A Training Manual

Putting
Free, Prior, and Informed Consent
into Practice in REDD+ Initiatives

Karen Edwards, Ronnakorn Triraganon,
Chandra Silori and Jim Stephenson

RECOFTC
THE CENTER FOR
PEOPLE AND FORESTS

iGES
Institute for
Global Environmental
Strategies

Norad

A Training Manual

Putting
Free, Prior, and Informed Consent
into Practice in REDD+ Initiatives

Karen Edwards, Ronnakorn Triraganon,
Chandra Silori and Jim Stephenson

Copyright

RECOFTC – The Center for People and Forests

is the only international not-for-profit organization that specializes in capacity building for community forestry and devolved forest management in Asia - Pacific. Beginning as a knowledge hub in 1987, RECOFTC has actively supported the development of community forestry institutions, policies and programs in the region.

The Institute for Global Environmental Strategies (IGES)

is an international research institute conducting practical and innovative research for realising sustainable development in the Asia-Pacific region. Established under an initiative of the Japanese government in 1998, IGES policy research aims to strategically meet the actual needs of economic expansion for local people in the region. Through involvement in international/regional policy initiatives and networking activities, IGES contributes to policy formulation through information dissemination and policy recommendations based on research outcomes.

The Norwegian Agency for Development Cooperation (Norad)

is a directorate under the Norwegian Ministry of Foreign Affairs (MFA). Norad is committed to ensuring the quality of development assistance to developing countries. Development assistance of Norad covers a wide range of areas and sectors, with the main emphasis on women, children, the environment, education, HIV/AIDS and health. Climate Change and the Environment is one of the key thematic areas for Norwegian Development Policy, supporting range of research, pilot activities and development of methodologies initiatives by civil society organizations for climate change mitigation and adaptation in developing countries.

Table of contents

Acknowledgements

Introduction

Introduction

What is this manual about?

This manual is about building knowledge and capacity for respecting people's right to Free, Prior, and Informed Consent (FPIC). It can be described as the establishment of conditions under which people exercise their fundamental right to negotiate the terms of externally imposed policies and programs that directly affect their livelihoods or wellbeing, to which they may give or withhold their consent. It is a social safeguard empowering local people to say "yes" or "no" to development initiatives.

This manual is developed for trainers. It provides ideas, experiential learning exercises and training materials that can help trainers systematically unpack the concept of FPIC and related implementation processes for different groups of people in a range of contexts and countries.

Although this manual is set in the context of REDD+, the concept of FPIC and relevant materials can be used in any development initiative where the right to self-determination is relevant. In other words, where the right of a community or specific rights holders to say "yes" or "no" to a proposed external initiative is appropriate or, in some cases, even mandatory. This is equally relevant in the forestry sector, where decisions taken in the past or currently being taken have serious implications on the management or livelihoods of those dependent on forestry resources. However, the concept of FPIC has largely been ignored in the forestry sector and its value was rarely recognized – until recently. REDD+ has provided an opportunity to highlight the importance of the right to and need for people's consent to externally designed projects and their implementation: both in terms of ensuring the success and sustainability of the REDD+ initiative itself and respecting local peoples' right to say "yes" or "no" to any proposed development.

This manual is not about the theoretical framework of REDD+. Sessions or materials on REDD+ are included to highlight key aspects of its application that necessitate FPIC. If you are aiming to build capacity or knowledge on REDD+, you may need to consult other sources of training materials[1].

The training manual can be read or used in conjunction with the RECOFTC *Guidebook on Free, Prior, and Informed Consent in REDD+: Principles and Approaches for Policy and Project Development* (2011). This training manual aims to simplify the principles and practices highlighted in the guide while providing guidance for trainers or organizations to design effective learning processes that can build capacity of others in seeking FPIC for proposed development projects.

---

[1]   RECOFTC Climate Change Mitigation http://www.recoftc.org/site/Climate-change-mitigation

Why was this manual developed?

The concept of FPIC is not new, although it is a relatively recent addition to the REDD+ discourse. As with other development initiatives, REDD+ is likely to bring both risks and benefits to any community living in and around the targeted forest area. In the case of REDD+, such risks and benefits will likely be tied to implications for changing land use practices and resource access for a range of rights holders (formal and informal).

Although the concept of FPIC originally evolved in relation to indigenous peoples and their respective territories, in principle it is a social safeguard that respects the rights of any community whose livelihoods will be affected by an external initiative or influenced by an interest from outside. In the case of REDD+, the value and need for FPIC has been identified not only for protection of local communities' rights and forest-dependent livelihoods but also for reducing risks on the side of the project proponent through ensuring mutual understanding and agreement between all parties concerned.

The history and reputation of the forest sector in many countries is poor with respect to community participation and safeguarding livelihoods. As a result, there are high levels of mistrust between the forest sector and communities. In potential conflict situations, FPIC could provide a constructive opportunity for both parties to address the issue. It could also allow communities to make a measured self assessment of REDD+ benefits and risks. Without FPIC, there is a risk that communities will base their perceptions of REDD+ on previous experiences of initiatives emerging from the forest or conservation sectors that may or may not encourage their support or active participation.

The policy discourse currently calls for REDD+ proponents to respect the right to FPIC, but there are few resources that aim to explain and train practitioners in its concepts and practice. The basic understanding and capacity of governments, NGOs, the private sector, and communities to implement and support FPIC needs to be enhanced. However, one of the key challenges of developing training materials is the lack of minimum standards on FPIC for REDD+. There is still subjective understanding of the terms and requirements of FPIC, influenced by both cultural interpretations and interests.

This manual was developed as an early response to meet this capacity building need. It provides a broad framework for training others on the value of FPIC and its relevance in the REDD+ process. Providing such training will enable further discussion and put concepts into practice which could generate new lessons for integration into future training materials.

How is this manual linked to emerging social safeguard standards and stakeholder engagement guidelines for REDD+ projects?

This manual is not aligned to one particular set of social safeguards or standards[2], although reference is made to specific standards that are currently being tested and/or discussed. The manual has been designed to explore the basic rationale and values of FPIC. These need to be understood and upheld during implementation of the FPIC process for the safeguards to be truly effective for local people. The concepts in the manual can be applied when considering the context for any specific set of social safeguard standards as currently presented.

Some of the sessions could be used to highlight key issues when developing national frameworks for social safeguards as well as building capacity of field practitioners.

Who is the manual for?

This manual is primarily aimed at trainers or facilitators who want to familiarize their clients with basic information on FPIC. It may also be useful for project managers or leaders who are assessing capacity needs in relation to FPIC.

Although originally written to assist those training field facilitators and field practitioners in FPIC, some of the materials can be easily adapted to train communities on their expectations and rights. Some guidance on what this would involve is provided as part of the detailed examples of training scenarios.

The materials have been written with the assumption that the trainer has the following minimum level of experience;

- Experience working with communities in participatory natural resource management
- A background understanding on the broad framework of REDD+ at national level, and basic understanding of practical implications (benefits and risks) at local level
- Basic knowledge and understanding of the principles of experiential learning
- Mid to advanced level facilitation skills

It is desirable for trainers to have had some experience with projects or initiatives where FPIC has been sought, or to have engaged in discussions and reflection on FPIC at national level. In case it is difficult to identify trainers meeting the above criteria, think about how to put together a team that could collectively meet these criteria and work together to design, prepare, and facilitate a learning event.

---

2   World Bank Safeguards and Strategic Environmental and Social Assessment (SESA), UNFCC Stakeholder Engagement Guidelines, REDD+ Social and Environmental Standards (REDD+ SES) and Forest Stewardship Council (FSC) Principles and Criteria

How to use the manual

The manual is designed so that you can pick and choose materials from different sections depending on the objectives, target group, and duration of your training. Each section represents a block of learning necessary to explain the concept and practice of seeking FPIC.

Each section is made up of several session plans that serve as guides to help you facilitate a learning process to achieve specific objectives. The session plans contain all the steps and activities a trainer is responsible for in the learning process. However, if you decide to change or adapt the learning process in an individual session, you might have to revise the learning objectives, too.

Behind each session plan are exercise sheets or case studies that you can use directly as part of your learning process. They focus on the instructions of the learning task at hand for the participants.

Each session also has a corresponding handout. The handout contains key technical content behind the design process of a session plan that could become handy for the trainer in times of uncertainty about content or to answer specific questions. The handouts are written for distribution to the participants to reinforce learning and as a technical reference for the trainers.

How is the manual organized?

The manual is organized into several sections based on five learning blocks, providing a quick and easy way for trainers to access relevant reference materials. Although the training manual is based on the RECOFTC guidebook on FPIC[3], it is structured differently to ensure the emphasis is placed on key learning points. The 12 elements referred to in the FPIC guidebook have been further sub-divided in this manual into supporting values and application (broad steps of a process to seek FPIC). Trainers are strongly advised not to refer participants to the guidebook as a reference until they have completed their training and can relate the different parts of the training to the guidebook.

---

[3]   *Free, Prior, and Informed Consent in REDD+: Principles and Approaches for Policy and Project Development*. RECOFTC and GIZ, 2011

The introduction of the manual provides key advice on setting the context and using the manual to fit your own situation. You may want to select several sessions from each learning block or focus on one learning block, depending on your objectives. As a trainer, it would be useful for you to glance through all the learning blocks and handouts to get an overview of the content and different types of emphasis you could use in your training design.

1 **Learning Block 1:**
Setting the stage for FPIC for REDD+

This learning block provides sessions that will assist you to explain the design and content of the course that you are delivering. It includes the basic elements needed to introduce FPIC as a concept, its value in different contexts, and the rationale for respecting the right to FPIC within REDD+. A strong introduction to the rationale and value of FPIC will form the basic foundation of your learning process. This is particularly true for those experienced in participatory approaches – do not assume that such knowledge already exists! Emphasis needs to be given to understanding the term 'consent' in your own context and relating it to daily life. It is worth spending time differentiating the practice of seeking consent from participatory decision making by communities.

2 **Learning Block 2:**
Fundamental principles of FPIC

This learning block unpacks the term FPIC and looks at the implication of the practice of seeking FPIC. It challenges the assumption that practitioners using the acronym FPIC have a full understanding of the concepts involved. This learning block also focuses on the process of identifying and building the type of consent that should be sought. It should be integrated with the other training blocks, as the sessions will not make sense in isolation. The impact of this section is based on the thorough deconstruction of the acronym. If you decide not to cover this learning block, you could face the risk of your participants "hiding" behind the acronym without fully understanding what it really means.

3 **Learning Block 3:**
Supporting values of FPIC

This learning block highlights key values that support the fundamental principles of FPIC. For example, the value and practice of participation need to be understood in order to achieve the principles of seeking free and informed consent. The inclusion of particular sessions from this learning block will be dependent on the background and awareness level of your participants. Think carefully about how these values can be reinforced through your training if you do not have time to focus on all the specific sessions. These sessions will enhance learning in relation to the principles and provide a practical lens on how to make them work.

4 Learning Block 4:
Key steps for applying FPIC

This learning block seeks to outline broad steps that could form the backbone of a process to seek FPIC. It helps to highlight the practical application in terms of steps and actions required. It also ensures that participants do not think that seeking FPIC is a "one-off tick the box" event, but rather view it as an integral part of REDD+ project design. This learning block illustrates how FPIC fits within the project management cycle. Sessions could be adapted to explore seeking FPIC within a specific project or field situation. If you do not have time to focus on every step, the overview session is still useful to ensure participants think through all the steps as well as the implications if a step is missed.

5 Learning Block 5:
Evaluating learning on FPIC for REDD+

This learning block contains a variety of optional sessions that you can slot into different points in your learning process to assess the status of participants' knowledge, perceptions, and questions about FPIC. These sessions are useful as they provide feedback to you as a trainer regarding gaps or confusion over the concepts being covered. They can also be used to highlight where the participants envisage challenges or questions in the reality of field practice. They also provide an opportunity for the participants to digest, reflect, and frame what they have learned in a different way.

How to make your training 'real'

Although we have tried to make these training materials as relevant and practical as possible, it is up to you as a trainer to make the learning process less abstract. These materials were developed for a wide range of users and contexts and there will be a need to relate them to the specific context of your participants or site in order to make them more 'real'. There are a number of things you can do as a trainer to make your training lively and more grounded in reality.

▪ *Use resource persons with real experiences:* You can identify individuals or sites where REDD+ or FPIC has already been proposed or sought and invite people from the project to participate during your training. Try to give them a clear role in your learning process and ensure they understand the basics of the FPIC framework that you will present. The advantage of having an experienced resource person with practical experience is that they can help you answer questions with real examples. Draw on their experiences as much as you can in the training and integrate their case into the training if you think that will help make the training more real.

- *Use locally appropriate examples for case studies:* In some cases, the manual gives you the option to choose from two case studies. Always identify the one that is the most closely aligned to your context or, if in doubt, try to develop your own. It is usually more effective to use cases from your own country, but make sure they raise similar issues and questions to those given as an example in the session.

- *Mix target groups:* Although it will always be easier as a trainer to have a similar group in terms of background or perspective, mixing target audiences makes it easier for participants to understand different perspectives of FPIC. Training then becomes more real, as perspectives on the issues are exchanged up front during the training. This is particularly true if you have experienced field facilitators involved who are talking about real experiences. However, advanced facilitation skills are required for this kind of training in order to promote dialogue and mutual understanding of the issues at hand.

- *Bring target groups together and integrate field level processes:* This suggestion builds on the previous option, but also allows exploration of specific site-based issues and the integration of more informed larger scale community participation in the training. This will require careful planning and step-by-step process preparation so communities are prepared for meeting others and are aware of their own rights to FPIC. This is one of the options in the training design scenarios covered later in the annexes. This may not be considered 'training' in the purest sense, but it's a constructive way of bringing groups together to build their capacity in understanding the right to FPIC and to practice developing a consent process in reality.

How to strengthen the learning process when using these materials

These materials are designed around the principles of experiential learning. Experiential learning does not necessarily mean just mobilizing the existing experience of participants; it also includes providing an experience through the training that can be the basis of reflection for new learning and/or conclusions. It is up to you as a trainer to engage the participants actively in that experience in one way or another. Try to be as creative as you can and use space, movement, and visualization to assist you.

Advanced facilitation skills are required to draw participants into reflection. The deeper the reflection and connection with their own contexts, the more likely they will be to learn. This involves active listening, questioning and probing on the part of the trainer. In some situations, answers will not come freely from the participants as they digest the experience, so questions will need to be re-phrased and patience and persistence on the part of the trainer is required.

Every session provides the trainer with some reflection questions as a guide (they are written in *italics*). Take note that these questions slowly build up the reflection process and follow a sequence to help the participants make a logical connection with the experience. If you are not an advanced trainer or facilitator, try to follow the logic and sequence of the questions provided. Be aware that the manner in

which you ask the question will influence how much effort the participants make to answer it and make sure you are consistent in encouraging reflection throughout the course. This will habituate participants to the reflection elements of the learning process – and they may even start to enjoy it!

What to watch for when translating or adapting this manual

- *Misinterpreting terms:* Always try to look for the most appropriate terms in your own language, but be aware that they may not be exactly the same as the English meaning of the word. A relevant example from this manual is the word *consent*. Try to ensure that the meaning of the words is clear and give relevant examples from daily life that are appropriate in your own culture. If the English word has more than one interpretation and if considered appropriate, try to examine the differences in context when the word is used and select the most appropriate. It is more effective to choose local terms for the key words, especially for the acronym, as it is more likely to be 'internalized' by the participants than if the English version is used.

- *Dilution of the key principles:* When adapting the manual, ensure that the language is context specific and culturally appropriate. However, take care not to dilute the nature of the principles themselves. For example, just because Indigenous peoples' rights are not yet recognized by law in your country, it does not mean that the issue of rights should not be raised in the training, as it is one of the foundations of FPIC. Think critically how you will present sensitive issues in relation to the success of a REDD+ project and be prepared for questions where you may need to re-frame thinking on specific sensitivities.

How to customize your training

As explained earlier, the materials in this manual can be used to design your own training for a specific context. However, in order to design a course or learning event effectively, you will need to consider your objectives and your target group. Once you have defined this, you can then pick different sessions from the appropriate learning blocks to achieve your objectives. If you are asked to train people in a specific site, use the current understanding and application (or non-application) to highlight the value and steps to seek FPIC. Some examples of different training scenarios are given below. These are presented in more detail, referring to inclusion of specific

sessions in the annex. When training field facilitators, you can also consider including appropriate facilitation skills and participatory tools and methods to ensure that they have the key competencies to engage with communities effectively. However, this would mean extending the duration of the training. Table 1 gives you examples of different training design scenarios for your specific clients and objectives.

Table 1 Examples of different training course scenarios

Training scenario	Target group	Duration	Learning objectives
One-off training for FPIC facilitators (covering all learning blocks)	Field facilitators/ government extension workers from different field sites	6 days	▪ Can explain the importance and key principles of FPIC ▪ Can explain and link principles and key supporting values of FPIC to practice ▪ Have identified key steps in seeking FPIC and have planned its application within own context
One-off overview training for managers/REDD+ project proponents (focusing on learning block 1, 2 and overview session from 4)	Project or proponent managers/ senior government planners	2 days	▪ Can explain the value of FPIC in a REDD+ project context ▪ Can identify and explain key principles of FPIC and its implications for the REDD+ project design and implementation process ▪ Can recognize good practice of FPIC in a project planning and implementation context
Two-stage training and field coaching process (focusing on all learning blocks with some field application and peer feedback on practice)	Field facilitators and project managers	4 days x 2 with individual fieldwork in between	▪ Can explain the importance of key principles of FPIC and link to their own current practice of supporting values ▪ Have assessed current consultation levels in relation to minimum standards for FPIC ▪ Have developed an action plan for identifying rights holders and a process for seeking consent ▪ Have identified, shared, and received feedback on challenges of initial design steps in seeking consent for their own field site

Training scenario	Target group	Duration	Learning objectives
Community training on their right to FPIC	Community leaders and members	2 days	- Can explain their right to FPIC in relation to REDD+ - Can explain principles of FPIC and what it means for them when project proponents seek their consent
Multi-stakeholder field learning process (focusing on learning block 1 and 2 with practical application of 4)	Community members, field facilitators (3rd party), project proponent, government officers (specific to site)	3 days (3 days communities / 2 days other stakeholders)	- Can explain the rationale and the right to respect FPIC from the perspective of different stakeholders - Can explain key principles of FPIC - Have identified and agreed key steps in a consent process for a specific project site

1

Setting the stage for FPIC for REDD+
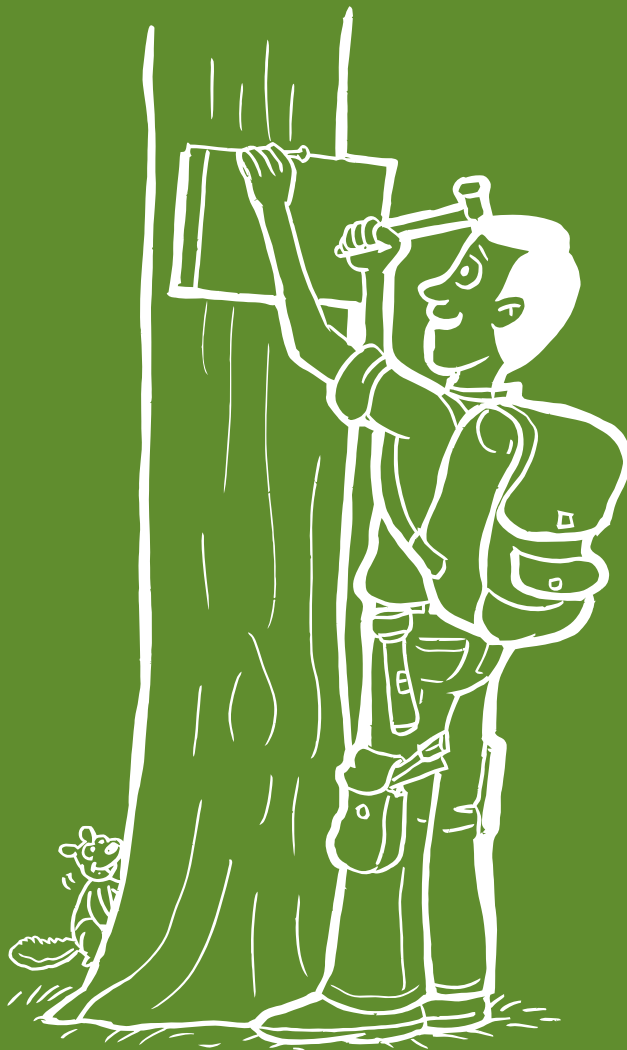
This learning block provides sessions that include the basic elements needed to introduce FPIC as a concept, its value in different contexts, and the rationale for respecting the right to FPIC within REDD+. Emphasis needs to be given to understanding the term 'consent' in your own context and relating it to daily life. It is worth spending time differentiating the practice of seeking consent from participatory decision making by communities.

1 **Make your own Facebook group page**

OBJECTIVES

At the end of the session participants:

- Will know each others' names.
- Will have identified and shared their personal passions.
- Will have identified questions they would like to see answered during the training.
- Have created existing and identified new linkages between themselves personally and professionally.

STEPS

1. Welcome participants to the course by explaining that before you introduce the program, it is essential that everyone gets to know each other first. Explain that the method to be used will assist them to know each other and what each will bring to the course.

2. Ask the participants who has a Facebook profile. Explain that each participant is going to create his/ her own Facebook profile and network, but in a low-tech way.

3. Give each participant a brightly colored card. Using a flip chart, present how you would like them to use that card (see exercise). Explain that they should draw a large square in the middle of the card, leaving space above for their name, and two squares below the large frame.

4. Ask them to draw their avatar (symbol or image that represents them) or own face in the larger square, then fill in their personal passion and what question they would like to see answered as part of this training.

5. They should then write the name they would like to be called at the top of the card.

6. After everyone has completed their card, ask them to find at least three people they don't know and share what it is on their cards. Leave them to discuss for ten minutes.

7. After discussing, ask them to paste their cards on the larger flip chart (all groups).

8. Ask them to look for people they already know and draw a line from person to person, writing how they met them or what they have in common on the line. Ask them also to draw lines between people who have common interests or passions *(note: it is likely this will be chaotic, but don't worry - just make sure everyone is involved).*

9. After the Facebook network has been completed, hang it on the wall and explain that as they get to know people throughout the course they can annotate and draw more linkages on the network. Make sure you hang the sheet in a visible place where it will not need to be removed throughout the course.

10. Bring the group back to plenary formation and ask the following reflection questions:

    -   *How did you feel doing the exercise and why did you feel that way?*
    -   *What type of questions do we want to see answered during the course? Are they the same or different, and why?*
    -   *What can we learn from the relationships we have created?*
    -   *What does this network represent to us as a group and how can we use it during the course?*

11. Wrap the session up by explaining that this was an informal way to get to know each other and that it will form the basis of how they will share their experience and learning throughout the training on FPIC for REDD+.

TRAINER'S NOTES

This session combines introductions and expectations and is better placed in the design of the course at the very start. By clarifying questions right from the start, you can build on this when you introduce the course objectives.

You can also use this as a tool throughout the course. For example, at the end of every day participants can update their feelings or status on the learning process or even lessons learned. For this reason, the sheet must be placed in a visible, accessible place throughout the course.

Make your own Facebook group page

Write the name you want to be called here

Draw the Avatar (symbol or image) or your own face that represents you, your personality, and passion.

What is your biggest passion?

What question do you most want answered on this course?

it's me

http://www.facebook.com

facebook | Search | Home Profile Find Friends Account ▼

My Group
Edit my profile
Photo

News Feed
Messages
Events
Friends

Friends on Chat

📄 **News Feed**   Top News | Most Recent

Share: 📄 Status 📷 Photo 🔗 Link 🎥 Video

What's on your mind?

Photo | Lorem ipsum dolor sit amet, consectetur adipisicing elit, sed do eiusmod tempor incididunt ut labore et dolore magna aliqua. Ut enim ad minim veniam, quis nostrud exercitation ullamco laboris
👍 Jon Doe and 3 others like this.
💬 View all 5 comments

Photo | Lorem ipsum dolor sit amet, consectetur adipisicing elit, sed do eiusmod tempor incididunt ut labore et dolore magna aliqua. Ut enim ad minim veniam, quis nostrud exercitation ullamco laboris
👍 Jon Doe and 3 others like this.
💬 View all 5 comments

Photo | Lorem ipsum dolor sit amet, consectetur adipisicing elit, sed do eiusmod tempor incididunt ut labore et dolore magna aliqua. Ut enim ad minim veniam, quis nostrud exercitation ullamco laboris
👍 Jon Doe and 3 others like this.
💬 View all 5 comments

Photo | Lorem ipsum dolor sit amet, consectetur adipisicing elit, sed do eiusmod tempor incididunt ut labore et dolore magna aliqua. Ut enim ad minim veniam, quis nostrud exercitation ullamco laboris
👍 Jon Doe and 3 others like this.
💬 View all 5 comments

Events   See All

What are you planning?

People You May Know   See All

Photo | **Ally**
5 mutual friends
+1 Add as Friend

Photo | **John**
+1 Add as Friend

Sponsored   Create an Add

Ad

👤 Chat (0)

2 Introducing your training

Time:
45 minutes

Methods:
Plenary discussions

Materials:
1. Training agenda/
   training program
   flow chart with
   learning blocks
2. Learning objectives
   of the training
   program written on
   flipchart
3. Daily schedule and
   list of logistical
   matters

OBJECTIVES

At the end of the session participants:

- Can explain the key objectives and learning blocks of the course.
- Can explain how the questions they identified in their Facebook profiles relate to the course design.
- Can explain the learning approach that will be used during the course.

STEPS

1. Explain to participants that you are going to set the stage by looking at the purpose, objectives, flow, and process of the training program. Their course expectations will also be explored.

2. Explain the 'why' by posting the purpose and objectives of the training somewhere in the room where everyone can see them. These should be left there for the duration of the training program. Explain how these were determined and clarify any questions.

3. The 'what' of the training should be illustrated by walking the participants through the flow in terms of learning blocks and logic and clarify participants' understanding by asking them questions.

4. Explain that the course will be conducted based on principles of adult learning and experiential tools and techniques. Explain the law of 'two feet' to emphasize that learning is the responsibility of the participants and involves shared responsibility for outputs, especially during group work.

5. Introduce the 'when' of the training by posting and reviewing the schedule.

The law of 'two feet'

6. At the end of the session revisit the Facebook network and key issues that arose when the participants formulated the questions they would like to see answered on the course. Try to relate the questions with the course flow and be clear which questions will not be answered by the course.

TRAINER'S NOTES

It is important to emphasize to participants that the technical focus of this course is FPIC for REDD+ rather than REDD+ itself.

The law of two feet is "If at any time you find yourself in any situation where you are neither learning nor contributing, use your two feet and go do something useful. Responsibility resides with you."

When talking about the 'how,' clearly introduce the value of participation, experiential learning, individual reflection, shared responsibility for group work, peer feedback, and the law of two feet. This will give participants an impression of the nature of the learning process from the outset throughout the course.

The introduction section of the manual gives you some tips on possible objectives and designs of course flows for different target groups and timeframes.

3 | What is REDD+?

Time:
45 minutes

Methods:
1. Individual drawing
2. Group work
3. Plenary discussion

Materials:
1. Half sheets of flip chart or colored paper for each participant
2. Markers and post-its
3. Color pens and pencils

OBJECTIVES

At the end of the session participants:

- Have developed a visual representation of REDD+ and shared their perceptions on what REDD+ is.
- Have collectively analyzed their visual representations and described REDD+ simply and concisely.
- Have identified key concepts that they collectively agree on which accurately describe REDD+.
- Have related the concept of FPIC to REDD+ as an introduction to the focus of the training course.

STEPS

1. Explain that in order to understand FPIC's role in REDD+, it is first important to understand some of the fundamental principles and issues around REDD+. Explain that there are likely to be different interpretations of REDD+ within the group and that this session will aim to facilitate a mutual understanding of some of its core concepts.

2. Give each participant a half sheet of flip chart paper. Ask them to take some time to reflect and then draw or make a visual representation of what they consider REDD+ to be. Explain you are not looking for brilliant artists but for the moment you would like them to express their ideas through pictures so they can see the emphasis of their ideas. Mention that this exercise is not for testing how much they understand about REDD+, but rather exploring how they perceive REDD+ in their own ways. Give participants ten minutes to draw the visual representation.

3. After drawing, ask them to form spontaneous groups with at least three other people and share their drawings, comparing them and discussing how and why they are similar or different.

4. After each person in the small groups has shared their pictures, ask them to paste them on a wall or board and tell them that you would now like them to develop a written statement of no more than 25 words, using every day words (not jargon) defining REDD+. This statement should be based on the ideas they have found in their own pictures. Give the groups no more than 15 minutes for this exercise.

5. After they have developed the statement, tell them to paste it on the walls or board near the pictures.

6. Ask each group to then visit the other groups' outputs, looking for linkages between the pictures and the statements and giving comments or asking questions on post-its.

7. After each group has visited all the other groups, ask them to return to their original output and respond to the post-its. Give them each two minutes to respond. Make sure they are focused on a response, not on describing the pictures.

8. After the groups have all responded ask the following reflection questions:

   ▪ *Were all the groups the same or different? What were the key differences? Why did these differences emerge?*
   ▪ *What are the key elements agreed on by all the participants?*
   ▪ *How does the focus of this course (FPIC) fit into the pictures and the statements?*
   ▪ *Would you have drawn the same thing if asked to visualize FPIC for REDD+? If yes, why? If no, why not?*

9. Bring the participants back into plenary form and present a summary of the key elements in their pictures (uncertain process, incentives in form of financial reward, aims to enhance and maintain forest cover and condition, addresses climate change, represents an initiative from developed to developing world, other socially desired outcomes as spin offs, sustainable forest management etc.) Ask them how it relates to their statements and the concept of FPIC.

10. Wrap up the session by explaining that this was part of setting the context for FPIC. Re-emphasize that this course is not about REDD+, but a specific mechanism (FPIC) that is to be put in place as a social safeguard during the implementation of REDD+.

TRAINER'S NOTES

Participants will tend to focus on their own desired outcomes from REDD+ that may lean towards social justice, inequality, or conservation. It is critical to be clear that for now, REDD+ is an externally introduced mechanism that attempts to place a financial value on the carbon stored in forests but is not a 'social development' initiative. That is why FPIC is an important consideration.

There is no need to make a presentation of the definition of REDD+, but make sure that the participants realize that the main objective of REDD+ is not social equity and improved livelihoods but addressing climate change (from developed to developing countries). In case they would like a definition of REDD+, the trainer may refer to the web pages of UNFCCC, World Bank, or UNEP.

Handout · What is REDD+?

What is REDD+?

"Reducing Emissions from Deforestation and Forest Degradation or REDD is an effort to create a financial value for the carbon stored in forests, offering incentives for developing countries to reduce emissions from forested lands and invest in low-carbon paths to sustainable development. 'REDD+' goes beyond deforestation and forest degradation, and includes the role of conservation, sustainable management of forests, and enhancement of forest carbon stocks." (UN-REDD, 2011).

Forests play a number of important roles in climate change. For example, deforestation and forest degradation releases the carbon that is stored in trees into the atmosphere as carbon dioxide and other gases that contribute toward global warming. Scientists estimate that deforestation and forest degradation account for between 12 and 17% of annual carbon dioxide emissions[4]. However, healthy forests absorb carbon dioxide from the atmosphere at approximately 2.4 billion tons of carbon dioxide a year[5].

So, when forests are damaged and destroyed we lose not only the carbon storage provided by the trees, but also the forests' ability to absorb carbon dioxide *from* the atmosphere. It's a double loss. When combined with other important climatic functions that forests play, such as regulating and maintaining atmospheric moisture, the loss is even greater.

But if deforestation and forest degradation are a double loss in the fight against climate change, then conversely forest conservation and expansion represent a double win. The reason why there is so much interest in reducing emissions from deforestation and forest degradation (REDD+) is because it has the potential to deliver large cuts in carbon emissions at a low cost and within a short timespan.

