

Free, Prior and Informed Consent for REDD+ in the Asia-Pacific Region: Lessons Learned



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The UN-REDD Programme is the United Nations collaborative initiative on Reducing Emissions from Deforestation and forest Degradation (REDD+) in developing countries. The Programme was launched in 2008 and builds on the convening role and technical expertise of the Food and Agriculture Organization of the United Nations (FAO), the United Nations Development Programme (UNDP) and the United Nations Environment Programme (UNEP). The UN-REDD Programme supports nationally-led REDD+ processes and promotes the informed and meaningful involvement of all stakeholders, including indigenous peoples and other forest-dependent communities, in national and international REDD+ implementation.

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List of Acronyms

CBD	Convention on Biological Diversity
CERD	Convention on the Elimination of all Forms of Racial Discrimination
FAO	Food and Agriculture Organization
FCPF	Forest Carbon Partnership Facility
FMU	Forest Management Unit (Indonesia)
FPIC	Free, Prior and Informed Consent
GIZ	German Society for International Cooperation
ICC	Indigenous Cultural Community
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labour Organization
NCIP	National Commission for Indigenous Peoples (Philippines)
NGO	Non-Governmental Organization
RECOFTC	Center for People and Forests
REDD+	Reducing Emissions from Deforestation and forest Degradation in developing countries and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks
R-PP	Readiness Preparation Proposal
UNDG	United Nations Development Group
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNEP	United Nations Environment Programme
UNFCCC	United Nations Framework Convention on Climate Change
UN-REDD	United Nations Collaborative Programme on Reducing Emissions from Deforestation and forest Degradation in developing countries

Summary

The interpretation and application of the principle of free, prior and informed consent (FPIC) is still evolving and continues to present both opportunities and challenges for those countries that are preparing to engage with REDD+. Given that many countries are still at a very early stage of understanding what FPIC is and how it can be integrated into their national REDD+ strategies, it is timely for countries to share their experiences with one another in order to facilitate learning on FPIC.

The main purpose of this Report is to share some recent lessons learned on FPIC for REDD+, based on the emerging experiences of the UN-REDD Programme partner countries in the Asia-Pacific region. The Report draws significantly on the proceedings of the Second UN-REDD Programme Regional Workshop on FPIC Shared Learning (hereafter referred to as the 'Regional Workshop on FPIC') held in Bogor, Indonesia, from 19 – 20 April 2012.

Section 1 provides an understanding of why FPIC is important to REDD+ and the legal principles that underpin it.

Section 2 of the Report offers an overview of the status of FPIC activities in the UN-REDD Programme partner countries in the Asia-Pacific region. Of these countries, two have direct experience with piloting FPIC processes for REDD+: Indonesia (in Central Sulawesi province) and Viet Nam (in Lam Dong province).

Section 3 provides a description of some of the lessons learned from these two pilots.

Section 4 identifies some observations concerning early attempts of countries to develop national and sub-national FPIC guidelines, and provides a suggested process for countries to follow.

Section 5 describes the lessons emerging from early attempts to operationalize FPIC in REDD+. It also contains some observations from discussions during the Regional Workshop on FPIC, such as how to explain REDD+ to low literacy communities, the importance of documenting the whole FPIC process, and the need for effective grievance mechanisms.

The Report concludes with Section 6, presenting three recommendations for future action on FPIC by the UN-REDD Programme, namely:

- To develop an FPIC Toolbox;
- To make specific assistance available to help countries develop their FPIC processes;
- To develop the business case for FPIC.

1. Introduction

Free, prior and informed consent is a principle based on the collective right of communities to participate in decision-making and to give or withhold their consent to activities affecting their lands, territories and resources or rights in general. Consent must be freely given, obtained prior to implementation of activities and be founded upon an understanding of the full range of issues implicated by the activity or decision in question; hence the formulation: free, prior and informed consent¹.

FPIC applies to REDD+ discussions regarding potential changes in resource management that could impact the livelihoods of indigenous peoples and other forest-dependent communities. Under these circumstances, consistent with international human rights instruments and other treaty obligations, potentially impacted peoples have the right to participate in and consent to or withhold consent from a proposed action. FPIC applies to proposed actions (e.g. decisions, activities, projects, etc.) that have the potential to impact the lands, territories, and resources upon which indigenous peoples depend for their cultural, spiritual and physical sustenance, well-being, and survival².

The specific mandate and obligation for States, the UN and its programmes to respect, protect, and promote the right to FPIC, particularly in the case of indigenous peoples, is affirmed in numerous international and regional instruments - both expressly in the texts, and as arising from the State duties and obligations with respect to other rights as affirmed by the decisions of the human rights bodies authorized to interpret these instruments³.

