of imposing a Government Program, but of formulating it jointly in the spaces provided for it, that is, the MRA and the MIACC, where the need to carry out thirteen workshops in the territory was also agreed.

However, the Program would indeed generate a direct impact by requiring interventions in indigenous territories that could create impacts or benefits, in addition to the fact that it could ignore rights such as autonomy and self-determination in the management of natural resources and produce internal conflicts and tensions. In this sense, several socialization and participation actions of Indigenous Peoples not included in the Prior Consultation were carried out for the endorsement of the Amazon Vision Program, which allowed the endorsement and joint construction of the PIVA (Annex 1). Table 4 presents the main milestones of this process.

Table 4. Key Milestones for PIVA

YEARS	AGREEMENTS BUILT AND ACTIVITIES CONDUCTED
2012	<i>i) Support the proposal of the National Government; ii) Carry out a process of broad and participatory construction of indigenous peoples and organizations; and iii) Delegate the technical preparation, support and monitoring of the process to the Amazonian Environmental and Climate Change Indigenous Board MIACC (Art. 4, Decree 3012 of 2005).</i>

YEARS	AGREEMENTS BUILT AND ACTIVITIES CONDUCTED
2015 – 2016	. i) The financial support to the PIVA up to 20% of the resources allocated to the Amazon Vision Program; ii) The PIVA resources would be administered in a special su-account of the Natural Heritage Fund; iii) PIVA resources would be implemented in initiatives proposed directly by indigenous organizations and associations; taking into account that for their execution, the agreements and alliances that may arise must be considered; iv) The places where the 13 participatory workshops of indigenous peoples for the construction of the PIVA would be held are defined by the delegates of the MIACC.
2016 April- December	i) Formation of the technical formulation team; ii) participatory construction process through the implementation of the 13 planned workshops; iii) analysis of life plans, safeguarding plans and other planning instruments; iv) holding of meetings of experts for general recommendations; v) preparation of a preliminary document; vi) review at the MIAACC and definition of 4 technical feedback workshops.
2017	i) Conducting feedback workshops; ii) Submission of the PIVA document before the MRA

Source: MADS (2016), PIVA document approved in session No. 39 of the MRA in 2016.

However, years later, within the framework of the implementation of the Amazon Vision Program, the Constitutional Court, in Ruling T-063 of 2019, ordered the Program to grant the protection of the fundamental right to Prior Consultation in the PIVA or Indigenous Governance of the Amazon Vision Program, taking into account that there was an “amparo” proceeding to protect the Andoque de Aduche indigenous reservation. The Constitutional Court considered that, although there was no intense direct impact, there was a generic impact on the communities, regardless of whether this was considered positive or beneficial because it sought to reduce deforestation. Furthermore, the Court stated that the joint construction exercise that took place did not replace the right of Consultation. As a result, the Amazon Vision Program carried out the Prior Consultation with the affected Indigenous People.

The existence of a direct impact on any Indigenous People makes Prior Consultation appropriate, which can be, on the one hand, on projects, works or activities (POA) or, on the other hand, on general administrative and legislative measures. The Prior Consultation of POA is carried out following the phases developed in the Directives of the Presidency of the Republic, while the Consultation of administrative and legislative measures is provided through the dialogue spaces that exist between the National Government and the indigenous communities, like the MRA.

With the previous background, and having new contexts of territorial governance, changes in government and lessons learned about the implementation of the Amazon Vision Program, the MRA considered that Prior Consultation would be a required procedure, in accordance with the agreement signed in MRA No. 63, held from January 17 to 20, 2022. The completion of the Prior Consultation process of the Amazon Vision Program, that is, its conceptual and base formulation document (constituted by the five pillars under which it operates), and the Pillar document Indigenous Vision of the Amazon (PIVA) that had already been approved in session No. 39 of 2016 of the MRA, but looks for adjustments and improvements. Within the framework of this consultation, a proposal for an “efficient and guaranteeing mechanism must also be generated, so that the Amazonian Indigenous Peoples can participate effectively in the financing projects that feed the program”, one of those financing projects being the Colombia REDD+ Results-based payments project for results period 2015-2016, currently known as GCF-Amazon Vision.

In context, the Prior Consultation of administrative and legislative measures, such as that of the Amazon Vision Program, is processed through national or regional consultative bodies, such as the MRA or MPC, and since the geographical scope of the PVA is the Amazon biome, the consultation would be carried out with the MRA. This entity also requested that the OPIAC serve as a representative of the Amazonian Peoples of the six departments: Amazonas, Caquetá, Guaviare, Guainía, Putumayo and Vaupés, but also as a facilitator so that the Indigenous Peoples attend the consultation and do not feel or are not represented by this Organization. The following table breaks down the main sub-rules to be taken into account in consultations, regardless of their nature, and the phases depending on whether they are POA or administrative or legislative measures.

Table 5. Subrules for the application of the right to Prior Consultation

Subrules T-129 of 2011 and T-080 of 2017
<p>General criteria for application of the Consultation:</p> <ul style="list-style-type: none"> • The objective of the Consultation is to achieve the Free, Prior and Informed Consent of the indigenous communities on measures that affect them (that is, norms, policies, plans, programs, etc.). • The principle of good faith must guide the actions of the parties, an essential condition for their understanding and trust and, therefore, for the effectiveness of the consultation. • The active and effective participation of interested peoples must be ensured through consultations. That participation is active means that it is not equivalent to a simple notification to the interested peoples or the holding of information meetings, and that it is effective; it indicates that their point of view must have an impact on the decision adopted by the authorities concerned. • Consultation constitutes a process of dialogue between peers; therefore, It does not constitute a veto right of the target communities of ILO Convention 169. • The consultation has to be flexible, so that it adapts to the needs of each issue, and to the diversity of Indigenous Peoples and Afro-descendant communities. <p>The specific rules or sub-rules for the development or application of the Consultation:</p> <ul style="list-style-type: none"> • The consultation must be prior to the measure under examination, otherwise it will have no impact on the planning and implementation of the measure. • It is mandatory that the states define together with the communities the way to carry it out (pre-consultation or consultation of the consultation). • It must be carried out with the legitimate representatives of the town or community concerned. • If an agreement is not reached in the consultative process, State decisions must be free of arbitrariness, an aspect that must be evaluated in light of the principles of reasonableness and proportionality. • When it is pertinent due to the nature of the measure, it is mandatory to carry out studies on its environmental and social impact.

<p style="text-align: center;">POA Prior Consultation</p>	<p style="text-align: center;">Prior Consultation of administrative or legislative measure (Route under construction and to be agreed with the MRA)</p>
<p>Origin of Consultation and Pre-consultation: seeks to establish an initial dialogue between the parties to define the methodological route that the executor of the program, project or initiative must follow, according to cultural distinctive features. This stage is where the origin of the Prior Consultation is determined, and the coordination and preparation of the pre-consultation are carried out; the pre-consultation, in turn, seeks to establish an agreed methodological route with times, number of meetings, presence, places, dates, among others.</p> <p>Consultation and protocolization: defined as a dialogue of the State, the Executor and the Ethnic Communities, to ensure compliance with the duty to guarantee real, timely and effective participation in decision-making. At this stage, calls must be made for a minimum of 15 business days, meetings to identify impacts, formulation of management measures and formulation of agreements, as well as their protocolization.</p> <p>Monitoring of agreements: its objective is to ensure that what was protocolized in the Prior Consultation is effectively carried out by the parties, according to the deadlines agreed with the ethnic communities. This stage covers the recurring requirements to report on compliance, formation of the Monitoring Committee, implementation of the monitoring committee to the agreements reached and the closing of the Prior Consultation.</p>	<p>Request for support from MinInterior – DAIRM: Establish communication and meetings with MinInterior to socialize and expose the context of the process to be consulted. The accompaniment is carried out by the Directorate of Indigenous Affairs, Rom and Minorities (DAIRM in Spanish) based on Decree 2340 of 2015.</p> <p>Pre-consultation:</p> <ul style="list-style-type: none"> • Review of documents subject to consultation by MADS and prior socialization with OPIAC and MRA, and other Indigenous Peoples. • Design and review of the methodological route with OPIAC and MRA, and other Indigenous Peoples. <p>Consultation:</p> <ul style="list-style-type: none"> • Start of the consultation. Approval of methodological route and installation. • Local dialogue meetings in the territory. • Departmental dialogue meetings. • Consolidation, systematization of information and structuring of results. • Validation and adjustment of the final document of adjustment proposals to the PVA, PIVA program and guarantee mechanism. <p>Arrangement and protocolization of Prior Consultation agreements</p> <ul style="list-style-type: none"> • Expanded MRA for concluding, validating and protocolizing agreements. <p>Follow-up consultation and implementation commitments</p>

Regulatory basis	Regulatory basis
Jurisprudence of the Constitutional Court on Prior Consultation	Jurisprudence of the Constitutional Court on Prior Consultation
Presidential Directive No. 01 of 2010	Decree 2340 of 2015
Presidential Directive No. 10 of 2013	Decree 3012 of 2005
Presidential Directive 08 of 2020.	

