



# Free, Prior and Informed Consent (FPIC) Process Development in Papua New Guinea

Presentation Document

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**Office of Climate Change and Development  
Papua New Guinea**

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## Background

**The Concept of FPIC is not new in PNG, FPIC has been practiced to some extent by extractive industries including forest industry**

**Although International Labour Organisation Convention 169 (1989) and other international people rights has encouraged countries to recognize and allow local communities to practice their rights**

**PNG Constitution recognizes and respects the rights of the local communities including their traditional cultures and the different judicial system available at the local level.**

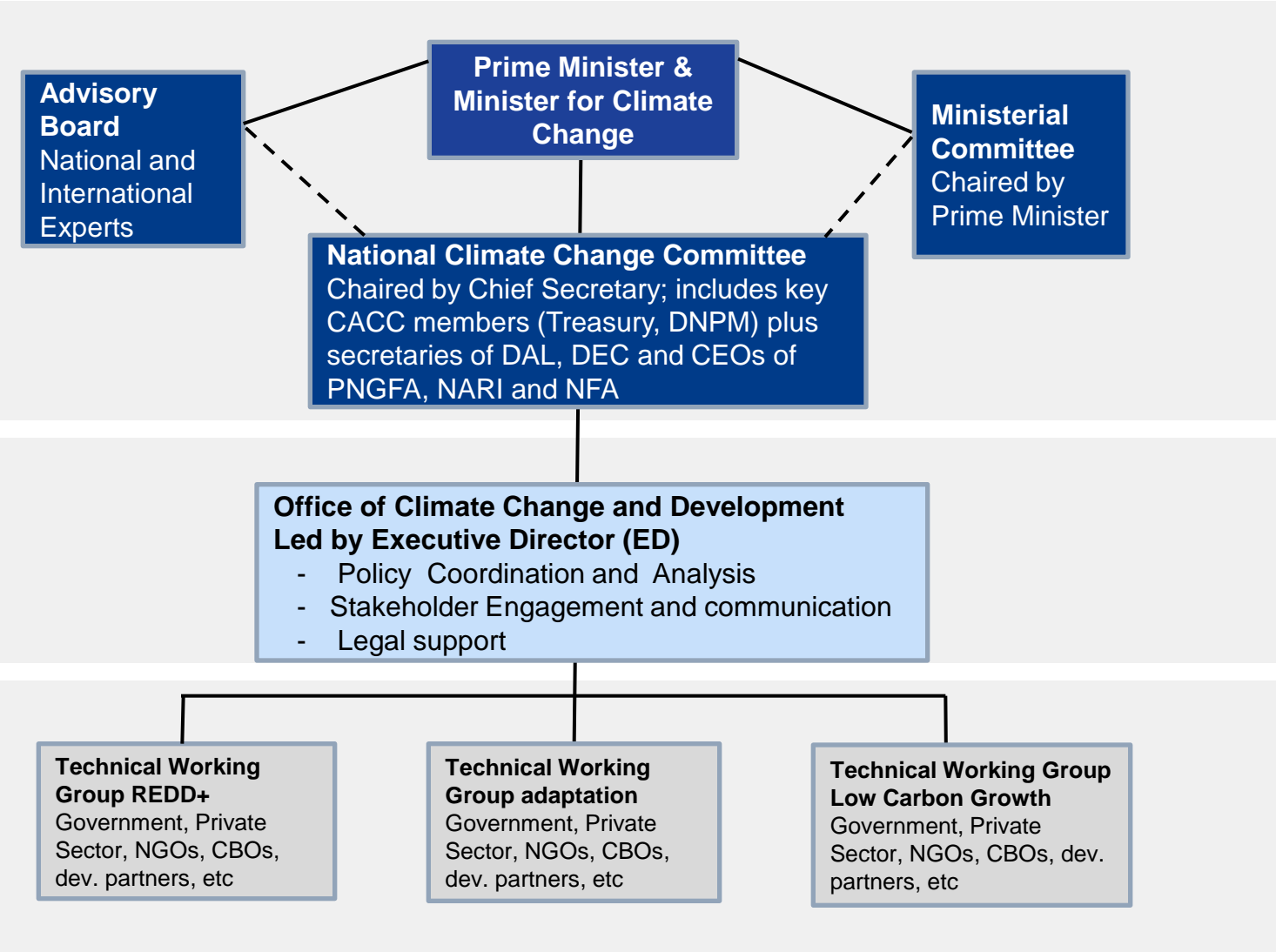


- **~ 7% of world's biodiversity in >1% of world's land mass**
- **815 different language and cultural practices**
- **97% of customary land**
- **82% of population live in rural areas**