What are the principles behind REDD+?

It's a simple idea: reward the people who manage forest resources so that they reduce emissions of greenhouse gases from deforestation and forest degradation. We need to make it more profitable to keep forests healthy than to degrade and destroy them. REDD+ proposes to do this by linking financial and non-financial incentives for conservation with the carbon stored in forests. Forest owners or managers would receive credits for 'avoided deforestation,' based on the carbon that has not been emitted. These credits would be tradable in international or domestic carbon markets, or paid for using a national or international non-market REDD+ fund.

---

[4] Intergovernmental Panel on Climate Change, (2007); Van der Werf et al, (2009). *CO_2 emissions from forest loss.* Nature Geoscience 2, 737-738 (2009).

[5] USDA Blog, (2011). *US Forest Service Finds that Forests Play Huge Role in Reducing Carbon and Higher Global Temps.* Available online: http://blogs.usda.gov/2011/07/14/us-forest-service-finds-that-forests-play-huge-role-in-reducing-carbon-and-higher-global-temps/. Last accessed: 18th October 2011.

The '+' in REDD+ includes the role of sustainable management of forests and enhancement of forest carbon stocks through reforestation.

The UK government's Eliasch Review (2008) projected that up to US$7 billion a year in carbon credit revenue could be directed to REDD+ by 2020, although this figure may require revision given the slow progress of international climate negotiations. This significant flow of funds could reward a meaningful reduction of carbon emissions and could also support new, pro-poor development approaches that could help conserve biodiversity and secure vital ecosystem services.

Further, maintaining forest ecosystems can contribute to increased resilience to climate change. To achieve these multiple benefits, REDD+ requires the full engagement and respect for the rights of indigenous peoples and other forest-dependent communities.

What are the challenges?

The idea behind REDD and REDD+ may be simple, but in practice it conceals a host of challenges.

A number of key challenges have been identified, which include the following:

- **Additionality** – REDD+ only applies for forest resources that are under threat, and where REDD+ funding would be used to provide 'additional' protection from this threat. One of the key criticisms of REDD+ is that it is difficult to foresee the future and determine with accuracy the level of deforestation and degradation that a forest will experience in 30 years' time. If this can't be predicted accurately – through calculating a baseline scenario for future forest use – then the volume of carbon credits earned from protecting a forest become nothing more than guesswork.

  Voluntary REDD+ methodologies have been designed to overcome this challenge and help developers produce accurate baselines, which are then verified by third parties, but some observers still feel this is inadequate. Calculating additionality also becomes more difficult as REDD+ is scaled up to the sub-national or national level.

- **Leakage** – Another criticism of REDD+ is that by putting protective measures in one forest project area, deforestation pressure is displaced to another forest area either in the same country or across borders. Again, REDD+ methodologies try to account for this by including leakage 'buffers' in carbon calculations, but at a national and international level, properly accounting for leakage becomes much more challenging. There is also a moral question behind displacing deforestation activity from one geographic locale to another and the impact this has on the environment and the affected communities.

- **Risk of corruption and mismanagement of funds** – A substantial concern of many observers is that, historically, the forest sector has been highly susceptible to bribery, corruption, and fund mismanagement. Some argue that increasing funding into the sector might exacerbate this problem, although others argue that REDD+ presents an opportunity to improve governance structures and address corruption on the whole.

- **Land and carbon tenure** – To develop a REDD+ project, the developers and communities involved need to clearly demonstrate clear land tenure and rights to the forest resource in question. This is often a difficult and lengthy process in many tropical forested nations where land tenure remains unclear and is poorly governed. In some cases, the customary land tenure claims of indigenous and forest communities are not legally recognized by the government, which also presents a barrier to REDD+ progress. However some REDD+ analysts have suggested that REDD+ funding presents an opportunity to strengthen land registries and provide communities with support to define their land tenure rights legally.

- **Social safeguards** – A wide range of stakeholders have called upon governments and project developers to ensure that REDD+ moves forward only with the appropriate social safeguards in place. This is recognized in the 2010 Cancun Agreement, but will require careful implementation. The successful implementation of these safeguards is needed so that REDD+ does not lead to widespread community displacement, reductions in their access rights to forest resources, and marginalization of communities with respect to the benefits they should receive from REDD+.

- **Monitoring, reporting and verification (MRV)** – Very few tropical forested nations currently have the human resource or technical capacity to carry out proper monitoring, reporting, and verification of forest carbon sequestration beyond the project level. However, sub-national and national MRV systems are important for countries to be able to implement REDD+ and demonstrate the 'permanence' of REDD+ carbon credits. Efforts are being made to increase MRV capacity, and this has become the focus of some major donor funding.

- **Where will the money come from?** – There is still uncertainty regarding where funding of the necessary scale will come from for REDD+. Without a binding post-Kyoto agreement, the market for REDD+ will remain largely voluntary, bolstered by any domestic carbon markets that include REDD+ (e.g. California, Australia). There are also a number of influential organizations that oppose a market approach to REDD+, and the international negotiations are yet to decide whether a fund- or market-based approach would be used, should an agreement be reached.

How does FPIC fit into REDD+?

The FPIC process is an important social safeguard for REDD+ as it gives the stakeholders affected by a REDD+ project the ability to challenge, accept, or refuse project implementation.

How does community forestry relate to REDD+ and FPIC?

Some community forestry sites will be eligible for REDD+ schemes. It may provide an extra incentive and development benefits in return for the efforts of the community in sustainable management and protection. However, the flow of benefits to the community in return for their efforts needs to be clear. Community forestry also provides a management option for new REDD+ sites where local communities have the willingness and capacity to manage forest resources.

As REDD+ is an external initiative seeking locally managed sites for implementation, it is essential that all groups and users in community forestry understand the implications and express their free, prior, and informed consent for REDD+. It cannot be assumed that local communities want to participate in REDD+ without a full analysis of the risks and benefits. This will also minimize risks on the part of any project proponent. Well-managed community forests with secure tenure are likely to be an attractive proposition for potential investors in REDD+, but community participation in giving consent at all points in the process is still essential. FPIC also ensures that expectations are 'real' and the difference between REDD+ and other 'conservation projects' explained.

4 What is FPIC?

Time:
1 hour

Methods:
1. Take your spot
2. Plenary discussion

Materials:
1. Posters of each 'definition' of FPIC

OBJECTIVES

At the end of the session participants:

- Have identified a definition which best fits their own understanding of FPIC.
- Can explain the difference between consultation, negotiation, and FPIC.
- Can agree on the key concepts that define FPIC, which will be a shared framework of understanding for the rest of the training.

STEPS

1. Introduce the session by explaining that during this session you would like to find a shared definition and understanding of FPIC that could be used during the course.

2. Paste at least three different definitions around the walls of the room written in large text that can be seen from a distance.

3. Read out loud all the definitions and then ask each participant to stand under the definition they most agree with.

4. After they have taken positions, ask the groups under each definition to explain to other members in the same group why they are standing there and formulate reasons to share with other groups.

5. After ten minutes, ask each group to share its reasons and give the floor to the other participants to ask clarifying questions. Try to summarize reasons after every presentation. Highlight the key words the participants agree with in the definition by underlining them with a red pen (collective right, yes or no, self determination, process, negotiation, etc).

6. After completing the sharing process, bring the group back into plenary and summarize by examining some of the key words underlined in the definitions.

7. Reflect on the exercise, asking:

    ▪ *Based on the discussion, what are the key concepts that are part of FPIC?*
    ▪ *What do you think is the key difference between consent and consultation? And consent and negotiation? (Build on answers from the session on 'Why Consent?' if you have used that session as well)*
    ▪ *How does the term 'self-determination' relate to the key concept of FPIC?*

8. Summarize the key elements of FPIC. Emphasize that it is important that the participants do not think of FPIC as an approach like PRA. It is not an approach, it is a different way of making a decision in relation to an external proposal whereby people have the opportunity to say 'yes' or 'no' and negotiate their own terms. Stress that it is CONSENT that is being sought (which is free, prior, and informed).

9. Explain that later we will further unpack the terms in the acronym and the roadmap for FPIC. Distribute the Handout. If participants request or still show some confusion, refer them to the definition in italics in the Handout.

TRAINER'S NOTES

Try to avoid detailed discussions on the meaning of free, prior, and informed consent. This session could unravel several discussions that will be covered in other sessions. The key is to introduce the concept and later unpack them step by step.

Emphasize that FPIC is not an approach. This may be difficult if participants are using the acronym and therefore not saying the letters individually as F, P, I, C. As a trainer you might want to maintain saying all the letters out loud so that the term **consent** is not forgotten.

What is your definition of FPIC?

FPIC is based on principles of self-determination. It is the collective right of indigenous peoples and local communities to negotiate the terms of externally imposed policies, programs, and projects that directly affect their livelihoods and well-being.

(Trainer's Note: This statement highlights the element of respecting rights in FPIC and differentiates between indigenous peoples and local communities in the context of self-determination – introducing the term for the first time. It promotes discussions around power to negotiate and highlights that this may therefore be an ongoing process.)

FPIC is a form of decision-making that enables a community to say "yes" or "no" to a proposed project or intervention.

(Trainer's Note: This statement highlights consent as one form of decision-making and promotes discussions on how it is different as it highlights the concept of yes or no. However, it throws no light on the FPI elements on the acronym.)

Free, prior, and informed consent (FPIC) is consent that is given freely, by people fully informed of the consequences, prior to any decision being made, and according to their own decision-making processes.

(Trainer's Note: This statement highlights the form of decision, i.e., consent, and the meaning of the qualifying words (FPI). It is specific and provokes discussion on what consent really is – but it does not directly interpret it in the form of a yes/no decision).

FPIC is part of a consultation process that allows people to provide input into how their natural resources are managed.

(Trainer's Note: This statement is extremely general about FPIC in relation to wider consultation and natural resources. It does not capture the essence of what consent is and the shift of power in terms of "yes" or "no" to the communities. Although it cannot be categorized as wrong, those who pick this statement need to be challenged on the difference between consent and consultation. Consent is really a process of 'seeking' consent)

FPIC is when consultation and negotiation are done without forcing people to participate in a project.

*(Trainer's Note: Similar to the statement above this one confuses the process with the outcome. Consultation and negotiation are part of the process of seeking consent, but consent itself is the power to say yes or no to a project. Participants need to be challenged on the difference between the process and outcome. Consent is an **outcome** and cannot be equated to consultation or negotiation. This also highlights only some of the principles of "free," as 'without force' does not necessarily mean without manipulation – which is a common form of project presentations.)*

What is FPIC?

Where did FPIC come from?

FPIC is not new. It evolved from human rights discussions on development where it was agreed that everyone has the right to determine their own development. This can be interpreted as being able to say "yes" or "no" to any project proposed or external development. FPIC has been identified as an important social safeguard for mining and infrastructure projects for many years, especially in the context of protecting indigenous peoples' rights and territories. While indigenous people have fought to uphold the right to FPIC for a long time, it does not apply to them alone. FPIC was also introduced in the forestry sector, but it has been weakly implemented – although elements of it have been mainstreamed into international forest certification processes.

What FPIC is <u>not</u>

Before defining the elements of FPIC, it is essential to establish what it is not. FPIC is not participatory engagement, neither is it consultations, nor negotiations. Rather, these are just means and tools through which FPIC can be achieved.

Consultations and broad community participation should not be equated to consent. Conceptually and practically, consultation, negotiation, and participation are often not sufficient to capture community concerns and protect member rights. Due to the nature in which consultation and participation are measured by project sponsors and inherent vulnerabilities of the process to external manipulation, best practice should call for consent as defined and agreed by communities themselves and recognized internationally in UNDRIP (United Nations Declaration on the Rights of Indigenous People) and other conventions.

What is Free, Prior, and Informed Consent (FPIC)?

Free, Prior, and Informed Consent (FPIC) is about indigenous communities and local people having a specific right that others should respect. It is a collective right. This means a community as a whole has the right to give or deny its Free, Prior, and Informed Consent.

Each part of the term has important meanings for a community. The following is an explanation of what each term means:

Free

Free from force, intimidation, coercion, or pressure by anyone (it can be a government, company, or any organization).

Prior

Prior implies that consent has been sufficiently sought in advance of any authorization or commencement of any project. Also, local communities must be given enough time to consider all the information and make a decision.

Informed

Informed means that the community must be given all the relevant information to make its decision about whether to agree to the project or not.

Consent

Consent requires that the people involved in the project must allow indigenous communities to say "Yes" or "No" to the project. This should be according to the decision-making process of their choice.

How does FPIC relate to principles of self-determination?

Respecting the right to FPIC cannot be reduced to a process with boxes that can be ticked as they are completed. The right to FPIC is part of peoples' collective right to *self-determination*, which includes the right to determine what type of process of participation, consultation, and decision-making is proper for them. By recognizing the right of indigenous peoples and local communities as owners and managers of their customary territory, FPIC assures them a decisive voice at every stage of development planning and implementation of projects that affect them.

Therefore, respecting the right to FPIC is, by definition, *a locally and culturally specific process in which the affected communities themselves determine the steps. FPIC can be described as the establishment of conditions under which people exercise their fundamental right to negotiate the terms of externally imposed policies and activities that directly affect their livelihoods or wellbeing, and give or withhold their consent*[6].

What is the difference between FPIC and stakeholder consultation and negotiation?

Consent is an outcome of a process. The process may involve consultation and negotiation, but consent itself is an opportunity to say 'yes' or 'no' to a proposal or project. Consent may be required at several points in a project cycle, and when consent is not reached, negotiation will be required. Consultation involves facilitating a process to both inform and receive feedback from the people about the proposal; negotiation is where conditions are proposed and compromises are made by different parties. Consent remains the point at which people have the power to say 'yes' or 'no.'

---

[6]   *Free, Prior, Informed Consent in REDD+: Principles and Approaches for Policy and Project Development.* RECOFTC and GIZ 2011. Refers to most frequently referenced summary on FPIC endorsed by UNPFII. 2005.

5 Why 'Consent'?

Time:

1 hour

30 minutes

Methods:

1. Brainstorming
2. Group Discussions

Materials:

Flip chart, cards and markers

OBJECTIVES

At the end of the session participants:

- Can explain the term 'consent' in their own context and give examples from daily life.
- Can explain why seeking consent is important, and under what conditions it should take place.
- Can explain consent as an ongoing process of engagement and identify its key characteristics.

STEPS

1. Kick off the session by dividing the group into married and unmarried or young and old, or men and women, depending on the group composition.

2. Give each group 10 minutes to brainstorm on the following questions asking each member to give an example from their own experience. Ask them to write the answers for one decision on one card each.

   - *What decisions does your mother/father, senior/ junior, wife/husband make on your behalf?*
   - *How does that make you feel?*
   - *What would you like to change about that and why?*

3. Ask the participants to share what they discussed during their brainstorming session by alternating between the groups. If examples are being repeated then ask the group to focus on sharing different examples from those that have already been shared.

4. After all the groups have shared the decisions, feelings and changes, take some time to reflect with the group in plenary:

   - *How did you feel doing this exercise?*
   - *What types of feelings have been generated from decisions?*

- *What patterns emerge in relation to the decisions and feelings?*
- *Do different decisions require a different type of approach?*
- *Are there any similarities in what people would like changed about decision-making processes? Why?*
- *How does this relate to the concept of consent?*
- *What type of decisions formally require consent in your culture and why?*
- *How do you think consent differs from making a participatory decision and why?*

5. Write the question 'Why Consent?' on a flip chart and ask the participants to generate answers building on the reflection of the previous exercise. Try to keep the answers within the context of daily life (respect, shared responsibility for implementation of decision, maintaining constructive relationship, recognizing history or territory).

6. After summarizing the 'why' of consent, explain that you would like to explore the process of seeking consent in any situation.

7. Ask participants who are married to volunteer to share their experience. Ask them to tell the story of how they went from being single to being married and draw out the process from meeting their partner, dating, engagement, negotiation of dowry, payment of wedding ceremony to the actual ceremony itself. Ask them at what point decisions were made and who was involved.

8. After sharing these experiences ask the following reflection questions:

   - *How do these stories relate to the process of seeking consent?*
   - *What defines when a decision is taken and by who?*
   - *After listening to these experiences, what are the characteristics of a process of seeking consent?*
   - *What do you think consent is?*
   - *How does it relate to forestry and development projects?*

9. Wrap up the session by revisiting the 'why' of consent and emphasizing the difference between consent and participation. Draw on the examples from their own culture where consent is required to highlight in what conditions it is considered essential and in what conditions it is just polite, and whether these are easily differentiated.

10. Summarize that consent is required in different situations. In the case of development projects, it is to safeguard communities. Consent can be equated to knocking on someone's door before you enter, but seeking consent is not an instant process and requires different types of engagement and timeframes – as in the example of marriage.

11. Explain that this session has only focused on the term consent and not yet on free, prior, and informed consent. This will be explored further in the course in the context of REDD+ and other forestry development projects.

TRAINER'S NOTES

This session is important to build a foundation for most of the learning on FPIC. Consent can have many different local interpretations, so it is important to illustrate translated interpretations of consent with local examples. Be careful not to get stuck in definitions of consent, but emphasize this will become clearer in the course during the unpacking of FPIC. This session has not been designed to link with REDD+ yet, but the link will come later in the course. Be careful not to preempt, but let participants explore consent in their own contexts.

What is Consent?

What is consent?

Consent is a form of agreement between parties. It is usually required when something is being proposed externally by one of the parties. This proposal may influence relationships and/or benefits within a family, community, or social system. Culturally, consent is sought in many different situations between men and women, young and old, families and tribes. In other words, it is a type of permission given when one party proposes something to another party. Some examples where consent is required in different cultures are marriage, temporary use of land between households, and entering houses.

What is the difference between consent and participation?

Participation and consent are not the same. Participation is needed to reach consent, but consent itself goes much further as it gives the power to the party from whom consent is sought to say yes or no. This does not mean there is no space for negotiations in the process, but it shifts the power balance towards specific parties in the process.

The process of seeking consent

The process of seeking consent will be iterative and long-term. It is not a one-off process. It requires constructive engagement and meaningful dialogue. Usually consent will be stronger and easier with upfront engagement from the early stages, as in the process of marriage in many cultures. There may be more than one decision-making point during a long-term process of interaction, and the more participation there is, the more likely consent will be reached with flexible negotiation strategies. However, participation and consent are not the same.

Why consent?

Consent is usually put in place as a safeguard to ensure that those who may be negatively affected have the power to say no. It has evolved as a form of compulsory respect in some cultures. However, in the case of forestry or development projects where it is the communities who are required to give their consent, it is also a matter of sustainability and ensuring their participation in the initiative. If they are engaged to give consent, but somehow feel they are not free to say yes or no, there is a risk that they might sabotage the project.

FPIC is a form of decision-making that enables a community to say "yes" or "no" to a proposed project or intervention.

(Trainer's Note: This statement highlights consent as one form of decision-making and promotes discussions on how it is different as it highlights the concept of yes or no. However, it throws no light on the FPI elements on the acronym.)

Free, prior, and informed consent (FPIC) is consent that is given freely, by people fully informed of the consequences, prior to any decision being made, and according to their own decision-making processes.

(Trainer's Note: This statement highlights the form of decision, i.e. consent, and the meaning of the qualifying words (FPI). It is specific and provokes discussion on what consent really is – but it does not directly interpret it in the form of a yes/no decision.)

6   FPIC for what and whom?

OBJECTIVES

At the end of the session participants:

- Have identified criteria that defines the need to respect the right to FPIC and hence the range of projects/ initiatives for which it is required.
- Can list incentives for a project proponent to invest time and money in respecting the right to FPIC in any project or initiative.
- Can explain whose right to FPIC needs to be respected in a REDD+ initiative and why.

STEPS

1. Introduce the session by explaining that in this session you will look at when respecting the right to FPIC is required and from whom it should be sought. Highlight that in this session, FPIC will be looked at within a general development context and later the course will zoom in on REDD+.

2. Remind participants that FPIC is not a new requirement. Ask them whether they know any other projects apart from REDD+ where FPIC is required. List their answers on a flip chart. (Some examples may include reforestation project, oil palm plantation, development in high conservation value areas, establishment of national park or protected areas, hydropower plants, dam construction, mining and infrastructure development).

3. Explain that you are going to use a short case study in this session. Distribute the case study and ask the participants to read it carefully and spend 20 minutes answering the questions. Invite them to join small groups and prepare to share their discussion.

4. After 20 minutes, go through each question group by group, adding new ideas and avoiding repetition.

5. After the groups have finished sharing their answers, reflect on the case study exercise:

    - *What does this case study tell us about FPIC?*
    - *What have you learned from this case study that could be applied in the context of REDD+ projects?*
    - *Why do we need to respect the right to FPIC in REDD+ projects?*
    - *Whose right to FPIC do you think should be respected in a REDD+ context? Is it only for Indigenous peoples, and why?*
    - *What are the benefits of investing in a process to seek FPIC for a project proponent of REDD+?*
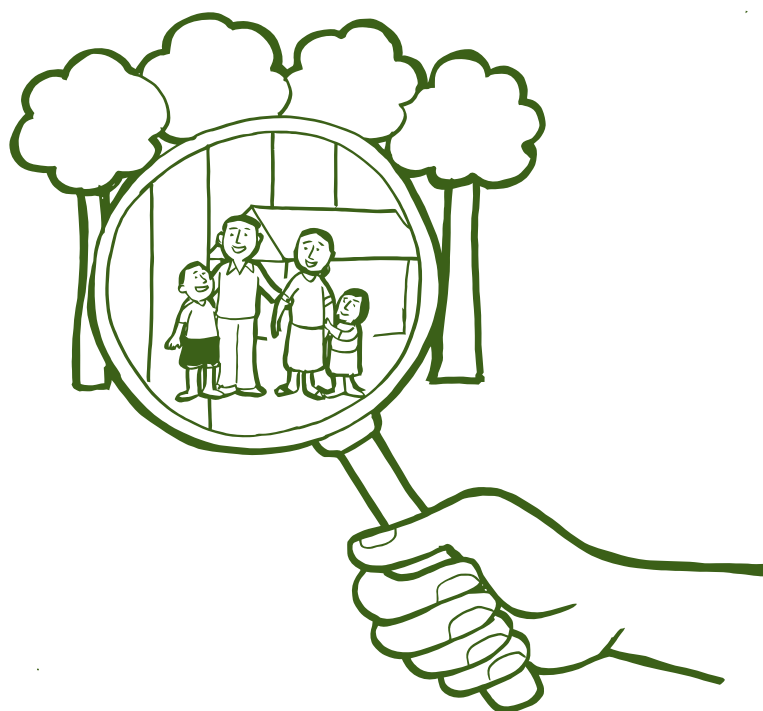
6. Wrap up the session by summarizing the criteria identified by the participants for projects that need to respect the right to FPIC. Re-emphasize that respecting the right to FPIC is not just about indigenous peoples, but gives the right to other local people to say "yes" or "no" to a proposed external development that affects their territory or wellbeing (including mines, roads, dams, forest concessions, and REDD+ projects). A session explicitly on FPIC for REDD+ can be explored later in the course.

TRAINER'S NOTES

This session was included in the materials based on a perception among some training course participants that FPIC had only evolved because of REDD+, and that it only applies to indigenous peoples. The session intends to go beyond REDD+ and widen the picture to reflect on who has the right to FPIC in any development project. The case study is deliberately chosen as a non-forestry case. If you would like to use a local case study, try to pick one that highlights FPIC in a wider development context.

FPIC for what and whom?

Corporate experiences in engaging communities in extractive and infrastructure projects

In the early 1990s, Hamersley Iron Pty Limited, a subsidiary of Rio Tinto, planned to develop an iron ore mine and railway at Yandicoogina in the Pilbara region of Australia. Several aboriginal groups lived in the region near the proposed mine. In 1994, Hamersley conducted initial consultations with community elders to ensure that the railroad that would connect the mine to the seaport had minimal impact on Aboriginal communities. In 1995, the company decided to negotiate a Land Use Agreement with communities near the site, which coincided with the project's environmental and social assessment process.

To gain a better understanding of the key stakeholders and their concerns with the project, Hamersley spent four months conducting a social mapping exercise. Based on this information, negotiations were held with local communities from January to June 1996. The stakeholders appointed an independent mediator, and three aboriginal groups decided to work together. They appointed an independent legal advisor, funded by Hamersley, and established the Gumala Aboriginal Corporation, which conducted negotiations on behalf of the communities and had the legal capacity to bind its members. By June 1996, the parties had agreed to a Negotiation Protocol and a method for reporting back to the communities on the status of negotiations, including having the elders of the Aboriginal groups observe the negotiations.

In November 1996, Hamersley and the Gumala Aboriginal Corporation agreed to a Memorandum of Understanding (MoU). The corporation then obtained the consent of the Aboriginal parties it had represented by discussing the Memorandum at a large community meeting, and meeting with each individual to explain the terms of the agreement and obtain that individual's consent. The result was the Yandicoogina Land Use Agreement, which provided the basis for a long-term collaborative framework between Hamersley and the Aboriginal parties. Hamersley, in turn, reduced permitting time, completed construction under budget by US$100 million, and commenced production six months early.

From: Herbertson, K., et al. 2009. Breaking Ground - Engaging Communities in Extractive and Infrastructure Projects. World Resource Institute, Washington DC. Available at: www.wri.org.

Case study questions

- *How did the company go about establishing FPIC?*
- *Whose rights are being respected, and how?*
- *Why do you think the company decided to invest time and money in seeking FPIC?*
- *What are the similarities and differences between an infrastructure project like this and a REDD+ project?*

FPIC for what and whom?

FPIC for what and for whom?

FPIC is required for any external development project that will affect local communities' customary territories or well-being. It is based on a key element of self-determination: everyone has the right to determine his or her own development. This principle is not restricted to indigenous peoples, although Indigenous peoples movements have recently fought very strongly for their right to be respected in their contexts in both international agreements and national laws. Some countries have recognized FPIC mainly in relation to indigenous peoples, but local people also have rights to protect their territories and wellbeing.

Why is FPIC critical for the project proponent?

Consent itself is essential for the success of any project where local people need to be on board. Getting consent from one person in the community will not be enough, and participatory engagement from a very early stage in the project is more likely to lead to meaningful consent at the end. If FPIC is sought in good faith it can increase the speed, efficiency, and profit of a project. Project proponents need to see that seeking FPIC through a quality process is a necessary investment in the future.

The process of seeking consent

The process of seeking consent will be iterative and long-term. It is not a one-off process. It requires constructive engagement and meaningful dialogue. Usually consent will be stronger and easier with upfront engagement from the early stages, as in the process of marriage in many cultures. There may be more than one decision-making point during a long-term process of interaction, and the more participation there is, the more likely consent will be reached with flexible negotiation strategies. However, participation and consent are not the same.

From extraction and infrastructure to REDD+

So, why has REDD+ been equated to other development initiatives like mines, roads, and dams? REDD+ has been initiated through global dialogue as a way to address climate change. Although the financial mechanism of REDD+ is not yet clear, it will involve investment of money from outside the community and, more often than not, outside the country. It will affect people's well-being in one way or another, and both the risks and benefits need to be presented in the same way a dam or road investment on customary territory should be. To some extent, REDD+ differs from other development initiatives, as its success does depend on local efforts to protect and manage forests and land sustainably. Therefore, it is an added risk factor if project proponents fail to seek FPIC from local forest managers or communities.

7 Why respect FPIC in REDD+ projects?

Time:
1 hour
30 minutes

Methods:
1. Case study analysis
2. Group discussions
3. Plenary discussion

Materials:
- Flipcharts
- Markers copies of case studies for every participant

OBJECTIVES

At the end of the session participants:

- Have identified some of the impacts and risks of REDD+ for indigenous peoples and local communities.
- Can explain the role of FPIC in relation to such risks
- Have identified the risks to a proponent of not seeking FPIC in a REDD+ project.
- Have identified the opportunity that FPIC can present for indigenous peoples and local communities involved in REDD+.

STEPS

1. Start the session by explaining that having explored FPIC by scoping and defining it, we will now explore why it is emerging as a critical element of REDD+ planning and implementation.

2. Ask the group, based on their own experience of REDD+ and the forest sector in general, how far the right to FPIC is respected? Follow up by asking why they think it is largely not respected. (Complexity, time, resources required, communities not aware of their rights to FPIC, proponents not aware of their obligation, ambiguous standards as to what robust consultation might entail, etc.).

3. Explain that you would like to use a case study to discuss the importance of FPIC.

4. Divide the participants into groups and distribute the case study. Ask them to read it carefully and think about the questions.

5. After 40 minutes, gather the groups together and paste their flip charts so you can compare the answers.
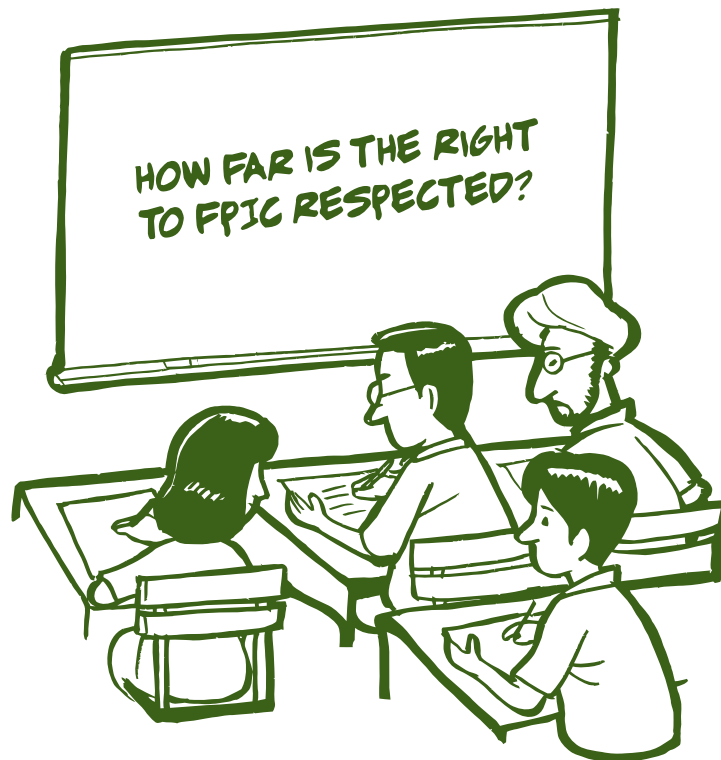
6. Walk the participants through their answers, question by question, across the groups. Facilitate a discussion where answers are conflicting, remembering that this is still an early session in the course and some members may still see FPIC as a one-off 'tick the box' process.

7. After sharing the group outputs, ask the following reflection questions:

   ▪ *Do you think what happened in this case study is common in forest projects? Why? Have you seen similar situations in your context?*
   ▪ *In this case, why do you think the NGO was weak in respecting FPIC?*
   ▪ *How do you think the right to FPIC can be respected more in REDD+ projects? What needs to be done and why?*

8. Wrap up the session by summarizing the key risks and benefits that may affect a community in the context of REDD+.

9. Finalize by re-emphasizing the practical benefits (why) of respecting the right to FPIC. Explain that the legal framework for respecting the right to FPIC will be covered later in the training.

TRAINER'S NOTES

If facilitating a national level training, you may wish to select a case from the country concerned that illustrates the same issues.

This session allows for a more thorough analysis of the risks and benefits associated with REDD+. There is also the option, after the case study, to ask participants to expand in small groups on the risks and benefits outlined in the case study and then share opinions, rather than the trainer summarizing them. For groups who have already been 'sold' REDD+, this will be a useful exercise.

Why respect FPIC in REDD+ projects?