Source: T-129 of 2011 and T-080 de 2017

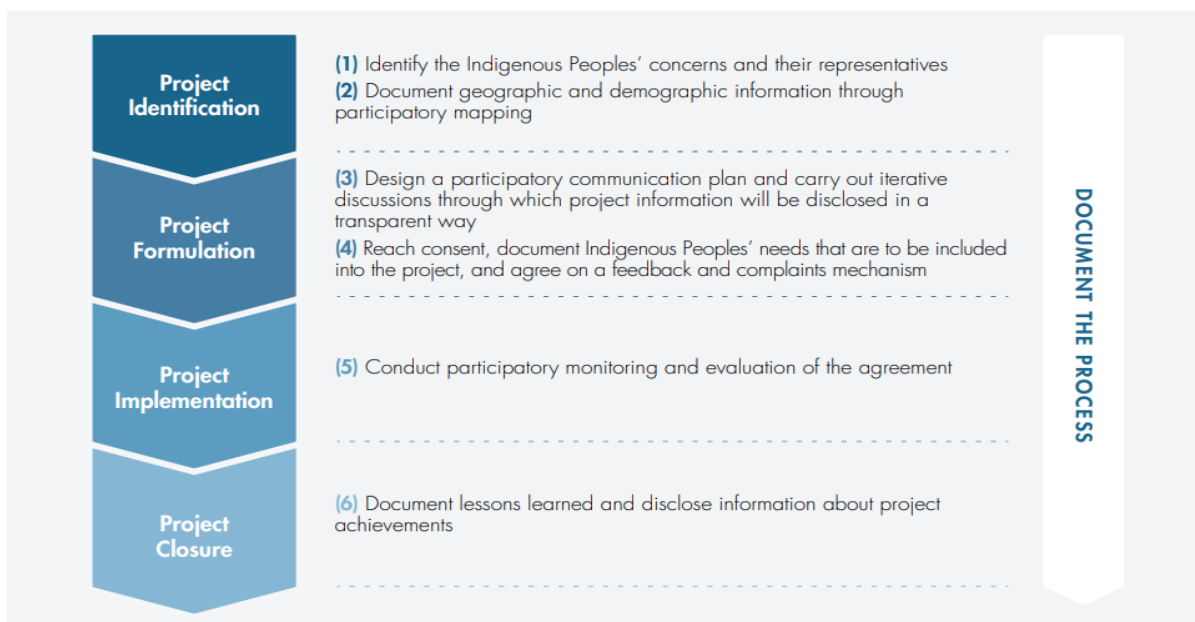
4.3 Application of the Prior, Free and Informed Consent un the GCF-Amazon Vision

Free, Prior and Informed Consent (CLPI) is a principle based on the universal right of indigenous peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development, enshrined in article No. 3 of the UNDRIP (2007). In this section, the participation procedures related to the involvement of Indigenous Peoples in the GCF-Amazon Vision Project will be addressed. First, the CLPI will be defined, and its application will be clarified in the context of the Prior Consultation of the Amazon Vision Program, and then we will see how its implementation will be within the framework of the EICDGB and the project.

According to FAO (2017) CLPI is a right of Indigenous Peoples that “*allows them to grant or deny consent to a project that may affect them or their territories. Once consent has been given, they can withdraw it at any time.*” CLPI also allows them to negotiate the design, implementation conditions, monitoring and evaluation of that project. This means that CLPI is not just about obtaining consent but is a process in itself in which Indigenous Peoples develop their own internal debates and, in a setting, where they do not feel intimidated. The CLPI process does not guarantee consent as an outcome. The result of an CLPI process can be: “consent of the indigenous community on the proposed activity, consent after negotiation and change of the conditions under which the project will be planned, implemented, monitored and evaluated or the denial of consent” (ibid).

FAO (2017), as part of the United Nations, applies the CLPI process in its projects as part of its environmental and social safeguards (ESS), and to ensure successful project implementation. To do this, it has a manual aimed at professionals in the field, which consists of six steps (Image 2) and which encourages the implementation of due process and respect for the rights of Indigenous Peoples.

Figure 2. Steps of the CLPI process in the framework of the FAO manual (2017)



Source: own

Although the Colombian Constitutional Court has differentiated between Prior Consultation and CLPI, it has also specified that *“the objective of the consultation is to achieve the Prior, Free and Informed Consent of the indigenous communities”* (T-129 of 2011 and T- 080 of 2017). In fact, ILO Convention 169 in its article 19 determines that *“States will hold consultations and cooperate in good faith with Indigenous Peoples (...) in order to obtain their Free, Prior and Informed Consent.”* This statement is also reiterated in article 32 of that Convention and in article 19 of the United Nations Declaration on the Rights of Indigenous Peoples. For this particular case, it must then be understood that Prior Consultation is a means to obtain the consent of the Indigenous Peoples and that, therefore, it is an ideal procedure to apply the social and environmental safeguards of the FAO.

In this context, through the Prior Consultation of the Amazon Vision Program, we want to obtain the consent of the Indigenous Peoples to continue implementing the Amazon Vision Program and all its pillars, including the PIVA, as well as all the projects that this Program includes with the full and effective participation of Indigenous Peoples. This does not mean that there is, or will be, an intense impact in the terms developed by the Colombian Constitutional Court when referring to CLPI, or that the Program involves the transfer or relocation of towns, or the handling of dangerous and toxic materials. On the contrary, it is seen as an inclusive participation process that recognizes the right of Indigenous Peoples to request due process or consent regarding interventions or new proposals for their territory, which may even improve the implementation frameworks of both the Amazon Vision Program, and the GCF-Amazon Vision project in particular, and in the context of this Indigenous Peoples Action Plan.

Consequently, the understanding that the FAO gives to CLPI is not a way to distort what the Constitutional Court has already established in this regard, or to expand its scope of application to other situations. The clarification that is made in this case regarding the concepts of Prior Consultation and CLPI is only with the aim of showing how these have been developed and understood, on the one

hand, by the Colombian Constitutional Court and, on the other, by the FAO and the United Nations System to, from there, harmonize them in the particular scenario of the implementation of the GCF-Amazon Vision Project, which is part of the Amazon Vision Program within the framework of the EICDGB. **Table 6** presents a synthesis of the similar elements with the Prior Consultation route for administrative or legislative measures in Colombia and the CLPI process implemented by FAO, an entity accredited before the GCF and, therefore, who is currently implementing the GCF Project. - Amazon Vision.

Table 6. Mainstreaming steps of CLPI and Prior Consultation

Steps of the CLPI (FAO 2017)	Steps of the Prior Consultation route for administrative or legislative measures (PVA Prior Consultation case)	Common elements
Project identification	Request for support to MinInterior – DAIRM Pre-consultation	Project identification includes knowing which Indigenous Peoples are potentially affected, their representatives, and the geographic and demographic scope of the project. This exercise is also carried out when the request is submitted to MinInterior and meetings are held with this entity, since the aim is to put the Program in context to those who will be the guarantors of the consultation process. Furthermore, in the Pre-consultation, the documents subject to consultation are preliminarily shared (with the MinInterior and the representatives of the Indigenous Peoples) and the methodological route is developed which, among other things, involves knowing who are the IPs affected, where are they and how. Based on this information, the spaces for dialogue and participation will be deployed, so that they can guarantee the participation of all those involved.