**The National Constitution of PNG also embraces the right to FPIC process by acknowledging human rights in sec. 32-56 (Basic Rights, Qualified Rights and Special Rights of Citizens)**

# Institutional Arrangement

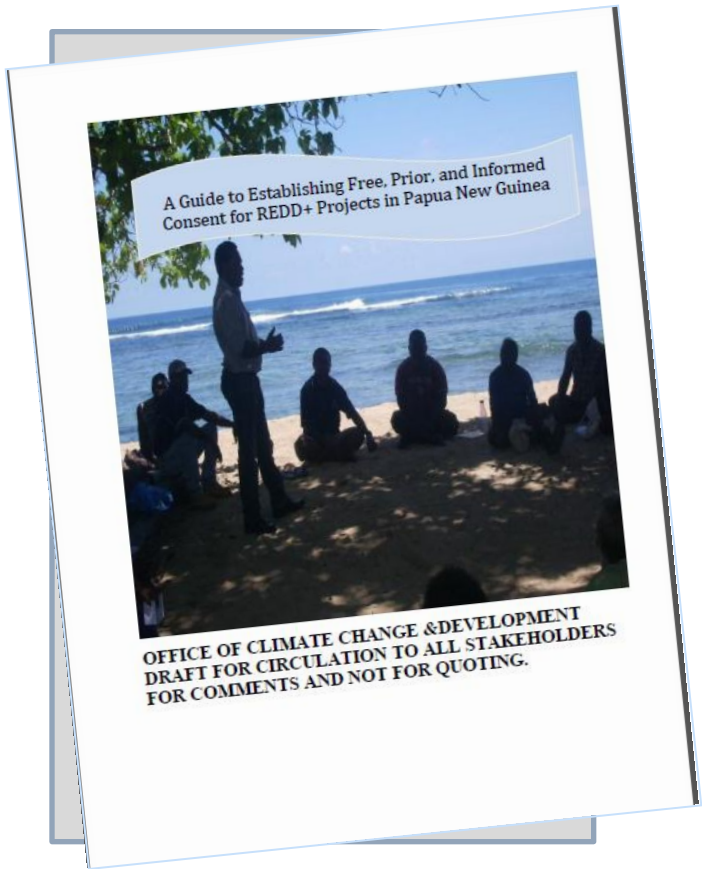


- Strong political leadership
- Support across key ministers

- Lean office with strong team
- Uses *secondees* from other departments

- Operational since Jan 2010
- Shapes national strategy

# Free Prior Inform Consent Manual



The FPIC Manual covers ;

1

Provide guidelines to project proponents and key stakeholders to process FPIC for REDD+ Project

2

Respect rights of project communities

3

Rights and Interest of project communities are captured in the planning, design and implementation

