



Framework for Stakeholder Engagement in Free, Prior and Informed Consent.

*National REDD+ Awareness Raising Workshop, 11th September 2013
Grand Papua Hotel*



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

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Presentation Outline

“A Framework for Stakeholder Engagement through the Free, Prior and Informed Consent Process”.

Introduction – Defining Free, Prior and Informed Consent.

Importance of FPIC in Stakeholder Engagement processes

A Framework for Stakeholder Engagement in FPIC Process

Case Study – from FPIC Pilots Areas (Indonesia and Vietnam)

Conclusion



Introduction:

Defining FPIC.



What is Free, Prior and Informed Consent?

Free, Prior and Informed Consent (FPIC) is the collective right of indigenous peoples, and where relevant, other forest-dependent communities, to participate in decision-making and to give or withhold their consent to activities affecting their lands, territories and resources or rights in general.



Background of Free, Prior and Informed Consent...

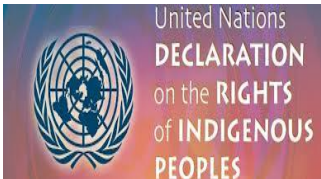
The establishment of the Free, Prior and Informed Consent concept and its connection to the PNG National Constitution.



Guarantees the rights of indigenous people (landowner communities) to their land and to be involved in any decisions which affect their resources and livelihoods.



Recognize that indigenous knowledge may only be used with prior approval and requires national governments to protect indigenous cultures and people.



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.



Refers to UNDRIP in Annex 1 of decision Conference of the Parties 16 – the Cancun Agreement. This Annex details the safeguards that countries should promote when undertaking activities under REDD+. By ‘noting’ that UNDRIP has been adopted by the United Nations General Assembly, the document implies (but does not specify) that the obligations concerning FPIC as expressed in UNDRIP also apply in the context of REDD+.



Strongly worded, explicit commitment to the Principles of the UNDRIP and FPIC are included in the guidance and adopted by the programme.



PNG National Constitution

Section.32-56; Basic Rights, Qualified Rights, and Special Rights of Citizens. Section 57 and 58 of the Constitution talks about the enforcement of these rights by Courts and other tribunal. Further supporting that is the **National Goals and Directive Principles** – Integral Human Development, Equality and Participation, National Sovereignty and Self-Reliance, Natural Resource and Environment and Papua New Guinea Ways.



Why is FPIC very important in stakeholder engagement process?

Importance of FPIC in REDD+ Activities/Programs

- *Improve ecosystem and biodiversity in the project area;*
- *promotes sustainable use forest ;*
- *Generate revenues for the project communities;*
- *Improve standard of living, poverty alleviation;*
- *encourage growth and development;*
- *Reduce emissions from deforestation and forest degradation activities – such as logging, large scale commercial agriculture, etc.*

**multiple
Benefits**

- *Communities become marginalized in their own land – e.g., no land to make gardens, timbers for house/canoes, etc.*
- *Increases social problems, - e.g., law and order, HIV/AIDS, family problems, increase consumption of alcohol, etc.;*
- *Corruption and mismanagement of REDD+ royalties, etc.;*
- *Gender issues*

**multiple
Risks**

- *For a successful REDD+ activity – these risks have to be identified, reduced and mitigated.*
- *Stakeholders have to be involved at the project/program formulation as well as the preparation and implementation stages in order to ensure REDD+ programs respect indigenous peoples' rights and comply with relevant international obligations.*