Linking CBFM, Forest Certification, and REDD+ in Tanzania[7]

In 2010, a local conservation NGO in a district in Tanzania decided to write a proposal to source finance from one of the European embassies for REDD Readiness activities. The NGO has been providing support to Community Based Forest Management (CBFM) activities in the area for at least five years, and has been successful in some sites to achieve international forest management certification standards under a Forest Stewardship Council (FSC) group certificate. Communities[8] are now actively harvesting valuable timber species and protecting their forests according to legally signed management plans with the government. The initial funding for the FSC accreditation was supported from another external donor. This is one of the first sites in Tanzania where CBFM is creating financial benefits from sustainable harvesting of timber that is being marketed internationally with an FSC trademark.

Based on their history and existing knowledge of such sites, the NGO developed a proposal for REDD Readiness activities for the same sites which was accepted by the embassy as part of a program to create community based REDD demonstration sites. After receiving the funding, the NGO carried out sensitization activities on what the project entailed while simultaneously carrying agreements with them for the community to sign. The essence of the agreements was that the NGO and the community agreed to work together if the NGO continued to support the villagers in fulfilling their obligations and requirements to meet FSC standards and audits. However, in return for such support it was requested that the carbon credit payments would become the right of the NGO for a 30-year period. The NGO explained that this would allow the benefits of certification to accrue more widely to additional villages, as the money for the carbon credits would be re-invested into sustainable forest management. This would help them to certify other villages, thereby increasing access to markets through economies of scale.

Some of the CBFM sites concerned immediately signed the agreements, as they hoped FSC certification might bring them benefits from their forests similar to those they had seen in neighboring villages. Other villages refused to sign, claiming they still did not fully understand REDD+ and what it would mean for them. NGO officers were frustrated that the villagers could not see the future benefits and found it challenging to explain something as intangible as carbon.

The news of the NGO's initiative reached high-ranking government officers in the division of the concerned ministry. They also raised some concerns, explaining that there was now a national REDD framework and strategy and any initiatives concerned with REDD+ should be consulted through them first, not at the local level. They have also raised the question of who actually has the rights to own and negotiate the carbon, as this is not yet covered in the current legal framework.

---

[7] This case study has been adapted from a real story in Tanzania, but names have been changed or omitted where necessary.

[8] Such communities are forest-dependent. The legal framework in Tanzania prevents recognition of indigenous peoples.

Currently, the project is at a standstill. Some agreements have been signed, some have not, and the national government representatives appear to be questioning the rights to the carbon in those CBFM sites.

Discuss the following questions in groups and write your answers on a flip chart:

- *Do you think the right to FPIC has been respected in this case study? If yes, why? If no, why not?*
- *What do you think are potential risks to this community if a REDD+ project is introduced?*
- *What do you think are the risks to the NGO or any other project proponent in not seeking FPIC properly?*
- *How do you think respecting the right to FPIC can reduce the risks or negative impacts of REDD+ on local communities?*
- *What opportunities do you think FPIC presents for communities engaging in REDD+?*

Why is FPIC required in REDD+ projects?

FPIC was originally developed in the context of indigenous rights, and is increasingly linked to the right of all people to their land and territories based on customary and historical connections. The focus on FPIC grew out of a concern that indigenous peoples lack political power, meaning their interests are typically not met when international institutions, governments, and private investors make decisions over resources to which these people have ancestral right.

So, for REDD+ projects to have local credibility, the negotiation of lasting agreements on the use of resources must involve recognition of both the rights of indigenous peoples and those of local communities who depend on a particular forest area for their livelihoods. Not doing so could lead to conflict or inadequate outcomes where established livelihoods practices and access to resources are denied.

Indigenous peoples and local communities are central to the effective implementation of a REDD+ project. They are critical in the evaluation of adherence to social standards or safeguards, conducted by certification bodies on behalf of investors in forest-based carbon credits.

> **Why do many projects fail to generate informed consent effectively?**
>
> - Rushed processes leading to misunderstanding of complex ideas
> - Insufficient (or inappropriately conveyed) information
> - Lack of sufficient resources for capacity building
> - Lack of social safeguards to ensure quality engagement processes

What are the potential risks of REDD+ for indigenous peoples and local communities?

While REDD+ projects and policies may generate benefits for rural communities, numerous potential risks have also been identified, including:

- Violations of customary rights and harsh enforcement measures. This can lead to loss of access to forests for subsistence and income generation needs, land use conflicts, and physical displacement from forests.

- Marginalization by new land-zoning exercises. Governments may decide to capitalize on forest carbon revenues for the state, stalling or reversing the recent trends of decentralizing forest ownership and management responsibilities to communities.

- Decoupling of forest carbon rights from forest management or ownership rights, thereby blocking communities' right to financial benefits.

- Exploitative carbon contracts that lead to communities unknowingly signing away land use rights, assuming liability for forest loss, or accepting payments that undervalue opportunity costs or foregone land use.

- Capture by elites (from within or outside the community) of intended REDD+ benefits due to inadequate governance systems.

- Decreased production of food locally, creating food security risks and deepening poverty.

What are the risks to a project proponent if they do not seek FPIC?

By not seeking FPIC, project proponents are exposing themselves to:

- Increased costs and project delays when conflicts arise.
- Lack of credibility with other stakeholders and potential investors.
- Failure to meet international social standards.
- Ultimate failure of the project when local people choose to ignore conditions under which carbon payments will be made.

What are the opportunities created through the FPIC process for both project proponents and communities?

By seeking FPIC, the following opportunities are created:

- The process allows communities to influence the design and implementation of REDD+ projects, potentially allowing them to enhance the benefits they receive and tailor these benefits to be more closely aligned with their needs.

- For developers, FPIC provides an opportunity to have a structured dialogue with communities and communicate clearly their objectives and plans. This may help to improve community relations and increase the likelihood that the project will succeed in the long term.

- Being able to provide clear evidence of a full FPIC process may also be advantageous for project developers, as it can increase the attractiveness to potential project investors or buyers of carbon credits. Evidence of a full FPIC process demonstrates that action has been taken to reduce project risk and that community needs and concerns have been fully taken into account, factors valued highly by potential investors.

8 International and national agreements: Respecting the right to FPIC in REDD+

OBJECTIVES

At the end of the session participants:

▪ Can explain which international agreements, declarations, and investment frameworks oblige REDD+ projects to respect the right to FPIC.

▪ Have identified the implications of such a framework in their own context, including sharing the current national laws and policies that protect the right to FPIC.

STEPS

1. Introduce the session by linking with the course flow. Explain that after having considered the 'what' and the 'why' of FPIC in the context of REDD+, this session will focus on the current obligatory mechanisms through which FPIC must be respected in REDD+.

2. Explain that to do this you will give a short presentation to explain how FPIC has evolved in international dialogue and in relation to natural resources. Present the cards visualizing the foundation of a house as the international declarations and agreements and the walls as the emerging standards. Answer questions of clarification if necessary (see Handout).

3. After the presentation, ask the participants the following questions:

   ▪ *Can you identify the form of obligation (e.g., legally binding, international agreement, conditions of financial support, etc.)? Which do you think is the most binding, and why?*

   ▪ *How far is respect for the right to FPIC driven by these mechanisms in your countries?*

   ▪ *What is the current level of awareness among actors in the REDD+ playing field of such obligatory mechanisms for FPIC for REDD+?*

- What are the implications for implementation of FPIC for REDD+ and for project proponents?

- How useful are these obligations in helping you explain the need to respect the right to FPIC in your workplace?

4. Ask participants to form groups (if international in countries, if national from stakeholder perspective group). Ask them to try and think of FPIC from a different angle by answering the question: *"Which national and local level frameworks, structures, and/or processes currently support the value of FPIC?"* Give them 15 minutes and ask them to write them down on a flip chart.

5. Ask each group to paste their flip chart and share their outputs. Reflect on the focus of the mechanisms they have listed (e.g., foresters will tend to focus on forestry policies and structures). Explain that although FPIC may not necessarily be specifically mentioned in laws and policies, the values that it represents are within many national level policies, processes, and cultural norms.

TRAINER'S NOTES

It is important that trainers research up-to-date information for their presentation before this session, as information and dialogue on standards may have changed.

Many of the international declarations focus on FPIC in the context of indigenous peoples. Be careful not to imply that this means FPIC for REDD+ is only for them. Many of the national mechanisms and processes that support the values of FPIC go far beyond indigenous peoples, as discussed in earlier sessions (FPIC for what and whom?).

Participants will need to be encouraged with concrete examples in the exercise on other processes at national level that reflect values of FPIC. Encourage them to think widely—not just within the forestry or natural resources sector (see Handout for examples).

International and national agreements: Respecting the right to FPIC in REDD+

Write on cards and present one by one, building on a foundation of the UN Declaration on Right to Development.

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)	This has the most complete description of FPIC and clear obligations on countries regarding the rights of indigenous peoples. This has been signed by 147 countries, but is not considered legally binding.
International Labour Organization Convention No.169	This convention guarantees the rights of peoples to their land and to be involved in any decisions that affect their resources and livelihoods.
The Convention on Biological Diversity	This protects indigenous knowledge, which is to be used only with prior approval.
The United Nations Framework Convention on Climate Change (UNFCCC)	This convention refers to an UNDRIP annex that outlines safeguards countries should follow when implementing REDD+ activities.
The World Bank's Forest Carbon Partnership Facility (FCPF) and the Forest Investment Program (FIP)	Based on World Bank Operational Policies 4.1, it refers to the right to Free, Prior, and Informed Consultation, but it does not guarantee the right of communities to withhold their consent to proposed developments.
Voluntary carbon market standards	These currently include VCS (verified carbon standard) and CCB (climate, community and biodiversity standards). VCS does not require FPIC, only consultation, but CCB requires a record of the process that respects the right to FPIC.
REDD+ Social and Environmental Standards	These standards apply specifically to national and sub-national level REDD+ programs and not to specific projects. They explicitly require adherence to FPIC for indigenous peoples and local communities, and their development has been driven by civil society organizations and international agencies such UN-REDD, FSC, and Rain Forest Alliance.

What international and national laws obligate proponents to respect the right to FPIC in REDD+?

Although the concept of FPIC is not new, it is still young in terms of recognition. Elements of it are recognized by a number of international agreements and instruments, including the following:
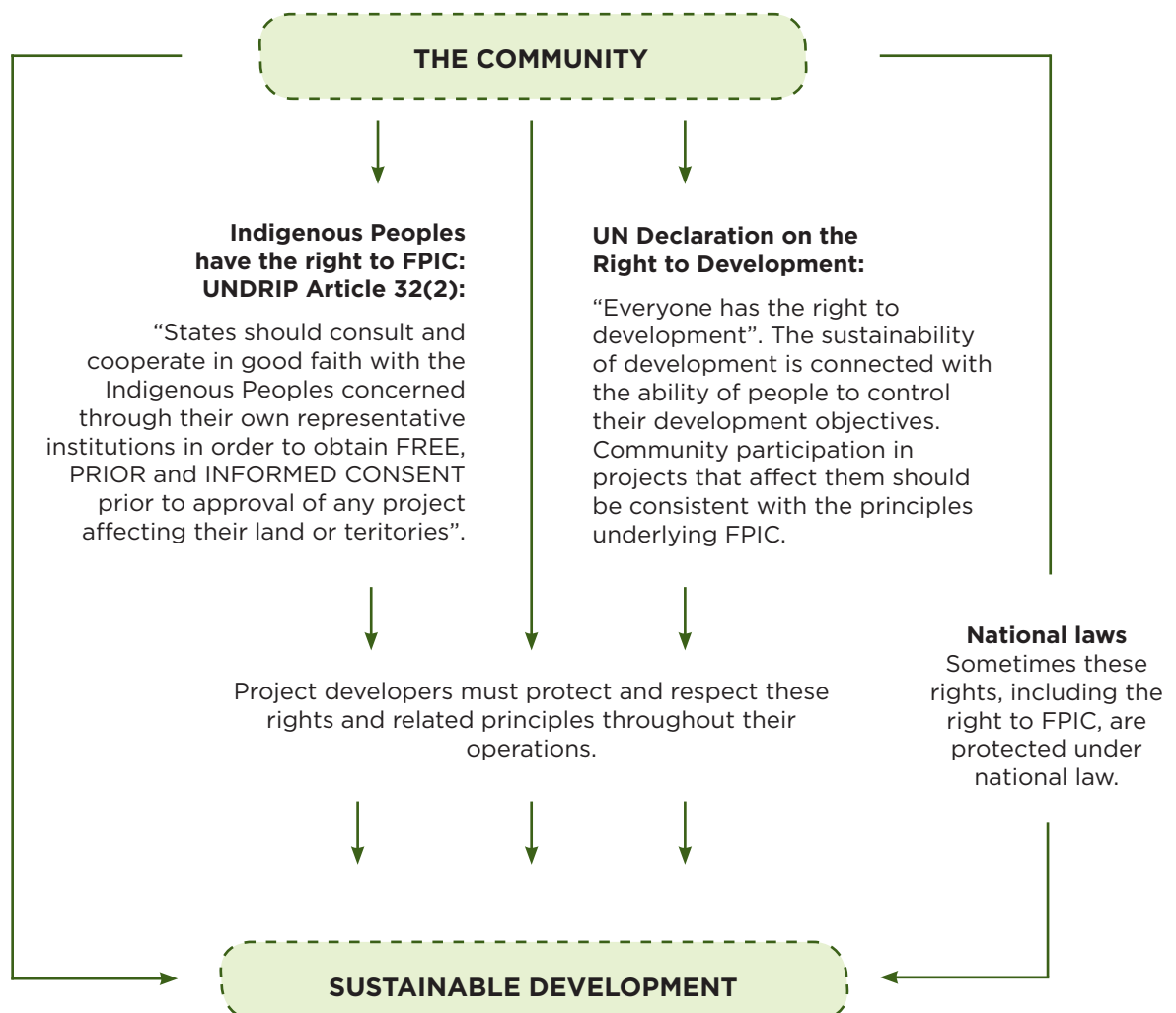
- **The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)**: this presents the most complete description of FPIC as well as clear obligations on countries regarding the rights of indigenous peoples. UNDRIP was signed by 147 countries in 2007.

THE COMMUNITY

Indigenous Peoples have the right to FPIC: UNDRIP Article 32(2):

"States should consult and cooperate in good faith with the Indigenous Peoples concerned through their own representative institutions in order to obtain FREE, PRIOR and INFORMED CONSENT prior to approval of any project affecting their land or teritories".

UN Declaration on the Right to Development:

"Everyone has the right to development". The sustainability of development is connected with the ability of people to control their development objectives. Community participation in projects that affect them should be consistent with the principles underlying FPIC.

National laws
Sometimes these rights, including the right to FPIC, are protected under national law.

Project developers must protect and respect these rights and related principles throughout their operations.

SUSTAINABLE DEVELOPMENT

- **International Labour Organization Convention No.169**: this convention guarantees the rights of indigenous peoples to their land and to be involved in any decisions that affect their resources and livelihoods. This Convention was signed in 1989 by 20 countries.

- **The Convention on Biological Diversity**: this protects indigenous knowledge to be used only with prior approval. This was signed in 1992 by 150 governments at the 1992 Rio Summit.

- **The United Nations Framework Convention on Climate Change (UNFCCC)**: this refers to an UNDRIP annex that outlines safeguards countries should follow when implementing REDD+ activities. This is referred in Annex 1 of the Cancun Agreement during COP 16 Cancun (2010)[9].

- **The World Bank's Forest Carbon Partnership Facility and the Forest Investment Program (FIP)**: both of these refer to the right to Free, Prior, Informed Consultation, but do not guarantee the right of communities to withhold their consent to proposed developments. There are several advocacy initiatives that are trying to influence changes to use the term consent in respective operational guidelines for these programs. Recent dialogue has indicated that even though World Bank Operational Policy does not state the word 'consent,' the World Bank would expect those countries that have signed UNDRIP in the case of the indigenous peoples areas to follow FPIC.

- **Voluntary carbon market standards: these currently include VCS (Verified Carbon Standard) and CCB (climate, community and biodiversity standards).** VCS only requires consultation, but CCB requires a record of the process that respects the right to FPIC.

- **REDD+ Social and Environmental Standards**: these standards apply specifically to national and sub-national level REDD+ programs, and not to specific projects. They explicitly require adherence to FPIC for indigenous peoples and local communities, and their development has been driven by civil society organizations.

---

147 Countries in support of UNDRIP

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Federated States of Micronesia, Moldova, Monaco, Mongolia, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Pakistan, Panama, Paraguay, Peru, the Philippines, Poland, Portugal, Qatar, Republic of Korea, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tanzania, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Tunisia, Turkey, United Arab Emirates, United Kingdom, Uruguay, Venezuela, Vietnam, Yemen, Zambia and Zimbabwe.

Source: http://www.un.org/esa/socdev/unpfii/en/declaration.html

---

[9] 'Cancun agreement' refers to the AWF-LCA decision made at COP16. For more information on these, visit www.unfccc.int

In addition to the above guidelines for stakeholder engagement, a REDD Readiness plan has been developed (current draft May 2011 by Forest Carbon Partnership). This is a result of collaboration between UN-REDD and the World Bank's FCPF, but it still does not call for uniform application of the term 'consent.' This discussion forms a key theme of current discourse, especially when different implementing agencies are following different principles[10].

How can international agreements be applied in a national context?

As discussed, FPIC is largely driven by international instruments like the UNDRIP and few countries recognize FPIC explicitly in national legislation.

The legitimacy of FPIC in international law is strong, and most of the countries eligible for REDD+ actions are signatories to relevant legal instruments.

Underlying rights extend far beyond ILO 169 and those articulated in UNDRIP. They are found in a host of human rights and other treaties with near universal application (e.g., UN Declaration on the Right to Development).

Furthermore, there may be supporting national legislation that can be drawn upon, such as existing tenure laws and recognition of customary law. Recent developments in international law relevant to FPIC may require some time before they are reflected in the national laws of UN member countries. REDD+ actions may actually serve to catalyze and reinforce such positive developments at the country-level. All this implies that there is a growing movement for the need to respect the right of communities to FPIC.

> Convention 169 of the International Labour Organization, states in Article 7.1 that *'the peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being (...)'* and *'to exercise control, to the extent possible, over their own economic, social and cultural development'.* Article 16 states that *'relocation shall take place only with their free and informed consent'* (International Labour Organization, 1989).

Existing policies, processes, and structures in support of Principles of FPICs

Although there may be no policies and laws at national level that specifically mention FPIC, many frameworks and structures reflect its key values and principles. Some examples that have been identified in countries around the region include:

---

10   Dooley et al . *Smoke and Mirrors*, a critical assessment of the Forest Carbon Partnership Facility, May 2011.

Nepal	Cambodia	Vietnam	India	Thailand
▪ Local Self Governance Act ▪ Forest Act ▪ FECOFUN ▪ Forestry guidelines ▪ Forestry Master Plan 1990-2010 ▪ Community forestry policy	▪ Constitution ▪ Forestry laws ▪ Protected area law ▪ Sub-decree on CF and CF guideline ▪ Community Protected Area Guideline (draft) ▪ EIA ▪ Land laws	▪ Ordinance on Grassroots Democracy ▪ Committee for Mountainous and Ethnic Affaires (CEMA) ▪ Law on Forest Protection and Development 2004	▪ Wildlife Conservation Act: Community Conservation Areas ▪ JFM: People's Participation and Benefits Sharing ▪ Panchayati Raj Act: Devolution of Power to Local Governance Institutions ▪ Tribal Right Act: Rights to Tribal (IP) to own forest land ▪ EIA/SIA and public hearing	▪ Thai Constitution (1997 and 2007) ▪ Community land titling Reform ▪ EIA/SIA ▪ Rights to Information Access ▪ Cultural and local norms
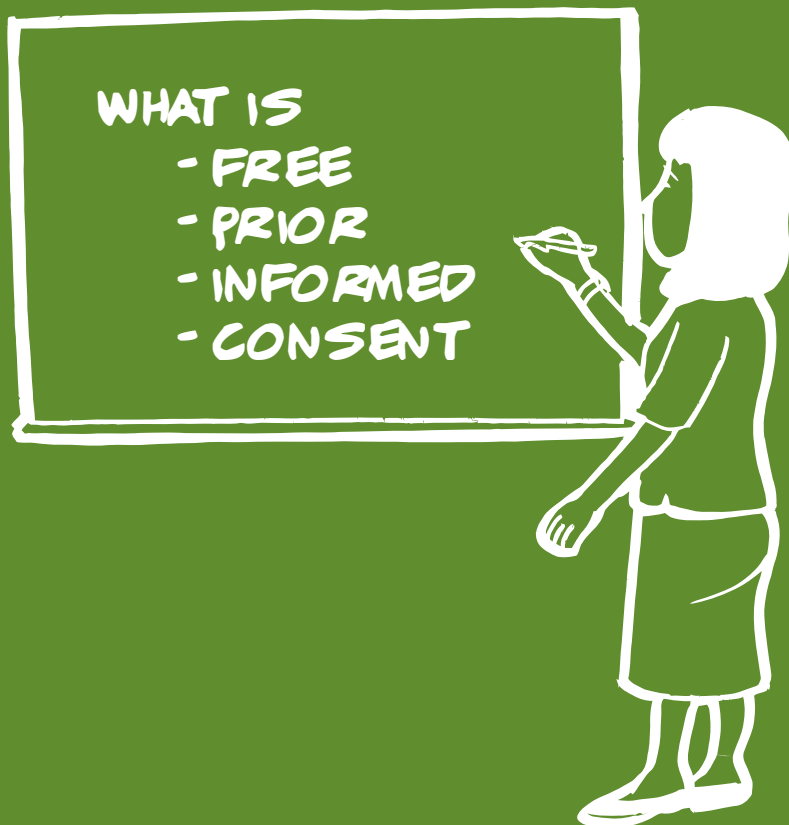
2

Fundamental principles of FPIC

WHAT IS
- FREE
- PRIOR
- INFORMED
- CONSENT

This learning block unpacks the term FPIC and looks at the implication of the practice of seeking FPIC. It helps you facilitate a full understanding of the concepts involved. This learning block also focuses on the process of identifying and building the type of consent that should be sought. The results from this learning block must be integrated with the other training blocks as the sessions will not make sense in isolation. The impact of this section is based on the thorough deconstruction of the acronym. If you decide not to cover this learning block, you could face the risk of your participants 'hiding' behind the acronym without fully understanding what it really means.

9   **Unpacking FPIC: What is 'Free'?**

Time:

1 hour

30 minutes

Methods:
- Mini role-play
- Questioning

Materials:
- Handout
- Printed role plays
- Big diagram of principles of FPIC

OBJECTIVES

At the end of the session participants:

- Can differentiate between freedom, coercion, manipulation, and intimidation in the context of FPIC for REDD+.
- Will have identified some of the challenges of ensuring 'free' consent in FPIC for REDD+ activities.
- Will have identified key mechanisms that can be put in place to ensure 'free'dom in an FPIC process.

STEPS

1. Introduce the session by asking participants if they remember what the letters in the acronym stand for (F, P, I, C). Remind them that FPIC is not an approach but is a type of decision (consent) that needs to be made in free, prior, and informed conditions. Explain that we will take a closer look at each term comprising FPIC, starting with 'free.'

2. Explain that in order to unpack the term 'free' the participants are going to develop a role-play.

3. Check if participants are familiar with role-playing and, if not, introduce the activity. Stress that they will be like an actor in a play and cannot be judged for what they are doing as a person, only as an actor. Explain that each group will play a different role as a project developer. Tell them they should reveal the scenario they are playing to the others.

4. Divide participants into three groups and explain separately to each what type of role they have to play as a project developer. Explain that they will have 10 minutes to prepare so they need to think clearly how they will depict the characteristics of the role in actions, body language and words so the other groups can guess their role. Hand over the card that

outlines the characteristics of that role. Make sure the participants stick to the role described on the card. Make sure the participants understand that even if the role is not conducive to their personality, they are required to act it out as if it was and that they should keep their story as simple as possible.

5. After ten minutes, invite one group to act out their play and encourage other participants to observe what type of role is being played. Explain that you will stop the play after five minutes by ringing a bell, as the play does not need to be finished to understand the role. After the plays are finished ask the following reflection questions:

- *What characteristics did the project developer exhibit in this role-play?*
- *What did they do that made you feel they had those characteristics? Give an example of their actions.*
- *Have you seen an example of behavior like this in your own context? Why do you think it happens?*
- *How did you feel playing this role? (to players)*
- *Why do you think you felt like that? (to players)*
- *What type of project developer do you think they were playing? (to non-players)*

6. If participants cannot guess what role the member of the group is acting out, reveal the role and read out the characteristics mentioned on the card.

7. Continue with the next two plays in the same way. If the role-plays do not clearly differentiate the roles, try to draw out the characteristics through reflection.

8. After all three plays have been completed ask the group to reflect on their experience by asking the following questions:

- *What can we learn from those three role-plays? Do you think that all three types of behavior are always distinct?*
- *Is that sort of behavior easy to identify? Why and when?*
- *Do you think any of the role-plays fit the definition of 'free' in the context of FPIC?*
- *What characteristics would you have seen in a role-play of 'free'?*
- *How do you think we can explain 'free' based on the characteristics you have described?*
- *Why do you think 'free' is part of the concept of giving consent in REDD+?*
- *How does it link with indigenous peoples' right to self-determination?*
- *What is it that they are 'free' to do in the context of REDD+?*
- *What do you think are the challenges of ensuring 'free'?*

9. In the plenary session, write all three terms on a flip chart. Ask participants to think about how these terms could be translated in their own language. Explain that these terms are used to define what is not free in official texts on FPIC.

10. Explain that the most important issue is to understand the type of behaviors associated with these terms.

11. Bring the participants back into plenary. Explain that as we are unpacking the term FPIC we are going to link it with actions to ensure that principles of FPIC are in function. Present the diagram of concentric circles representing the principles of FPIC and explain we will gradually build this up session by session. As Free is the first principle, we will put that in the center (see exercise sheet).

12. In plenary, ask them to brainstorm with you what mechanisms or factors need to be considered to ensure 'free' in FPIC. Write their ideas down on a flip chart and post them next to the diagram now illustrating 'free' (see exercise).

13. Wrap up the session by emphasizing the importance of indigenous peoples to be free when giving consent to REDD+ activities. Further unpacking of the other principles will be continued in further sessions and we will build up the diagram further as we go along.

TRAINER'S NOTES

It is worth emphasizing that often coercion, manipulation, and intimidation may not always be obvious, and do not always originate with the project proponent. Specific individuals within the community may also put pressure on others to comply. Try and pull out examples from participants' own experience when you can, as this will help them clarify what is and what is not free.

As you unpack the principles of FPIC, use a visualization of the principles and write down on cards the key mechanisms to ensure that participants link the principles together, watching the 'unpacking' process unfold.

Role-Play   Unpacking FPIC: What is 'Free'?

Coercion

The group has 10 minutes to prepare and five minutes to do the role-play. One member of your group will play a coercive project developer, while the others are indigenous peoples. The following characteristics of a coercive person may assist you in preparing for the role-play:

A coercive person is someone:

- Who forces the victim to act against his will.
- Can use physical or psychological force. (it can be through blackmail or by creating feelings of guilt)
- Uses their positional power and authority to get what they want.

Manipulation

The group has 10 minutes to prepare and five minutes to do the role-play. One member of your group will play a manipulating project developer, while the others are indigenous peoples. The following characteristics of a manipulative person may assist you in preparing for the role-play:

A manipulative person is somebody:

- Who is persuasive by providing gifts.
- Who uses authority to make people obey.
- Who says what people would like to hear, maybe taking advantage of their poverty.
- Uses tactics of 'divide and conquer' in the group or community.

Intimidation

The group has 10 minutes to prepare and five minutes to do the role-play. One member of your group will play an intimidating project developer, while the others are indigenous peoples. The following characteristics of an intimidating person may assist you in preparing for the role-play:
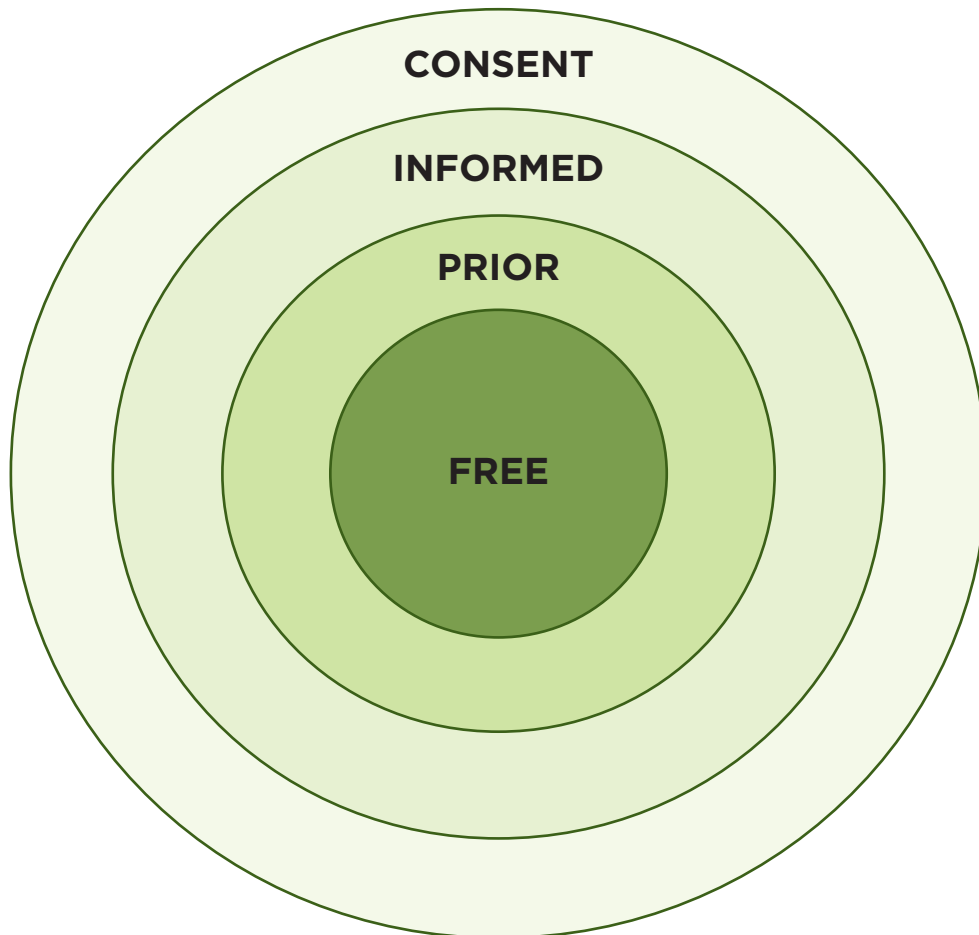
An intimidating person is somebody who:

- Uses threats to obtain something. The threats should make someone fear of their safety.
- May use body language or weapon to intimidate.

Exercise **Principles of FPIC**

Use the following diagram to unpack the principles and leave it on the training room wall.

CONSENT

INFORMED

PRIOR

FREE

Unpacking FPIC: 'Free'

What is Free?

'Free' means free from force, intimidation, coercion, manipulation or pressure by anyone (it can be a government, project developer, company, or any organization).

The rights holders therefore have the right to make a decision about a REDD+ activity with no coercion, intimidation or manipulation. 'Free' includes the absence of any threats or implied retaliation if the result of the decision is to say "no".

'Free' is also related to the principle of self-determination that gives communities the collective right to decide for themselves from the method of consultation and decision-making that is most appropriate to the final decision itself.

I'm ... Finally ... Free ...

How can free consent be ensured?

- Consultations and negotiations take place at a mutually agreed location and time. This should be done in the absence of people who are considered to be coercive by either party.
- Project developers clearly express their commitment not to start any stage of a REDD+ project without the consent of the community.
- Rights holders should be informed that they have a right to say "no" and to negotiate conditions of any REDD+ project process.
- Rights holders are given enough time to consider provided information and carry out all decision- making processes thoroughly.
- External facilitators, or those assisting with the development of the proposed project, should be competent and neutral to the outcome of the consent process.
- An independent verification process confirms the process was free from undue influence.
- Where negotiations break down, there is access to third party assistance (legal or otherwise). The third party would provide extra sources of information, mediate resolutions, or strengthen rights-holders' position.
- Where consent is not given, the period before which it can be sought or given again is mutually agreed, as well as the conditions under which consensus can take place.