4

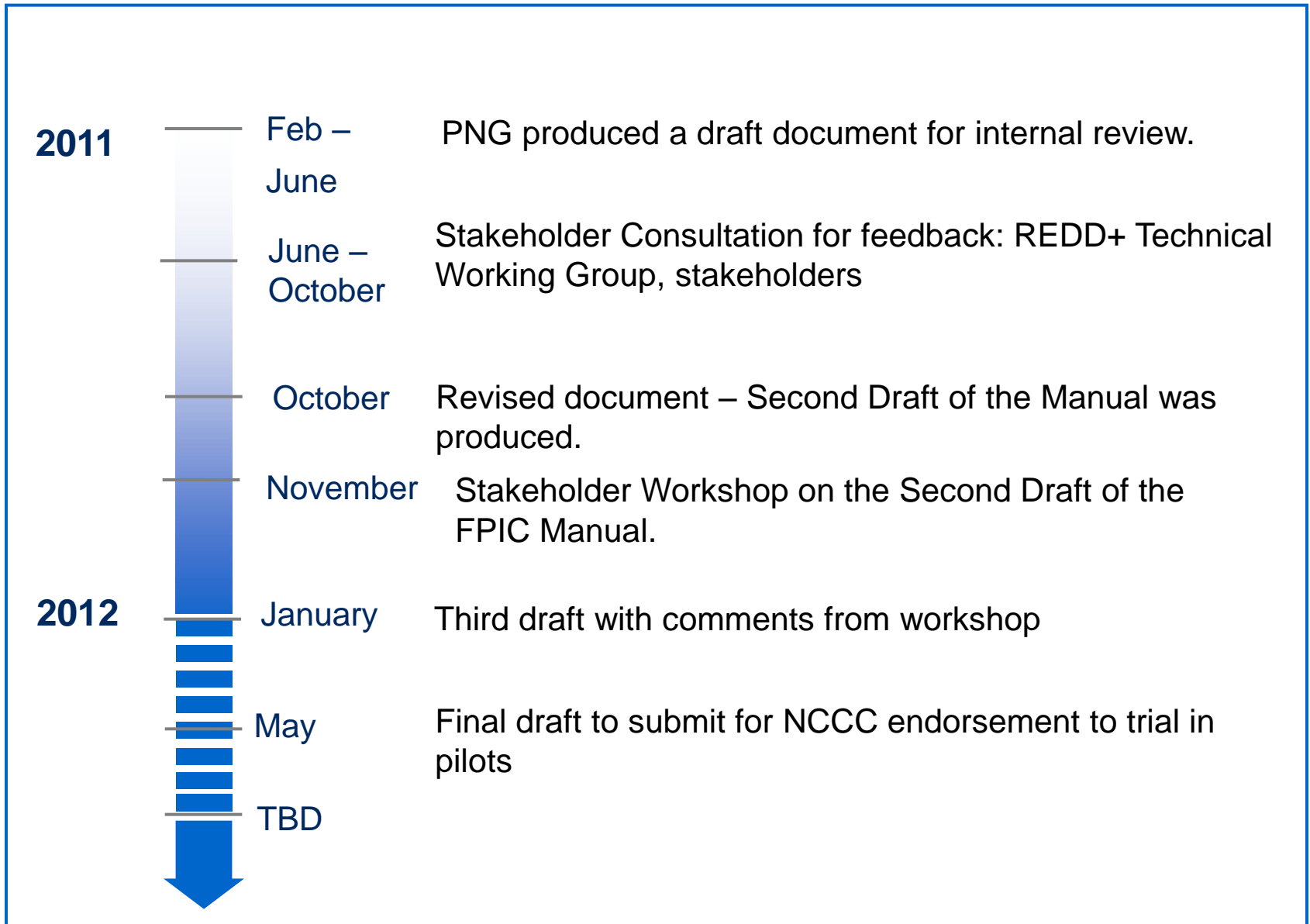
Landowners are identified, inform, protected and safeguards from any arbitrary decisions by project proponents

The FPIC Manual under stakeholder consultation

Oxfam is helping OCCD and the REDD+TWG to collate all comments

Please log-on to [www.occd.gov.pg/publication/FPIC](http://www.occd.gov.pg/publication/FPIC)

# Progress of Free Prior Informed Consent [FPIC]



## Background of Free Prior Informed Consent [FPIC]

- 1. FPIC by definition is a locally and culturally specific process** in which the affected communities themselves determine the steps involved in developing a project that may affect their livelihood and resources.
- 2. The Convention on Biological Diversity (1993)**  
Recognize that indigenous knowledge may only be used with prior approval and requires national governments to protect indigenous cultures and people.
- 3. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)**  
Has the most complete description of FPIC and clear obligations on States regarding the rights of indigenous peoples, including their right to own and use their traditional territories.