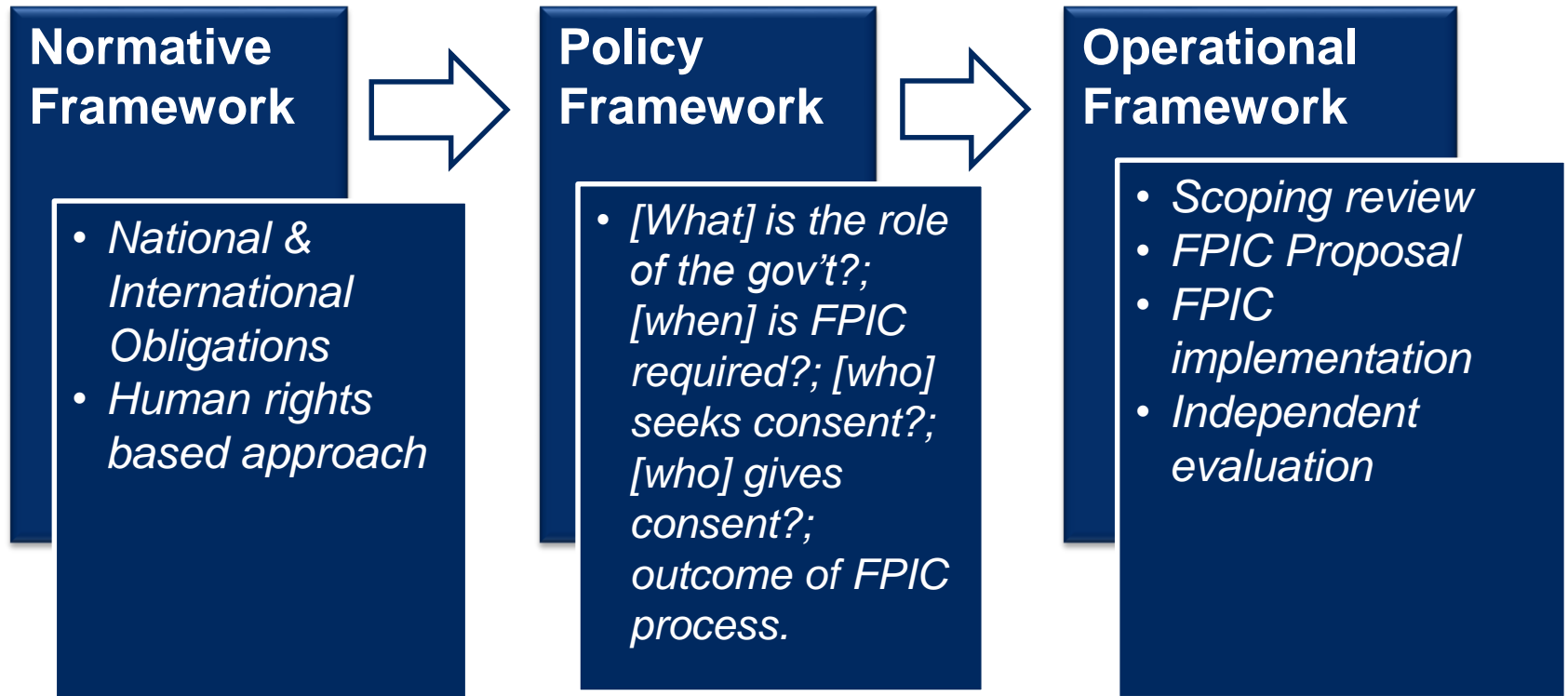
**Mitigation
of Risks**



***How do we implement
FPIC Process?***

Framework for Stakeholder Engagement in FPIC

As adapted from UN-REDD Programme Guidelines on FPIC...



Guiding Principles for effective stakeholder engagement in FPIC

- 
- 1** ... should include a broad range of relevant stakeholders at the national, provincial, district and village/clan levels.
 - 2** ... should be premised on transparency and timely access to information.
 - 3** ... should facilitate dialogue and exchange of information, and consensus building reflecting broad community support should emerge from consultation.
 - 4** ... must be carried out within indigenous peoples existing processes, organizations and institutions, e.g., ILGs, LLG/ward councilors, Chiefs, and tribal leaders, etc.
 - 5** ... should give special emphasis to the issues of land tenure, resource-use rights and property rights, etc.
 - 6** ... should promote establishment of impartial, accessible and fair mechanisms for grievance, conflict resolution and redress during consultations process and throughout the implementation of REDD+ policies, measures, and activities/projects.