Project formulation	<p>Consultation</p> <p>Arrangement and protocolization of Prior Consultation agreements</p>	<p>The formulation of the project requires a communication strategy, the development of debates and the achievement of the consent, which is basically what is done in the phase of consultation, conclusion and protocolization of agreements. In these stages, the local and departmental deployment occurs to socialize and participate in the documents subject to consultation, receive observations and adjustments that must be reflected in the final documents. Additionally, agreements are reached that are not necessarily recorded in the documents subject to consultation, but that determine what the implementation process will be like.</p>
Project implementation Project closure	<p>Follow-up on consultation and implementation commitments</p>	<p>The Implementation of the project and the Monitoring of consultation commitments although called differently they are both directed to implement what was consulted and the agreements that were protocolized. Obviously, these phases require monitoring, follow-up and evaluation, until the completion of the Program and its projects.</p>

Source: own

It is important that after the route is completed, consent can be obtained or agreements reached regarding the development of the Amazon Vision Program and the projects that are part of it (e.g., GCF-Amazon Vision, REM I, REM II), even if this implies some changes, modifications or clarifications after the negotiation process. Obtaining consent or reaching agreements with the Indigenous Peoples involved will guarantee the legitimacy of the implementation of the Program and the projects linked to it. In any case, it is worth bearing in mind that, in the internal Colombian planning system, when consent is not obtained or an agreement is not reached after the Prior Consultation process has been carried out, the National Government may continue with the implementation of the program and /or measure as long as it adopts measures that mitigate possible damage or impacts to the communities and their territories. However, in the FAO CLPI process, dialogue processes can continue in order to achieve that consent for the implementation of the specific actions planned, such as, for example, competitive calls by indigenous peoples and the implementation of the chosen subprojects, in specific territories.

The following section will detail how the project's CLPI has been addressed, and how it will be addressed based on the results of the Prior Consultation process of the Amazon Vision Program for the implementation phase of the GCF-Amazon Vision Project.

4.4 Application of the CLPI in the GCF-Amazon Vision project and the EICDGB

As detailed in the ESMP, the Comprehensive Strategy for Control of Deforestation and Forest Management (EICDGB) considers the national interpretation of the Cancún safeguards as one of the fundamental principles for its implementation. In this sense, the implementation of measures and actions within the framework of the EICDGB, which aim to reduce deforestation and forest degradation, have to address and respect the social and environmental safeguards interpreted for the country, based on the guidelines established by the UNFCCC in decision 1/CP16 of 2010. In this framework, safeguard C6. of the national interpretation called **free, prior and informed consent (CLPI)**, considers that *“when a measure or action affects or may directly affect one or several ethnic groups, the national provisions on consultation and free, prior and informed consent established in the legislation and jurisprudence must be applied, as well as the guidelines given by the Ministry of Interior as the competent entity in this matter with the support of the control bodies.”*

This means that the implementation of measures and actions related to REDD+ in the territory of an ethnic group has to guarantee the right of the communities to effectively participate in decision-making, taking into account the regulatory framework for the protection of the rights of these communities. This implies carrying out information, dialogue and joint building processes. In addition to the generation of decision-making spaces where the people’s autonomy in the management of their territories is respected, and furthermore, they have to take into account the uses and customs of each group involved, as well as respect their own decision-making structures, for which, before proceeding, there must be minimum agreements to go ahead with the actors in the territory (Camacho et al. 2017).

In this sense, the GCF-Amazon Vision project that supports the implementation of the EICDGB, adopted the guidelines on social and environmental safeguards, complementing and following the guidelines of the Amazon Vision Program of which it is a part. During the project’s formulation phase, the FAO CLPI steps were applied in line with the GCF Indigenous Peoples guidelines, and the endorsement and consent of these communities, represented by the MRA, were obtained for the presentation of the project to the GCF Executive Board in August 2020. Documentation on this CLPI process at the formulation stage is found in Annex 3.

The project is part of the Amazon Vision Program and in the implementation phase, therefore FAO is supporting the Prior Consultation of the Amazon Vision Program, at the level of the current Amazonian organizations that are MRA and MIACC, and their respective representative bodies. As has been emphasized, this consultation will cover the design document of the Amazon Vision Program with its five pillars, and the PIVA document, under which Output 3 of the GCF-Amazon Vision Project would be implemented, and which proposes the implementation of calls for the allocation of resources to Indigenous Peoples' organizations that apply and qualify through the Support and Monitoring Platform – PAS of the Amazon Vision Program (see Annex 1), where FAO would participate in the context of the project. The adjustments made to the PIVA document and the agreements reached within the framework of the Prior Consultation of the Amazon Vision Program would apply to the implementation of Output 3 of the GCF Project. Likewise, the considerations/adjustments made to the Forest

Governance Pillar of the AVP should be applied to the work in two sustainable forest management nuclei (NDFyB) with Indigenous Peoples within the framework of Output 2 of the program.

Although FAO has already obtained consent for the formulation phase of the GCF-Amazon Vision project and is accompanying the Prior Consultation of the Amazon Vision Program, which is currently in its pre-consultation stage, the Organization will have to apply the CLPI for each of the initiatives that arise from the execution of the Project. To this end, the following table number 7 includes the steps to be taken to comply with the CLPI steps adopted by FAO.

Table 7. Activities to be carried out to provide the CLPI process with initiatives, in the framework of the GCF-Amazon Vision Project

Steps of the CLPI process according to FAO	Description
Identify the ethnic peoples that qualify within the framework of the project calls	<p>This implies searching for primary and secondary information that allow to know:</p> <ul style="list-style-type: none"> • Population and census context that allows to know not only how many people make up the community/town, but also to identify differential features, such as the presence of women, children and young people, people with disabilities, the elderly and their role. Identify if there is a multiplicity of ethnicities/groups/peoples. • Mobility patterns to know if the community/town is nomadic, semi-nomadic, or remains stable in a certain territory, among others. • Languages and dialects spoken in the territory subject to intervention, since this will later impact the conditions of effective participation and whether the presence of translators will be needed, prior to obtaining consent. <p>Additionally, the reading and writing level of communities must be identified; this will allow identifying the most appropriate means by which to share the information in the Communications Plan.</p> <ul style="list-style-type: none"> • Presence in municipalities and municipal rural settlements to know the special distribution of stakeholders. • Historical and cultural context to learn about specific milestones and how the community fits into a broader regional space. • Territorial organization and patterns in land use to know the legal status of the land or, in other words, know if your territory is legalized (indigenous reservation) or not (ancestral territory, in the process of titling or expansion), and if it is ordered according to their worldview, uses and customs. • Government structures and regulations not only to know who the leaders are and what the consultative and decision-making bodies are within the

Steps of the CLPI process according to FAO	Description
	<p>community, but also what their specific functions are in accordance with their own law. The legitimacy of the consent to be obtained will depend on knowledge of these structures and regulations.</p> <ul style="list-style-type: none"> • Existence of own planning instruments such as life plans, not only because they can contain relevant contextual information, but also show the interaction they have had with other actors (State, NGOs, cooperation agencies), as well as their installed capacity, among others. • Traditions <p>Additionally, it should be considered that interviews and preliminary approaches can be carried out at this stage. However, these are spaces of identification and context in which the initiative to be implemented is not negotiated. In these spaces, general aspects about the CLPI project and process promoted by FAO can be made known</p> <p>It has been suggested to create a document that collects and analyzes the information found.</p>
Geographic location	<p>Identify:</p> <ul style="list-style-type: none"> • Department(s). • Municipality (ies). • Municipal rural settlement(s) • Area of the territory (formal and non-formal, in the process of titling or expansion). • Official cartographic and spatial information (IGAC, ANT) • Areas of restricted uses according to the community's own regulations (e.g., sacred sites). • It would be necessary to consider whether social cartography workshops are required. <p>It is suggested to generate graphic outputs from this phase that allow locating the ethnic territory, the intervention area and other features (such as presence of water sources, forest cover, morphology, impact of land occupation).</p>
Communications plan	<p>Prior to formulating the communications plan, the following should be considered:</p> <ul style="list-style-type: none"> • To carry out outreach to the community and hold meetings to participatively build the communications plan. • Guarantee that there is constant and fluid communication. • Guarantee inclusion, especially of women and young people. Even consider the need to develop differentiated spaces. • Languages and dialects. • Customs (traditions): norms of verbal and non-verbal communication. <p>The communications plan should contain:</p>

Steps of the CLPI process according to FAO	Description
	<ul style="list-style-type: none"> • Information needs. • Channels and media, with an ethic and gender perspective. • Traditional or technological materials, formats and means of communication. • The components of the communications plan, especially the definition of the communication channels, depend on the identification stage, since it is necessary to know the government structures and participation instances to know what information is shared, with which actors, and at what times. <p>For the discussion itinerary, the following should be considered:</p> <ul style="list-style-type: none"> • The times (according to the availability of the communities) and spaces (in the framework of assemblies), as well as the methodology (if several spaces are required, or one is sufficient, if there will be replicators on the ground, translators, printed or digital materials) • The calls, through official letters, sent with sufficient time in advance, and in which the participation of women, young people (among others), is considered essential. • That it is possible to tell communities “no” or “we don't know.” • That the generation of documents, minutes and results of the debates are made available to the parties (the communities and their representatives). • Establish affirmative actions that guarantee the participation of indigenous women, taking into account schedules for the development of activities, places or activities that involve support in the care of children and other differential conditions or spaces that guarantee their participation. <p>The debates should include discussions on aspects of the Project and specific initiatives to be able to respond to:</p> <ul style="list-style-type: none"> • What are you going to do? / What for? and how this benefits the community. Be clear about the Project's technical aspects and initiatives, so as not to generate false expectations. • When? • With whom? • How? • It should also be established which aspects are non-negotiable for the parties and what alternatives exist. • In case there are qualms or objections about the execution of the Project and its initiatives, try to anticipate forms of settlement or agreements so that they can be ready for the next stage of “achieving consent”. • The methodology to obtain consent, so that the following can be determined: <ul style="list-style-type: none"> • How will it be done?