The principle of *free, prior and informed consent (FPIC)* refers to:

- a) The right of Indigenous peoples, local communities or clan groups to be fully informed and made aware during consultation,**
- b) By no means of intimidation give their consent freely to any developments that may have any future consequence on their land, resources and livelihood.**

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The following outlines the different elements of a “**free, prior and informed consent**”

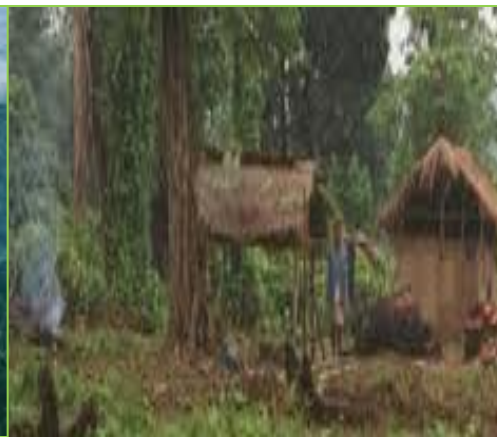
- a) **Free** means no force, intimidation, manipulation, coercion, bullying or pressure by any government or project developer (company)
- b) **Prior** means that landowners (people) have been consulted and given enough time to make a decision on the project before the actual REDD+ project activity begins
- c) **Informed** means landowners are given all relevant information to make their decision about whether or not to agree on the REDD+ project development
  - **It is important that in the event where changes are made over time regarding certain information or where new information is made available, landowners should be informed about these changes**
  - **In the event there is difficulty in communication between project developer and landowner communities, an interpreter should be used to communicate clearly the message across to the people**
  - **Note, that if the people do not understand clearly the information they were provided, then simply we can say that, they are not informed to make a good decision regarding the project**
- d) **Consent** means people involved in the project allow indigenous landowner communities to say “**Yes**” or “**No**” to the project, and also at each stage of project development during decision-making process. It is important that landowners must be consulted and participate in an honest and open process of negotiation that ensures
  - **All parties are equal, neither having more power or strength**
  - **Landowners’ group or ILGs decision-making processes are allowed to operate**
  - **Landowners’ right to choose how they want to live is respected**

The National Constitution of PNG also embraces the right to FPIC process by acknowledging human rights in sec. 32-56 (Basic Rights, Qualified Rights and Special Rights of Citizens)

## Free, Prior and Informed Consent (FPIC) Manual highlights:

- Back ground in PNG context
- Guiding questions for Establishing FPIC
- Importance
- Key principles
- Defining the key elements of Free, Prior, Inform and Consent
- Important Points in Designing a Robust Process for Obtaining FPIC
- Problems Associated with Lack of FPIC
- Provide case studies
- Establishing Local Grievance Mechanism to Address Community Issues on REDD+
- Guiding Procedures for Respecting the Rights of Communities
- Steps to do FPIC
- Steps to involve participants from different stakeholders
- Helpful Questions for Landowner Communities to ask Project Developers about REDD+
- Steps in a REDD+ Process that Respects the Rights of Communities to FPIC
- International and National Legal Frameworks supporting FPIC





# How do we implement “Free, Prior and Informed Consent Process” in REDD+ Projects in Papua New Guinea?



## General Public

1. Carried out awareness on Climate Change, REDD+ and on the different safeguards including FPIC
2. 11 out of 22 provinces
3. NGOs through their activities
4. Several workshops held at provincial and national level to showcase and allow for a broader and wider range of stakeholders including the general public
5. Visit schools (community – universities)
6. Provincial workshops/consultations in implementing provinces
7. Radio plays which will be on air on weekly basis
8. Cartoon storied for comics section of national paper
9. Created a website
10. Edition by an expert

## Government Level

1. Technical Working Groups of multi-stakeholder (CBOs, International/National NGOs, Churches, Government, Private Sector and Development Partners)
2. National Climate Change Committee (NCCC)
3. National Executive Council