Case Study

1. Lessons Learned from Free, Prior and Informed Consent Pilots in Viet Nam and Central Sulawesi, Indonesia

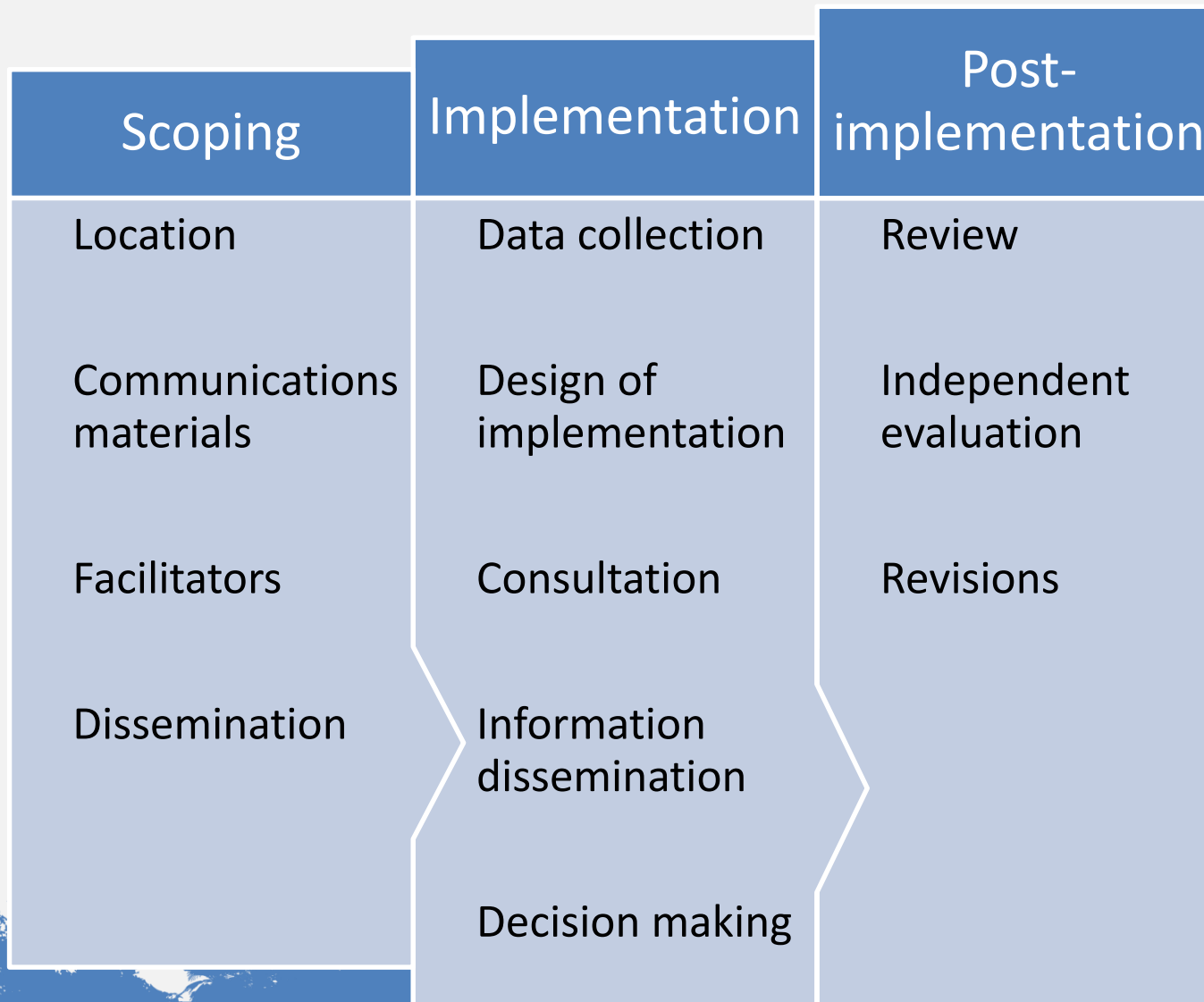


FPIC Pilots, Central Sulawesi

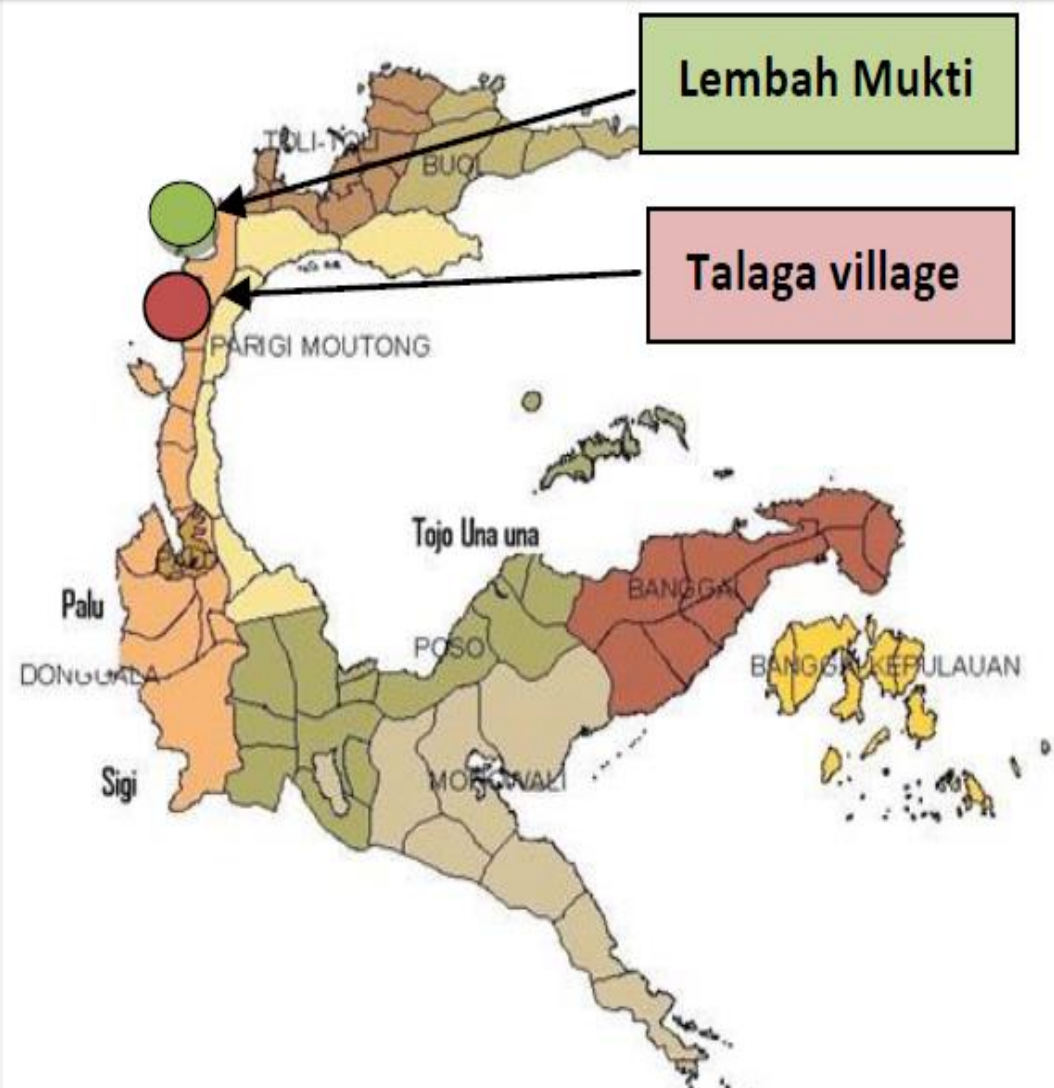


Central Sulawesi
province

FPIC Pilots, Central Sulawesi



1st FPIC Pilot, Central Sulawesi



1st FPIC Pilot, Central Sulawesi

Lembah Mukti village

The villagers agreed to implement the forest rehabilitation programme

Conditional upon:

- Assistance to resolve boundary disputes
- Help clarify status of private land owned by the village v. owned by FMU
- Provision of forest management training
- Provision of nutmeg and durian seedlings

Result:

- A Letter of Agreement was signed by the negotiators representing the village and the FMU.
- A platform was established to manage complaints and feedback.