Steps of the CLPI process according to FAO	Description
	<ul style="list-style-type: none"> • When? • With whom?
Achieving consent and documentation of the needs on indigenous peoples	<p>Be clear in advance on the following:</p> <ul style="list-style-type: none"> • What are the ideal instances to formalize the consent? • Who is authorized to sign and deliver the consent? • Take into account changes in representatives, governing boards or other forms of government. • What issues are non-negotiable? And why? (Communicate them within the framework of the discussions of the previous phase). • What are the agreements of the consultation of the Amazon Vision Program? <p>When obtaining consent:</p> <ul style="list-style-type: none"> • Be clear that the agreements are consensual, mutual and recognized by all parties. • Guarantee that the agreement is accessible to communities and their representatives (not only that there are translators, but that the language of the agreement is clear). • Evaluate whether the participation of a neutral actor is necessary. • That there is a physical record signed by the parties. By legally recognized representatives authorized to provide consent for initiatives associated with the Project. Although no specific format is required, the minutes should contain, at least, the following sections: <ul style="list-style-type: none"> • List of attendants. • Date, time, place. • Summary of project information. • Agenda. • Description of the discussion. • Coordination body for monitoring (formation and functions) and grievance redress mechanism. • Agreements, disagreements, conditions for granting consent. The agreements should include how to ensure that representatives speak with the rest of the community, taking into account women, young people, the elderly and people with disabilities. • Terms for withdrawing consent or renegotiating the agreement. • Independent verifications. • Signature of the parties. • The creation of a bipartite coordination body to monitor the initiative and its execution is suggested, as well as a mechanism for reporting complaints. • It is suggested that debates be held in large participatory spaces, such as Assemblies, but that consent be given in smaller spaces, such as Boards of Directors. This is because Assemblies have certain specifications and times to meet, and because they are usually large, so organizing such a

Steps of the CLPI process according to FAO	Description
	<p>space can be expensive. The above is, in any case, a suggestion because the moment of obtaining consent responds to the circumstances and specificities of each case.</p> <p>If consent is obtained:</p> <ul style="list-style-type: none"> • Prepare the Letter of Agreement (LoA) that conforms to the CLPI process provided. It is suggested to include a clause in this regard, which could vary depending on the agreements and/or conditions that arise in each CLPI process. <p>If there are difficulties in obtaining consent due to opposition to certain parts of the initiative:</p> <ul style="list-style-type: none"> - Evaluate if it is necessary to schedule a new space. - Evaluate the need to draft new agreements or settlement formulas. <p>If consent was not obtained:</p> <ul style="list-style-type: none"> - Establish the causes and conditions for which consent was not obtained. - Evaluate with the communities the possibility of renegotiating, under what terms and when. - Respect the right to reject a renegotiation.
Participatory monitoring and evaluation	<ul style="list-style-type: none"> - Hire independent or neutral people who are accepted by all parties. - Include different voices in monitoring and evaluation. - Launch the coordination body and the grievance redress mechanism. Determine if other conflict resolution scenarios are required. - Report the implementation of safeguards. - Report progress of the initiative and compliance with indicators. - Establish the conditions to restart the consent process or renegotiate the agreement.
Documentation of the lessons learned	<ul style="list-style-type: none"> - Carry out exchanges of experiences to the extent possible. - Prepare a CLPI systematization document that additionally contains the lessons learned from the Project or initiative, and the safeguards report. This document should contain diverse voices from the community.

Source: Own elaboration based on FAO (2017)

No times were defined for each of the phases of the CLPI process, because they have to be agreed upon with the communities and their representatives. In any case, a reasonable time must be considered for the implementation of the CLPI, so that it does not exceed the time established for the execution and implementation of the GCF Amazon Vision Project, in accordance with the times established by the GCF in its approval. It is also important that the different phases of CLPI can be carried out within indigenous territories.

However, in those circumstances in which security and public order conditions prevent it, it is recommended to agree with the communities and their representatives on new strategies, such as holding meetings, debates or meetings in populated centers or intermediate cities. Although some actions were collected to carry out the CLPI process, it is important to reiterate that this is a participatory process, so each experience that is presented in the field may vary, according to the specific circumstances and needs of the communities and the initiatives to be carried out.

Table 8. Summary of the application of the CLPI in the GCF-Amazon Vision project and the EICDGB and its relationship with the Prior Consultation of the AVP

Project Stages	CLPI Stages (FAO, 2017)	GCF-Amazon Vision Project	Specific Activities	Status
Project identification	(1) Identification of affected indigenous peoples and their representatives	Generation of the Environmental and Social Management Framework (ESMF) of the GCF-Amazon Vision project, in line with the background of the Amazon Vision Program (socialization and participation process, without carrying out Prior Consultation for not affecting intensely the Indigenous Peoples at the time)	Not Applicable	2
	(2) Geographic documentation and demographic information with participatory mapping	Background of the Amazon Vision Program and commitments within the framework of MRA No. 39 of 2016, where the PIVA document is endorsed.	Not Applicable	2
Project formulation	3) Design of a participatory communications and development plan for a schedule of discussions, through which Information on the project will be delivered transparently	Creation of the Environmental and Social Management Framework (ESMF) of the GCF-Amazon Vision project, in line with the background of the Amazon Vision Program (socialization and participation process, without carrying out Prior Consultation for not	Publication of the ESMG for non-objection/ <i>disclosure</i> .	2

Project Stages	CLPI Stages (FAO, 2017)	GCF-Amazon Vision Project	Specific Activities	Status
		affecting intensely the Indigenous Peoples at the time)		
		Project formulation and its socialization in MRA No. 49 of 2020, where the GCF-Amazon Vision project was endorsed and budget adjustments made to Output 2, to guarantee the participation of Indigenous Peoples in actions related to Sustainable Forest Management.	Formalize the endorsement of the project and the steps to be followed in the minutes of the MRA session	2
		Technical meeting where technical delegates from the MRA and MIAACC participated with the FAO and MADS team, to make recommendations on the implementation of the project.	This meeting took place from November 30, 2020 to December 2, 2020 and a report on the session was prepared.	2
	(4) Achievement of consent and documentation on the needs of indigenous peoples to be included in the project	Endorsement/consent of the project within the framework of MRA No. 49 of 2020.	Minutes of the MRA session No. 49 of 2020.	2

Project Stages	CLPI Stages (FAO, 2017)	GCF-Amazon Vision Project	Specific Activities	Status
		Sending of Letter from the MRA to the GCF executive board on May 1, 2020.	Letter sent to the GCF.	2
Project Implementation	(5) Participatory monitoring and evaluation of the agreement	Meetings after MRA 2020-2023	Requirement for Prior Consultation of the Amazon Vision Project.	2
			Definition of the AVP Prior Consultation route.	2
		Preparatory meetings with MADS, MinInterior, FAO, OPIAC	Definition of the AVP Prior Consultation route.	1
			Hiring OPIAC as technical executor of the process	1
		Implementation of Prior Consultation of AVP	Definition of the profiles and terms of reference of the technical and political team required by the OPIAC.	1
			Preparation of the methodology and tools required for the process, as well as of documentation and information.	0
			Design and implementation of the dissemination and communications strategy of the AVP Prior Consultation process.	0

