

**Group 5: Defining UN-REDD
Programme activities that require FPIC**

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Group 5: Participants

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FPIC

Rights-based. Founded in UNDRIP and ILO 169:

States shall consult and cooperate in good faith in order to obtain FPIC for legislative or administrative measures that may affect them, their lands, territories or resources...

Which UN-REDD Programme Activities Require FPIC?

Conclusion: Some activities require consultation and participation, others require (free, prior and informed) consent:

- National level activities should be based on effective consultation and require effective participation during implementation (results may require FPIC)
- Sub-national level activities may be similar to national level activities, or may require FPIC, depending on issues at hand
- Local/community level activities require FPIC

Activities that require consultation and participation

Activities at the national level e.g.: Analysis of Legal Framework

- No consultation required to initiate activity (already undertaken, e.g. validation meeting)
- Process itself must be consultative
- Results (recommendations) must be subject to FPIC

Activities that require FPIC

- Capacity building of local actors
- Participation in pilot carbon monitoring activities at the local level
- Participation in pilot initiatives to reduce deforestation
- Establishment of local/community level benefit distribution systems

Guidelines

- 1) Programme results framework should be analyzed prior to approval by the Policy Board to identify which activities require consultation and participation and which activities require consent.
- 2) This analysis should be presented to the stakeholder validation meeting for review, prior to submission to the Policy Board.
- 3) This analysis should be further reviewed during the inception workshop to confirm which activities require consultation, effective participation and/or FPIC.

Guidelines

- 4) The Programme should submit annual work plans to the the national REDD committee to identify activities that require consultation, participation and/or seek consent, according to the categorization of each activity.
- 5) In order to facilitate effective and equitable participation in national or sub-national activities, the program should undertake an analysis of rights-holders and their representative institutions.
- 6) Access to a complaint mechanism must be assured.

How to ensure effective consultation & participation

National level:

- Multi-stakeholder Group with a specific mandate to look at REDD (build on existing institutions, where possible):
 - Should be supported by an institutional analysis and capacity assessment of stakeholder representative organisations, if necessary;
 - Should be empowered to oversee the process of REDD+ readiness
 - Should lead the design of the REDD readiness consultation strategy

Regional/subnational level

- Should be involved but could be flexible, depends on the country context

How to ensure effective consultation & participation

Community-level:

- Recognizing that there is often a core that is very active, and another group that is partially active, never 100% - Let the community decide what is a “majority”
- Recognizing the remoteness of some communities – time required to provide information to the hardest to reach
- Recognizing culturally appropriate information dissemination mechanisms and languages – need to use other techniques (e.g., theatre)
- Recognizing that consultation shouldn't be one off, but a continuous process

How to ensure effective consultation & participation

Guidelines:

- 1) Each program should prepare a consultation plan that addresses, among other issues, the time the required to reach the most remote rights-holders, the appropriate language for communication, the media for communication (written, visual, theatrical)
- 2) The consultation plan should be subject to independent review by the multi-stakeholder group (or a selected representative)