Talaga village

This village did not wish to consult on REDD+.

An NGO, Pokja Pantau, had previously been to the village and told villagers that: "REDD+ will take the forest by force and will destroy the socio-cultural values of the community".

About 50% of the villagers grow cocoa, coffee and chilli and were concerned that REDD+ would stop them from entering the forest area.

Result:

- The FPIC process was discontinued.
- The NGO, Pokja Pantau, subsequently requested further consultation with the Forest Management Unit and the UN-REDD Programme.

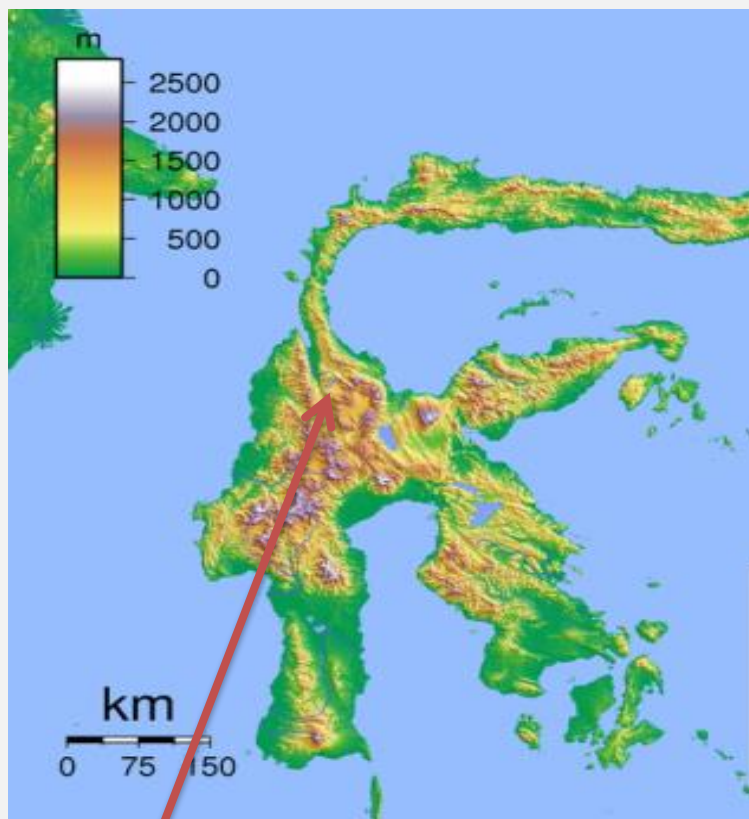
2nd FPIC Pilot, Central Sulawesi

Where: Lore Lindu National Park

When: October 2012

What: Forest and Land Rehabilitation (RHL) activities , e.g., cultivation, maintenance, enrichment of plants, soil conservation

Who: Pakuli and Simoro villages



Lore Lindu
National Park



2nd FPIC Pilot, Central Sulawesi

Pakuli Village

- Accepts the RHL activities
- Conditional upon***
- Communities involved from start to end of program
 - Form an independent forum as intermediary between community and park authority
 - Park authority ensures forest is healthy and sustainable for the communities' benefit