Project Stages	CLPI Stages (FAO, 2017)	GCF-Amazon Vision Project	Specific Activities	Status
			Expanded MRA Session (including the MIAACC) for socialization of the documentation and preparation for the execution of the methodological route, and the formal installation of the Prior Consultation process to the Amazon Vision Program.	0
			Territorial deployment (23 local dialogue meetings with Traditional Indigenous Authorities, and 6 departmental dialogue meetings with political-administrative Traditional Indigenous Authorities, 1 for each department of the region). This activity will allow the updating of participatory mapping and documentation on land use, natural resources, communication channels and media, and customary rights.	0
			Final document of proposals of adjustment to the Amazon Vision Program and PIVA, and the strategic proposal of the efficient and guarantee mechanism for the implementation of the AVP.	0
			Autonomous MRA session to validate and spiritually harmonize the final document of proposals for adjustments to the Amazon Vision Program and PIVA.	0
			MRA Session where the agreements of the Free and Informed Prior Consultation of the Amazon Vision Program will be validated and protocolized.	0
			Obtaining consent for the implementation of the adjusted Amazon Vision Program and its associated written projects.	0
		Implementation of the GCF-Amazon Vision Project with Indigenous Peoples	Implementation of the adjusted PIVA document.	0
			Carrying out calls within the framework of the PIVA.	0

Project Stages	CLPI Stages (FAO, 2017)	GCF-Amazon Vision Project	Specific Activities	Status
			Publication of results of the calls.	0
			Formalization of Letters of Agreement with the selected indigenous organizations.	0
			Implementation of the IPP for each selected and financed subproject	0
			Support and monitoring of funded subprojects	0
			Systematization of results and lessons learned	0
Project closing	(6) Documentation of lessons learned and information on project achievements	Monitoring of actions	Implementation of the ESMP	0
			Participatory monitoring	0
			Operation of the grievance redress mechanism	0
		Systematization of lessons learned and information on project achievements.	Preparation of documents and other elements.	0

4.5 Project IPP timeline and shedule of activities

Figure 3 presents a summary of the IPP process from project formulation to early preparation and implementation activities to date, presenting the main milestones achieved and to be achieved. **Table 9** presents a first planned work schedule, which must be updated in accordance with the progress of the agreements on the Prior Consultation of the Amazon Vision Program; and the coordination of the National Government (MinInterior, MADS, AVP) with the indigenous organizations that participate (MRA, OPIAC and other entities not attached to them). Annex 2. Minutes of the sessions of the MRA.

Figure 3. IPP Timeline



Source: own

As mentioned before, this schedule presents the different stages of the Prior Consultation, which will be updated as the prior consultation process and the coordination with the National Government (MinInterior, MADS, AVP) and the indigenous organizations that participate (MRA, OPIAC and others not attached to them) progress.

Thus, the PRE-CONSULTATION activities are presented as the first stage, which corresponds to the preparation phase. In this first stage professionals are hired, the documents object of the consultation (i.e., the base document of the Amazon Vision Program, the PIVA document, and the efficient and guaranteeing mechanism) are reviewed, as well as all activities aimed at contracting the OPIAC, entity designated by the indigenous communities to develop this process with the National Government, are carried out.

The second stage is the PRIOR CONSULTATION, which is properly the space for dialogue between indigenous peoples and the National Government. It begins in an MRA space, in which the final version of the documents subject to consultation is endorsed, and continues with the field trips, to establish dialogues with the indigenous communities. In the case of the Amazon Vision Program, these trips consist of 23 territorial and 6 departmental workshops, which allow guaranteeing broad participation of the interested indigenous peoples. The second phase culminates with another space for MRA, in order to validate that the contributions made in the territory are incorporated into the documents. This activity is known as registration of the consultation, and allows the final approval to be given, so that MADS can adopt and implement those contributions.

The last phase corresponds to POSTCONSULTATION OR FOLLOW-UP OF AGREEMENTS, which occurs once the consultation has been protocolized, the agreements are firm and their compliance is required. This is verified in Colombia by the Ministry of the Interior and the Public Ministry (Office of the Inspector / Solicitor General and Ombudsman), until 100% compliance with what was agreed in the Prior Consultation has been achieved.

Table number 9 accurately accounts for all the activities that make up each stage, as follows:

In green, activities corresponding to the pre-consultation phase; in blue those of the consultation phase; and in yellow the post-consultation phase or monitoring and compliance with agreements, within the framework of the Prior Consultation process of the Amazon Vision Program (AVP).

Table 9. Schedule of activities

STAGES	ACTIONS	TASKS	TIMES														RESPONSIBLE PARTIES	
			Se p- 23	Oc t- 23	No v 23	De c- 23	Jan -24	Fe b- 24	Mar -24	Apr -24	Ma y- 24	Jun -24	Jul - 24	Au g- 24	Se p- 24	Oc t- 24		
PRE-CONSULTATION	Personnel contracts	Hiring of the Consultation Coordinator	X														AVP	
		Hiring of the Social Professional		X														FAO
		Hiring of the PM support lawyer		X														FAO
		Hiring of the indigenous component and social and environmental safeguards leader	X															FAO
	Formalization with MinInterior	Meeting or Letter to MinInterior - DAIRM context and start of the process		x														MADS and MinInterior
	Contract with OPIAC	OPIAC Proposed Review	X															MADS - AVP – FAO
		Final adjustments to OPIAC proposal	X															OPIAC
		Approval of OPIAC proposal		x														MADS
		Start of recruitment for AVP - FAO																
		Draft of the FAO Letter of Agreement		x														FAO
		Document Letter of Agreement Approvals and processing of the FAO				x	x											

agreements between the National Government and the Indigenous Peoples' authorities for the construction and implementation of the Indigenous Pillar of Amazon Vision (PIVA). However, carrying out the Prior Consultation of the Amazon Vision Program is considered in itself a mitigation measure to the risk of activation of the ESS9, to the extent that said process is carried out within the framework of Colombian law, in response to a request of the highest representative body of the Indigenous Peoples of the Amazon region, which is the MRA, and where their right to consultation and consent is recognized. Therefore, the completion of this process, and the resulting agreements will be vital for the implementation of the project, but, in addition, it will be an unprecedented process to those previously carried out in the country, in terms of scale and detail. However, under this scenario, some changes have to be anticipated in the PIVA document, which must be addressed in the updated version of this IPP, following the results of this process.

Finally, and in order to reduce the risks associated with ESS8, the project has also considered not investing resources in the implementation of the following activities:

Environmental aspects:

- Application of forest management practices without following permit procedures defined by environmental authorities;
- Intervention activities in protected areas or in their buffer zones, which are not considered in the corresponding protected areas' management plan;
- Planting of dense monocultures, with introduced, exotic or native species, in deforested areas after 2010;
- Planting of alien plant species (trees or shrubs), including those that are potentially invasive.
- Clonal forest planting of trees, tree species or shrub species (with one clone or very few clones), in areas without previous forest/shrubland, or in areas with reforested woods/shrubland
- Use of agrochemical products that are listed as prohibited items, or that are not on the list of authorized products, which the Agricultural and Livestock Service (SAG) updates periodically, but that present a danger or high risk for the environment or human populations, as determined by the Fund.
- Elimination, reduction or total replacement of areas covered with natural plants where the Financed Activity is carried out;
- Promotion of livestock grazing in areas where the financed activity is carried out;
- Infrastructure works such as dams and water reservoirs;
- Establishment of irrigation systems;
- Management of species that may be considered invasive or that can turn into plagues in the intervention area;
- Activities that involve the generation of contaminated waste that affect the quality of water and soil;
- Production activities that cause soil degradation or modify a natural ecosystem; and
- Use/introduction of genetically modified organisms.

5.2. Prevention and/or mitigation measures in line with FAO and GFC policies on Indigenous Peoples.

The following measures will be applied in all project activities to encourage full respect, promotion and safeguarding of the rights of Indigenous Peoples, so that: i) they benefit from the activities and projects in a culturally appropriate manner; and ii) do not suffer damage or adverse effects due to the design and execution of the activities financed by the GCF:

Consultation: In accordance with Colombian national regulations, and what was agreed in the MRA, instances of dialogue and consultation between the Government of Colombia and the Indigenous Peoples, the process of Free, Prior and Informed Consent, the Amazon Vision Project, the PIVA, and the efficient and guarantee mechanism, are assured.

Free, Prior and Informed Consent: Specifically for those implementation activities of the GCF-Amazon Vision project, in the designated sites, that may affect the territories, resources, livelihoods and cultures of the Indigenous Peoples, taking into account that, the Output 3 of the project will focus on supporting the proposals of Indigenous Peoples.