In the context of REDD+, although the term “FPIC” is not expressly referred to in either the body of the decision on REDD+ in the United Nations Framework Convention on Climate Change (UNFCCC) Cancun Agreements or in its Appendix containing the safeguards⁴, the principle of FPIC is addressed indirectly because the text of the safeguards “note[s]” that the General Assembly has adopted the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), which sets out the right to FPIC. Further, the application of FPIC is a means to meet the UNFCCC Cancun Agreements’ requirement of countries to promote and support “respect for the knowledge and rights of indigenous peoples and members of local communities” and to ensure “the full and effective participation of relevant stakeholders, inter alia, indigenous peoples and local communities” (UNFCCC Cancun Agreements, paras. 69 and 72; and Appendix I, paras. 2(a), (c) and (d)).

Recognizing the critical role of indigenous peoples and other forest-dependent communities to the long-term sustainability and effectiveness of REDD+, the UN-REDD Programme has prioritized stakeholder engagement and the principle of FPIC as a key component, from its inception. Following a series of extensive consultations with

1 Colchester and MacKay (2004).

2 CIEL (2010).

3 Including, for example: the Convention concerning Indigenous and Tribal Peoples in Independent Countries (ILO No. 169); the Convention on Biological Diversity (CBD); the International Covenant on Civil and Political Rights (ICCPR); the International Covenant on Economic, Social and Cultural Rights (ICESCR); the Convention on the Elimination of all Forms of Racial Discrimination (CERD); the UNDRIP; the African Charter on Human and Peoples Rights (Banjul Charter); the American Convention on Human Rights and the American Declaration on the Rights and Duties of Man; and the United Nations Development Group (UNDG) Guidelines on Indigenous Peoples Issues.

4 UNFCCC Cancun Agreements decision on REDD+.

indigenous peoples' and civil society representatives⁵, the UN-REDD Programme has developed Guidelines on Free, Prior and Informed Consent⁶, which outline the normative, policy and operational framework for UN-REDD Programme partner countries to apply the principle of FPIC.

As more UN-REDD Programme partner countries develop their national approaches to REDD+, a few are gaining direct experience with piloting FPIC in REDD+ (e.g. Indonesia and Viet Nam), while demand is increasing from others who are seeking more knowledge and guidance in relation to FPIC.

The purpose of this Report is to share the recent lessons learned on FPIC for REDD+ in the Asia-Pacific region based on these emerging experiences. It also seeks to make brief recommendations for further action by the UN-REDD Programme on FPIC.

This Report draws significantly on the proceedings of the Regional Workshop on FPIC. This workshop was attended by nearly 80 participants from 14 partner countries across the Asia-Pacific region and 2 partner countries from the Latin America and Caribbean region, including both government representatives and representatives from indigenous peoples' and civil society organizations⁷. In addition to the workshop proceedings, the Report also draws on personal interviews with participants attending the workshop, as well as a review of the Readiness Preparation Proposals (R-PPs) and National Programme Documents from each of the countries.

This Report does not seek to revisit the material which is covered in the UN-REDD Programme Guidelines on Free, Prior and Informed Consent or other publications⁸. Rather, it seeks to build on existing FPIC material by analyzing some emerging issues and identifying the challenges arising from early attempts to operationalize FPIC in the context of REDD+.

The views expressed in this Report are those of the author and do not represent the views of the UN-REDD Programme or its partner countries.



5 The UN-REDD Programme Guidelines on FPIC are based on: recommendations received during three regional consultations on FPIC, held in Viet Nam (June 2010), Panama (October 2010), and Tanzania (January 2011); feedback received from stakeholders and experts on FPIC; and recommendations received during a FPIC Experts Workshop held in Geneva (February 2012).

6 The UN-REDD Programme Guidelines on Free, Prior and Informed Consent are available here: http://www.unredd.net/index.php?option=com_docman&task=cat_view&gid=2648&Itemid=53

7 Participants attended the Regional Workshop on FPIC from Bangladesh, Bhutan, Cambodia, Indonesia, Lao PDR, Malaysia, Mongolia, Myanmar, Nepal, Pakistan, Papua New Guinea, the Philippines, Solomon Islands, Sri Lanka, and Viet Nam, as well as Ecuador and Paraguay.

8 For an example see Anderson (2011).

2. Status of FPIC activities in UN-REDD Programme countries in the Asia-Pacific region

Each of the UN-REDD Programme partner countries in the Asia-Pacific region are at different stages in the development of their FPIC processes for REDD+. Table 1 provides an overview of the current status of FPIC experience in each partner country, including some activities which are not taking place directly under the UN-REDD Programme.