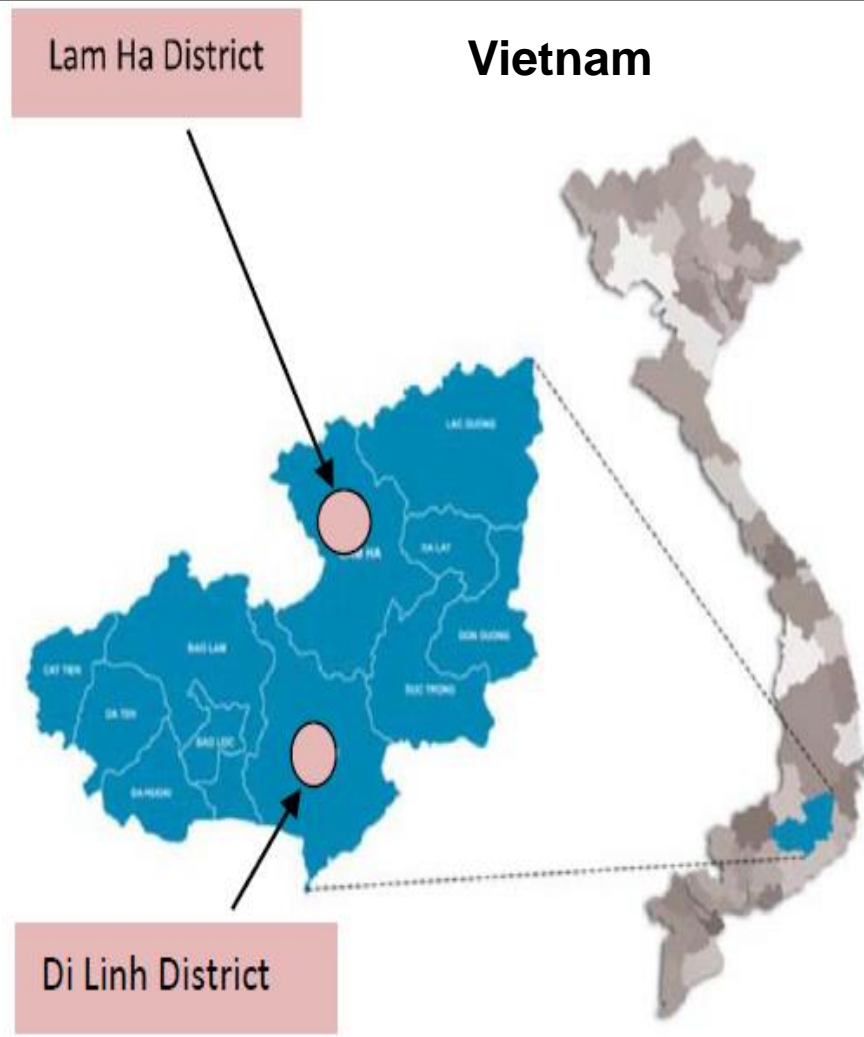
Simoro Village

- Accepts the RHL activities
- Conditional upon***
- Joint protection, monitoring and management
 - Provision of technical and financial support
 - More information on costs of monitoring and maintenance of plantation
 - Jointly develop village regulations