Governance and Self-government: The interventions of this project aim to strengthen local governance by empowering local communities in information management; the promotion of sustainable forest management; supporting the initiatives of Indigenous Peoples and strengthening the role of women. Based on this, project activities will respect and support the rights of Indigenous Peoples related to land, territories and resources, as well as cultural heritage and spiritual values, traditional knowledge, resource management systems and practices, occupations and livelihoods, customary institutions and general well-being. The project will involve representatives of Indigenous Peoples in the planning of activities in order to adequately understand and address the issues and rights of Indigenous Peoples, including capacity building of Indigenous representatives and leaders. The indigenous projects corresponding to Output 3 will be selected taking into account the right of indigenous communities to freely pursue their economic, social and cultural development, as well as their right to autonomy or self-government, as well as their livelihoods and financing.

National and international regulations: In accordance with the national regulatory framework, project activities that involve indigenous and local communities and/or are developed in indigenous territories, will be executed in compliance with national laws and international agreements, including the National Constitution, Law 21 of 1991 that approves ILO Convention 169, the United Nations Declaration on Indigenous Peoples, the United Nations Declaration on the Rights of Indigenous Peoples and Decree 2941 of 2009.

Indigenous Peoples in voluntary isolation: In the case of Indigenous Peoples who live in voluntary isolation, or remote groups with limited external contact, the project will respect the provisions of the Inter-American Human Rights System and the Colombian internal regulations that establish self-determination and non-contact, and territorial intangibility for Indigenous Peoples in isolation, as guiding principles. This means that there is a prohibition of intervention in the territories where Indigenous Peoples settle in isolation, except in certain exceptions such as the reporting of illegal

activities in the area, high-risk public health events, security and national defense issues, among others (Decree 1232 of 2018).

Participation and traditional knowledge: Project activities will promote the active participation of Indigenous Peoples and their representative organizations, recognizing, respecting and giving value to their contributions to the execution of activities and promoting leadership of traditional knowledge holders in the definition of plans, strategies and work instruments promoted by the project. Output 3 will be specifically allocated to support the activities proposed by Indigenous Peoples' organizations, which will be selected according to a set of criteria that include respect and recognition of traditional knowledge, as well as the improvement of the local livelihoods.

Capacity building: Activities will be designed and agreed in accordance with the procedures applied by the Amazon Vision Program, and integrating local knowledge, attending the needs and priorities of Indigenous Peoples to strengthen local capacity to monitor deforestation, project formulation of projects, the application of conservation agreements and the improvement of forest management, among other things. Activities related to Output 3 will support Indigenous Peoples with technical assistance for project formulation and implementation, including administrative and financial management capacity of local leaders, organizations and communities, in order to facilitate access to resources and enhance the capabilities of Indigenous Peoples.

Most project activities will generate significant benefits for Indigenous Peoples, through capacity-building, increasing participation in decision-making processes and strengthening territorial governance. The table below presents the positive effects and possible negative effects, as well as possible measures to avoid or minimize the effects. Table 10 presents the risks identified in the Environmental and Social Management Plan (ESMP) of the GCF-Amazon Vision project, and the measures to reduce negative impacts.

Table 10. Risks identified in the Environmental and Social Management Framework (ESMF) of the GCF-Amazon Vision project and Measures to reduce negative impacts

Project activities	Positive impacts	Negative impacts	Measures to reduce negative Impacts
<p>Strengthening of the national carbon and forest monitoring system with the aim of generating early and efficient deforestation alerts in the Amazon region, and of the local capacity to manage the information derived from the monitoring system at the scale of the municipal rural settlement/community, municipality and region. village/community and municipal scale and region.</p>	<p>Indigenous Peoples will have access to information derived from forest monitoring systems and reports on deforestation.</p> <p>Indigenous Peoples will increase their capacity to manage forest information and decision making accordingly.</p> <p>Indigenous Peoples will be able to monitor deforestation on their land and access early warnings.</p>	<p>Indigenous Peoples' community organizations may be underrepresented.</p> <p>It is possible that training and capacity building activities may not take into account IPs' local languages and culture.</p> <p>Indigenous Peoples cannot make decisions due to lack of information at the scale they need, or cannot access early warnings.</p>	<p>The instruments and reports derived from the forest monitoring systems will be designed jointly with the representatives of the Indigenous Peoples in order to meet the information needs, as well as the appropriate technological instruments to guarantee access to information.</p> <p>The Project will carry out training and other capacity building activities to ensure that Indigenous Peoples have the necessary knowledge to interpret deforestation reports and alerts, develop local reports and make decisions based on this information.</p>
<p>Support zero deforestation agreements, thus strengthening monitoring and reporting activities at the territorial level.</p>	<p>Indigenous Peoples will participate in the implementation of local zero deforestation agreements.</p> <p>Indigenous People's capacity to participate in and support decision-making processes related to zero deforestation</p>	<p>Indigenous Peoples are not properly represented in zero deforestation agreements.</p> <p>Deforestation threats on indigenous lands are not adequately addressed in zero deforestation agreements.</p> <p>Indigenous Peoples do not have opportunities/resources/capacities</p>	<p>The Project will promote the active participation of the representatives of the Indigenous Peoples in the processes related to the formulation and application of zero deforestation agreements.</p> <p>During the approval process of the zero deforestation plans, the Project will generate information to</p>

Project activities	Positive impacts	Negative impacts	Measures to reduce negative Impacts
	<p>agreements will be strengthened.</p> <p>Indigenous women will be empowered to lead and actively participate in the definition and implementation of the agreements.</p>	<p>to actively participate in the surveillance or monitoring of the agreements' implementation.</p>	<p>analyze the impact of sectoral activities on the lands of Indigenous Peoples and will ensure that they know the information and provide input, which will be addressed in the zero deforestation agreements.</p>
<p>Support the application of rural environmental cadastres as a measure to monitor deforestation at the territorial level and promote local conservation and zero deforestation agreements.</p>	<p>Indigenous Peoples will have access to information on possible threats in their territories related to land tenure.</p>	<p>Indigenous Peoples cannot access process information and identify possible threats in their territories.</p>	<p>Training activities will be carried out within the framework of the Project, to ensure that IPs have the necessary knowledge to understand the process of rural environmental cadastres and its possible repercussions.</p> <p>The Project will implement measures to deal with potential threats from cadastres in neighboring indigenous lands.</p>
<p>Support local communities in the design and establishment of sustainable forest management systems in eight zones.</p>	<p>Indigenous Peoples will benefit from the development of instruments and methodologies that could be replicated in their territories.</p>	<p>Forest management could pose a threat to the indigenous territories neighboring the forest management nuclei, if it is unsustainable.</p>	<p>Training and other activities will be carried out within the framework of the project, to ensure that Indigenous Peoples have access to instruments and methodologies that can support local initiatives related to sustainable forest management.</p> <p>The Project will identify and prevent the possible impacts of said sustainable forest management</p>

Project activities	Positive impacts	Negative impacts	Measures to reduce negative Impacts
			nuclei in neighboring territories to those of the Indigenous Peoples and will guarantee that Indigenous Peoples are aware of the risks and can apply measures to prevent them.
Development of a training program for sustainable forest management that includes management and monitoring activities within an integrated approach.	<p>Indigenous Peoples will benefit from the training programs and will be actively involved.</p> <p>Indigenous women and Indigenous Peoples' communities will be trained to participate in forest management practices and monitoring Programs.</p>	<p>Community organizations of Indigenous Peoples may be underrepresented.</p> <p>Training and capacity building activities may not take into account Indigenous Peoples' local languages, capacities and culture</p>	Measures will be adopted within the framework of the Project, to ensure that representatives of Indigenous Peoples from areas neighboring sustainable forest management nuclei are informed and invited to participate in training activities related to forest management and surveillance.
Support for long-term community monitoring systems in the sustainable forest management nuclei.	Indigenous women and Indigenous Peoples' communities will be empowered to participate in forest management practices and monitoring programs.	Indigenous Peoples' knowledge is not adequately included in training programs and monitoring systems.	The Project will take measures and open the necessary spaces to promote that the Indigenous Peoples can share their knowledge and experiences in matters of sustainable forest management, as they deem appropriate. The Project will design training programs and materials taking into account local languages and cultures.
Support the development of market strategies for each sustainable forest management nucleus.	Indigenous Peoples will benefit from a better access to markets for forest products.	Indigenous Peoples' products are excluded from market access and other related activities.	The Project will consider the strategy to integrate the Indigenous Peoples within the process of commercialization of forest products and will propose specific