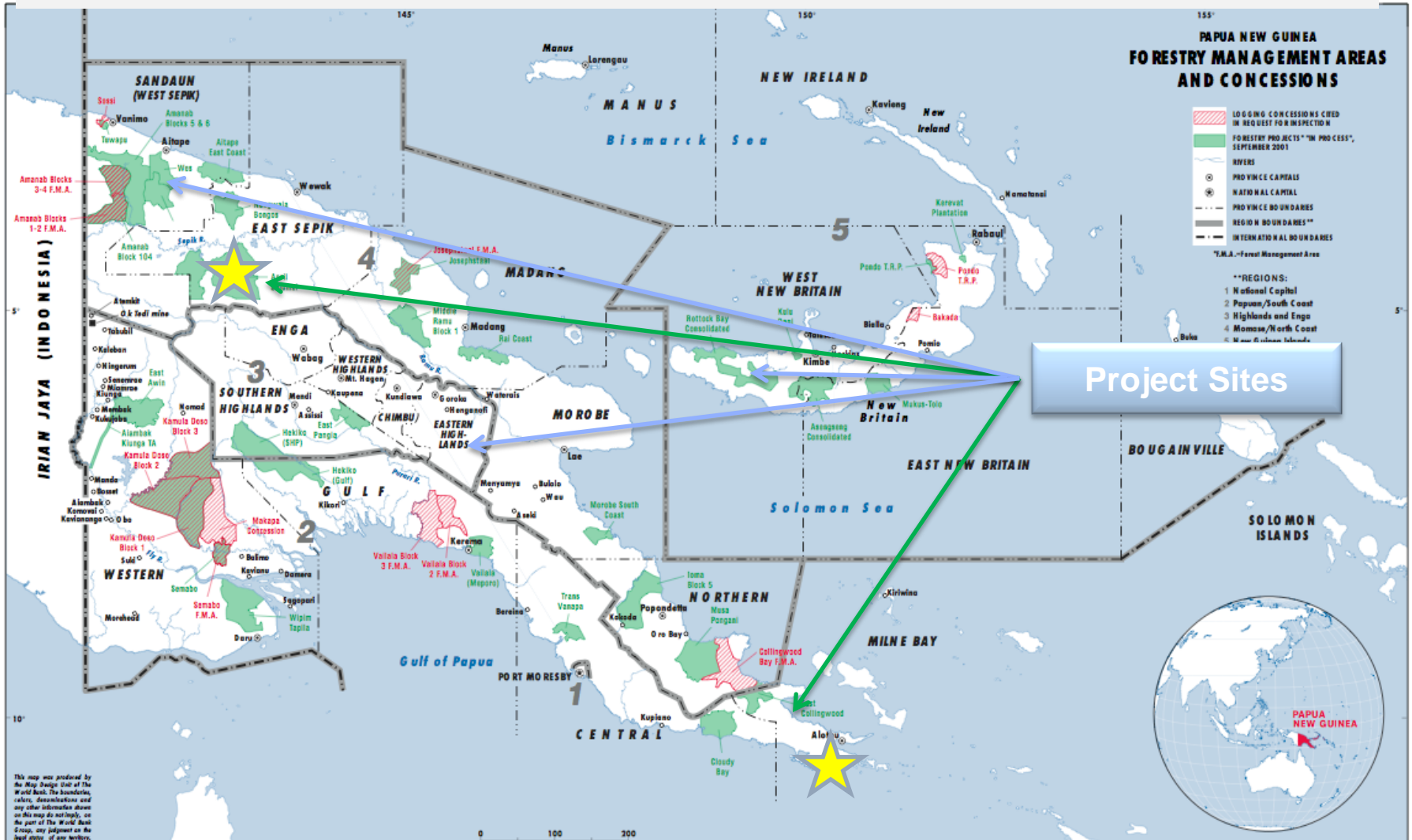


## Preparing the Community to Participate in REDD+

1. FPIC- creating Integrated Land Groups (ILGs)
2. Through ILGs express interest, identify a developer
3. Capacity assessment – strengths and weaknesses, Project Mapping – organization at village level
4. Together with developer discuss the project with people to make sure they understand REDD+
5. people say 'Yes' or 'No'

1. Identified and expressed six steps of how communities participate in FPIC
2. Steps involved in a REDD+ project that Respects the rights of communities to FPIC ( Communities – Developer – Government)

# Papua New Guinea Demonstration Projects - PNGFA



Sites of Papua New Guinea Demonstration Projects as identified by PNGFA October 2010.



**Thank You**

**Terima Kahsi**