Therefore, as most commonly interpreted, the right to FPIC means that indigenous peoples and local communities reach a consensus and arrive at decisions according to their customary systems of decision-making with their free will and without being subjected to 'divide and conquer' tactics.

10 | Unpacking FPIC: What is 'Prior'?

OBJECTIVES

At the end of the session participants:

- Can explain the intention of the term 'Prior' in any consent process for FPIC in REDD+.
- Will have identified some of the challenges and implications for applying the term 'Prior' in the REDD+ project design and implementation process.

STEPS

1. Start the session by revisiting the course flow and the concept of unpacking the term FPIC. Explain that this session will focus on the meaning of 'Prior' and its implications for FPIC for REDD+.

2. Explain that you would like all the participants to stand up and push their chairs back so there is a large space to move around in. Draw a line on the floor in front of the participants making sure it uses the space available. Explain that the line is going to represent time and that you are going to introduce several decision-making scenarios, in response to which you would like them to decide at which point in time they think consent should be requested and stand on the line.

3. Copy the consent scenarios onto separate large cards for each multiple-choice option in print (see exercise).

4. Read out the first set of cards and place each card along the line according to its position on the time line. For example. in the case of borrowing a friends car, do you seek consent a week before you want to borrow the car, when you have found the keys but not yet started the car, when you have started the car and are half way to your destination, or three days after you have arrived at your destination? Place those cards in that sequence along the timeline, walking the participants through the story.

5. Ask the participants to decide when they think the best time to ask for consent to borrow the car is and stand at the card that suits their point of view the best.

6. Once they have taken their places, ask participants who are standing at the same place to discuss why they are standing there, or if they are alone, to formulate their reasons. Then ask them to share with the rest of the group.

7. After you have completed the discussions, move on to the other scenarios and discuss in the same way.

8. After all the decision scenarios in the exercise are complete, bring the group back into plenary form and ask the following reflection questions:

    ▪ *How did you feel doing the exercise? Why?*
    ▪ *How did you decide where to stand? What criteria did you use?*
    ▪ *Did you use the same criteria in all scenarios to help you decide?*
    ▪ *How could these scenarios relate to seeking consent in a REDD+ context (activities, property rights, collective ownership and decision-making)?*
    ▪ *How does this apply to the concept of asking or giving consent in a REDD+ project?*
    ▪ *Based on this exercise, what do you think the term 'Prior' means in the context of FPIC? Why do you think it is required?*
    ▪ *How can we assess if consent has been sought prior or not in a REDD+ project?*
    ▪ *What are some of the challenges of ensuring 'Prior' consent? (note ideas down on flipchart)*

9. Start to wrap up the session by revisiting the Principles of FPIC chart that you started to develop with the group in the session on 'free'.

10. Ask participants to brainstorm on what mechanisms can ensure 'Prior' is met as a principle in FPIC.

11. Finalize the session by emphasizing that giving prior consent by local communities is not "a tick-the-box process, but it has to respect their rights," which must involve enough time to make decisions

TRAINER'S NOTES

You can make up your own decision-making scenarios that are appropriate to the group you are with. You can also do this in group discussions, but forcing participants to move around the room and personally reflect and make decisions as individuals brings some diversity in methodologies throughout the course.

Consent scenarios

You will read out each scenario. Re-write the choices on cards in large lettering and place them on the continuum when you are walking the participants through the story.

✂ -

Your spouse is going on a work trip to Paris. He/she would like to get your consent to join him/her for the weekend while he/she is also there. Should he ask your consent;

1. One month in advance of the weekend that you will both leave for Paris
2. One week in advance of the weekend that you will both leave for Paris
3. Call you the night before he is due to leave saying that he has bought you a ticket already
4. Call you when he is already at the airport asking if you would like to go and just bring the clothes you are wearing

✂ -

Your house-mate has gone away and left his car parked outside the house. The use of the car would make your life much easier as you need to go on a long trip north this weekend. The keys are on the table in the kitchen. You would like to borrow the car but feel you should seek his consent. Would you;

1. Call him and ask his permission to use the car ahead of your trip
2. Call him once you were already half way to your destination
3. Tell him after you had returned from the trip and he has returned from his
4. Use the car and say nothing

✂ -

You are the joint owner of a piece of land with your sister's husband. You are desperate for money and need to sell it. A ready buyer appears and offers you a cash deal. You cannot contact your brother-in-law there and then. Would you:

1. Sell the land and take the cash immediately with a plan to call your brother-in-law
2. Tell the buyer that you must consult the other joint owner first and will inform him in a week of whether you will take his offer or not
3. Explain that your brother-in-law needs to be present during the discussions so you will inform him when and where you will meet again with your brother-in-law present and only make a decision when you are both comfortable

Unpacking FPIC: What is 'Prior'?

Why prior?

'Prior' is critical to allow space and thinking time for local people to fully analyze and seek more information on the issues at hand. This includes analyzing the risks and benefits of the proposal from different perspectives. The extent of time required for this depends on the scale and nature of the project being proposed, the level of risk, the level of impact and the existing decision-making structures and processes in place.

What is 'prior' in the context of REDD+?

'Prior' refers to meaningful, fully informed consent sought sufficiently in advance of any authorization or decision-making related to REDD+ activities or developments. This allows the communities sufficient time to gather information through indigenous means, including translations into traditional languages, and to locally analyze and discuss pertinent project activities.

This means that consent is initially to be sought at the project identification/concept stage. Consent from communities should also be sought when governments, both national and sub-national, are developing REDD+ programs.

Consent is sought and maintained at various agreed points in the REDD+ project development process prior to proceeding to the subsequent phase.

What mechanisms are needed to ensure that 'prior' is respected?

- Informed consent must be sought before the start of any project activity.
- Prior consent requires comprehensive procedures to ensure that indigenous and local peoples have sufficient time to understand and analyze the information they receive.
- Time-bound requirements for information dissemination should be compatible to the situation of indigenous and local peoples.
- Respect must be shown for time requirements of indigenous and local consultation/consensus processes.

11 Unpacking FPIC: What is 'Informed'?

OBJECTIVES

At the end of the session participants:

- Can explain the term 'informed' and how it relates to FPIC in REDD+.
- Can recognize what information about REDD+ and the consent process should be provided to a community in order for consent to be given.
- Can identify who should be informed and when, and implications for different communication methods.

STEPS

1. Start the session by linking back to the visualization of the FPIC principles. Explain that this session will focus on 'informed'.

2. Ask the group why they think informed is a principle of FPIC. Write their answers down on a flip chart and make sure it can be referred to throughout the discussions. (helps local people make a clear decision, creates space to raise concerns, ensures balanced picture of risks and benefits, helps assess appropriate planning process)

3. Explain that in this session we would like to explore the principle of 'informed' consent through creating a mind map in groups.

4. Present the outline of a mind map and explain that the participants are free to create their own shapes and forms (see exercise), but that it must cover who should be informed, how, what and when.

5. Divide the participants into groups of 4-5 people.

6. Distribute flip chart and post-its and tell them they have thirty minutes. Go around each group explaining that they should ask each person to contribute a few post its each on who, how, what, and when, and

We are mind and map

then cluster them and create their mind map. Remind them to challenge their assumptions in the creation of their map.

7. After each group has made a map, ask them to display it. Ask all the groups to look at the maps and ask questions or give feedback. Share the feedback by asking each group to respond to the feedback.

8. After the groups have shared the mind maps ask the following questions:

   - What was similar and what was different across the maps and why?
   - Based on your experience, how far are communities informed now in REDD+ projects?
   - What type of information do they usually receive and what do they not?
   - Why do you think some project proponents do not disclose everything?
   - Why do some community members claim they were not informed even after the event?
   - What is the role of external social and environmental impact analysis in informing communities?
   - What are the challenges of keeping communities informed throughout the process?
   - What is the role of independent advice? Who should pay for the independent advice?

9. Bring the participants back into plenary and link back to the visualization of the principles. Ask the group what can be done to ensure communities are fully informed. Write the answers on the Principles of FPIC flip chart, almost completing the circles.

10. Wrap up the session by linking 'free', 'prior', and 'informed' and explaining that the next session will be on 'consent'. Emphasize that it is critical that communities are fully informed and that this will take time, clever communication, and sufficient capacity. It is not acceptable to withhold information from communities on the grounds they will not understand, as they also need to be told they can request information from independent advisors at any timepictures, ask them to paste them on a wall or board and tell them that you would now like them to develop a written statement of no more than 25 words, using every day words (not jargon) defining REDD+. This statement should be based on the ideas they have found in their own pictures. Give the groups no more than 15 minutes for this exercise.

TRAINER'S NOTES

Note that information on community rights and understanding of the consent process itself should also be included in this process. Participants often ignore this. If some groups become unfocused in this exercise and list too much information, refer back to 'why' it is necessary that people are informed, as the 'what' should relate to the 'why'.

Be aware that this is the only place where you will raise the issue of communities' access to independent advice, an extremely important element of FPIC. Make sure you raise this as an issue in this session even if the participants themselves do not raise it.

Unpacking FPIC:
What is 'Informed'?

Who?	Informed?	How?
When?		What?

Unpacking FPIC
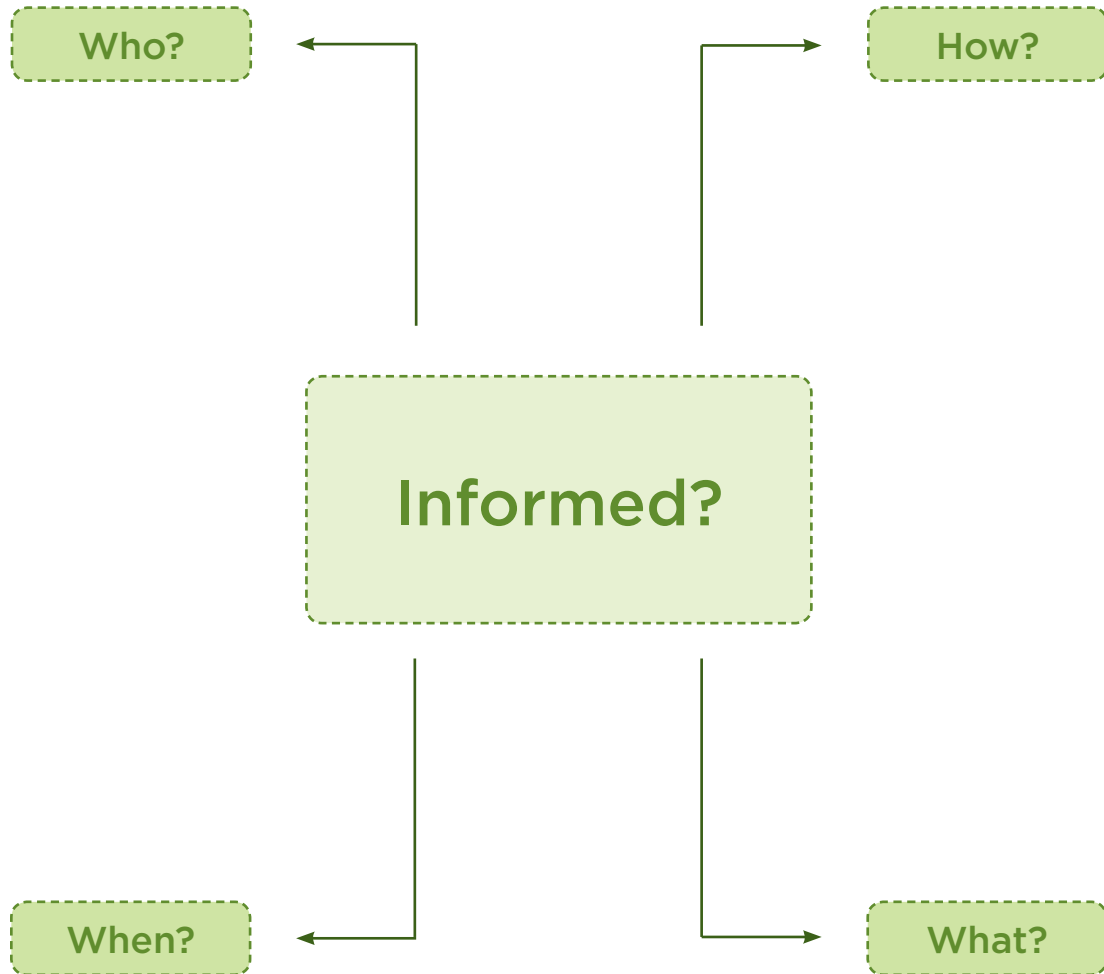
What is 'Informed'?

'Informed' means full disclosure, and having all the information available reflecting all stakeholder views and positions in appropriate languages and formats that recognize the unique and diverse indigenous and local governing structures, laws, cultures, and customs. This includes the active participation of community members, elders, women, spiritual leaders, subsistence practitioners, and traditional knowledge holders. Adequate time and resources to consider balanced information about potential risks and benefits, including interpretation of highly technical and legal language, is required, so 'informed' is very much linked to 'free' and 'prior'.

In addition, informed consent can be said to have been given based upon a clear appreciation and understanding of the facts, implications, and future consequences of an action. In order to give informed consent, the individual concerned must have adequate reasoning faculties and be in possession of all relevant facts at the time the consent is given.

Who is informed and how?

The people who should be informed are those whose livelihoods and well being could be influenced or affected by an external project, including women, youth, and vulnerable groups. These people should be informed about all aspects of the project development, i.e. from its inception through design and implementation. The information should be disseminated in the following manner:

- All of the information should be available in local language or a simple means of communication. It should be transmitted in a manner consistent with the community learning culture and needs (including time, location, and support). Meetings should be conducted in the local language.

- Face to face meetings using participatory and innovative methods should be used to maximize the effectiveness of communication for informed consent.

- Information should be disseminated as widely as possible by project proponents. Do not assume that transmission of information through leaders or elders will reach all levels of the community.

- Have adequate resources (financial, human, and time) to disseminate information to facilitate proper understanding.

- Understanding of technical information and agreements reaching rights holders should be assessed and strengthened where necessary.

- The effectiveness of communication methods should be continually assessed and periodically verified independently.

What information should a community have in order for consent to be given?

The fundamental aspect of FPIC is, of course, the full provision of adequate information in forms and languages that allow affected peoples to make informed choices and decisions. Discussions of this criterion should emphasize the obligations of the developer or proponent of change to provide all the necessary information about their plans including the likely costs and benefits, impacts and mitigation plans, legal implications, compensation schemes, and proposed payments for any transfer of rights.

Given the above, there are basically two broad types of information that should be made available for indigenous and local peoples to give informed consent for REDD+ project design and implementation. These types are as included below:

1. Information about the right to consent

- Information about the right to consent (FPIC) should be widely disseminated at the local level and understood (answering the when, to what/stages, and how?).
- Reveal that REDD+ proponents would be willing to stop project activities at certain points along the way.
- The process used to facilitate consent as well as details of the agreement and ways people can access it (print, audio, video, etc) must be publicly disclosed.
- Information on legal services and community costs of engaging such services should be provided by the project proponents.

2. Information about REDD+ projects

- Information about potential positive and negative impacts should be identified, including direct costs as well as opportunity costs of the project.
- All proposed alternatives to the project and likely outcomes of different scenarios should be included.
- Legal rights, both of the community and project developers (proponents), regarding aspects of the proposed project should always be updated as they evolve.
- Right holders should be engaged in all stages of project development, especially the social and environmental Impact Assessment.
- Community people should be able to participate in monitoring aspects of the project so that they are provided with information on an ongoing basis.

Large-scale developments usually require social and environmental impact assessments by law and provide a good opportunity, when carried out in a participatory manner, to ensure information gathered in assessments has the right baselines and to look into issues of importance to local communities. What too often gets left out of such discussion is the importance of information sharing being a two way process. Communities' own systems of land tenure and land management, their cultural and religious links with the land, the presence of sacred sites, and areas of cultural importance all need to be brought to the fore both in community decision-making and in impact assessments

What are the implications for communication methods?

One of the most difficult facets of FPIC is the question of information. Obviously, local people cannot give their consent to forest operations unless they are well informed about the project. But this begs the important question of exactly how well informed people need to be in order to make a free decision about consent. This entails several subsidiary questions:

- How is the community defined, and does everyone need to be informed to the same degree?
- What level of detail and sophistication is reasonable to expect?
- How will the people know if they have enough information to make an informed decision?
- Who should arbitrate in these matters?
- Who should check if the community's collective understanding has been achieved to the agreed level?

Underlying these questions is the obvious point that giving out information does not guarantee understanding. Research has shown that although REDD+ project proponents across the region believe they have carried out thorough awareness-raising, the population usually shows little or no comprehension of the content. The barriers to effective communication in this context are political, social, cultural, and educational. They are easier to diagnose than they are to overcome. But until this is done, free and informed consent can rarely be achieved.

What is the right of local communities to independent advice in the consent-seeking process?

Communities need to know their right to seek independent expert advice on legal, social, economic, and environmental issues. Knowing this right could significantly help in the process of deciding whether to give consent or not. The project proponents, governments, and private investors are obliged to provide funding and support for accessing that advice. It is becoming apparent that this aspect will be contentious in some countries, but it is essential in order to level the playing field. Some initiatives to set up trust funds that can be accessed by communities involved in a process to give FPIC to pay for independent advice are currently under discussion.

12   Unpacking FPIC: What is 'Consent'?

OBJECTIVES

At the end of the session participants:

▪ Can differentiate forms and levels of consent.
▪ Have identified implications for seeking consent in the context of FPIC for REDD+.
▪ Can relate the unpacked terms (free, prior, informed, and consent) to each other and explain their implications for REDD+.

STEPS

1. Start the session by revisiting the Principles of FPIC chart. Link back to the initial session on 'why consent?' at the very start of the course.

2. Ask participants to recall in pairs, in their own words, what the term consent means and why it is essential. Ask each pair to give their words and make sure everyone has understood the term consent (permission, approval, agreement to a specific proposal, decision to go ahead with what is proposed) and why it is critical (everybody has a right to say no to a development, respect, protect livelihoods, they are the 'owners').

3. Explain that in this session we will explore the term consent in the context of FPIC for REDD+ through a short role-play. Divide the participants into three groups.

4. Give each group a role-play scenario and ask them to design a play of no longer than five minutes and not to share it with other groups.

5. Let each group enact their role-play, then facilitate reflection by using the following questions:

   ▪ *What happened in each role-play? How did the players feel?*
   ▪ *What were the differences between how consent*

was reached in each role-play?

- *What was the different form of consent in each role-play?*
- *In your experience, which of these forms of consent is common in REDD+ or NRM projects? Why?*
- *Which role-play illustrated the form of consent you think is most appropriate in FPIC for REDD+? Why?*
- *How does the form consent should take relate to principles for self-determination? Should consent for REDD+ always be written?*
- *Who should decide the most appropriate form of consent?*

6. Bring the groups back into plenary and revisit the principles on the FPIC sheet which has already unpacked free, prior, informed. Ask the group to brainstorm what has to be done to ensure the form of consent is agreeable to communities and to avoid common pitfalls. Write these on cards and complete the diagram. Revisit the whole diagram and ask the group:

- *How do the different principles link to each other?*
- *What would be the implication if one of the principles is missed?*
- *Is it possible to assess if all the principles have been met? How?*
- *When would this be done in the project cycle?*
- *How far are you seeing all these principles being met in your experience so far of REDD+?*
- *What could be some of the consequences?*

7. Summarize the session by emphasizing that consent in REDD+ projects can only be obtained from indigenous peoples and local communities when consultations and negotiations are undertaken freely (without intimidation, coercion or manipulation to participate), prior to decisions being made, and when they are fully informed of the issues to be discussed and negotiated.

TRAINER'S NOTES

The first part of this session on 'what and why' of consent may already be clear to some participants, as it is also included in the session 'why consent'. However, in all cases it is worth revisiting to make sure the whole group has not lost track of what consent is and why it is required.

✂ --

Role-Play 1: The handshake with a few!

Develop a short role-play that depicts a REDD + project proponent seeking and reaching consent with a few influential elite villagers. The indicator that consent has been reached is only through a verbal agreement and a handshake.

Think about:
- An outline of the story (remember you only have five minutes)
- Who will play the roles of the influential villagers and project proponent
- At what point in the story they will shake hands; what they will have agreed on

✂ --

Role-Play 2: Decision-making by representative consensus

Develop a short role-play that depicts a REDD+ project proponent seeking and reaching consent through consensus with clear representatives from the community. The indicator that consent has been reached is verbal agreement by all. This should then be recorded in some way.

Think about:
- An outline of the story (remember you only have five minutes)
- Who will play the roles of the influential villagers and project proponent
- At what point in the story will they reach consent, what they will have agreed on, and how you will organize the action that shows they have reached consent

✂ --

Role-Play 3: A one man show

Develop a short role-play that depicts a REDD+ project proponent seeking and reaching consent with an autocratic village head man. The indicator that they have reached consent is the village head man signing a document full of legal and REDD+ jargon provided by the proponent.

Think about:
- An outline of the story (remember you only have five minutes)
- Who will play the roles of the influential villagers and project proponent
- At what point in the story they will reach consent, what they will have agreed on, and how you will organize the action that shows they have reached consent

What is 'Consent'?

Consent is the community making a clear and full agreement to or approval of the proposed REDD+ activity or project development. It requires that the people involved in the project allow indigenous peoples and local communities to say "yes" or "no" to the project at any stage, according to the decision-making process of their own choice. It is important to be aware that consent is not necessarily a participatory decision. The participatory decision is made within the community and then negotiated with or presented to the proponent.

What needs to be done to ensure consent is reached as opposed to just being consulted?

As consent is a contract between two or more parties, it follows that the parties should share a mutual understanding of what that means. Thus, consent for respecting the right to FPIC in REDD+ projects should include the following principles:

- Neither engagement nor consultation to inform is the same as consent. These two are only the necessary means to obtain consent. Engagement or consultation is a discussion among participants who have an agreed topic that does not necessarily require either to be bound to any outcome from the process. Consent, on the other hand, can be legally binding.
- The process and form of consent must be agreed and respected by the community and the project proponent. It does not necessarily involve signing a document, but it must be recorded in a manner that both parties could refer back to it in the future.
- Rights holders should develop their preferred process and institutions for REDD+ decisions while promoting minimum standards for inclusive representation.
- Capacity building may be required to make decisions with far-reaching consequences for the entire community.

What level of consent is required?

It is not enough to get agreement from a few village leaders or elites. Full participation by all those in the community who will be affected by the proposal is required for full consent. This will require an extensive effort in informing and ensuring all sub groups of the communities concerned are consulted and engaged in the decision-making process. This may require some external facilitation by a third party, as it may not be appropriate or possible for the proponent themselves to provide this service.

How are the principles of FPIC inter-related

To respect the community right to FPIC in REDD+ projects, consent should be given without force, prior to approval of any specific activity of the project, and after the community has been informed about all aspects of the project as well as their right to FPIC. Consent with one of the principles of FPIC missing would only result in conflict and mutual recrimination.

Thus, the principles of FPIC are inter-related and should be considered holistically as one distinct decision-making mechanism specifically designed to ensure for respect for the collective rights of indigenous peoples and local communities in REDD+ projects. The first three elements (Free, Prior, and Informed) qualify and set the conditions for a consent decision. Violations to any of these principles invalidate a consent decision.

However, FPIC is likely to complicate any REDD+ project in a few key ways. FPIC's likely consequences for REDD+ project processes include:

- Some project developers might try to divide communities into 'for' and 'against' groups. This can undermine the ability of a community to make a collective decision on the project and can lead to tensions in a community.

- It is possible that communities will be affected by a project in varying degrees. If this is the case, it is important to try to develop a common approach with other communities so that the worst-affected communities have a strong voice.

- It is important that all members of a community are involved in negotiating benefits and not just a few leaders or 'elites' who may be interested in maximizing their own personal benefits at the expense of the whole community.

- Even where national laws protect community rights to FPIC, things can still go wrong. For example, problems can arise due to corruption, poor or no enforcement, or lack of independence of government agencies responsible for ensuring that FPIC occurs as required by the law. Some project developers might attempt to get community 'consent' by corrupting landowners and their representatives and forcing them to sign documents.

- Some project developers might attempt to get community consent by establishing their own community decision-making structures designed to obtain a "yes" result through an inauthentic process.

3

Supporting values of FPIC

This learning block highlights key values that support the fundamental principles of FPIC. Understanding the value and practice of participation can help achieve the principles of seeking free, prior, and informed consent. The inclusion of particular sessions from this learning block will be dependent on the background and awareness level of your participants. You need to think carefully about how these values can be reinforced and integrated through your training if you do not have time to focus on all the specific sessions. These sessions will enhance learning in relation to the principles and provide a practical lens on how to make them work.

13 Introducing supporting values of FPIC

Time:
30 minutes

Methods:
Group discussion

Materials:
1. Flip charts
2. Marker
3. Cards with the five supporting values and four principles

OBJECTIVES

At the end of the session participants:

- Can explain the five supporting values of FPIC.
- Can identify the linkages between the four principles and the five values.

STEPS

1. Explain that this session will briefly introduce a number of values that support the principles of free, prior, informed, and consent. Write the words for each principle on a separate circular card.

2. Present the five supporting values to the group on different colored circular cards (self-determination, understanding tenure, recognizing rights, participatory decision making, and effective communication). Do not go into too much detail about each supporting value, leaving that to the group discussion.

3. Divide the participants into groups. Give them each a set of circular cards with the principles and values. Ask them to position the principles in the center and then discuss where they think the values fit in relation to the supporting principles. The closer they position the card, the closer the relationship of the supporting value.

4. After they have positioned them, ask participants to use glue to stick them on and write the reasons for positioning each value in that way.

5. Ask each group to display their sheets with their values and principles in a gallery format and ask the groups to compare their outputs. Walk them through with the following questions:

   - *Do all the groups agree with each other on the relationships between the principles and values?*

- *Is it just the principles and values that are related or also the values themselves?*
- *What are the implications if one or more of these values are not integrated well into the process of seeking FPIC?*
- *Are these values well respected and understood now in your own contexts of FPIC? Which ones? Why?*

6. Wrap up the session by explaining that these supporting values are what will make the key principles of FPIC work in practice. Explain that each value can be explored further.

TRAINER'S NOTES

This is purely an introductory session to make sure that participants can relate the values to the principles. It could also be used at the end of a course to reinforce linkages.

There are no correct answers to which values link clearly to which principles, but this session will provoke thinking and discussion, making sure that supporting values are seen in relation to FPIC and not as stand alone issues.

14 Supporting value: Self-determination

Time:
45 minutes

Methods:
1. Visualization
2. Group discussions

Materials:
1. Flip charts
2. Crayons, markers, pictures from magazines/ newspapers

OBJECTIVES

At the end of the session participants:

- Have identified and shared personal life decisions they have made, explained their significance, and linked these decisions to their own personal development.
- Recognize the value of self-determination to our personal life.
- Can explain the meaning of self-determination in the context of both indigenous and local people and FPIC for REDD+.

STEPS

1. Explain that in this session you would like to focus on one supporting value – self-determination.

2. Ask the participants to discuss in pairs and be ready to explain in their own words what is self-determination *(the power or ability to make a decision for oneself without influence from outside, the right of a nation or people to determine its own form of government without influence from outside)* Write down their answers on a flip chart at the front of the room.

3. Explain that you would like to develop and hear participants' own stories of self-determination. Give each participant a large piece of flip chart paper. Ask them to draw four concentric circles, filling the sheet and using the space of each circle equally. Give your own example (see example).

4. Ask them first to reflect on one very influential decision they have made in their lives that has affected the direction of their life or their own personal development. People may have advised them or offered information, but ultimately they made the decision themselves.

5. Ask them to visualize this decision in pictures or symbols in the core circle in their diagram. Encourage them to fill the space and use colors or pictures from magazines or newspapers to help tell their story.

6. After they have spent five minutes completing this picture ask them to visualize who offered them advice and what type of advice in order for them to make such a decision.

7. After they are finished, ask them to draw the life changes that happened as a result of that decision both to them and the people close to them (if any).

8. In the outer circle they should write their name following the circle so it reads, e.g., 'Peter's Self-Determination'.

9. Ask them to now cut out the form of the outside boundary of their four circles and find three other people they would like to share it with.

Peter's Self-Determination
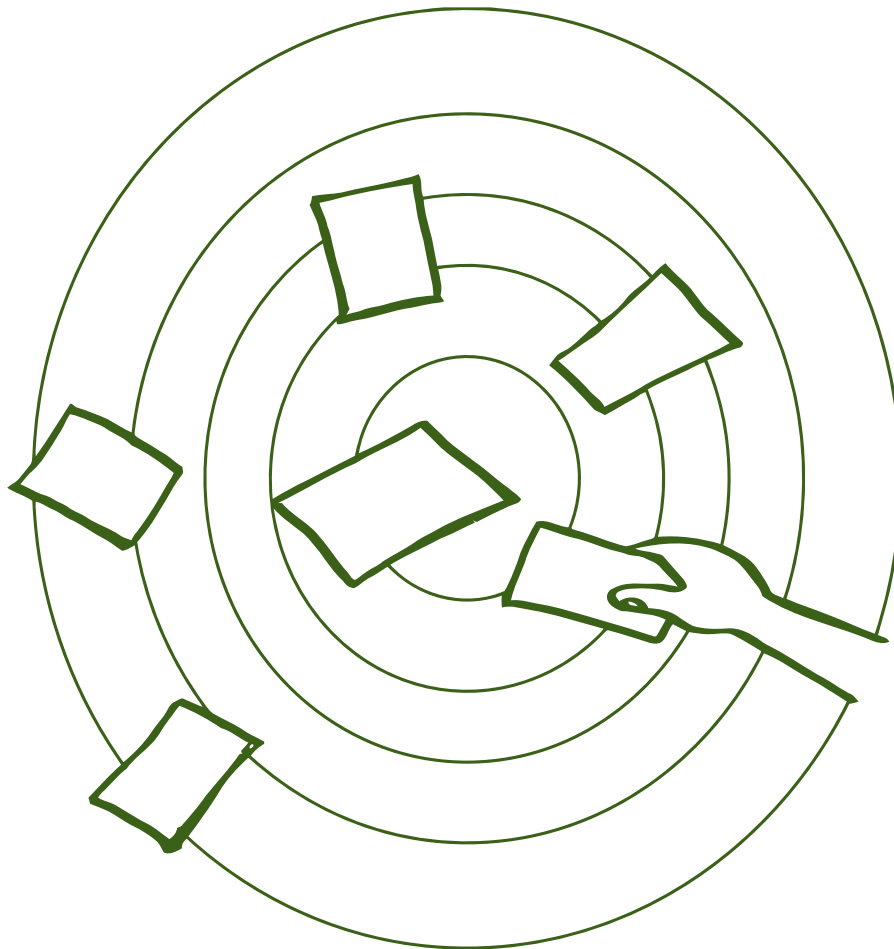
10. Give the groups 10 to 15 minutes to share their outputs.

11. Bring the group back into plenary and ask:

- *How did you feel doing the exercise? Why?*
- *Were there any patterns in which decisions you chose? Why?*
- *Did the decision always lead to a positive outcome?*
- *What role did others play in your decision-making process?*
- *Do you think it was important that these decisions were made by yourself? Why?*
- *What would have been the implications of someone else making the decision for you?*
- *How does that relate to self-determination of communities?*
- *What should you have decided differently if you could return back to that particular point of time?*
- *Do you think self-determination should only apply to those who identify themselves as indigenous peoples? If yes, why? If no, why not?*
- *Why do you think we see self-determination as a supporting value of FPIC?*

12. After the plenary session ask the group to place all their circles on one large sheet and paste them in a respectful creative form. Explain that this will remind them of their own right to self-determination and, in turn, the local communities right to self-determination which lies at the heart of FPIC.