Project activities	Positive impacts	Negative impacts	Measures to reduce negative Impacts
	Indigenous Peoples' capacity to access markets will be strengthened.	<p>Indigenous Peoples' community organizations may be underrepresented.</p> <p>Training and capacity building activities may not take into account Indigenous Peoples' local languages, capacities and culture.</p>	<p>market strategies directed to forest goods produced by Indigenous Peoples.</p> <p>The Project will develop training taking into consideration the needs, languages and cultures of Indigenous Peoples in areas neighboring the sustainable forest management nuclei.</p>
Support the design and development of incentives and financial instruments to promote sustainable forest management.	Indigenous Peoples will benefit from incentives designed according to their needs and characteristics of land ownership.	Financial incentives may exclude community land.	Activities under Output 2 will support the design of specific incentives to reduce deforestation and promote conservation activities on indigenous lands
Support for the execution of forest economy and sustainable production projects as a strategy to strengthen the territorial governance of Indigenous Peoples.	<p>Indigenous Peoples will benefit from financial resources for the execution of projects formulated according to their needs and contexts.</p> <p>Indigenous Peoples will benefit from Capacity-Building Programs with the aim of supporting project formulation and management.</p>	<p>Indigenous Peoples may not be included in community organizations, or may be underrepresented.</p> <p>Projects carried out by indigenous organizations can be carried out against traditional practices of intellectual property and customary laws</p> <p>Training and capacity building activities may be contrary to traditional practices and customary intellectual property law.</p>	<p>The Project will follow the procedures agreed within the framework of the Amazon Vision Programme (PIVA) to guarantee that Indigenous Peoples interested in accessing financial resources can present their candidacy to the calls.</p> <p>The selection criteria will take into account the guiding principles of the FAO and the GCF.</p> <p>The Project will develop training aimed at Indigenous Peoples interested in requesting financial resources for their projects.</p>

Project activities	Positive impacts	Negative impacts	Measures to reduce negative Impacts
			The implementation of Output 3 activities will be accompanied by a Training Program aimed at supporting Indigenous Peoples' organizations in the execution of the proposed projects.
Activities to support the Empowerment and participation of women.	Indigenous women will be empowered to actively participate in the formulation and execution of projects, as well as to formulate and execute their own projects.	Lack of skills and access to information excludes women or reduces their participation in project activities.	<p>The Project will execute a Training Program aimed at supporting women's organizations of Indigenous Peoples that formulate and execute indigenous projects implemented under Output 3.</p> <p>The Project will establish a mechanism for monitoring the participation of women in all relevant Project activities and, likewise, will take measures to empower women and promote their participation in decision-making processes</p>

Source: own

6. Integration of the gender perspective in the preparation of the IPP

The Indigenous Peoples Action Plan (IPP) involves guaranteeing culturally respectful processes regarding actions that promote the gender approach. For the GCF-Amazon Vision, the incorporation of the gender approach was considered since the formulation of the project, emphasizing the need to adopt a differential vision that took into account diversities, singularities and inequities, in the activities, measures and practices of the project to provide care, protection and guarantee of rights related to vulnerable population groups, taking into account ethnic diversity, life cycles, territoriality and gender.

As mentioned above, although women play a fundamental role in the management of natural resources and in the development of productive activities, the conditions in which men and women carry out their activities continue to reflect important gender gaps that are emphasized in conditions of armed conflict and other sociopolitical contexts experienced in the territories.

In this sense, the GCF-Amazon Vision contemplates specific actions aimed at reducing gender gaps by strengthening the effective participation of indigenous and peasant women in decision-making and advocacy processes, promoting their economic autonomy through access to productive initiatives, forestry and food security, strengthening their positions as community leaders at the local level and in national or regional settings, and enhancing the role that women play in the use, management and conservation of the territory, in sustainable forest management and in conservation actions in relation to the land from the indigenous worldview, promoting respect for customs and concepts regarding the territory.

In this sense, the gender plan contains catalytic measures for equality in land ownership, or the management of natural resources for women belonging to indigenous groups participating in the implementation of the project, through the actions planned for Outputs 2 and 3, specifically, that impact women's appropriation of the governance of resources, the strengthening of capacities and skills, the promotion of economic initiatives and the promotion of the leadership of indigenous women. It also implies the improvement of women's productive units, the promotion of financial mechanisms and incentives for the sustainable management of resources, as well as active participation in forest monitoring mechanisms. It is planned to raise awareness and training actions with field teams for work with indigenous communities, for the mainstreaming of the approach in planning activities, calls, promotion of organizational processes, methodologies, tools, monitoring and dissemination, seeking to ensure that they do not deepen gender gaps in field execution. In the territorial implementation, affirmative actions will be taken into account to facilitate operational and care measures for the participation of indigenous women, implement methodologies that promote listening to the proposals of indigenous women, differentiating age groups, strengthening indigenous women's platforms, exchanges of experiences in forest conservation and promoting inclusive communication.

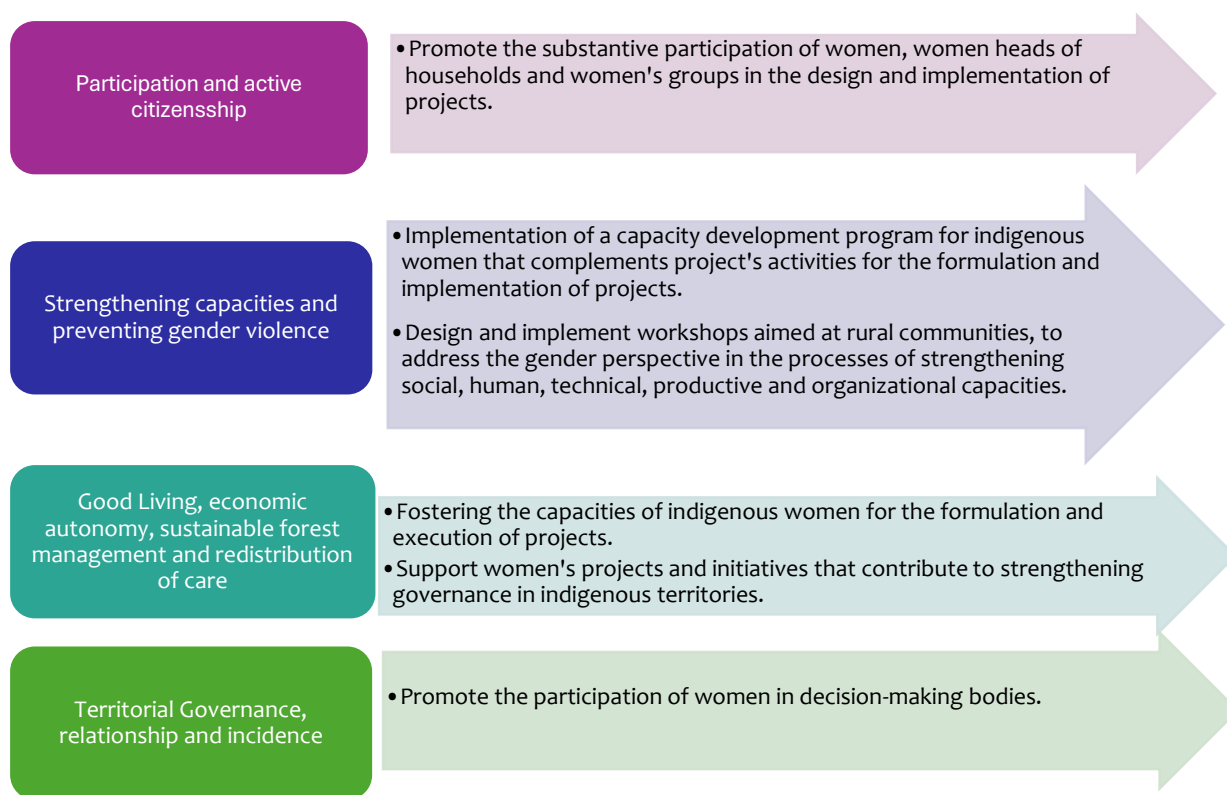
Gender-sensitive actions, indicators and goals that have to be adapted to be consistent with the uses, customs and norms of each community, as well as the worldviews of the Indigenous Peoples involved, added to the disaggregation of information in the different instruments, tools and the guide to key actions for the gender approach in the territory aligned with the Indigenous Peoples Action Plan

(IPP). It is also necessary to highlight that the gender action plan initially outlined five strategies that interact with each other to comply with the 28 indicators:

- Participation and active citizenship.
- Strengthening capacities and prevention of gender violence.
- Good living, economic autonomy, sustainable forest management and redistribution of care.
- Territorial governance, relationships and incidence.
- Knowledge management and technical review.