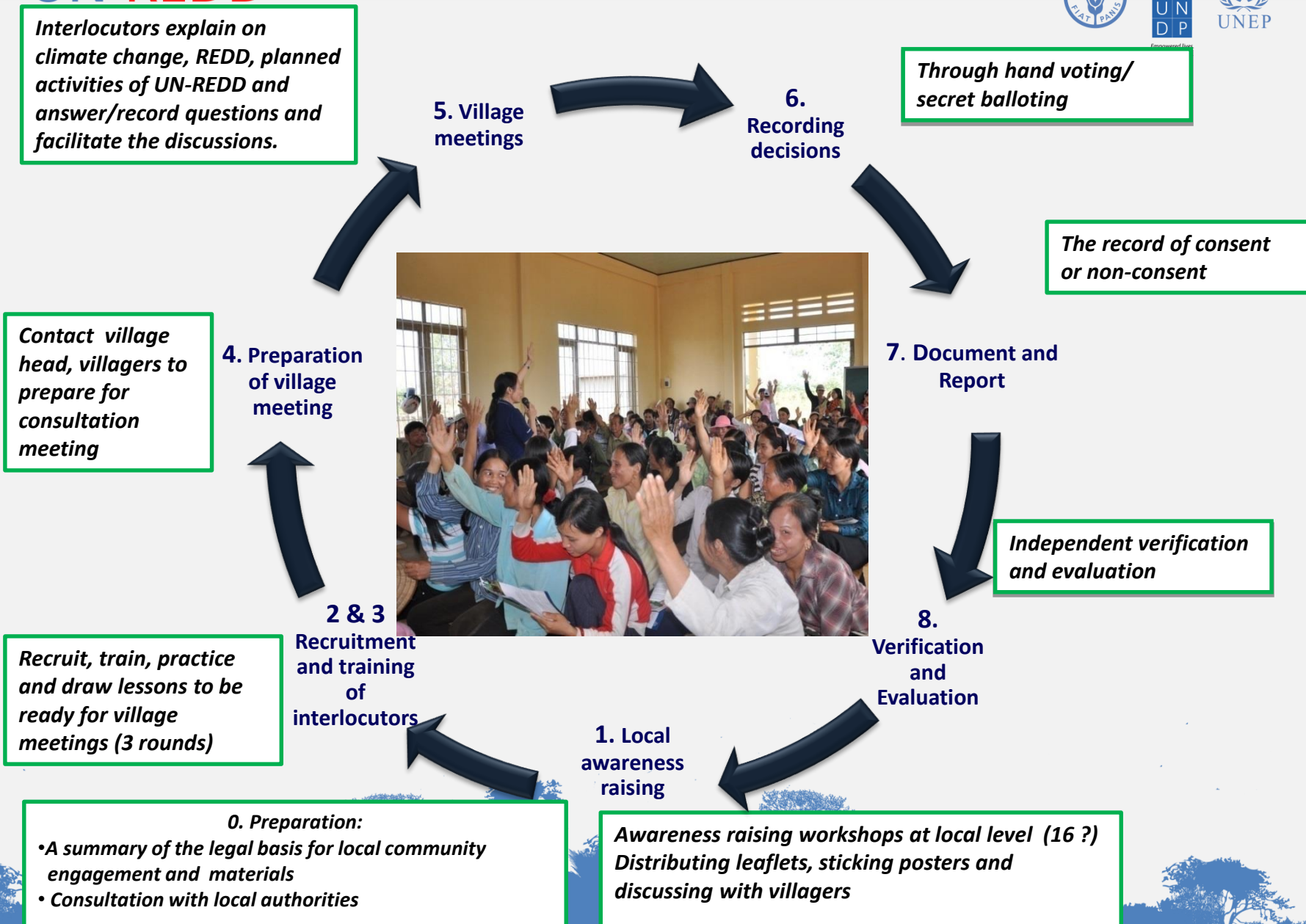


FPIC Trial, Lam Dong Province

- First country to pilot FPIC for REDD+ in the Programme (2010)
- 5 months; 5,500 ppl; 78 villages, 24 FPIC trained facilitators
- For local/migrant ethnic minority people, migrant Kinh people



FPIC Trial, Lam Dong Province



Outcomes

Central Sulawesi, Indonesia

- Directive of Central Sulawesi Governor No. 37 (2012) regarding General Guidelines on the Implementation of Free, Prior and Informed Consent for REDD+ Central Sulawesi Province

Viet Nam

- Developing a national FPIC guidelines



GUBERNUR SULAWESI TENGAH

PERATURAN GUBERNUR SULAWESI TENGAH
NOMOR 37 TAHUN 2012
TENTANG

PEDOMAN UMUM PELAKSANAAN *FREE, PRIOR AND INFORMED CONSENT*
PADA *REDUCING EMISSION FROM DEFORESTATION AND FOREST
DEGRADATION PLUS* PROVINSI SULAWESI TENGAH