13. Wrap up the session by explaining that self-determination is not just relevant for indigenous peoples, but to everybody. Indigenous peoples have had their right to self-determination recognized by international declarations, but the UN Declaration on the right to development also articulates this for all local people in relation to development projects.

TRAINER'S NOTES

This session should be short, but encourages deep reflection. It has no handout as it is intended to draw on peoples' own experience in recognizing the value of self-determination and linking it to FPIC. It also links to the session on obligation mechanisms.

The more pictures and magazines and artistic materials you have available, the more likely the participants will engage creatively with this exercise.

15 Supporting value: Understanding tenure

Time:
1 hour
30 minutes

Methods:
1. Buzz groups
2. Case study
3. Group discussion

Materials:
1. Flip charts
2. Markers

OBJECTIVES

At the end of the session participants:

- Can differentiate forms and levels of consent.
- Can relate 'understanding tenure' as a value to the key principles of FPIC.
- Explain the difference between a classical and customary tenure system.
- Can explain the implications if tenure is misunderstood among stakeholders in an area.

STEPS

1. Start the session by explaining that this is one of the key values supporting the principles of FPIC. Ask the group what their understanding is of the term 'tenure'. Write their answers on a flip chart.

2. Build up the picture further by asking participants to explain the difference between formal, informal, and customary rights. How do these rights relate to the term tenure?

3. Ask the group to give examples of types of rights in relation to natural resources and land use (access, withdrawal, exclusion, exploitation), control or decision-making rights (manage, plant crops, graze animals) and alienation (rent out, sell, or transfer the rights to others) and give examples from their own experience.

4. Explain that this is one of the complexities of the FPIC process. Areas that may be proposed for REDD+ often do not fit into classic tenure systems where ownership is seen as encompassing all those bundles of rights over a resource such as land (see classic property rights systems in Handout). Ask the participants to give an example from their own context where a forest area does not fit such a model.

5. Give a short presentation on the tenure box, presenting the two main axes and explaining that this is a way of thinking about tenure in different forms.

6. Divide participants into groups. Each group will be given an exercise that uses the tenure box to explain a classic tenure system and one example of a community forestry tenure system.

7. Ask the participants to read the exercise individually and think about the questions. After ten minutes ask them to discuss in groups the answers to the questions.

8. After 20 minutes or when the group has finished the questions, ask them to share their answers. Go through the questions one by one, group by group.

9. Pull together the exercise by explaining that many forests are common property and therefore have pluralistic tenure systems at play, which can undermine a REDD+ project if not understood properly.

10. Ask the participants how they think this supporting value relates to the others (self-determination, recognizing rights, inclusive participation, effective communication).

11. Wrap up by emphasizing that a process to respect the right to FPIC requires understanding tenure. Lack of clear and proper understanding of tenure in a certain area can lead to conflict and unsustainable management of resources.

TRAINER'S NOTES

Make sure that participants realize they need to use the same axis in the tenure boxes for the boxes to be comparable. The trainer will need to assess the group's basic understanding before deciding the level of detail presented on the tenure box before the exercise in groups.

This is a critical supporting value and needs to be covered in any FPIC course. It is tied very closely to the other supporting values of recognizing rights holders and inclusive participation.

Study the tenure box[11] examples below and try to make one for your own country or REDD+ site by filling it in on the sheet. After you have completed it, share it and try to answer the set of questions with your group.

Figure 1. Classic property rights systems

Bundle of rights

	State	Collective	Individuals
Access			
Withdrawal	Public Property	Classic Commons	
Management			Private Property
Exclusion			
Allenation			

Holder of rights

Figure 2. Communal forest tenure

Bundle of rights

	State	Community	User groups	Individuals
Access				Walk in forest
Withdrawal			Harvest nonforest timber products	Draw water, dry branches; Cultivation on some plots
Management	Approving harvest of certain free species	Overall land management plan	Improvement investment e.g. beehives	Plant trees on own land
Exclusion	Licensing timber concessions	Exclude outsiders? Allocating plots to cultivate		Excludes others from planted fields
Allenation				Transfer within community

Holder of rights

---

11   Barry, D and Meinzen-Dick, R The invisible map; community tenure rights 2008

What would a tenure box for your CF or REDD+ sites look like? Think about using the same bundles of rights and holders of rights. After you have filled it with an example from your own country, answer the following questions in your group:

- *What are the key differences between the classical tenure box and your own tenure boxes?*
- *What are the implications for FPIC for REDD+?*
- *Why do you think understanding tenure is a key supporting value of the principles of FPIC?*

Understanding tenure

Why is it important that tenure and tenure claims are understood and clarified in REDD+ and FPIC for REDD+?

The extract below is taken from a recent FAO paper (165), 2011. It illustrates that tenure over the use of forests and related natural resources such as land and trees is not straightforward. This is not a new observation and has been discussed before the emergence of REDD+. Clarity of tenure is internationally recognized already as a potential constraint or challenge of REDD+. Without clarity and security of tenure, there is unlikely to be sustainable forest management. There are often overlapping claims in terms of rights. It will not be adequate in the context of REDD+ to understand patterns of formal rights and ownership. In many areas, indigenous people and forest-dependent communities have had customary rights over areas for centuries and have an invisible map of their own rights systems that have been the foundation on which the forests have been protected and managed. It is these rights holders from whom FPIC is required to ensure that they have given their permission and are not adversely affected by the initiative. This may involve more than one individual or could even be a group of individuals depending on their type of tenure. It may even involve neighboring communities. Overlapping claims to the resource may also have a negative effect in the long run if not clarified in the context of REDD+ and will also influence the quality of the FPIC process when relevant.

"Tenure is a commonly misunderstood term. It is often equated with ownership, but this is misleading. Tenure is a generic term referring to a variety of arrangements that allocate rights to, and often set conditions on, those who hold land. Tenure regulates access to and use of resources. 'Ownership' refers to a particular type of tenure in which strong rights are allocated to the landholder. Tenure arrangements may involve exclusive access (when only one person or group has access), or different types of access for different groups of people at different times. In addition to inalienable title, there are many other forms of tenure. Tenure theorists describe tenure as a 'bundle of rights'. Different tenure arrangements allocate different combinations of rights to the bundle, such as rights to use, manage,

> **Examples of bundled rights**
>
> - Certain groups of people have rights of access to certain forest products from an area of forest, but not to other products. In some cases, individual trees in a common property forest are the exclusive property of an individual.
> - Certain groups have access during specific seasons.
> - Local people have legal rights to certain products from government forests.
> - Legal owners of forestland have no legal rights to utilize their forest without separate approval.

control, market products, inherit, sell, transfer, dispose of, lease, or mortgage. Some tenure systems include rights described as 'usufructs', which give people the right to use lands or forests but not the right to own or transfer them. Leases define the length of time for which rights may be enjoyed before being relinquished or renewed. Globally, there is a bewildering array of such combinations of rights, and

summaries are inevitably imprecise. Along with rights come responsibilities, as the rights to use resources rarely come without restrictions. For example, the right to use forests may bring the responsibility to ensure that the forests are used sustainably or that conservation values are protected. Tenure systems also vary in terms of which individuals or groups may enjoy some or a number of the bundled rights. An important practical implication of this notion of tenure as a bundle of rights is that tenure related to forest land is not necessarily the same as tenure related to particular trees. In many countries, individual trees or groves within a common or national forest may be regarded locally as belonging to a particular individual."

How can the tenure box help?

The tenure box helps explain the complexity of tenure systems and the nature of legitimate pluralistic systems. It is rare that any system is of a classic tenure nature, but many laws and constitutions are written as if systems do follow classic tenure norms.

Using the tenure box can help explain and clarify existing invisible maps of tenure that will be the basis of initial discussions in relation to FPIC. It can be used to map out existing rights through discussions with various users and rights holders. Either this can be done through informal questioning first, with facilitators filling the box in later, or it can be adapted into the local language and used directly with the community.

Formal and informal tenure: a pluralistic system

"Tenure can be formal or informal. Formal tenure is recognized by statutory law, by precedent (in English law), or by regulation. Informal tenure refers to locally recognized rights without formal State recognition. Customary or traditional tenure systems are often informal, although they can be legally recognized, as in most of Melanesia and Ghana. Informal tenure systems often operate in parallel with legal tenure. In such cases local people regard forests and forest products as belonging to specific people or groups, regardless of whether the rights have been recognized by the government or not. It is important to recognize that many forests worldwide have been informally used, managed and even owned under custom. Although informal tenure can be effective, there are risks of conflict and instable tenure if the system remains unrecognized by law. Where customary tenure is unrecognized, tenure reform must include its recognition. Many countries have plural legal systems in which several bodies of law operate in parallel and each may be a source of rights. Countries may have customary laws that regulate the affairs of indigenous peoples, ethnic minorities and other local residents. These laws may allocate rights to customary rights-holders according to often unwritten norms, which are well understood within the group but unclear to outsiders. Such customary laws may be recognized in constitutions and often operate in parallel with the statutory laws of the country's legislature and the ordinances of its executive. Contradictions among these bodies of laws, and disputes resulting from overlapping jurisdictions, may be resolved by appeal to specialist courts.

Another layer of law is often introduced by countries' ratification of international human rights treaties that protect the inherent rights of all individuals and specific groups of people. Recent years have seen the emergence of a range of international agreements and conventions that recognize the rights of indigenous peoples to own and control the lands, territories and other resources that they traditionally own, occupy or otherwise use. These agreements affirm that indigenous peoples derive rights from custom and not from any act of the State; they have recently been consolidated in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)". FAO, 2011

16 Supporting value: Recognizing rights holders

Time:

1 hour

30 minutes

Methods:

1. Buzz groups
2. Case study
3. Group discussion

Materials:

1. Copies of case study for each participant
2. Flip charts and markers

OBJECTIVES

At the end of the session participants:

- Can explain the difference between a stakeholder and a rights holder (customary and formal) and their different roles in the context of FPIC for REDD+.
- Can differentiate a range of rights and different rights holders in relation to a proposed REDD+ site and implications for FPIC.
- Have analyzed the challenges and implications of informal and formal recognition of rights as part of an FPIC process in their own context.

STEPS

1. Start the session by linking back to the key supporting values of FPIC for REDD+ (self-determination, understanding tenure and rights, and participatory decision-making).

2. Explain that this session will focus on another value: recognizing rights. Link back to the session on understanding tenure, if appropriate.

3. Ask participants if they know the difference between a stakeholder and a rights holder, focusing on the context of REDD+. Write the words 'stakeholder' and 'rights holder' on a flip chart and write their answers down as they mention them, carefully cross-checking understanding across group members. Summarize the key differences (see Handout).

4. Ask the group why it is critical to understand the differences between these two terms in the context of FPIC. Link indigenous people and forest-dependent communities to the term 'rights holders' and ask the group to provide examples of groups that might be a stakeholder but not necessarily a rights holder.

5. Explain that although a stakeholder analysis is important, in this session we will focus on examining rights holders in relation to FPIC for REDD+.

6. Ask the participants what is meant by the term 'recognition'. Ask them why they think recognition of rights is becoming a critical issue in the context of REDD+ and therefore FPIC.

7. Explain that the participants will use a case study to analyze further the implications of identifying and recognizing rights holders. Divide the participants into smaller groups and ask them to read the case study and answer the questions after discussing with their groups. Ask each group to record their answers on flip charts and prepare for sharing. Allow 30-40 minutes for the group work.

8. Bring the groups back into the plenary and ask them to look for similarities and differences across the flip charts. After unpacking the answers to each question from the case study, facilitate reflection using the following questions:

   ▪ *Is this case typical of other situations that might be proposed in REDD + sites in your context? If yes, what are the implications? If no, what are the key differences?*
   ▪ *What are the key challenges in identifying rights holders for the FPIC process? Why?*
   ▪ *Why is this step sometimes skipped by project proponents?*
   ▪ *What are the implications if all the rights holders (formal and informal) are not identified and recognized through the FPIC process?*
   ▪ *What is the quality of current processes in participant's experience to assess and recognize rights holders? What could be done to ensure rights holders are identified and consulted thoroughly through the FPIC process?*
   ▪ *What is the role of a project proponent in seeking recognition of rights?*
   ▪ *What are the advantages of formal recognition of community rights in a REDD+ context?*
   ▪ *What mechanisms could be put in place to assist with recognition, and what would be the role of the project proponent?*

9. Explain that a proposed REDD+ project should map and identify all tenure claims (formal and informal, and overlapping if such claims exist). In situations where community rights are not formally recognized, community members need to know that they do have a right to continue to seek formal recognition.

10. Ask participants to give an example of a national advocacy structure for community rights in their own contexts.

11. Wrap up by emphasizing that a process to respect the right to FPIC requires clarity on who holds what rights in the area of the proposed REDD+ project. This will define who has the right to be consulted and which rights holders can give or withhold consent.

12. Explain that tenure security is becoming one of the key requirements for any secure investment in forestry (including REDD+). As a result, while informal recognition of rights within the FPIC process is essential, obtaining formal recognition can assist in securing long-term investments.

13. Summarize the session by explaining what communities need to know in relation to their rights within an FPIC for REDD+ context. These are:

- Implications of participating in a process where their rights to land/resources are not legally recognized nationally, i.e., decisions may not be upheld or may be subject to recourse
- Good faith negotiations need to clearly spell out the rights a project proponent can and will uphold
- The importance of continuing to advocate for land/resource rights
- How communities can identify national support structures (such as legal aid, civil society support)
- Their right to consult with third parties not directly involved in the project

TRAINER'S NOTES

It is important here to make the distinction between different levels of recognition. Informal recognition links closely to the value of inclusive participation and effective communication, in that the project is likely to fail if unrecognized rights holders are not respected in the FPIC process. Formal recognition goes one step further and can be facilitated through the regulatory framework and access to national advocacy structures.

Kalimantan Forests and Climate Partnership

Australia has committed $30 million over four years to the Kalimantan Forests and Climate Partnership (KFCP). Under the KFCP, Australia and Indonesia are working together to develop and implement a large-scale REDD+ demonstration activity in Central Kalimantan. It aims to exhibit a credible, equitable, and effective approach to reducing emissions from deforestation and forest degradation, including from the degradation of peat lands, which can inform a post-2012 global climate change agreement. With an overall funding target of $100 million, the KFCP aims to raise the remaining funds through contributions from, or coordinated actions with, the private sector or other donor countries.

Forested peat lands contain much higher quantities of carbon than forests on mineral soils. Emissions from burning and degradation of peat land forests represent a significant proportion of global greenhouse gas emissions. Kalimantan contains a large proportion of Indonesia's peat lands. The KFCP is initially focusing on a degraded peat dome of more than 100,000 hectares in Central Kalimantan. Water flows outward from the dome into the surrounding peat swamps and rivers, so the hydrology dictates a 'whole of dome' (or whole-of-ecosystem) approach to managing and conserving the peat swamp forest.

In February 2011, representatives of the Dayak communities affected by the project sent a letter to the Australian Government. Some of the key issues raised include[12]:

Lack of recognition of customary rights – "Adat (customary law) has been in practice for a long time before the formation of the current regime and legal system. Its effectiveness and strength in ensuring the integrity and sustainability of the natural environment speaks for itself, judging from the healthy state of the environment and forest in Kalimantan until externally imposed commercial exploitation started to devastate, damage, and encroach on customary/indigenous land and forests." The letter continued, "To date the Government of Indonesia has yet to formally honor the land tenure and rights of the Dayak people. Therefore, the KFCP, by collaborating with the Indonesian Government, inevitably also condones this lack of consideration and hence the continued undermining of our customs and rights."

Lack of recognition of the customary Dayak wisdom – "Since the destruction of our peat land and forests from the failed mega-rice project, we have worked hard to restore areas close to our villages and in our traditional farms. We have many good examples of fire prevention strategy through careful planting of crops which are resilient to forest fire. We also have other traditional ways of fire management and conservation which have a proven track record of effectiveness. We have offered our assistance to KFCP staff based on our traditional wisdom and knowledge but to no avail. Instead, they prefer to pursue a strategy which we know will not work."

---

[12]   A full copy of both letter and response can be found at www http://www.forestpeoples.org/topics/redd-and-related-initiatives/publication/2011/letter-australian-delegation-central-kalimantan

Absence of effective community consultation and engagement – "To date, community consultation and engagement has focused primarily on facilitating project activities and getting the project off the ground. This does not represent a process or an attempt to seek free, prior, and informed consent."

Lack of understanding of what REDD+ or carbon is – "Despite the supposedly extensive and comprehensive presentations and community meetings, most community members, including many who have taken part in the project activities on a paid basis, remained unclear about what REDD is and what carbon is and how their work or the project activities will contribute to emission reductions. As such, their participation is far from constituting free, prior and informed consent".

Lack of inclusion of community input in the project and activity design – "Consultations and presentation as well as community meetings have been biased and focus only on getting the community to accept and participate in activities through monetary payment. All of the activities were externally designed and already planned with no room for community members to provide feedback or to give advice, even when they have legitimate concerns and constructive input for the activities. Community participation and acceptance of the project are purely driven by the financial incentive involved, limiting the project's sustainability and local ownership post project".

The Australian government responded to the letter and addressed some of the key issues raised:

Excerpt from the Australian Government's response to the Dayak community's letter:

- Full and effective consultation with local communities has been the primary focus of initial activities under the KFCP. Physical interventions such as canal blocking and reforestation have only taken place following extensive community consultation. This will continue to be the case for future activities.

- Participation in KFCP by communities is voluntary and the KFCP is undertaking significant capacity building at the community level to promote a comprehensive understanding of REDD+ and the KFCP. Since the design phase in 2009, consultation and participation in the design of interventions have covered climate change, peat land ecology, REDD+, sustainable management of forests, livelihood improvements, community development, and other issues of interest to the communities, as well as the purpose and activities of KFCP.

- All interventions on community lands are planned with the participation of community members, including formal musyawarah desa (community consultation), and guided by government-endorsed village development plans.

- According to the provincial development planning agency, the seven villages in the KFCP area are among the very first in Central Kalimantan to be consulted, and were facilitated by KFCP.

- As KFCP is a demonstration activity, the design of interventions is ongoing and subject to evaluation and adjustments in accordance with community consultation. Ongoing training is provided to all KFCP staff and consultants to ensure community engagement in activity design and planning.

In mid 2011, community leaders from the area of the KFCP project issued a statement giving their support to the project. Clearly, the affected communities are divided in their response to the KFCP. Indonesian NGOs have noted that the challenge for the KFCP going forward will be to clearly inform all parts of the affected communities that the project respects their customary rights in land, respects their right to give or withhold their consent to proposed project developments, respects community institutions for discussion and decision-making, and will respond in a timely manner to requests made by the communities.

Case study questions:

- *What are the key issues emerging from this experience relevant to identifying rights holders?*

- *From the information that you have available here, identify the efforts that have been made to identify rights holders.*

- *If you were implementing this REDD+ project, what steps would you take in this situation?*

- *Which challenges encountered here are applicable in your situation? How are they being dealt with in relation to FPIC?*

Recognizing rights holders

What is the difference between a stakeholder and a rights holder in the context of REDD+?

In the context of FPIC for REDD+ it is important to distinguish between a stakeholder and a rights holder, as this will help determine who has the right to FPIC in the REDD+ planning and implementation process. Often the two terms can be used interchangeably, but when seeking consent rather than facilitating broader consultation, it is critical to differentiate the two terms for yourself and for others when discussing the right to FPIC for REDD+.

A stakeholder is *broadly defined as a person, group, organization, or system with an interest who affects or can be affected by an organization's or project's actions, whereas.* a rights holder is *an individual person or group of people within a social, legal or ethical entitlement to the area that are eligible to claim rights* (UNDP, 2011).

In other words, a rights holder can be a stakeholder in that anyone who holds any form of entitlement over the area will affect or be affected by a REDD+ initiative. However, as a rights holder they differ from a stakeholder in that their permission is required and their decision should be respected before any type of initiative is planned or goes ahead. It is important to understand the range of stakeholders and, within that context, rights holders, to enable the formulation of a quality strategy for engagement, consultation, and FPIC where required.

An example of a rights holder in some REDD+ sites are indigenous peoples. World Bank Operational Policy 4.1 highlights that all projects should screen the area for the presence of indigenous peoples and undertake FPIC. Indigenous peoples are identified by their self-identification and recognition of this identity by others; collective attachment to geographically distinct habitats or ancestral territories and to the natural resources in these habitats and territories; and the presence of distinct cultural, economic, social and political institutions and indigenous language.

What is recognition?

Recognition is about acknowledgement. It is a form of respect. Recognition can take many forms; it can be informal, through an invitation to participate and the reception of ideas with genuine appreciation, or it can be more formal, through the issuing of a legal document – for example, a land certificate in the case of land rights.

What type of rights and rights holders need to be recognized in the FPIC process for REDD+?

The process of FPIC historically is associated with indigenous people. In the REDD+ discourse, it has been extended to include 'forest-dependent people' (RECOFTC, 2011) and in some texts 'local communities'. Questions have been raised as to the legal basis of recognizing informal rights or tenure systems. Many national constitutions and legal frameworks do not yet recognize customary tenure and rights systems over forests. Forest reform in some countries has started to transfer such rights into formal tenure systems. Despite the current situation internationally, it has been recognized that groups of people who have customary rights over forest areas must be recognized and respected to ensure sustainable forest management. This is now emerging in the REDD+ discourse, too, whereby references to UNDRIP insist that such systems are recognized in REDD+ planning and implementation through FPIC. For several years, this has also been recognized through Forest Stewardship Council (FSC) international standards and systems for sustainable forest management. Many practitioners working with indigenous peoples and forest-dependent communities see REDD+ as an opportunity to further secure local people's rights over forest areas. This is now seen not only in the context of self-determined indigenous peoples, but also with people who have long held customary rights over their forest area.

What are the current challenges for recognizing rights holders?

The current challenges for identifying rights holders are listed below. You can also add some of your own from your own REDD+ context.

- Making sure that those people attached to informal customary rights systems over forests and forest products are identified and respected as 'rights holders' by REDD+ project proponents. There may be some opposition to this.

- Distinguishing between informal rights holders and broader stakeholder groups in order to secure their right to FPIC for REDD+, as opposed to inclusion in a general consultation process where they may or may not have the right to veto the decision.

- Using appropriate tools and skills to understand the complexity of the rights system in the area concerned is critical. Rights mapping tools can be useful, but are often concerned only with spatial boundaries as opposed to the bundles of rights across groups within a community.

- Ensuring that marginalized groups within communities are included in the mapping of rights holders so that they are not excluded from the FPIC process where relevant.

- Add your own…………………………………………………………
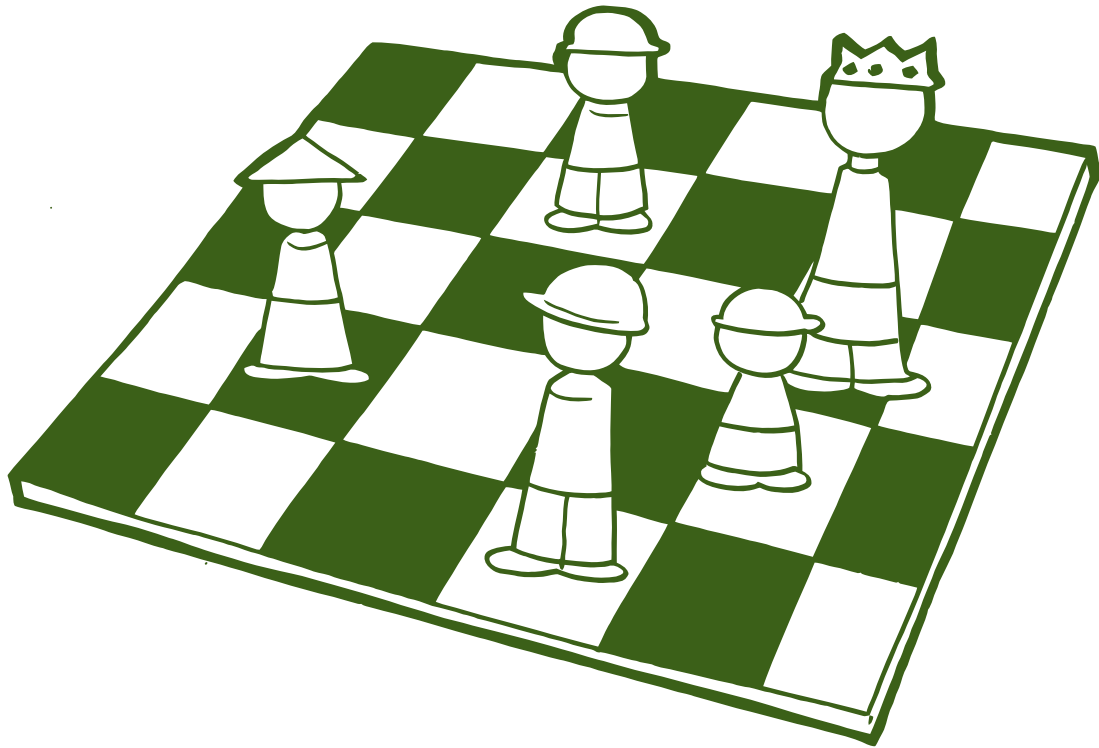
In terms of formal recognition of rights, indigenous peoples and communities need to know:

- The implications of participating in a process where their rights to land/resources are not legally recognized nationally, i.e., decisions may not be upheld or subject to recourse

- That good faith negotiations need to clearly spell out the rights a project proponent can and will uphold

- The importance of continuing to advocate for land/resource rights

- How communities can identify national support structures (such as legal aid, civil society support)

- Their right to consult with third parties not directly involved in the project

17 Supporting value: Participatory decision-making

OBJECTIVES

At the end of the session participants:

- Can differentiate between the levels of decision-making in a process to seek FPIC.
- Can identify different levels of participation in decision-making within a community and relate it to their own context.
- Can describe the four core values of participation in relation to a participatory decision within a community and seeking FPIC.
- Have identified key strategies to improve effective participation at the community level in a process to seek FPIC for REDD+.

STEPS

1. Introduce the session by linking back to the key supporting values of FPIC. Explain that in this session we will focus on participatory decision-making.

2. Ask the group what the different levels of decision-making are in a process to seek FPIC. Explain that you mean who is involved in different types of decisions *(decisions within the community, decisions between the community members, decisions within elite and leaders within a community and decisions between the community and the proponent)*. Present the circles of levels of decision-making in FPIC.

3. Present the continuum of participation as articulated in the handout using cards on a line on the wall. Ask the group the following reflection questions:

   - *Where does the idea of FPIC fit on this continuum?*
   - *Who is the most powerful stakeholder in the case of FPIC?*

- *Do you think it is possible to have a situation where the REDD+ project proponent is part of a participatory decision to move forward with the project? Under what conditions could this happen?*
- *Does this continuum also apply to decisions within a community?*
- *If so, who would be categorized as the most powerful stakeholder within a community?*
- *Why is it important to be able to distinguish between these levels when designing a process to seek FPIC?*
- *What are the implications for a REDD+ project if the decision to give or withhold consent is dominated by the most powerful?*

4. Explain that in this session you would like to focus on the value of participatory decision-making within the community and how to make it happen. In other words, where all forest users and landless are engaged in the decision on whether or not to give or withhold consent.

5. Run a quick brainstorm on why we need participation in decision-making *(shared responsibility, representation of interests in final decision, sustainability etc)*.

6. Present the four values (full participation, mutual understanding, inclusive solutions, and shared responsibility) of participatory decision-making and relate it to their answers and the context of FPIC for REDD+.

7. Answer any questions the participants have, always relating back to the idea of giving or withholding consent for REDD+.

8. Divide the participants into groups of three and ask them to imagine they need to facilitate a participatory decision in relation to FPIC for a REDD+ project at the community level. Ask them to brainstorm on what would help participation and what would block or hinder it. Ask them to analyze their findings and identify their top three strategies to ensure inclusive participation that reflects the four values introduced earlier.

9. After 30 minutes, ask each group to display their charts and ask all of them to view others' flip charts. Ask the following questions to the group in plenary:

- *What helps facilitate participation at community level?*
- *What blocks participation at community level?*
- *What strategies do we have in common?*
- *What strategies are different?*
- *Whose responsibility is it to ensure inclusive and representative decision-making at community level in a process to seek FPIC?*
- *Why should the proponent care about the level of participation at community level?*
- *What support could the proponent provide?*

10. After reflection, revisit the levels of decision-making within an FPIC process and emphasize that this session is about ensuring participatory decision-making within a community. Explain that FPIC is designed to shift the power balance from outsiders to community in a decision about REDD+. The power to say "yes" or "no" in the context of FPIC remains with the rights holders, the community.

TRAINER'S NOTES

It is likely that participants will become confused between levels and values. It is important to check from the beginning of the session that they have understood the difference between the decision to give consent at the community level and between the proponent and the community, as these will likely be different processes.

Supporting value: Participatory decision-making

What are the different levels of decision making in a process to seek FPIC?

It is important to differentiate between decisions made within the community and those made between the community and external actors.

Free, prior, and informed consent
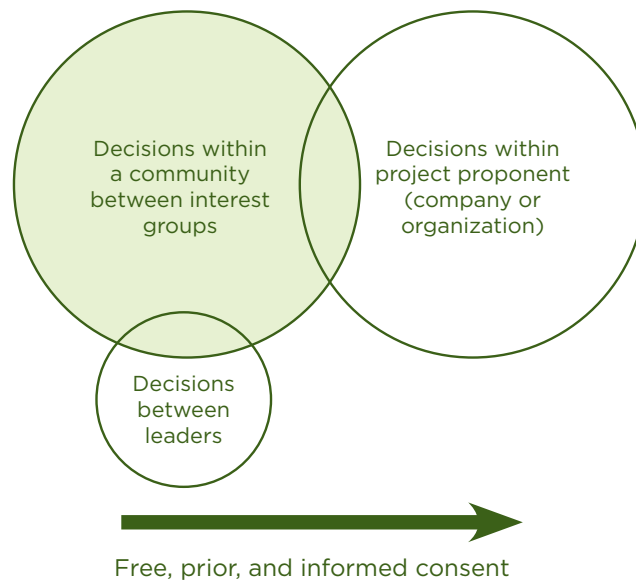
How does participatory decision-making support the key principles of free, prior, and informed consent?

A key supporting value of FPIC is inclusivity in decision-making, in other words meaningful participatory decisions where different interest groups have an opportunity to raise ideas, interests, and concerns. This will promote shared ownership and accountability of the decision and is more likely to be beneficial to project implementation than a decision taken by just a few.
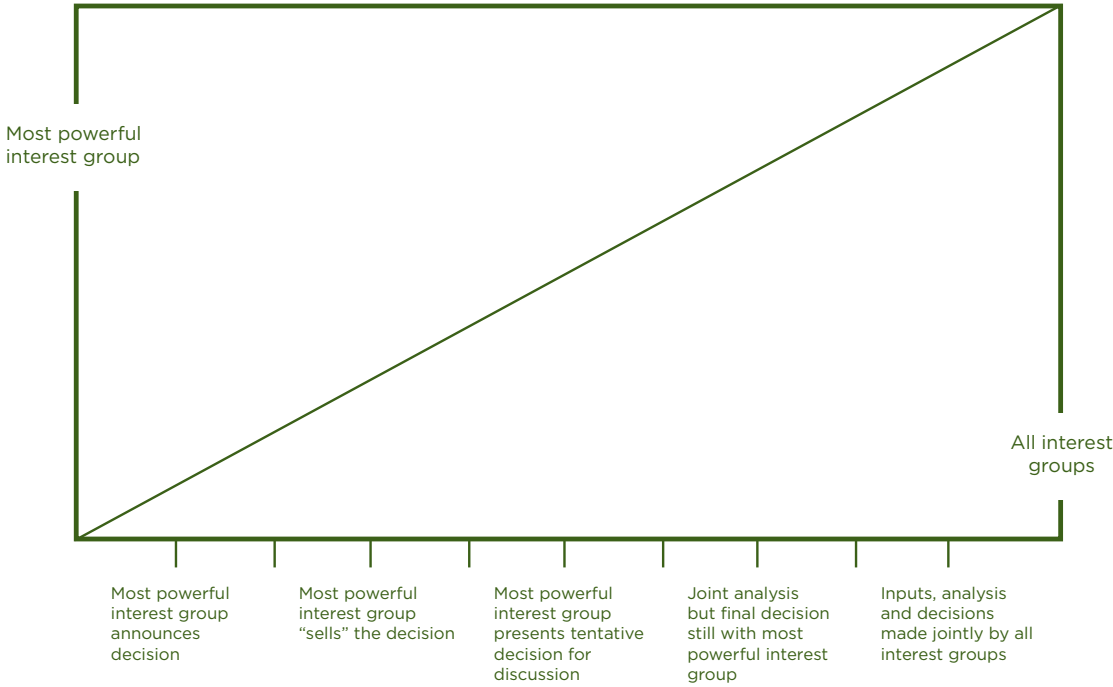
FPIC itself gives the privilege to the community or rights holder to maintain the right to say yes or no themselves. However, among the community, some people or rights holders may be more powerful than others and may be used to making decisions without consulting others. FPIC applies to all rights holders and those whose well being will be affected by the REDD+ project, especially those with regular use rights to the forest and/or land affected. So it is essential that the process is not biased toward the more powerful in the village. Participatory Decision Making (PDM) implies that people have to be informed to make an appropriate decision or raise issues pertinent to their interest. You may need to have specific strategies to break down barriers to participation of specific groups and build on factors that attract people to participate in decisions relevant to FPIC and the REDD+ project. Meetings may not always be the most appropriate format to get such groups to participate.