Particularly for Indigenous Peoples, an emphasis is proposed on the following sensitive strategies and actions:

Figure 4. Gender plan strategies for the GCF-Amazon Vision project



Source: own

The development of the Prior Consultation of the Amazon Vision Program will require that the strategies, indicators and some proposed actions have to be validated, adjusted or complemented, as can be seen in the indicator framework of the preliminary IPP for the project (Table 5). In the same manner, the Prior Consultation to the AVP and the implementation of the CPLI will strengthen the identification of possible needs felt by indigenous women, as a contribution to the collection of baseline information.

7. Indigenous Peoples Action Plan (IPP)

The Indigenous Peoples Plan for communities, hereinafter IPP, is developed for Project Implementation Sites (PIS) that are implemented with indigenous communities, and results from the CLPI process described above. The objective is to ensure respect for their rights and the adequate addressing of the possible positive or negative effects that the implementation of project actions may generate in the partner/beneficiary population, thus adequately managing the potential risks and impacts, while at the same time maximizing the benefits.

The IPP is a document that summarizes the participatory and commitment processes carried out with an indigenous community within the framework of the GCF-Amazon Vision Project. This must account for the due process of the CLPI, starting from the results of the Prior Consultation of the Amazon Vision Program, and returning to these elements for the project cycle, in accordance with the FAO guidelines, for each subproject selected within the framework of the PIVA document, currently approved and/or with any adjustments that may occur after the AVP Prior Consultation. The IPP for each subproject has to be systematized in a final report, which in addition to reporting on the participation process, must report on the results obtained.

It is worth noting that the IPP will only be prepared when indigenous communities seek to participate in the project, so the entire CLPI process will be carried out. All information relevant to CLPI, verifiers and other information collected during the process is collected and processed within the framework of the ESMP and the Project Monitoring and Evaluation Strategy, in line with the project's overall environmental and social management framework (ESMF).

The IPP should be developed together with the community at the end of the design and planning of the intervention subproject, and includes all the information collected, the agreements reached and the participatory work carried out, together with the implementation and completion mechanisms of the subproject. Each IPP document includes a summary of the diagnosis information collected; the participatory design process of the on-site intervention project carried out; the agreements reached; the decision-making mechanisms and the established monitoring strategy; and the closure and lessons learned from the process. The IPP is a living document that is not completed until the end of the life cycle of the on-site intervention subproject, and, therefore, serves as a guarantee both for the community in question, and for FAO and MADS as leaders of the National REDD+ process. Specifically, the IPP is built with the compendium of minutes, maps, terms of reference, transcripts, images, letters of agreement; and any other document generated during the CLPI process.

Every IPP carried out will contain at least the following Information:

1. **Information on the project:** General context in which the IPP is inserted; investments and activities to be implemented; participatory processes in line with the ESMP Participation Plan and/or the one defined during the Prior Consultation of the Amazon Vision Program.
2. **Sociodemographic, cultural and environmental characterization:** This includes geographic, demographic, productive or economic, social, cultural, organizational information from secondary and primary sources, at the territorial and/or community levels.
3. **Participatory process:** Descriptions of the tools and methods issued during the participatory process for the design and outline of their actual implementation.

4. **Results of participatory processes:** Account of the design, planning, environmental and social assessment, implementation, evaluation and monitoring, and completion agreements, including the respective verifiers confirming that CLPI has been obtained. Evaluation of the possible social, environmental, cultural and economic impacts and benefits of the project.
5. **Measures to prevent and/or mitigate potential risks and impacts,** as well as to maximize benefits.
6. **Monitoring and supervision of agreements.**
7. **Grievance Redress Mechanism (GRM) of the project.**

In context, project activities corresponding to Outputs 2 and 3 related to Indigenous Peoples will be executed directly in collective territories of Indigenous Peoples and agreed upon with them, initially within the framework of the Prior Consultation of the Amazon Vision Program and specifically of the PIVA, which cover these project activities, while including the CLPI issue in some phases. In the actual implementation of the specific process, CLPI will be guaranteed in each indigenous territory with activities to be developed.

Other activities related to the monitoring and control of forests, and the strengthening of local capacities for this (which will be worked jointly with IDEAM), will include representatives, organizations and communities of Indigenous Peoples, also promoting the participation of women natives.

The development of the IPP is carried out respecting the principles of full and effective participation, good faith, and accordingly with the circumstances, through appropriate procedures, representative institutions and binding agreements, always considering the condition of interculturality and inclusion. Although it is already included in the principles indicated above, it should be noted that all discussions have to be carried out in a language that is accessible and relevant to the local reality, and intercultural dialogues must be facilitated and ensured from the project.

8. Monitoring and evaluation of the IPP project

Taking into account that the risk category of this project is moderate risk, the possible adverse effects of project activities on Indigenous Peoples will also be assessed using the FAO environmental and social analysis instrument. Considering these safeguards applicable to Indigenous Peoples' projects, they will be monitored and reported on the basis of what is established in the Environmental and Social Management Plan (ESMP).

The PMU will be responsible for the implementation of the Indigenous Peoples' Action Plan (IPP), will supervise all of its activities, and report on its implementation. The technical leader of Output 3 and her work team will supervise and report to the Project Board and in required instances about the progress of project activities, the impacts identified, and the mitigation measures implemented. These activities will be coordinated with the MADS and its Amazon Vision program in the context of the PIVA. It is important to highlight that two professionals have been hired (professional specialized in Prior Consultation and missionary professional for Prior Consultation) to support the construction of a

roadmap for the Prior Consultation process of the Amazon Vision Program and its PIVA document. These professionals will also support the implementation of the PM following the roadmap identified with the MADS to carry out the design of this process. They will also support the construction of the necessary documents to support the process in all its phases

Additionally, the project will report on a semi-annual basis to FAO headquarters and annually to the GCF on the actions of indigenous peoples in the Annual Performance Report (APR), without prejudice to the possibility of responding specifically to any request for information regarding situations of interest to the GCF. Given that the subprojects proposed by Indigenous Peoples' organizations and communities will be selected through annual public calls under Output 3, the IPP will be updated after each call, once the subprojects have been selected, and due diligence for each of them has been carried out. Based on the due diligence results, the Output Leader 3 will be responsible for updating the IPP.

The development of the CLPI stages will be monitored by subproject and a systematization of the IPP processes carried out in the context of the Project, through the use of the following matrices:

Table 11. Monitoring matrix of the steps of the FAO CLPI in every sub-project

No.	Departamento	Municipios	Proyecto	Pasos del CLPI					
				Identificación de los representantes de PL	Documentación geográfica y demográfica	Plan de Comunicación participativo / sesiones de información del proyecto.	Consentimiento y documentación de las necesidades de los PL.	M&E participativa del Acuerdo	Documentación de las lecciones aprendidas
1									
2									
3									
4									
5									

No.	Department	Municipalities	Project	Description	PIVA Component	PIVA Action Line	Participating organizations	Indigenous Reservations	Indigenous People	Area (Has)	# Families	Investment \$

Source: own elaboration based on FAO (2017).

In Annex 4. Creation of the formats for the meeting minutes and attendance lists

A self-assessment will be carried out based on the checklist proposed in the document FAO CLPI Manual, with the purpose of knowing the aspects to improve the implementation of the CLPI (Annex 5).

8.1 IPP Project Budget

The project budget considers an allocation of 30% for Output 3 related to Indigenous Governance, and 20% for Output 2 (equivalent to 10% of the total budget), which is equivalent to 40% of the total budget focused on Indigenous Peoples.

The budget for the implementation of actions related to Indigenous Peoples is USD 11,259,746, of which USD 2,820,811 correspond to Output 2 (for the implementation of sustainable forest management actions), and USD 8,438,935 to Output 3. For the latter, around USD 800,000 USD (3.2 billion COP) have been allocated to carry out the PVA Prior Consultation process within the framework of activity 3.1.

9. Annex

- PIVA document approved in session No. 39 of the MRA in 2016
- Minutes of the MRAs where issues related to the Amazon Vision Program, PIVA document and GCF-Amazon Vision project have been addressed.
- Documentation of the CLPI process in the formulation stage of the GCF-Amazon Vision project.
- Meeting minutes and attendance list formats.
- FAO Checklist for Free, Prior and Informed Consent

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