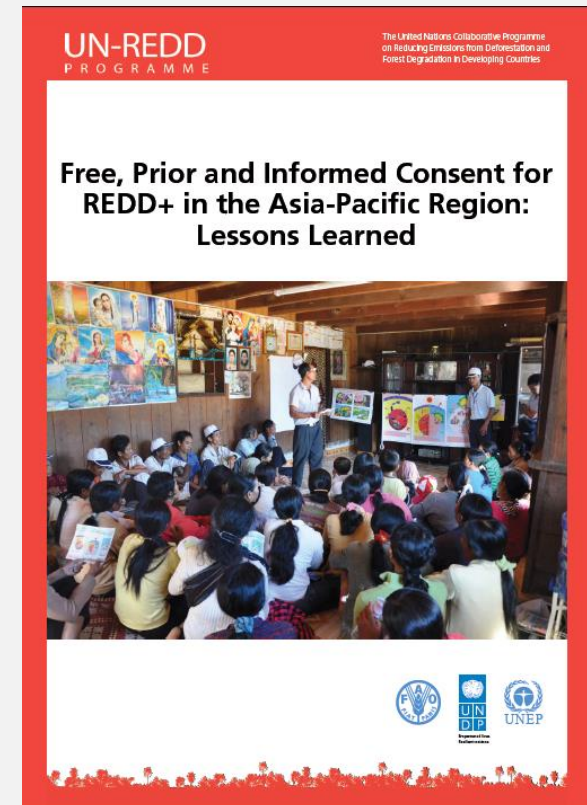
DENGAN RAHMAT TUHAN YANG MAHA ESA
GUBERNUR SULAWESI TENGAH,

- Menimbang : a. bahwa *Free, Prior and Informed Consent* perlu dilaksanakan dalam rangka memastikan keadilan dan akuntabilitas dari pelaksanaan program *Reducing Emission from Deforestation and Forest Degradation Plus* bagi masyarakat adat dan/atau masyarakat lokal yang kehidupan dan haknya akan terkena pengaruh;
- b. bahwa untuk memenuhi komitmen Pemerintah Provinsi Sulawesi Tengah terhadap pelaksanaan *Free, Prior and Informed Consent* perlu disusun dokumen Pedoman Umum sebagai penjabaran dari Strategi Daerah *Reducing Emission from Deforestation and Forest Degradation Plus* Provinsi Sulawesi Tengah;
- c. bahwa untuk memberikan kepastian hukum mengenai Pedoman Umum Pelaksanaan *Free, Prior and Informed Consent* perlu diatur dengan Peraturan Gubernur;
- d. bahwa berdasarkan pertimbangan sebagaimana dimaksud dalam huruf a, huruf b, dan huruf c perlu menetapkan Peraturan Gubernur tentang Pedoman Umum Pelaksanaan *Free, Prior and Informed Consent* pada *Reducing Emission from Deforestation and Forest Degradation Plus* Provinsi Sulawesi Tengah;

- Mengingat : 1. Undang-Undang Nomor 13 Tahun 1964 tentang Penetapan Peraturan Pemerintah Pengganti Undang-undang Nomor 2 Tahun 1964 tentang Pembentukan Daerah Tingkat I Sulawesi Tengah dan Daerah Tingkat I Sulawesi Tenggara dengan mengubah Undang-Undang Nomor 47 Prp Tahun 1960 tentang Pembentukan Daerah Tingkat I Sulawesi Utara-Tengah dan Daerah Tingkat I Sulawesi Selatan-Tenggara (Lembaran Negara Republik Indonesia Tahun 1964 Nomor 7) menjadi Undang-Undang (Lembaran Negara Republik Indonesia Tahun 1964 Nomor 94, Tambahan Lembaran Negara Republik Indonesia Nomor 2687);

Key Lessons Learned

1. Initiate FPIC processes only when there is a concrete proposal
2. Use effective approaches for communicating REDD+
3. Select and train suitable facilitators
4. Document the whole FPIC process
5. Establish effective grievance mechanisms
6. Improve national policy frameworks to support effective consultation



Conclusion



- 1) In PNG's history of development, **landowner issues** are very common and **challenging barriers** to any significant progress in any impact development in the country.
- 2) These challenges are **costly** and mostly come about as a result of **inappropriate consultation** by project developers with relevant stakeholders and landowner communities.
- 3) It is important that landowner communities should not only be made **aware of the benefits of the project, but also of any social, economical, political and environmental consequences** that may result due to the establishment of the project...in their river, on their land, and the community which they live in.
4. The process of FPIC therefore provides an important avenue for **in-depth process of stakeholder engagement, consultation, awareness, and agreement** between landowners and proponents of the project before the actual project kicks-off.



FPIC Process can be applied in all kinds of Projects in PNG where it affects indigenous landowner community's lands, resources, cultural sites, bio-diversity and livelihood...





Thank you

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