Who has control over the decisions?

Different levels of participation in decision-making

The term 'participatory decision-making' covers a wide range of levels of involvement. It is important to be able to differentiate between the different levels of participation in decision-making, as they require different facilitation approaches, skills, and techniques. It will not always be feasible or necessary to aim for the right hand side of the continuum below. Which level of participatory decision-making to aim for will depend on factors such as purpose of the initiative, complexity of and stakes in the issue, urgency of the issue, and available human and financial resources.

Most powerful
interest group

All interest
groups

Most powerful interest group announces decision

Most powerful interest group "sells" the decision

Most powerful interest group presents tentative decision for discussion

Joint analysis but final decision still with most powerful interest group

Inputs, analysis and decisions made jointly by all interest groups

Values of participatory decision-making

These core values are only generated when interest groups take active part in the decision making

Mutual understanding

In order for a group with different interests to reach a sustainable agreement, the members need to understand and accept the reasoning behind others' needs and goals. The basic sense of acceptance and understanding allows people to develop innovative ideas that incorporate everyone's point of view.

Full participation

During participatory processes, all interested parties are encouraged to be actively involved and speak their minds. This builds stakeholder strength in several ways: interest groups become more courageous in raising difficult issues; they learn how to share their needs and opinions; and in the process, they learn to discover and acknowledge the diversity of the opinions and backgrounds of all stakeholders involved.

Inclusive solutions

Inclusive solutions are wise solutions. Their wisdom emerges from integration of everyone's perspectives and needs. These are solutions with an expanded range and vision to take advantage of the truth held not only by the powerful and influential, but also the truth held by the marginalized and the weak.

Shared responsibility

During participatory processes, interest groups feel a strong sense of responsibility for creating and developing sustainable agreements. They recognize that they must be willing and able to implement the proposals they develop, so they make every effort to give and receive inputs before final decisions are made. This contrasts sharply with the conventional assumption that everyone will be held accountable for the consequences of decisions made by a few key people.

18 Supporting value: Effective communication

Time:
1 hour
30 minutes

Methods:
1. Empathy mapping
2. Group work and sharing

Materials:
1. Flip charts, markers and post-its
2. Group work and sharing

OBJECTIVES

At the end of the session participants:

- Can explain the role of effective communication in relation to the principles of FPIC.
- Have developed and shared an empathy map for a community member known to them, based on their own experience of a REDD+ initiative.
- Have related key areas of information to appropriate communication strategies.
- Can explain the role and importance of a communication and capacity building strategy as part of the process of seeking and maintaining FPIC.

STEPS

1. This is the last supporting value of the principles of FPIC: effective communication. Explain that this session will focus on how effective communication can facilitate the process of seeking consent.

2. Ask participants to discuss briefly in pairs what they think effective communication is in relation to FPIC for REDD+ and its implications. Recall an answer from each of the pairs and write them down on the flip chart or cards that everyone can see.

3. Ask participants to recall why they think effective communication links to the principles of FPIC. Write their answers on a flip chart.

4. Distribute a flip chart to each participant and explain to him or her that you would like them to work individually for some time reflecting on their own experiences and personal interactions with local people in the context of REDD+.

5. Using a flipchart that you have made before the session, gradually build up the process of creating an empathy map. First ask the individuals to think about one key person they have met at community level (forest user or village leader) where they have been involved with a REDD+ project. Ask them to draw the face of that person, as far as they can. Stress that you are not looking for artistic skills but you are trying to help them create a relationship between that person and the current REDD+ project by trying to put yourself in their shoes.

6. After they have all drawn the face of the person with whom they want to connect, reproduce the other sections of the map (see exercise sheet). Ask them to do the same and spend a few minutes on each section (hearing, seeing, thinking, saying, doing, and feeling). They should describe their impression of this person's experience of REDD+, moving through the categories from hearing, seeing, thinking, saying, doing, and feeling step by step. Give each participant 20 minutes.

7. After they have developed their empathy map, ask them to form small groups and share with the other members. Encourage them to discuss the similarities and differences as well as the range of people they selected.

8. Ask each group to display their maps on the wall and then report back ont their key similarities and key differences.

9. After completing the feedback from each group, ask the whole group the following reflection questions:

   - *How did you feel doing the exercise?*
   - *What made it easy? What made it difficult?*
   - *How does seeing/hearing/feeling something from another person's point of view help us in designing and implementing a project? What patterns can we see emerging across the empathy maps?*
   - *What are the implications of our analysis for effective communication in the context of REDD+?*

10. Facilitate the reflection by explaining that building an empathy map was a tool to help us think from the community's perspective, but that our assumptions would still need to be cross-checked.

11. Ask the participants how many of them have been involved in formulating or delivering effective communication strategies in the past. Ask them their indicators of effectiveness. Explain that many REDD+ projects have associated communication strategies or awareness campaigns, but many local people are still unaware of the project.

12. Ask the members to return to their original discussion groups, bearing in mind the discussion and the empathy maps across the room. Ask them to answer two key questions:

   - *What are the key barriers to communication in a local REDD+ site/project (based on your empathy map)?*

- *What would be the most effective communication strategies to overcome these barriers?*

13. After 30 minutes, ask each group to display their outputs next to their empathy maps. Ask each group to read the displays of the other groups and ask clarifying questions where necessary.

14. Bring the groups back into plenary and ask them what the role of a communication strategy would be in preparing for rights holder engagement. Write down the words why, who, what, how, and when on a flip chart and ask them how these words relate to a strategy. Use examples relating to development of a communication strategy for REDD+ in a particular community.

15. After discussing the framework for a strategy, ask participants who should prepare that strategy and what the role of the target community would be.

16. Wrap up the session by explaining that this session was not intended to equip them to be able to develop a communication strategy, as this is a specialist area, but rather to be able to recognize the need and importance of a strategy within the FPIC process.

Preparing an Empathy Map
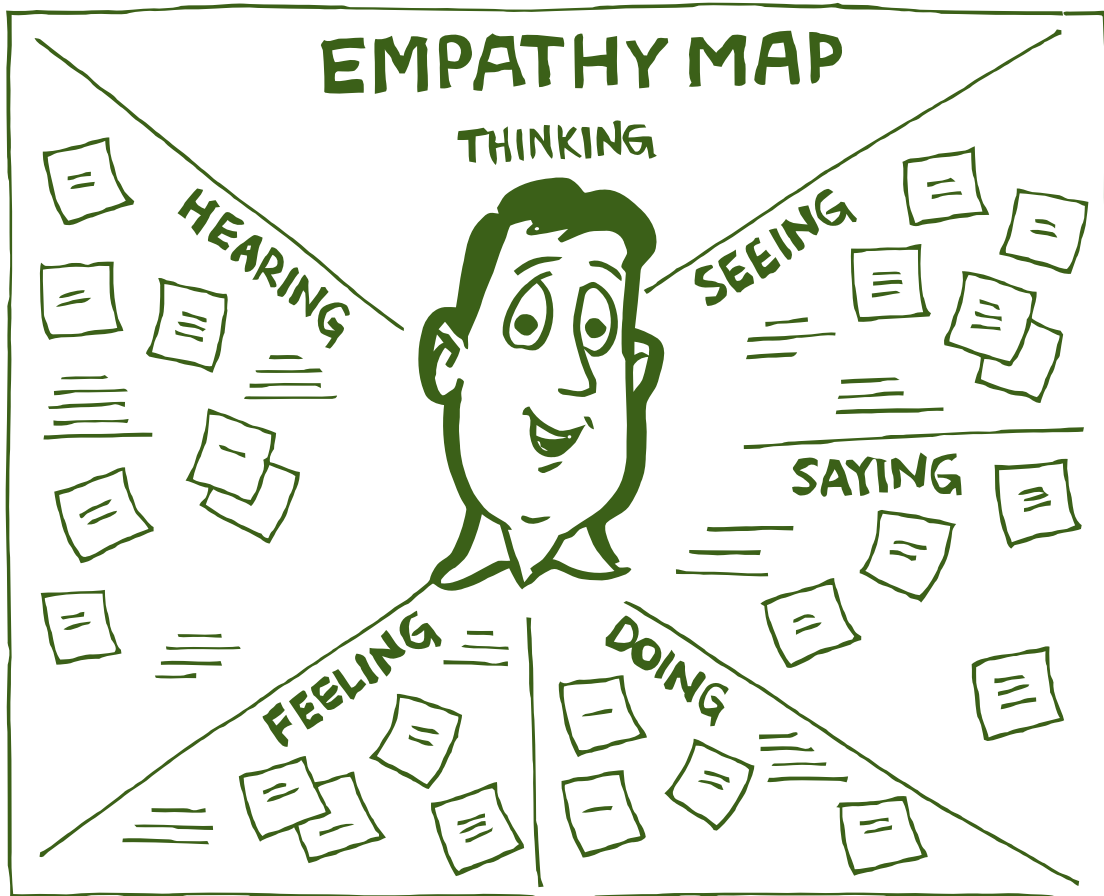
Choose one person of any gender or age who you have interacted with at community level in the context of a REDD+ project. Draw his or her face in the middle and then complete the map hearing REDD+ from their point of view as far as possible. Then follow with how he or she sees, hears, thinks, says, does, and feels about REDD+ and or your project.

In groups, share your map and discuss:

- *What is similar? Why?*
- *What is different? Why?*
- *What do the people you have chosen want in terms of their forest/REDD+?*
- *What forces are motivating this person?*
- *How would these different factors influence a communication strategy?*

Why is effective communication required in a process to seek FPIC?

Effective communication is required in any process to seek FPIC in order to ensure that people are free and informed when making their decisions. 'Effective' in this sense may mean anything from ensuring information reaches all the interest groups, to facilitating dialogue between interests groups, to ensuring that people are aware of benefits, risks, potential impacts, and latest developments. Information may need to be translated into appropriate languages and media, with appropriate tools selected for optimum outreach in the communities concerned.

Why develop a communication strategy?

Ensuring free flow of information and clear messages externally and internally for implementation of REDD+ within a community engaged in the REDD+ process will be critical throughout project implementation and is therefore extremely important to include as part of the roadmap for FPIC. A clear strategy will help focus on the most important interactions and highlight key issues related to the REDD+ project.

Who should develop the strategy and what is the role of the community?

The strategy will need to be developed by experts with the cooperation of the proponent and the inputs of the rights holders.

What should the communication strategy outline?

The strategy framework	Key issues
Why	Highlight the key objectives and rationale for the strategy in the context of a REDD+ site/and or community
Who	Identify key priority interaction groups, including specifying and differentiating categories of rights holders; user groups; gender
What	Communicate key messages in relation to information requirements for any decision in REDD+ design and implementation Plan campaigns for appropriate target audiences
How	Craft communication strategies from outside to inside and internally within the community Include participatory indicators and monitoring plan Utilize simple and culturally sensitive communication tools
When	Lay out annual plan of activities
Notes	Communication goes beyond products and events; needs to focus on ongoing processes and interactions between priority groups

4

Key steps for applying FPIC

This learning block seeks to outline broad steps that could form the backbone of a process to seek FPIC. It ensures that participants do not see seeking FPIC as a 'one-off tick-the-box' event, but rather as an integral part of REDD+ project design. This learning block illustrates how FPIC fits within the project management cycle. Sessions could be adapted to explore seeking FPIC within a specific project or field situation. If you do not have time to focus on every step, the overview session is still useful to ensure participants think through all the steps and the implications if a step is missed.

19 Overview of key steps for FPIC application

OBJECTIVES

At the end of the session participants:

- Can identify and explain the importance of the five key steps in a process to seek FPIC.
- Have analyzed the practical implications of ignoring or skipping one or more of the key steps.

STEPS

1. Explain to the participants that this is the first session of Learning Block 4 (Key steps of FPIC) where the basic steps of FPIC procedures will be examined in more detail. You may link back to the flow and logic of the design of the course.

2. Ask the participants if they have ever come across procedural guidelines for FPIC. Ask them to recall any of the key procedures/principles/elements of those guidelines. (If the participants have no knowledge of existing guidelines, move on to the next step. Note that they may have come across guidelines for FPIC for forest certification or other private investment consent processes focusing on indigenous people.) If they do recall any guidelines, write them on a flip chart and revisit them later in the session during reflection.

3. Explain that in this course you will focus on five key elements or steps agreed as part of guidelines for FPIC in REDD+, and that they will complete a short participatory exercise in groups to explore these steps and their importance.

4. Using cards, one by one, paste each key step on the wall in a random pattern, reading out the words. Explain that these steps should not necessarily be carried out in sequence given, but are essential ingredients in the recipe for FPIC. For that reason, do not reveal

the numbers included in the original guide. You can also use the image of a big cooking pot where each card represents a different ingredient.

5. When you read out each element or step, do not explain the step in detail – just make sure they understand the meaning of the words used.

6. Form groups of four to five people from different contexts or stakeholder perspectives.

7. Explain that this exercise will build on their own experiences and further sessions will examine the details of each step.

8. Give each group their own set of 'steps' cards, explaining that they are identical to what you have pasted on the wall.

9. Present the format for the discussion: a table with three columns (see exercise) and tell them to discuss the cards in the order they feel comfortable, picking those they are most familiar with first.

10. After 40 minutes, call the group back together and display the work on flip chart stands or the wall. Ask each group to read the other groups' work, spending time to go through each group's output.

11. Line up the charts across a space so they can easily be compared visually by both the trainers and the participants.

12. Facilitate reflection on the exercise by asking:

    ▪ *Do all the groups have similar reasons for the importance of the steps? What is different? Do other groups agree?*
    ▪ *Are the steps linked? How and why? Should they be sequenced in a particular way? Why?*
    ▪ *Which steps require more emphasis, in what contexts, and why?*
    ▪ *What are the patterns emerging across the implications of skipping steps?*
    ▪ *Which steps do you think would be commonly ignored or skipped? Why? How could this be addressed?*
    ▪ *Who should take the lead in which steps and why?*

13. After completing the reflection, revisit each of the steps by posting them one by one on the training room wall with notes on who takes the lead in each element. Explain that this display will remain throughout the training and that each step will be explored in more detail throughout the course. Explain that they will fill in what communities need to know about with regard to each step as they progress on the road map for FPIC.

14. Wrap up by emphasizing that these steps are not set in stone, as FPIC for REDD+ is still evolving. FPIC is an organic process, evolving through practice, and each step may need more emphasis and time than another in a given context.

15. Summarize by explaining future procedures will no doubt evolve from these procedures, but for now these guidelines can be used as the ingredients for a recipe for planning, implementing, and monitoring the FPIC for REDD+ process. Other sessions will build on each step separately.

TRAINER'S NOTES

This session is intended to give an overview of the most important key elements in FPIC application (note this has been simplified from the original RECOFTC[13] and GIZ guide in which there are 12 steps). Other elements have been covered in different ways in these materials. Try to avoid going into too much detail on each element during group work. Make sure you have left enough space on each card to wrap up each session with the bullet points on what a community needs to know. These bullet points are only necessary for the sessions on application, and can be found in each Handout.

---

[13] *Free, Prior, Informed Consent in REDD+: Principles and Approaches for Policy and Project Development*. RECOFTC and GIZ 2011.

Overview of key steps for FPIC application

Write or print each of these on cards for the discussions.

Selecting appropriate decision-making institutions

Developing a process for seeking and obtaining consent in the context of the project cycle

Monitoring and recourse: maintaining consent

Developing a grievance process

Verification of consent

This table can also be pre-prepared on flip charts to ensure that the groups use comparable formats for sharing.

Steps	Why is this step important?	What would happen if this step was missed?	Who should take the lead in this step?
Identifying appropriate decision-making institutions			
Developing a process for seeking and obtaining consent			
Monitoring what has been agreed in implementation			
Developing a grievance process			
Verifying consent			

What are the key steps for FPIC?

Steps	Why is this step important?	What would happen if this step was missed?	Who should take the lead?
Identifying appropriate decision-making institutions	Ensures respect for the right to FPIC and the right to self-determination whereby groups can decide how and who will make decisions on their behalf	Elites/government leaders/structures can dominate the decision and not represent the real view of the rights holders, later resulting in derailment.	Community /rights holders
Developing a process for seeking and obtaining consent	Ensures that both proponent and community understand the process through which consent will be given or rejected. Builds trust and mutual understanding. Ensures that FPIC is not seen as a one-off process, but can feature at different points during the project cycle	May result in miscommunication of agreement or non-agreement and conflict Can otherwise be seen as a one-off process and can result in consent not being given later on.	Project proponent with rights holders
Monitoring what has been agreed in implementation	Ensures that both parties abide by what has been agreed and keep a record of what has happened, avoiding rumor	If no systematic monitoring takes place, rumors can start that lead to conflicts and confusion	Project proponent
Developing a grievance process	Ensures that everyone knows how a complaint can be made if they are not satisfied	Without a clear process for grievance, parties can become frustrated, leading to conflicts over specific issues or decisions	Both proponent and rights holders
Verifying consent	Ensures that consent is verified by an external party to specific standards	Different parties may claim that no effort was made to obtain consent or steps were missed.	Project proponent

How should these steps be mixed in a specific context?

The steps listed above are like key ingredients to a recipe. There may be more depending on the situation you are working with. The recipe may need to be adjusted and may not necessarily work in the sequence listed above or with equal emphasis. Adjustments may be needed based on resources available, scale of the initiative, and pre-requisites already in place for FPIC. Failing to consider one or more of the above ingredients can undermine the overall process, neglecting the key role played by each step and the way in which the steps work together. The more thorough the process, the less likely it is that confusion or conflict will arise.

20 Identifying appropriate decision-making bodies

Time:
1 hour 15 minutes

Methods:
1. Group work
2. Plenary reflection and sharing

Materials:
1. Flip charts and markers
2. Prepared learning points on a flip chart or presentation format
3. Handouts for distribution

OBJECTIVES

At the end of the session participants:

- Can identify different types of local decision-making bodies that a REDD+ project proponent may be engaged with.
- Have identified advantages and disadvantages of each type with respect to REDD+ initiatives.
- Can explain why it is important for rights holders (indigenous peoples and forest-dependent communities) under the principles of FPIC to select their own decision making body.
- Can list what communities need to know about their rights in decision-making in FPIC.

STEPS

1. Start the session by explaining that in this session, the participants will focus on exploring one of the key steps for preparing to engage with rights holders: identifying appropriate decision-making bodies.

2. Revisit the rationale from the previous session on including this as an important step (Key Steps in a Process to Seek FPIC for REDD+). Why is the choice of the decision-making body in FPIC procedures important?

3. Divide the participants into smaller groups of four to five people. Ask them to identify and share experiences of the different types of decision-making bodies that currently exist at local level in their own country. Explain that this can relate to any issue (community development, governance, community forestry, etc). Emphasize that they should consider both formal and informal bodies. Ask them to characterize each body and list the advantages and disadvantages of each body for FPIC for REDD+. Give them 40 minutes for this task (see exercise).

4. Ask the group to return into plenary and share the outputs through presentation and feedback.

5. After sharing, reflect with the group as a whole on:

   - What patterns do you see emerging across the analysis?
   - What criteria should be used to identify an 'appropriate' decision making body?
   - What are the implications for selection of a decision-making body for FPIC for REDD+?
   - Who should select the appropriate body and why?
   - What is the role of the project proponent in this process and why?
   - Based on your own context, what does this mean for REDD+ projects?

6. After reflection, share with the group the current legal basis for indigenous people to select appropriate decision-making bodies according to principles of FPIC (see Handout).

7. Based on this short summary presentation, ask the group what they think communities need to know about decision-making for FPIC for REDD+. Write their answers on a flip chart.

8. After they have listed these in plenary, compare with a flip chart you have prepared with the key points communities need to know (see Handout)

TRAINER'S NOTES

The group work will need to be managed according to group composition. If you have an international group, you may need to consider country contexts. If it is a national level training, consider dividing the group randomly or regionally, depending on relevance.

Make sure that participants are clear by the end of the session that it's the community that selects the body and not the proponent, government, or other actors.

Decision-making body	Advantages for FPIC for REDD+	Disadvantages for FPIC for REDD+	Notes

Selecting appropriate decision-making bodies
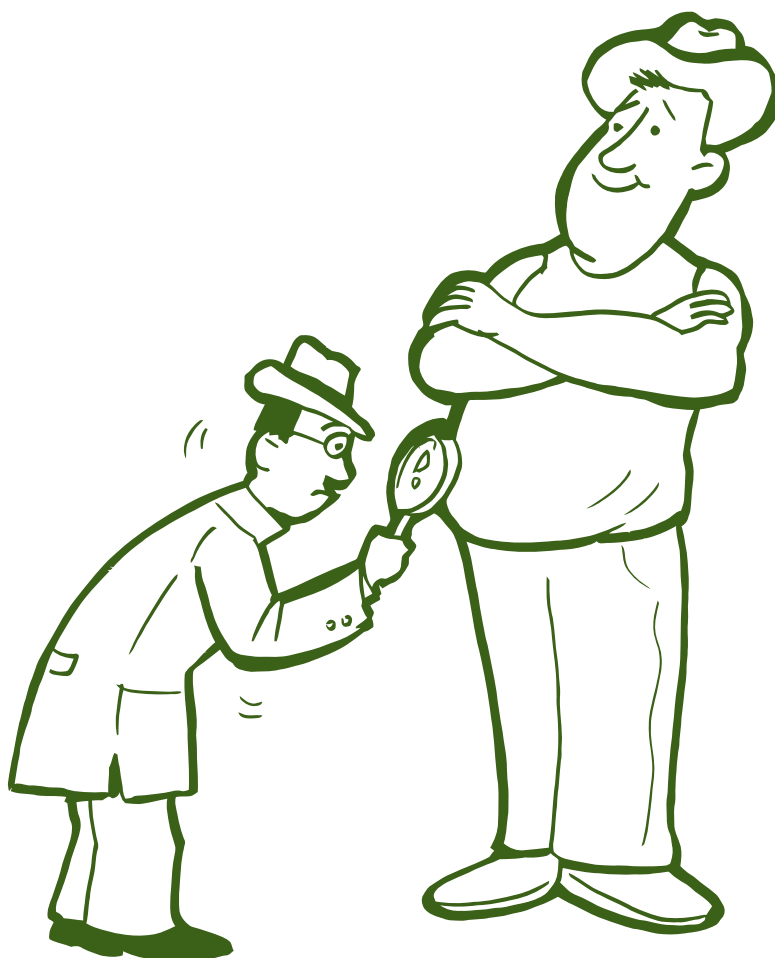
Why is selecting an appropriate decision-making body a critical element of FPIC?

It has long been established through international legal frameworks that indigenous and local people have the right to use their own decision-making bodies as part of the right to self-determination. This framework includes the right to make independent decisions through which they determine their own political status and pursue economic, social and cultural development. Self-determination is an ongoing process that ensures the continuation of indigenous and local peoples' participation in decision-making and control over their own destinies. It means that decision-making bodies in FPIC should be structured to enable rights holders to make decisions about their internal and local affairs and to participate collectively in external decision-making processes in accordance with relevant human rights standards. This type of decision-making process is now an important feature of FPIC. The value of self-determination and the right to select an independent decision-making body also applies to local people who may not necessarily be indigenous, but whose livelihoods are dependent on forest resources.

Which body?

Using traditionally accepted bodies rather than imposed systems, such as government appointed leaders, may seem to be in conflict with some expectations around good governance and 'representation'. Traditional bodies would include women, youth, and other marginalized groups in decision-making. The use of traditional bodies also raises issues around forest-dependent communities that have not necessarily determined themselves as indigenous but who retain the right to FPIC under evolving REDD+ guidelines.

Indigenous and forest communities may not recognize central and local government bodies as representative of them and their interests. There may be a national indigenous peoples' agency, but some communities may only consider their own local level councils and governance systems as representing their interests.

When carrying out an FPIC process, it is important to identify which body the community considers represents their interests, and which body links them to central and local government. This identification process may be further complicated by mixed governance systems for decision-making, as described in the next section.

Customary versus 'new' governance systems

The scope of customary decision-making bodies is diverse and to a large extent cannot be generalized. However, several key features are useful to examine both in the context of the past and the current evolving context. Governance systems for decision-making can be:

- Either flat or hierarchical, but often guided by customary laws that include a range of legal instruments and a variety of distinctive customs, procedures, and practices, including spirituality.

- Localized and restricted to village level, or geographically widespread and applied to a whole community, a collection of communities, or a cultural group.

- Inclusive of dispute resolution processes or the adjudication of important matters, often relying upon traditional leaders/chiefs and advisers, a council of elders or, in some communities, the convening of a council when necessary. As much as possible, problems are solved by consensus, using procedures that engage all affected parties and exhaust dissent.

> **What do communities need to know?**
>
> - Their right to decide their own representative bodies
>
> - The obligation of all stakeholders to uphold non-discriminatory practices
>
> - Their right to independent facilitation assistance (if required and requested)
>
> - Their right to make decisions in accordance with the principles of FPIC
>
> - Their right to insist on checks and balances in their own community where there is exclusion in decision-making or abuse of power

What are the implications for selecting appropriate decision-making bodies for FPIC for REDD+?

Despite the diversity of contexts and the accompanying challenges of customary governance, it is critical that the community retain the right to determine the most appropriate decision-making body. This cannot and should not be decided by the project proponent. In the absence of a traditional decision-making body, there is little chance the decisions made by an external body will be respected by the community.

It may be appropriate, depending on the context, to form a hybrid of a traditional body and formal village administration or another body, but this decision must be made by the community. A neutral, goal-oriented facilitator may be required to ensure the advantages and disadvantages of all options are considered carefully. It is not appropriate for the project proponent to serve as facilitator, but resources to support these activities need to be available from either the project proponents or other parties.

An institutional mapping exercise can help identify options and hybrids.

How to facilitate the selection of the most appropriate body

If you play a role in assisting the community to select the most appropriate representative body, you can help develop some criteria to guide selection. Some possible criteria may be:

- Socially accepted
- Legally accepted
- Representative of those affected by the REDD+ proposal
- Possessing the capacity and competency to analyze the issues
- Exhibiting a degree of permanence should the FPIC or REDD+ process take some time.

21 Developing a process for seeking and obtaining consent

Time: 🕐
2 hours

Methods:
1. Statements
2. Card exercise and group discussion

Materials:
1. Copy of statements on flipchart or power point
2. Flipcharts for each group with pre-drawn project cycle
3. Flipchart markers for each group, colored cards, glue, and post-its

OBJECTIVES

At the end of the session participants:

- Can explain the importance of developing a consent process.
- Can explain the role of the concerned rights holders and the proponent in developing the consent process.
- Will have identified common pitfalls of the consent process.
- Have identified potential points at which consent could be given throughout the REDD+ project cycle.
- Can explain what communities need to know about consent processes.

STEPS

1. Tell the group that to energize yourselves you would like to use a fun approach to help recall old material and raise new issues about developing a consent process within project design.

2. Paste a sign with a symbol or word that conveys agree ☺ and another with the word or symbol disagree ☹ at different ends of the room.

3. Explain that you will display and read out statements and that each person should decide whether they agree or disagree with the statement and stand underneath the sign. Explain that everybody must take a position and no one can stand in the middle. Make sure you only reveal one statement at a time.

4. Read out the first statement (see exercise) and ask the participants to take a position. Next, ask the members in the two groups to share their reasons for their position, indicating that they will have to challenge the other group. Give them two or three minutes, then facilitate a discussion between the two groups.

5. Let the debate proceed until issues surrounding the topic have been covered fully, then summarize what the groups agree on.

6. Repeat the exercise for each statement (maximum three statements).

7. After completing the statement exercise, bring the participants back into plenary session and explain that the focus now is on the implementation of the consent process and link it to some of the issues raised in the statements.

8. Explain that in order to think about implementing a consent process it is useful to consider the framework of a project cycle.

9. Ask the group about their experience of a project cycle. What are the key elements? Present a standard diagram of the project cycle used by both companies and development partners for shaping the design, implementation, and monitoring of a project. Explain that although different REDD+ proponents may have different formats for proposals, the key steps of the project cycle remain the same as it is based on a standard planning cycle.

10. After presenting the cycle, ask participants in groups of three or four to help you 'color' the project cycle of REDD+. Ask them to think about particular activities that would fit within this project cycle in relation to FPIC for REDD+. Explain that to help them with this, you have some slips that they can select, sort, and stick on the relevant point of the project cycle diagram based on their experience and learning so far during this course.

11. After they have selected and pasted the slips, ask them to draw a red star on places in the cycle where they think consent would be needed from the rights holders. Ask them to elaborate on cards with the question, 'consent to what?', sticking the card next to the red star.

12. Bring the groups back together and ask each group to post their flip charts on the wall. Ask them to review each other's outputs, focusing on the points of consent.

13. After the review process, spend five minutes on each group's flipchart responding to the comments given by other groups.

14. Bring the groups back into plenary and ask the following reflection questions:

   - *How did you feel doing the exercise? Why?*
   - *In terms of the project cycle, where do you predict the most interaction with the consent process? Why?*
   - *To what extent did the groups agree on when and to what consent would be needed?*
   - *Who do you think should develop the consent process, and why?*
   - *Do you think every rights holder group would require the same points of consent? If yes, why? If no, why not?*
   - *In your experience, how many projects currently link the consent process throughout the project cycle? Why?*
   - *At what points do you think communities may require independent advice? What type of advice, and where would they find it?*

15. After reflection, present the list of consent points on the handout in relation to the project cycle. Build it up using colored cards and a blank version of the project cycle, with the 'consent to what' cards in another color. Emphasize that communication of climate change and REDD+ concepts is key, but should be provided and targeted throughout the process and defined through the communication strategy.

16. Wrap up the session by emphasizing that developing and implementing the consent process has to be seen in the context of the whole project cycle and is not just a one-off exercise. Stress that it is the communities that should develop the consent process, and indicate where they think consent should be sought. They may need a framework to think about this.

17. Before finalizing the process, ask the group what they think some of the common pitfalls in developing consensus might be? (see Handout)

18. Finalize 'what communities need to know in developing a consent process'.

TRAINER'S NOTES

This exercise is intended to be a warm up, so the trainer should carefully select the statements to cover issues that have not necessarily been fully covered or which are contentious in the group. If you want to make your own statements, make sure they are ambiguous enough to provoke discussions and key issues. In some situations, the trainer may need to challenge participants, but s/he should be aware of some sensitive issues.

Be aware of the difference in patterns when participants place the slips around the project cycle. A common mistake is to place 'selecting appropriate decision-making institutions' at the start of project implementation, yet there are many decisions/points of consent before that. Keep an eye out for this and challenge their understanding of when the appropriate decision-making institution becomes relevant!.
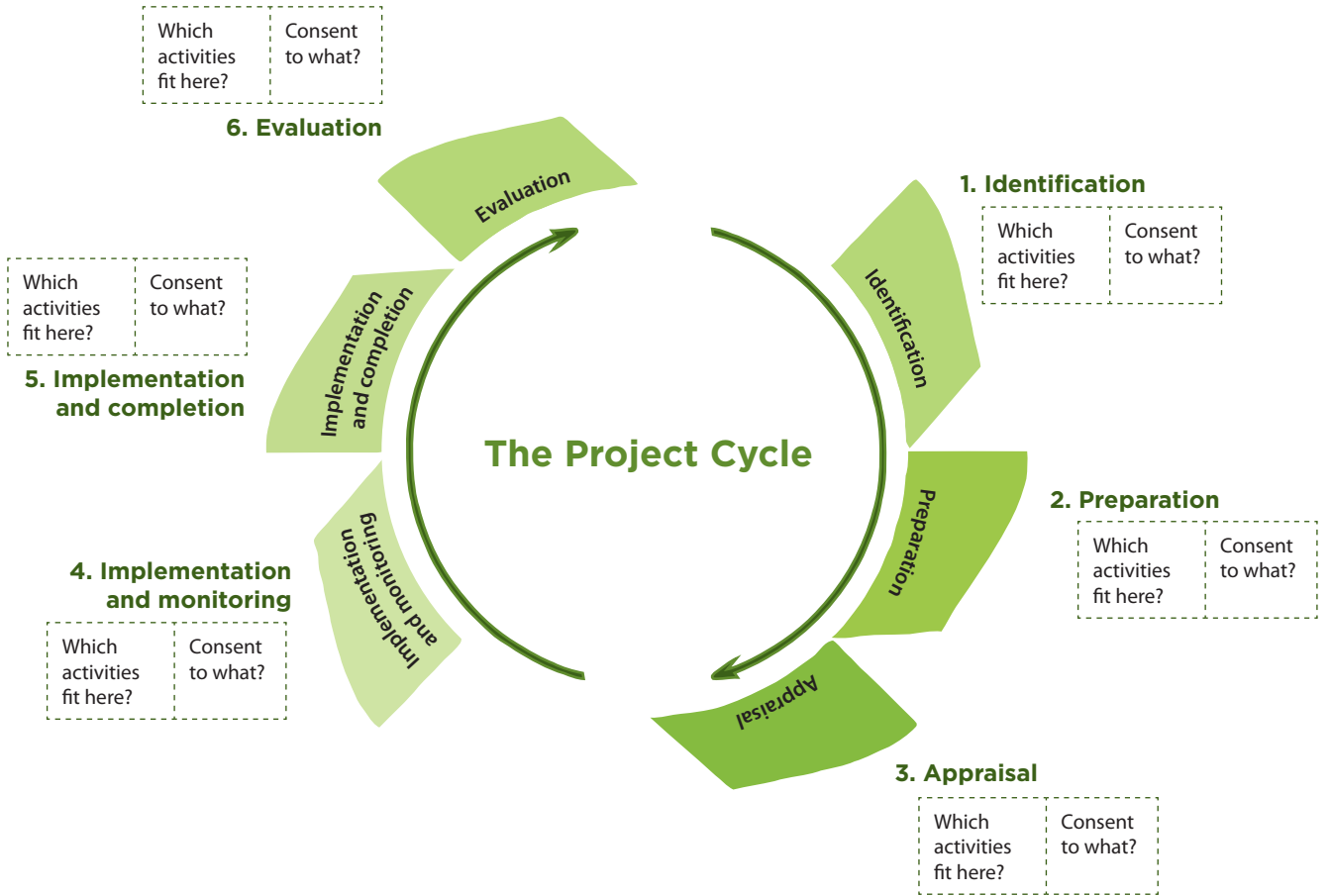
Statements

- It is not necessary to include every single rights holder in the consent process

- If a community has agreed to develop a consent process for a REDD+ project, it can be assumed that they will always give their final agreement to the project

- There should always be a point of consent at every single stage of planning, analysis and implementation

- Rights holders hardly ever need to be involved in REDD+ project design as they do not yet know enough about REDD+ and carbon concepts

- The consent process on project design must always be facilitated quickly, as otherwise opportunities for funding or buyers will be missed

Enlarge, cut into slips, and mix one set for each group in an envelope.

Initial meetings to explain the intention of the FPIC process in relation to the proposed project (including mutual introductions)	Information gathering on rights holders and social mapping
Design and agreement of consent process	Awareness-raising and communication to explain core concepts of REDD+ to community members
Selection of appropriate decision-making body	Development of baseline for assessing drivers of deforestation, carbon stocks, etc.
Development or review of preliminary forest management/ land use plans	Reviewing project design elements based on feedback
Presenting proposed project design	Rights holders analysis of impacts and risks (economic, social, environmental)
Benefits analysis and opportunity costs / options for benefit flow and arrangements	Identification of conflict management mechanisms
Negotiation of agreement	Monitoring of implementation
Commercial agreement to purchase carbon credits	Project cessation

6. Evaluation

Which activities fit here?	Consent to what?

1. Identification

Which activities fit here?	Consent to what?

5. Implementation and completion

Which activities fit here?	Consent to what?

2. Preparation

Which activities fit here?	Consent to what?

4. Implementation and monitoring

Which activities fit here?	Consent to what?

3. Appraisal

Which activities fit here?	Consent to what?

The Project Cycle

Evaluation

Identification

Implementation and completion

Preparation

Implementation and monitoring

Appraisal

Developing a consent process and integrating the right to FPIC within project design

Why is agreeing to a process for seeking and obtaining consent needed?

An agreement on the process for seeking and obtaining consent is needed so that both the community and the project proponent understand in advance the process through which the community will be able to express its consent or rejection of the REDD+ project. By designing this process together, the community comes to understand that they can express their concern at any point. An agreement also ensures that information generated is shared transparently, giving the rights holders the option to request more information when required. Putting a timeframe to the consent process can also help anticipate the need for thorough internal discussions among rights holders and support the sourcing of advice where needed. This ensures that project proponents do not drive the process too quickly without the cooperation and agreement of the rights holders.

What factors will influence the success of this process?

Time, effort, and transparency on the part of the project proponent will be required to openly guide the community in the planning of a consent process. By planning in advance, the rights holders have a road map to guide them through next steps and what they will be required to decide when. The community needs to understand that they can withdraw their consent at any point in the process. Involving them in planning the consent process is a key principle of FPIC and will also create shared ownership of all stages in the project, from identification through negotiation and monitoring. It may also be necessary to consider the engagement of a third party to plan the consent process and involve the proponent at points that the rights holders feel appropriate.

How can the project cycle be used to guide and plan the consent process?

Although the design of the consent process should be determined together with the rights holders themselves, it may be useful to present key steps at which the proponent would like inputs from the communities concerned. They may or may not decide to include these steps as part of the consent process and they may wish to distinguish between feed-back and formal consent requirements before they move onto the next steps.

Stages in REDD+ project cycle and potential points of consent

Stages of project cycle	Components of consent process	Points of consent (examples)
Identification *(including building general awareness of climate change and linkages to forests; basic concepts of REDD+)*	Initial meetings to explain the intention of the FPIC process in relation to the proposed project (including mutual introductions)	▪ Consent to further engage and mutually agree next steps
	Information gathering on rights holders and social mapping	▪ Consent to map rights and record in appropriate format as agreed (writing, digital, verbal) ▪ Consent to mapped boundaries ▪ Consent to engage different groups in consent process design
Preparation *(including targeted communication processes about REDD+ legal rights, other forest management options)*	Design and agreement of consent process	▪ Consent to key stages and points at which consent is required, including schedule
	Selection of appropriate decision making body	▪ Identification of appropriate mechanisms plus mutual consent to decision-making protocol
	Development of baseline information	▪ Consent to methodology, recording, sharing, and use of information generated
	Development of forest management /land use plans	▪ Consent to forest management strategies and prescriptions generated, including access to forest products and management benefits ▪ Consent to preliminary program design
Appraisal *(including ongoing communication processes about REDD+, options and implications of REDD+ agreements*	Socio-economic, cultural, and environmental impact assessment	▪ Consent to the scope and content of the assessment design

Stages of project cycle	Components of consent process	Points of consent (examples)
Planning and Negotiation *(including public consultation process on key ideas, documents)*	Project design, including changed forest use and benefit-sharing arrangements	▪ Consent to all aspects and details that affect rights holders, especially to benefit-sharing arrangements
	Commercial agreement to purchase carbon credits	▪ Consent to general framework of the commercial agreement and especially benefit sharing arrangements
Implementation and monitoring *(including ongoing participatory monitoring and sharing of experiences)*	Project implementation and monitoring	▪ Maintenance of consent for implementation arrangements and issues arising at mutually agreed periods
Implementation and completion	Project cessation	▪ Consent to the reasons for cessation and the arrangements for phasing out

What are the common pitfalls of the consent process?

Some of the common pitfalls of the consent process are identified below. You can also add your own:

▪ Negotiating with the wrong leaders/representatives or negotiating in a way that leaves out the interests of important parts of the community.

▪ Thinking that initial consent to discuss a plan implies the community is willing to negotiate over the REDD+ proposal.

▪ Failure to include important information on positive and negative impacts or liabilities associated with the project.

▪ Not allowing sufficient time for a community to discuss the development or to obtain independent information and advice about the plan.

What do indigenous peoples and local communities need to know?

▪ Their right to a mutually agreed consent process, their obligations to abide by it and their right to recourse if it is not adhered to by project proponents.

▪ Their right to FPIC, and how this right can be expressed through a community decision at each stage of designing and agreeing on a REDD+ project.

- REDD+: what is it and how does it work? What will it mean for community forests and their livelihoods? How will it generate benefits?

- Carbon markets and offsets: why is this particular system being used? How might changing markets impact the project?

- Their right to seek independent expert advice on legal, social, economic, and environmental issues.

- Project proponents, governments, and private investors are obliged to provide funding and support for accessing that advice.

22 | Verifying consent

OBJECTIVES

At the end of the session participants:

- Can explain the role and rationale of independent verification of the FPIC process.
- Can explain the role and scope of existing standards in verifying consent.
- Have identified key issues that need to be verified to ensure that consent was timely and free from undue influence.
- Can list what communities need to know regarding verifying consent.

STEPS

1. Kick off the session by explaining that you have reached the last key element of FPIC: verifying consent.

2. Ask participants what verifying consent means and why it should be done. Who could verify consent in FPIC for REDD+? Revisit the application recipe of all the ingredients to tie them up in relation to verification.

3. Ask the participants how current REDD standards such Verified Carbon Standards (VCS), or Climate, Community, and Biodiversity standards (CCB) relate to the concept of verification. Ask them to give an example from their own experience. What role do standards play in verification? Who applies standards? What form do standards normally take? *(criteria/indicators/methods).*

4. Explain that in order to think about how consent (FPIC for REDD+) could be verified, the session will use a simulation exercise. The exercise will consist of several teams of consultants (the participants) who will imagine that they have been requested to submit a concept for verification of FPIC for a

REDD+ manual (see exercise). The teams will have two hours to think about what and how they will present to a team of tender assessors. (see exercise). If you would like to make the exercise more exciting, you can prepare a reward for the winner.

5. After the completion of the panel discussion and their respective comments, reflect with the whole group on the exercise:

    ▪ How did you feel doing the exercise? Why?
    ▪ Was it easy or difficult? Why?
    ▪ Based on this experience, what would you see as the key challenges of verifying consent (consistency. objectivity, representation)?
    ▪ How do you see the verification process working in your own context?

6. Explain that there are a few sets of existing standards for REDD+ that integrate the concept of FPIC, mainly in the voluntary carbon market sector. Ask the participants if they have ever heard of them. These include VCS and CCB.

7. Explain how CCB clearly requires the engagement of local communities and documentation of all consultation, including changes made in project design, at the request of communities. Ask the group what the incentives might be for following voluntary market standards.

8. Explain that non-voluntary forest carbon market standards are not yet developed or available, although they are under discussion in international fora and will evolve over time.

9. Share the set of issues and key questions on the last page of the Handout and ask the participants if the range of issues in their presentations covered all the key questions. Emphasize that indicators further clarify key questions, but this is a summary.

10. Wrap up the session by re-emphasizing the need for independent verification and consistent standards of verification

TRAINER'S NOTES

This exercise will work most effectively if you are imaginative in simulating the tender presentation and panel discussion process. If panel members who are seen as 'experts' are not from the training team and can participate, it makes the simulation more realistic. If you have suitable participants who could act as the panel this also makes it more dynamic.

You can also consider putting more emphasis on the review of the table in the handout through group discussion, depending on your time availability.

Simulation **Verifying consent**

Open competitive tender for provision of services for independent verification of FPIC for REDD+

Imagine you are a group of consultants who have been invited to tender to provide services to verify FPIC for REDD+ in five different sites in three different countries. The details of the sites have not been provided yet. This is an extremely competitive tender as you know several other groups have also been invited. You will not have to provide written documents for this tender, but you will present in front of an expert panel who will select the winning bid and award a form of upfront payment.

You have 1 hour and 30 minutes to prepare the content for your tender and 30 minutes to prepare the presentation. The company is extremely experienced in seeking FPIC in a number of development spheres and will be looking most closely at your technical approach to the task. They will value a presentation that demonstrates your technical knowledge on FPIC in a REDD+ context and will want to know exactly what you are going to verify in specific terms.

Your tender should include a pitch on the following elements:

- The role of an independent verification process and its added value
- What you would verify and how
- Unique selling points of your team's approach to verification
- Final summary of your approach and how it will strengthen FPIC for REDD+ and be a cutting edge process in the region

You can choose how you will present your pitch to the panel, but remember you only have 15 minutes in which to present, followed by five minutes of questions from the panel. How you present will be key to whether your messages are effective or not!

The scope of this service contract is international with wide travel and generous compensation for the outstanding team of consultants.

Tips for your team

- Work with your team members to review your understanding of FPIC.
- Think about how you will demonstrate how much you understand of the important principles of FPIC in REDD+.
- Think about how you will present your perceptions of the basic ingredients we need to consider in FPIC application, and how they could be verified in the field.
- Don't forget to highlight tools and techniques that will be used for verification.

Verifying consent

What is verification of consent?

Verification means to check or validate if consent has really been sought according to the principles of FPIC. This would normally require an independent contractor rather than the project proponents themselves.
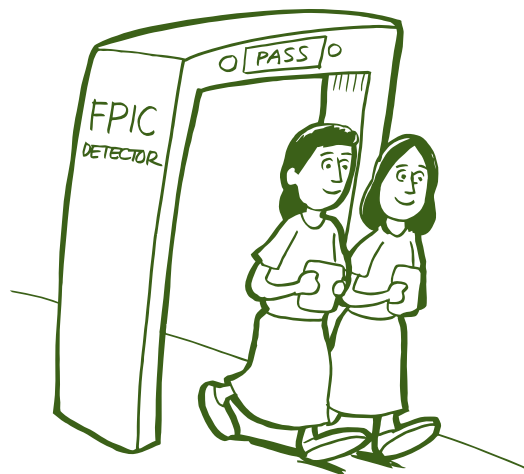
Why is verification necessary?

Verification proves to the potential carbon buyer that the local people living in and around the forest have not been negatively impacted by the sale of carbon and that they are aware of both the risks and the benefits of the project. In some cases it may be easier to sell or market carbon where FPIC has been verified as being 'socially responsible' carbon, as opposed to carbon from a site where specific standards in achieving FPIC have not been verified.

What is the link between standards and verification?

Standards are usually developed and monitored by an independent body. Standards are the framework through which to verify that best practice has been in place in terms of seeking FPIC. Usually, standards will outline several key concepts or criteria and the indicators associated with them for verifying consent.

Currently, the only standards available for verifying the consent process in REDD+ sites are VCS and CCB. The CCB is the most stringent on social standards and requires documentation of the process to seek FPIC.

Verified Carbon Standard

Excerpt from website

"We ensure that carbon credits bought by businesses and consumers can be trusted and have real environmental benefits"

www.v-c-s.org

What issues need to be considered when verifying consent?

Some organizations and individuals are working on developing methods and standards for verifying FPIC for REDD+. Below is a list of issues and questions you may consider (this list is adapted from an early draft of a toolkit for evaluation of FPIC developed by the UN-REDD Vietnam Country Program in 2010).

Issue[14]	Key questions
FPIC facilitation team: Suitability and competency	Can the team communicate directly with local people, without intermediate translation?
	Does the team reflect the ethnic variation of the communities in the FPIC process?
	Does the gender balance of the team allow for gender equity in the FPIC process?
	Is the age profile of the team conducive to full disclosure by local communities?
	Can the team demonstrate competency in participatory consultation processes?
	Do all team members understand the principles, progress and current status of the UN-REDD country program?
	Does the team understand the international legal basis of the FPIC process?
FPIC process design	Were relevant existing national guidelines for FPIC processes taken into consideration in the FPIC process?
	Is the local governance context understood by the team and reflected in the FPIC process design?
	Has the legal framework supporting or otherwise affecting the FPIC process been understood and reflected in FPIC design?
	Has the team distinguished between indigenous peoples and other forest-dependent communities, and their respective customary practices?
	Were the limitations to the FPIC process foreseen and addressed?
	Was a system for recording views and concerns incorporated into the FPIC process?
Initiation of consultation process	Did the team obtain a clear invitation from the communities themselves to engage?
	Did the team communicate through valid/legitimate representatives of the local communities?
	Were the initial meetings arranged in a way to generate local ownership of the FPIC process?
	Did local communities have control over the movement between stages of the FPIC process?
	Were community representatives held accountable for their role in the decision-making process?
	Were discussions in the community conducive to full participation of all community members, including women and youth?

14   Adapted from FPIC Evaluation Toolkit Version 1 Vickers 2011 RECOFTC and UN-REDD

Issue[14]	Key questions
Initiation of consultation process	Was the decision-making process recorded faithfully?
	Did the FPIC process allow a mechanism for internal and independent discussions of community members and did it identify and address gaps in the ability of communities to hold these discussions?
Information and communication strategy	Was information about the program disseminated to ensure maximum possible awareness among all individuals and in a language and form appropriate to their level of literacy/ understanding?
	Was the information accurate and relevant to the concerns of local people, providing answers to their key questions?
	Were the communities able to obtain information on REDD+ from alternative sources?
	Was sufficient time allowed for communities to understand the REDD program before making a decision?
Transparency and 'good faith' indicators	Is there evidence of the UN-REDD program being misrepresented through the FPIC process?
	Were community representatives or other important influencers of local opinion provided with incentives to deliver consent, or threats of negative consequences from withholding consent?
	Did the FPIC process favor the involvement of individuals or organizations for their political or intellectual viewpoints?
	Do the documents produced through the FPIC process represent the actual process and/or outcome?
Grievance and review mechanism	Did a grievance and review mechanism (GRM) exist during the FPIC process? Was it effectively available to all members of all communities involved?
	Was the GRM linked in any way with the FPIC team?
	Was the GRM linked in any way to a particular political or intellectual agenda?
	Were actions and decisions taken under the GRM enforceable?
	Did the make-up of the GRM reflect the gender, ethnic, religious and political balance within the area under the FPIC process?

23 Monitoring what is agreed in implementation

Time:
1 hour
30 minutes
(with energizer)

Methods:
1. Fact and rumor energizer (optional)
2. Group work

Materials:
Flip chart and markers

OBJECTIVES

At the end of the session participants:

- Can explain why monitoring by rights holders is an important part of the implementation process.
- Can explain the role of rights holders in monitoring the implementation of the consent process and the project.
- Have identified what could be monitored and how.
- Can list what indigenous peoples and communities need to know in the implementation process.

STEPS

1. Start off the session by revisiting the key elements for FPIC and explaining that you will now move on to the stage of monitoring and recourse, maintaining consent.

2. Explain that another key ingredient for maintaining consent is monitoring: what has been agreed during implementation. Ask participants to quickly brainstorm in small groups as to why monitoring the agreement is important for the community themselves. Write down their answers on a flip chart *(shared responsibility, increased transparency, triangulation of data and implementation progress, cross-checking reality versus expectations with respect to impacts, providing a factual framework as opposed to rumors, generate lessons for future and other sites, build trust between community and proponent/investor, provide a basis for changes to project implementation and/or the consent process)*

3. Ask participants to form small groups and, building on the session on developing a consent process, think about what the community could monitor and how. Ask them to write this in the form of a table on a flip chart.

4. After 30 minutes, bring the groups back together and share the outputs, looking for similarities and differences. Ask the plenary group the following reflection questions:

    ▪ *What did you select as the emphasis of 'what to monitor' and why?*
    ▪ *Where were the differences? Do you agree with them?*
    ▪ *Why should the consent process be monitored as well as the project implementation?*
    ▪ *Who should develop the monitoring system and indicators? Why?*
    ▪ *What skills are required for the monitoring process?*
    ▪ *How should participatory monitoring link with the MRV system (social impacts)?*
    ▪ *Based on your own experience, how many initiatives have integrated participatory monitoring of the consent process and expected impacts? Why and how?*
    ▪ *What would you see as the key challenges in your own context?*

5. After the reflection, ask the participants what they think the communities need to know in relation to their role and rights in monitoring the consent process (see Handout).

6. Wrap up the session by emphasizing that the focus of monitoring is the consent process itself and needs to be done by the community in order to ensure transparency and maintain consent.

TRAINER'S NOTES

This session could also be kicked off with a fact/rumor energizer. See exercise sheet for procedures.

Make sure the participants also include the monitoring of the consent process itself in their analysis; they may focus on technical monitoring, e.g. forest condition/ inventory rather than the consent points and expected benefits/impacts.

Tell the participants that you are going to read out some text from an interview of a community member from a REDD+ project in Tanzania.

As you are reading, tell them to analyze whether what you are saying is fact, opinion, or rumor. At the end of each sentence, the whole group should decide by indicating:

Fact (F)   **: raise two arms (to be more energized)**

Opinion (O)   **: put your hands on your head**

Rumor (R)   **: cross your arms in front of your body**

Read the following text to the participants:

I think most of us are very happy with this new project for the forest (O). We have been told by the elders that we are going to get millions of dollars in one or two years (R) and I think this project is a much easier way of making a living than making charcoal (O). The company that is going to buy our carbon is called Neutral Solutions. (F) They gave us t-shirts at the beginning of the process (F). Thanks to Neutral Solutions we now have GPS units and have made a map of our forest, it is 140,000 ha (F). I have heard that we will also be paid for activities we can undertake like patrols, (R) so I think we will get two payments: one for patrolling and one for keeping carbon (O). The most valuable tree in our forest is called Mpingo and we are allowed to harvest two per ha per year as recorded in our forest management plan that we agreed with the government (F). My wife said that she thinks that there are lots of illegal activities in the forest even though the committee is patrolling (R). I think that the problem is with our village leaders as they are doing deals with government officials (O). The project plan was presented last week to our village (F). This week, I helped to make 10 Km of priority fire breaks (F). I have heard that we will receive our first big payment soon (R).

After reading the text, ask the participants the following reflection questions:

- *How did you feel doing that exercise?*
- *Was it easy or difficult to decide? Why?*
- *What helped you to differentiate between fact, opinion, and rumor?*
- *How does this relate to FPIC for REDD+?*
- *What role could participatory monitoring play in assessing what is happening among rights holders/communities in an FPIC consent process and project implementation?*

Monitoring and recourse: Maintaining consent, monitoring what was agreed during implementation

Why should indigenous peoples and local communities monitor implementation?

As key rights holders to natural resources, it is critical that communities concerned ensure that the consent process is monitored and that the project brings what has been promised. A participatory monitoring process will:

- Facilitate a sense of shared responsibility for the jointly developed consent process and implementation roles.
- Create transparency and ensure triangulation of data with respect to outcomes and impacts, providing a factual basis for sharing experience rather than rumors.
- Assess progress on implementation and respect for the consent process developed according to the perspective of rights holders.
- Facilitate the cross-checking of reality with expectations and respect to impacts.
- Generate lessons for the future and other sites and neighboring communities
- Build trust between community and proponent/investor.
- Provide a basis for changes to project implementation and/or consent process, including evidence for the right to recourse if necessary.

What can be monitored and how?

The participatory monitoring system should be based around the mutually agreed consent process and project implementation design. Indicators and methods for assessing indicators need to be developed by the rights holders themselves with guidance on request if necessary. Key foci of a monitoring system may include:

- Monitoring of the consent process itself: level of agreement, steps followed, information presented for consent, communication between representative decision-making body and community members.
- Monitoring of benefits, impacts, consequences, and comparison with other options.
- Monitoring of finances and flow of benefits.

The system will need to be resourced and should be kept simple to enable rights holders to monitor it independently and share it with others.

What indigenous peoples and communities need to know about monitoring

- They can play a central role in monitoring project implementation.
- Deviations in implementing the agreed consent process can trigger grievances. If the issue cannot be solved through the grievance process, either party can request re-initiation of the consent process and take the issue to arbitration.

24 Developing a grievance process

Time:
1 hour
15 minutes

Methods:
1. Role play
2. Plenary discussion

Materials:
- Flip charts and marker pens
- Role play card

OBJECTIVES

At the end of the session participants:

- Can explain the role of a grievance mechanism in the FPIC process.
- Have identified and shared key steps in the grievance raising process.
- Have identified key principles in designing a grievance mechanism.
- Can list what indigenous peoples and communities need to know About grievance mechanisms.

STEPS

1. Start the session by linking back to the overview of the key elements (ingredients) and mentioning that the training will now focus on the aspect of recourse.

2. Ask the participants if they know the meaning of 'recourse' and how it is relevant in the FPIC process for REDD+ *(recourse is the right to change the course of action or withdraw consent).* Explain that recourse usually happens through a system of grievance mechanisms. Ask the group for another word for the term 'grievance' *(complaint, concern, lack of satisfaction).*

3. Ask each participant to reflect independently for two minutes and try to think of an example of a grievance that they have experienced in their personal lives or professional career (e.g., complaints about compensation, raising issues in their workplace, etc.).

4. Ask for volunteers to share their experience and then ask the group to think about what is similar across all the stories:

   - *How were your grievances raised? (formal or informal)*

- *What type of process was in place for you to raise your views?*
- *How did you know about that process?*
- *How did you feel when your grievance was addressed or not addressed? Why?*
- *What was the impact of your grievance not being addressed?*

5. Explain that in order to explore the issues surrounding a grievance, the participants are going to be engaged in a role-play. The participants will be divided into groups with different roles.

6. Distribute the background story of the role-play and walk the participants through the story, trying to be as vivid and realistic as possible.

7. Divide the participants into groups, explaining that these roles are only temporary and that they should try to empathize as much as possible with the role. Make sure you divide the proponent and facilitator roles to suitable participants who are confident in articulating their ideas.

8. Give each group 10 minutes to internalize the story and prepare their roles and ideas.

9. Set up the room for the role play as if it is happening in a village setting and invite the players to start giving them a time frame of 30 minutes.

10. After 30 minutes, stop the role play and ask the following reflection questions:

   To the observers

   - *What did you see happening and why?*
   - *How did the group move towards discussing the grievance process?*
   - *What was blocking constructive discussion?*
   - *Do you think this would have happened if there was a grievance process in place already? How could it have helped or hindered?*

   To the other players

   - *How did you feel in your roles?*
   - *Was it easy or difficult?*
   - *How did you feel when a grievance process to facilitate future conflicts emerged? Were your concerns addressed?*
   - *How could traditional grievance processes be built into the process?*

11. Bring the players out of the role play formation and ask them the following questions, recording the answers on a flip chart under the headings Why, What, and How.

   - *Why is a grievance process needed in relation to FPIC for REDD+?*
   - *What would be the key principles of an effective grievance mechanism?*
   - *What are the key steps in any grievance process?*
   - *How would you ensure that a grievance mechanism is effectively implemented and reaches poor and marginalized groups?*

After summarizing on a flip chart, wrap up the session emphasizing that designing a grievance mechanism as part of monitoring and recourse in an FPIC process is essential so that issues are addressed internally and externally before they escalate into conflicts. Conclude the session by revisiting the key elements of FPIC and pasting what the communities need to know about grievance processes. Emphasize that from lessons learned in existing REDD+ projects, developing an appropriate grievance mechanism is one of the key elements that has been overlooked, halting several projects due to conflict. This should be seen as a critical element of a process to seek FPIC and should not be neglected.

TRAINER'S NOTES

There is a possibility that the role-play will get stuck on management of the conflict itself. Try to avoid this by selecting and briefing those in the NGO facilitator's role properly during preparation. If this still happens, use the experience of the role-play in 'escalating' conflict to reflect on the role and importance of a transparent mechanism before conflicts arise. The role-play itself can be adapted from 15-30 minutes depending on your timeframe.

Role-play   # Developing a grievance process

Photocopy the background to the story for each player and the role descriptions based on the numbers in each group. Do not let the players see other roles before the role-play.

- -

The story so far:

"Just who decided that…………………… and where can I complain?"

As part of a recent REDD+ initiative, your community signed an agreement under which payments will be received for 'enhanced carbon stocks' through sound forest management and land use. There are over 3000 households in your community who depend on the forest for different sources of livelihoods including pit sawing, charcoal making, and livestock grazing. The process for negotiating this agreement took almost two years, during which time several meetings were held to explain the concept of REDD+ and to analyze the options and potential impacts of the project, including developing both land use plans and a forest management plan for the village.

At an early stage of the process, the village selected the natural resources management committee to represent all the households in the village during negotiations with the project proponent. It has emerged that some members of the community are not abiding by the management and land use plans, as they have been burning grazing lands to promote new growth, which was disallowed in the agreement. These community members were extremely unhappy when they were approached by the village natural resources committee and told they were not allowed to practice grass burning anymore. They believed they were not involved in that decision and did not agree with it, demanding that the decision be reversed by the village and the respective leaders. The proponent has hired an independent facilitator to explore the conflict further and help design a grievance mechanism to avoid this type of situation in the future. The meeting will be attended by agricultural extension officers who are also in favor of the REDD+ project as it will meet some of their government targets.

You have now been called to a meeting to discuss how to resolve this issue.

You are going to act out the role that you are given. Read the background of the story and your role and discuss in your group how you will play the role. Think about your perspective. When playing the given role, try to respond to the facilitator's questions realistically based on the role you have been given to play. The role play will last for 30 minutes.

Independent non-government facilitators

You have been actively involved in working with this community since the identification phase of the project. You are familiar with the situation on the ground and assisted in the development of the land use and forest management plans. The conflict over burning grass has now been raised with the project proponent and may influence payments in the future. You have been requested by the project proponent to manage the conflict in the community and prevent future conflicts building up in such a way. In particular, the objective of this meeting is not to address the conflict as such but to develop a system to address grievances that may arise in the future.

Make a plan in your group as to:

- How you will facilitate the meeting and set the context and objectives (including your own roles, facilitator, documenter etc.)
- Find out from the concerned parties what type of process should be in place to ensure grievances are raised constructively in the future (principles and steps)
- How you will build on local/traditional processes for expressing grievances?
- Make a final decision on how the mechanism will operate

Agricultural and forestry extension officers (government)

You have been working in the area for some time and have observed the process of the negotiations and agreement. You are familiar with the terms of the forest management and land-use plans and feel they should be enforced. You stress to the livestock keepers that they are breaking the agreement through burning and that they have to receive appropriate punishment for this. You are worried that if conflicts like this keep arising and escalate, the forest area and the agreement will be under threat. If there are negative impacts on the resource because of the conflicts, you are worried your boss will be angry with you as it will reflect badly on him.

Make a plan in your group as to:

- Who will play what role in your group and how?
- What type of process would help you raise your complaint in a more timely way? What would be the steps and the principles?
- What key recommendations would you make to the community to make sure such conflicts do not escalate again?

Livestock keepers

You are coming to this meeting feeling fed up, excluded and frustrated. You did know about the new system of forest management and you heard there had been some changes with a new project, but you did not realize it would concern you. You have been told several times by the committee now that you must not burn grass and that they have confiscated several of your members' cattle and goats as a sanction. You have been trying to raise the issue with village leaders for the last few weeks but have received no response, and have been referred back to the committee as the decision-making body. You are coming to the meeting because you would like everybody to hear your views and you would like that rule in the management plan to be reversed. You think that if they will not reverse the decision then you should be paid compensation today for not burning. You want to know how such a decision can be reversed and how you can prevent such decisions being made in the future. You are particularly frustrated that it has taken such a long time for your views to be heard.

Make a plan in your group as to:

- Who will play what role in your group and how?
- What type of process would help you raise your complaint in a more timely way? What would be the steps and the principles?
- What key recommendations would you make to the committee to make sure such a situation does not happen again?

Observers

Please observe the course the role-play takes and listen carefully to suggestions made, particularly with regard to the principles and process of a grievance mechanism for the future. What key issues and questions emerge?

Village natural resource management committee

You have been nominated as the decision-making body for the REDD+ project and the FPIC consent process. You believe that all members of the community had a chance to hear about the changes proposed in the land use and forest management plans that led to a negotiated agreement with the project proponent. You know that some people are either too busy or lazy to come to the meetings where the plans were shared. You do understand the issue that the livestock keepers are raising and have also experienced other complaints on a personal level. As the decision-making body, you would like to see that there is a clearly agreed process for raising complaints locally before the conflict escalates. You think this process should be simple and uncomplicated, building on local methods of solving grievances with elders.

Make a plan in your group as to:

- Who will play what role in your group and how?
- What type of process would help the community raise the complaint in a more timely way? What would be the steps and the principles?
- What key recommendations would you make to the community to make sure such conflicts do not escalate again?

The project proponent

You are a representative of a private investor with several sites in the area and you are intent on brokering carbon credits from sites you have verified yourself. You have already invested a significant amount of money in this site to get the project off the ground but you have mainly dealt with the natural resources committee as advised by the local extension officers. You are not amused by the conflict and will definitely pull out of the site if this and future conflicts are not handled constructively. You are keen to see the development of a clear grievance mechanism with your involvement.

Make a plan in your group as to:

- Who will play what role in your group and how?
- What type of process would help the community raise the complaint in a more timely way? What would be the steps and the principles?
- What key recommendations would you make to the community to make sure such conflicts do not escalate again?

Village elders/leaders

After discussions with your subjects/members, you decided a long time ago to ask the elected natural resource management committee to be the decision-making body for the REDD+ project. You are now surprised that such a conflict has arisen as you have advised the livestock keepers many times to meet the committee, but it seems the situation has not been resolved. You have experience of dealing with grievances over resources and between households. You believe that new mechanisms may be over-complicated and create havoc. You would like any grievances to be raised in the traditional way.

Make a plan in your group as to:

- Who will play what role in your group and how?
- What type of process would help you raise your complaint in a more timely way? What would be the steps and the principles?
- What key recommendations would you make to the community to make sure such conflicts do not escalate again?

Monitoring and recourse: maintaining consent

Developing a grievance process

Why is a grievance mechanism important?

Establishing a grievance mechanism is an important part of monitoring the implementation of a REDD+ project. As the project is implemented, new issues emerge and circumstances change. The grievance mechanism helps identify those issues as they emerge and address them before they become full scale conflicts. This may eventually lead to 'recourse' in the sense that the agreement may need to be revisited.

It is inevitable that differences will occur in the implementation of the project based on different interpretations and perspectives. What may be minor from one party's point of view may be seen as critical from another.

The resolution generated from the grievance process may actually also identify alternative solutions that had not yet been integrated into the project or program, such as technical training.

It is worth noting that grievance and recourse measures are considered an essential part of REDD+ planning and implementation, and of the FPIC process. This is now a requirement for UN-REDD and FCPF[15].

What is the overall aim of a grievance process?

The overall aim of a grievance process is to restore consent. It offers an opportunity for REDD+ project holders and communities to find an alternative to external dispute resolution processes. The process is intended to include all parties, so it can be used either with a community concerned or between the parties in the REDD+ agreement, including the communities.

---

[15] Draft text for FCPF and UN-REDD R-PP template; feedback and grievance redress mechanism

Principles of designing a grievance process

Based on experience from other fields, the grievance mechanisms should consider:

- Cultural context: processes or mechanisms should be designed to take into account culturally appropriate ways of handling concerns
- Accessibility: The mechanism should be clear and understandable and can be accessed by all segments of the community at no cost
- Transparency and accountability: all parties must be held responsible for implementing the agreement

What sort of steps should be considered in a grievance mechanism

1. Publicize the mechanism so everybody knows how it works
2. Receive and register grievances (designated person to track and respond to grievances)
3. Review and investigate grievances (panel to hear and assess)
4. Develop resolution options, respond to grievances and close out
5. Monitor and evaluate (report at monitoring meetings)

A grievance mechanism should include a protocol for withdrawing consent if remedial action is not forthcoming.

What do indigenous peoples and communities need to know about grievance mechanisms?

- The grievance mechanism does not replace their right to take legal action
- They can also have a right to independent redress via a mediator, arbitrator, ombudsman or court
- Consent, once given, can be withdrawn under reasonable circumstances
- The agreed grievance process and where, when, and how to access it

5

Evaluating learning on FPIC for REDD+

WHAT CAN WE
DO TO UNDERSTAND
FPIC?

1. EXERCISE
2. EXERCISE
3. EXERCISE
4. EXERCISE

This learning block contains a variety of optional sessions that you can slot into different points in your learning process to assess the status of participants' knowledge, perceptions, and questions about FPIC. These sessions are useful as they provide feedback to you as a trainer regarding gaps or confusion over the concepts being covered. They can also be used to highlight where the participants envisage challenges or questions in the reality of field practice. They also provide an opportunity for the participants to digest, reflect, and frame what they have learned in a different way.

What did you see, hear, feel, and learn about FPIC?

Time:
40 minutes

Methods:
1. Individual reflection
2. Visualization
3. Group discussion

Materials:
1. Flipcharts.
2. Post-its or cards (four colors)
3. Markers

OBJECTIVES

At the end of the session participants:

- Have identified and visually shared their learning experience of FPIC through the course so far.
- Have raised key questions for trainers to address and integrate into adaptive course design.

PREPARATION

1. Explain that this session will focus on individual and group reflection of the learning process on FPIC.

2. Divide a flip chart into four spaces (by drawing a cross shape) and then draw one symbol in each quadrant for 'see' (an eye), 'hear' (an ear), 'feel' (a heart), and 'learn' (a hand).

3. Divide the participants into groups of four or five and give them a pre-prepared flipchart each with the same images used in the example earlier.

4. Explain that you would like the participants to think quietly about what they have seen, heard, felt, and learned during the training process on FPIC so far.

5. Explain that they should draw these (images, not words) on a post-it. Explain that each person should draw at least one picture for each quadrant. If they have time, they can add more. Give them 15 minutes to think and draw. Explain they can use symbols if they do not like to draw.

6. After 15 minutes, ask them to place their drawings in the quadrant and give them 10 minutes to analyze their drawings, thinking about how they will present them to the whole group.

7. Ask each group to present their visual learning journey. After they have finished, identify any key issues or questions that emerge.
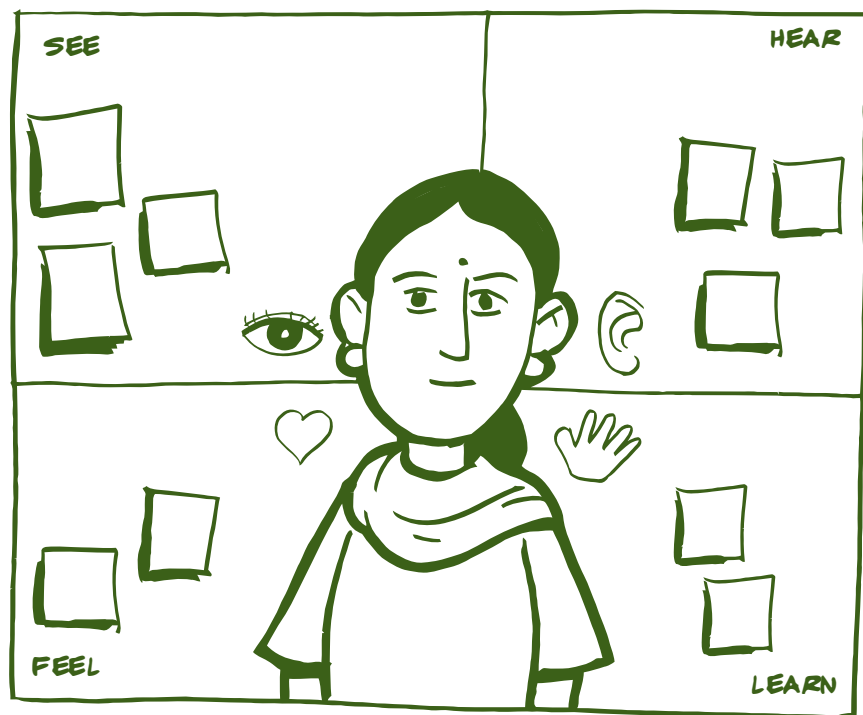
TRAINER'S NOTES

This session is a useful and fun feedback session. The visualization process forces people to think beyond the usual feedback terms and build up poignant pictures of learning journeys, which may bring unexpected responses that can be useful to the trainer.

26 | The four Cs of FPIC

Time:
1 hour

Methods:
1. Four C's framework
2. group discussion

Materials:
1. Flip charts, markers
2. post-its (four different colors)

OBJECTIVES

At the end of the session participants:

- Have identified and shared their current perceptions and/or learning so far on components, characters, characteristics, and challenges of FPIC for REDD+.
- Have identified how their perceptions relate to the course design and their own learning process.

STEPS

1. Kick off the session by explaining that it will focus on scoping out current experience and ideas about FPIC for REDD+. Explain that the methodology to be used is deliberately designed to 'unstick' a participant from a fixed mindset by exploring what other people think within a tight timeframe. Emphasize that sometimes, ideas we have not thought about come out during a fast process.

2. Divide the participants into four random groups. Post a flip chart with the 4 Cs framework on the board or wall. Explain the meaning of 4 Cs (components, characteristics, characters and challenges).

3. Give each of the four groups one of the Cs (components, characteristics, characters, or challenges). Explain that they are going to have to work very quickly in this exercise. Give each group a different color of post-its.

4. Tell them that they are going to use the 4 Cs framework to assess the group's understanding on FPIC for REDD+. Each group will have to interview and get answers on post-its from another group with regard to their 'C'. They will be given three minutes to make a plan, five minutes to conduct interviews with other group members, and three minutes to analyze their findings. They should do this by clustering similar issues and using a clear, self-explanatory heading.

5. Before you start the process, strongly suggest to participants that they write down any of the answers they get during their interviews directly on post-its (one idea on one post it), as this will make the analysis easier for them and save time.

6. Start off the process by reminding the participants of the time. For this method to be successful, it is critical that you do not allow them more time as you do not want them to get into deep discussions.

7. After they have completed the exercise, ask each group to visit the others' flip charts. After all the groups have done so, analyze their results and give each group three minutes to respond to questions and facilitate a discussion around each C.

   At the end of the sharing, ask the participants the following reflection questions:

   - *How did you feel doing the exercise?*
   - *Did anything surprise you? Why?*
   - *Was there anything you really disagreed with? Why?*
   - *Have you discovered anything new about FPIC for REDD+?*
   - *How can this help us in thinking about FPIC for REDD+?*

8. Wrap up the session by explaining that this is a quick assessment to review what we know now about FPIC for REDD+ and will be built on systematically throughout the course. It also has initiated the sharing process, where we can already see how we will be able to learn from each others' experience throughout the course.

TRAINER'S NOTES

This session is designed to evaluate the learning of participants and assess their level of understanding, confusion, and perceptions on feasibility implementing FPIC (captured in challenges). It can also be used in an experienced group to assess current knowledge and pre-conceptions.

Some participants will resist the timeframe set at the beginning of the exercise, so it is important to explain the rationale behind the methodology and to keep strictly to the time. The value of the exercise is in the processing of the four quadrants.

For reference: examples of issues that may be raised in this exercise are as follows:

Components   (free, prior, informed, consent)
Characteristics   (iterative, participatory, complex, long-term, costly, risky/unrisky)
Challenges   (Non-recognition of rights, requires trust, requires capacity, lack of policy enforcement)
Characters   (rights holders, UN regulators, government, private sector, local people)
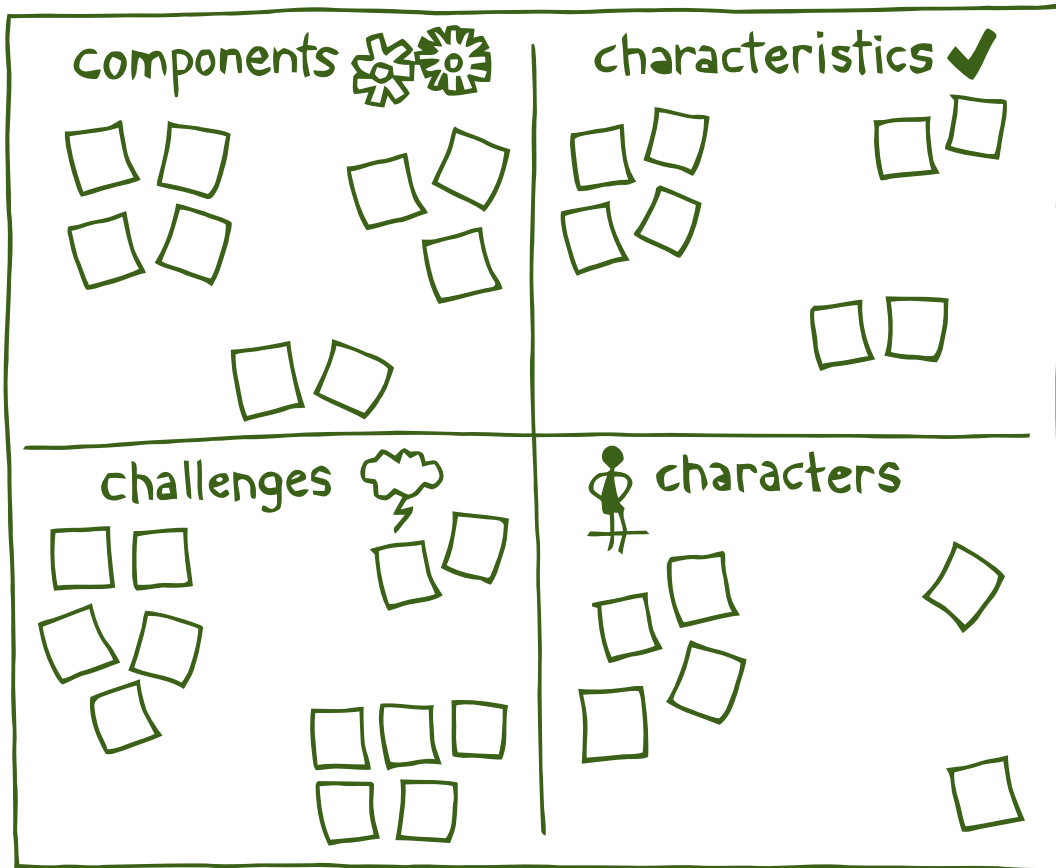
27 Challenges and best practice cards game

Time:
45 minutes

Methods:
Team game using cards

Materials:
1. Colored cards (one for each team) and at least one marker for each person
2. Masking tape
3. Pre-drawn flip chart as score board

OBJECTIVES

At the end of the session participants:

- Will have identified challenges that they expect to encounter with regard to navigating the roadmap of FPIC for REDD+ in their own contexts.
- Will have identified and adapted solutions that could be applied in response to challenges.
- Demonstrated to trainers a level of understanding of application of FPIC and emerging learning issues.

STEPS

1. Explain that having completed in detail the learning block for the application of FPIC for REDD+, you will now try to explore further how this will work in participants' own contexts or projects.

2. Explain that this session will use a team game approach for learning. Divide the group into two teams randomly: 1) Challenges and 2) Solutions.

3. Ask each team to give themselves a name that they can be called during the game for easy reference and for added motivation.

4. Give each team twice as many cards as there are team members. Each team should have different colored cards. Select one team to represent challenges of the FPIC process and one team to represent solutions.

5. Explain that they will have 15 minutes to write down their ideas. One idea, one card. The group that represents challenges should write down the most critical challenges they anticipate in implementing FPIC in the form of a question. Give them an example: *"How can we ensure inclusion of marginal groups?"* The second team at the same time should be anticipating the challenges or questions the first team will come up with and write down solutions or

elements of best practice of FPIC that could be useful in addressing challenges. (Note: the second team is anticipating what the first group is generating, based on their own ideas of the challenges.) Tell each group to keep their cards hidden from the other. Do NOT explain the rules of the game at this stage as otherwise the groups will manipulate their own cards thinking it can be in their favor.

6. After the 15 minutes are up, explain the rules of the game. Explain that each team will take alternate turns to post a challenge or a solution. Prepare the white board and masking tape to make sure that process goes smoothly.

7. After a team has posted a challenge or solution, another team has to match it from their cards. If they can match from their existing cards, the response team gets two marks. In case there is no match, the response team can take one minute to formulate a new card (either challenge or solution) and if agreed as matched by an independent judge (the trainer), they will get one mark. If they are unable to come up with a match, it is thrown to the other team who are also given two minutes to match their own card. If they can, they are awarded one mark. If they cannot, they are deducted one mark. The trainer or an independent observer can keep the score.

8. Let the game run until all the original cards of the teams have been pasted and matched as far as possible. If there are cards remaining, try to clarify the challenge or solution yourself as a trainer. At the end, count the score and announce the winner for a reward.

9. Reflect briefly on the exercise by asking the teams:

   ▪ *How did you feel during the game? Why?*
   ▪ *What do you think was easier, challenges or solutions, and why?*
   ▪ *How do you think this game relates to the experience and practice of FPIC for REDD+? (Anticipate challenges through best practices, prevent problems through preventive actions, seeing challenges as an opportunity not a constraint, not necessarily one solution for every situation, different sites present different challenges so FPIC needs to be an adaptive process with changing solutions)*
   ▪ *What does this game tell us about the future of FPIC for REDD+? (An organic process evolving with experience of implementing REDD+)*

10. Wrap up the session by emphasizing that this game was designed to stimulate thinking about responding to challenges and how best practice of FPIC can prevent some of those challenges from emerging.

TRAINER'S NOTES

This game intends to build energy in the group and excitement about their knowledge of the process. As a trainer facilitating the team game, you will need to keep the momentum of the game going using a stop watch and a bell or another similar tool to make the game more real!

Annexes

Detailed session-based training design scenarios

Day One	Day Two	Day Three	Day Four	Day Five	Day Six
▪ Make your own FPIC Facebook page (LB*1) ▪ Introducing your training (LB1) ▪ What is REDD+? (LB1)	▪ Self-determination (LB3) ▪ Why FPIC for REDD+? (LB 1)	▪ What is informed? (LB2) ▪ What is consent? (LB2)	▪ Scoping FPIC (LB5) ▪ Overview of FPIC elements (LB4) ▪ Recognizing rights holders (LB3)	▪ What did you see, hear, learn? (LB5) ▪ Effective communication (LB3) ▪ Developing a process for FPIC (LB4)	▪ Challenges game (LB5) ▪ Verification of consent (LB 4)
▪ What is FPIC? (LB1) ▪ FPIC for what and whom? (LB1)	▪ What is free? (LB2) ▪ What is prior? (LB2)	▪ Obligation mechanisms for FPIC (LB 1) ▪ Understanding tenure (LB3)	▪ Selecting appropriate decision-making institutions (LB4) ▪ Participatory decision making (LB3)	▪ Monitoring what has been agreed (LB4) ▪ Developing a grievance process (LB4)	▪ Self assessment of own field context and action planning (LB 5)

(Note: Some sessions on facilitation skills and tools could also be integrated into such a course)

* Learning Block

175

Option 2: One-off two day overview training for project managers/REDD+ proponents

Day One	Day Two
▪ Introducing your training (LB1) ▪ Why consent? (LB1) ▪ Obligation mechanisms for FPIC (LB1)	▪ Scoping FPIC (LB5) ▪ What is informed? (LB2) ▪ What is consent? (LB2)
▪ FPIC for what and whom? (LB1) ▪ What is free? (LB2) ▪ What is prior? (LB2)	▪ Overview of FPIC elements (LB4) ▪ FPIC self assessment and action plan

(Note: If managers are from a specific site, the session on analyzing risks and benefits can be done for their own site)

Option 3: Two-part 8 day sandwich training with field learning and coaching for FPIC facilitators

First Training Workshop

Day One	Day Two	Day Three	Day Four
▪ Make your own FPIC Facebook page (LB1) ▪ Introducing your training (LB1) ▪ What is REDD+? (LB1)	▪ FPIC for what and whom? (LB1) ▪ Why FPIC for REDD+? (LB1)	▪ What is informed? (LB2) ▪ What is consent? (LB2)	▪ Scoping FPIC (LB5) ▪ Overview of FPIC elements (LB4)
▪ Why consent? (LB1) ▪ Self-determination (LB 3) ▪ What is FPIC? (LB1)	▪ What is free? (LB2) ▪ What is prior? (LB2)	▪ Obligation mechanisms for FPIC (LB1) ▪ Understanding tenure (LB3)	▪ Recognizing rights holders (LB 3) ▪ Self-assessment and fieldwork action planning (LB 5)

Second Training Workshop (sandwich with field learning on identifying rights holders in their own REDD+ site)

Day One	Day Two	Day Three	Day Four
▪ What did you see, hear, feel, learn? (focus on field experience) (LB5) ▪ Review and sharing of rights holders (focus on field experience/sharing)	▪ Developing a process for seeking and obtaining consent (LB4) ▪ Integrating the process into your own project design (add your own context to previous session)	▪ Monitoring what is agreed (LB4) ▪ Developing a grievance mechanism (LB4)	▪ Challenges game (LB5) ▪ Action planning
▪ Selection of appropriate decision making institutions (LB4) ▪ Participatory decision making (LB3)	▪ Effective communication (LB3)	▪ Verification of consent (LB4)	▪ Presentation and feedback on action plans

(Note: Some of the experience-sharing sessions for reflecting on fieldwork can be adapted from manual)

Option 4: One-off two day training for communities

Day One	Day Two
• Introducing your training (LB1) • Why consent? (LB1) • What is REDD+? (LB1) • Self-determination (LB3)	• What did you see, hear, feel, learn? (LB5) • FPIC roadmap (LB4) Annotated information resource guide (references and websites)
• Obligations to respect the right to FPIC • Unpacking FPIC (Free, Prior, Informed, Consent)	• Developing a process for seeking and obtaining consent; what the community needs to know • Overview of FPIC elements (LB4)

(Note: Sessions will need heavy adaptation to use with communities. Refer to Handouts to see what communities specifically need to know for each step in the roadmap)

Option 5: Multi-stakeholder Field Learning Process

Day One (communities and other stakeholders in separate groups)	Day Two (communities and other stakeholders in separate groups)	Day Three (all groups together)
• Why consent? (LB1) • What is REDD+? (LB1) • Obligations to respect the right to FPIC	• Overview of FPIC elements • Developing a process for seeking and obtaining consent; what the community needs to know	• Community presentation on concerns and proposed points of consent
• Unpacking FPIC (Free, Prior, Informed, Consent) (LB2; adapt to appropriate group)	• Identifying rights holders and preparing for site level interaction (adapt to specific field situation)	• Practical development of consent process with 3rd party facilitator

(Note: Experienced facilitation is required for this process and adaptation of sessions is essential to link with site situation. It is critical to prepare communities in advance and independently of other stakeholder groups.)

Annotated information resource guide (references and websites)

Web and written resources for further inspiration and reading

On FPIC and stakeholder engagement for REDD+

Title	Notes	Web Link
Free, Prior, Informed Consent: Principles and Approaches for Policy and Project Development: The Center for People and Forests (RECOFTC and GIZ). Anderson (2011)	This is one of the only guides on FPIC specifically for REDD+. It elaborates many of the key elements and gives examples from across the world to support your learning	http://www.recoftc.org/site/resources/Free-Prior-and-Informed-Consent-in-REDD-.php
Guide to Free Prior and Informed Consent: Oxfam	This guide was written especially for the community and grass roots groups and clearly explains the right to FPIC from a community perspective to any development project	http://www.culturalsurvival.org/news/none/oxfam-guide-free-prior-and-informed-consent
Draft guidelines for stakeholder engagement for REDD Readiness (May 2011). UN-REDD and World Bank FCPF.	This is a useful document to give you a flavor of the current thinking of the REDD Readiness brigade on FPIC. It is subject to change and is likely to be updated many times before its final.	http://www.forestcarbonportal.com/resource/guidelines-stakeholder-engagement-redd-readiness
Smoke and Mirrors: a critical assessment of the Forest Carbon Partnership Facility May 2011. Dooley et al	A useful evaluation and critical perspective on the willingness of World Bank to call for respect for the right to FPIC	http://www.forestcarbonportal.com/resource/smoke-and-mirrors-critical-assessment-forest-carbon-partnership-facility
Free, Prior and Informed Consent: Making FPIC work for forests and peoples: The Forests Dialogue (TFD).	The Forest Dialogue has several useful sets of materials developed from their dialogues in different countries. A useful source of case studies especially from Indonesia.	http://environment.yale.edu/tfd/dialogue/free-prior-and-informed-consent/
United Nations Declaration on the Rights of Indigenous peoples	Original declaration text. Useful reference to understand the context of FPIC specifically for Indigenous peoples	http://www.un.org/esa/socdev/unpfii/en/drip.html
Forests People Programme	Useful website to update yourself on local and indigenous peoples views towards REDD+ and their progress in their right to FPIC being respected	http://www.forestpeoples.org

On REDD+ and carbon

Title	Notes	Web Link
The Little REDD Book	Useful handbook approach to explaining REDD+ and surrounding issues	http://www.theredddesk.org/redd_book
COP16 Agreement on REDD+: An Official UNFCCC Text	Useful reference material if you would like to know more about how Cancun defined the current dialogue. Official take	http://unfccc.int/meetings/cop_16/items/5571.php
REDD Monitor	Very useful website that is extremely critical of REDD+ and often raises critical questions with news from the field. This website does not present the most balanced view, but definitely raises critical issues.	http://www.redd-monitor.org
REDD net	Useful learning platform with a number of basic explanations, texts, and new papers shared and written linking CF and REDD+	http://www.redd-net.org/

On participation and learning methodologies

Title	Notes	Web Link
Facilitator's Guide to Participatory Decision-Making, New Society Publishers, Canada, 1998 Sam Kaner	Very useful book presenting the key values of participatory decision making	
Toolbox for enhancing stakeholder participation in policy making. FAO. 2010. Peter O'Hara	Useful manual with some great methodologies that can be adapted to many contexts. Especially useful if you would like to do a tailor-made, field-based training focusing on your own project.	http://www.fao.org/docrep/014/i1858e/i1858e00.pdf
The Art of Building Facilitation Capacities. RECOFTC. Braakman and Edwards (2002)	A manual that may help you to think about what type of skills your training team need to further develop. If you are training trainers in FPIC, you may want to consider integrating some of these sessions.	
Gamestorming: A Playbook for Innovators, Rulebreakers, and Changemakers. Dave Grey, Sunni Brown & James Macanufo (2011)	Recent book that collates many different tools to facilitate discussions and learning. Some have been adapted in the training sessions in this manual	http://www.amazon.com/Gamestorming-Playbook-Innovators-Rulebreakers-Changemakers/dp/0596804172
Visual Meetings: How Graphics, Sticky Notes and Idea Mapping Can Transform Group Productivity. David Sibbet (2010)	Useful ideas on how to visualize meetings and ideas. In mixed groups with differential power, visualization can be a must.	

Glossary

Additionality	In the context of a carbon offset project, additionality is the reduction in greenhouse gas emissions in addition to what would have resulted in the absence of the project.
Afforestation	Developing a forest on land that has not been forested in recent times.
Consent	The decision made by the community with a clear and full agreement to or approval of the proposed REDD+ activity or project development. It requires that the people involved in the project allow indigenous peoples and local communities to say "yes" or "no" to the project and at each stage of the project, according to the decision-making process of their own choice.
Deforestation	The removal of a forest or stand of trees where the land is thereafter converted to a non-forest use. Examples of deforestation include conversion of forestland to agriculture or urban use.
Forest degradation	Occurs when the structure or function of a forest is negatively affected, reducing the ability of the forest to provide services or products.
Free	The consent made without force, intimidation, coercion, or pressure by anyone (be it a government, company, or any organization).
Informed consent	The consent made with full disclosure and having all the information available, reflecting all views and positions in appropriate languages and formats that recognize the unique and diverse indigenous and local governing structures, laws, cultures, and customs.
Reducing Emissions from Deforestation and Forest Degradation (REDD)	An initiative to cut greenhouse gas emissions due to forest loss or damage by the inclusion of forest-related mitigation measures in carbon market mechanisms.
REDD+	"An effort to create a financial value for the carbon stored in forests, offering incentives for developing countries to reduce emissions from forested lands and invest in low-carbon paths to sustainable development."(UN-REDD, 2011)
Reforestation	The human-induced reestablishment of a previously-cleared forest. According to UNFCCC guidelines, reforestation can be performed on areas which were cleared no later than 31 December 1989.

Rights holder	Individual person or group of people within a social, legal, or ethical entitlement to the area that are eligible to claim rights (UNDP, 2011)
Prior	Sufficient and appropriate time without constraint to allow for information gathering through indigenous and local analysis and discussion, including translations into local languages for supporting seeking consent.
Self-determination	The power or ability to make a decision for oneself without influence from outside, the right of a nation or people to determine its own form of government without influence from outside.
Stakeholder	A person, group, organization, or system with an interest who affects or can be affected by an organization's or projects actions
Tenure	A variety of arrangements that allocate rights to, and often set conditions on, those who hold land and resources. Tenure regulates access to and use of resources.
United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)	Sets out the individual and collective rights of indigenous peoples, including their rights to culture, identity, language, employment, health, and education. It emphasizes their rights to maintain and strengthen their own institutions, cultures and traditions, and to pursue their development in keeping with their own needs and aspirations. It prohibits discrimination against indigenous peoples, and promotes their full and effective participation in all matters that concern them, including the right to give or withhold their Free, Prior, and Informed Consent to planned developments that may affect them.
United Nations Framework Convention on Climate Change (UNFCCC)	An international environmental treaty with the objective to stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous human-induced climate change.
Verification	Checking or validating whether consent has really been sought according to principles of FPIC. This would normally require someone who is independent to check rather than the project proponent themselves.

Acronyms

CBFM	Community-Based Forest Management
CCB	Climate, Community, and Biodiversity Standards
EIA	Environmental Impact Assessment
FCPF	Forest Carbon Partnership Facility of the World Bank
FPIC	Free, Prior, and Informed Consent
FSC	Forest Stewardship Council
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
GRM	Grievance and review mechanism
IGES	The Institute for Global Environmental Strategies
KFCP	The Kalimantan Forests and Climate Partnership
MoU	Memorandum of Understanding
MRV	Measuring, Reporting, Verification
NGO	Non-government organization
NORAD	The Norwegian Agency for Development Cooperation
NRM	Natural Resource Management
PRA	Participatory Rural Appraisal
RECOFTC	Regional Community Training Center for Asia and the Pacific, or The Center for People and Forests
REDD+	Reducing Emissions from Deforestation and Forest Degradation
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNFCCC	United Nations Framework Convention on Climate Change
VCS	Voluntary Carbon Standard