Table 1: Status of FPIC activities in UN-REDD Programme partner countries in the Asia-Pacific region

Country ⁹	FPIC status*	FPIC activities
Countries receiving support through UN-REDD National Programmes		
Cambodia	3	Cambodia's main experience with FPIC and REDD+ to date is through the community consultation process undertaken for the Seima REDD+ Demonstration Project, which is supported by the Wildlife Conservation Society. There are no national or sub-national level FPIC guidelines.
Indonesia	1	Indonesia does not have any national FPIC guidelines. However, in conjunction with the UN-REDD Programme, the National Forestry Council (Dewan Kehutanan Nasional), an industry body, has prepared a set of national policy recommendations on FPIC. These were submitted to the National REDD+ Taskforce and the Ministry of Forestry in March 2011 ¹⁰ . In December 2011, draft sub-national FPIC guidelines ("Panduan") for Central Sulawesi, the pilot province for demonstration activities under the UN-REDD Programme, were prepared by the Provincial REDD+ Working Group. In March 2012, the draft FPIC guidelines were field-tested in two villages in Central Sulawesi, namely Lembah Mukti and Talaga village (see the description in Section 3.1). A second round of field testing was carried out in two villages near the Lore Lindu National Park in Central Sulawesi in October 2012, and the draft FPIC guidelines will be revised in response to these.
Papua New Guinea	2	Papua New Guinea has prepared draft national FPIC Guidelines. The draft guidelines have been subject to stakeholder consultation and were open for comment. It is expected that these guidelines will be field-tested in a pilot project once they have been endorsed by the National Climate Change Committee.
Philippines	1	The Philippines already has extensive experience with the FPIC principle because the right to FPIC is established under the <i>Indigenous Peoples' Rights Act of 1997</i> . The detailed process for how FPIC must be done is set out by Administrative Orders issued by the National Commission on Indigenous Peoples of which the latest is the Administrative Order No. 3 of 2012, known as the <i>Revised Guidelines on FPIC and Related Procedures</i> (from this point onwards referred to as the 2012 FPIC Guidelines) which replaced the national 2006 FPIC Guidelines. The revised 2012 FPIC Guidelines apply to REDD+ activities. In 2011, there were three reviews conducted simultaneously that looked into the past practices concerning the implementation of the 2006 FPIC Guidelines, with one review by an NGO specifically considering whether the past and current guidelines are sufficient to protect the rights of indigenous peoples in the context of REDD+ (see Section 4.2 below).
Solomon Islands	3	The Solomon Islands Initial National Programme Document requires an FPIC process to be established (Output 2.2). This activity has not yet commenced. An FPIC manual is currently being prepared for a REDD+ pilot project in Choiseul province, supported by the NGO Live and Learn Environmental Education.

9 Note: Lao PDR was not a UN-REDD Programme partner country at the time that this analysis was conducted but has since joined as an official partner country.

10 See Dewan Kehutanan Nasional (2011).

Sri Lanka	4	Sri Lanka's R-PP proposes a detailed range of FPIC activities for the period 2012 – 2014 which include the development of national FPIC guidelines, pilot-testing of the guidelines, training on FPIC, and the establishment of a grievance mechanism. These activities have not yet commenced.
Viet Nam	1 ¹¹	Viet Nam has the most experience in conducting FPIC for REDD+ among the UN-REDD Programme partner countries in the Asia-Pacific region. In 2010 it became the first country to pilot FPIC activities at the district level with consultations covering a number of villages in Lam Dong province (see the case study in Section 3.2). As Viet Nam moves into Phase 2 of REDD+, it is now considering how to roll out FPIC on a national level. Viet Nam has not yet prepared national level FPIC guidelines.
Other UN-REDD Partner Countries		
Bangladesh	4	Bangladesh prepared a draft national REDD+ Roadmap in March 2012 which includes a proposal to develop national FPIC guidelines designed around traditional decision-making systems, to train extension workers as FPIC intermediaries, and to assess options for establishing an independent grievance mechanism for forestry and environmental issues.
Bhutan	5	REDD+ is still very new in Bhutan. In 2010 a scoping study ¹² was prepared on the feasibility of REDD+ in Bhutan and it is still considering whether to prepare a national REDD+ Roadmap. When designing its approach to FPIC, Bhutan may be able to draw on its experience with community forestry and the consultation processes set out in its Forest and Nature Conservation Act 1995.
Mongolia	4	Mongolia has prepared a draft national REDD+ Roadmap which includes an activity to prepare and pilot national FPIC guidelines. This activity has not yet commenced.
Myanmar	5	Myanmar became a UN-REDD Programme partner country in November 2011. It has not yet prepared a national REDD+ Roadmap.
Nepal	5	Nepal became a UN-REDD Programme partner country in October 2009. Nepal's R-PP (2010 – 2013), prepared for the Forest Carbon Partnership Facility (FCPF), states that it will respect the rights of local communities and indigenous peoples to FPIC, but does not propose any specific FPIC activities. Nepal is the only country in Asia to have ratified the International Labour Organization (ILO) Convention 169, which contains provisions for the right to free and informed consent. When designing its FPIC process, Nepal can draw on its considerable experience with community forest management and its existing Community Forestry Guidelines.
Pakistan	5	Pakistan became a UN-REDD partner country in June 2011. It does not yet have a national REDD+ Roadmap or any experience with FPIC. There are presently two voluntary REDD+ projects proposed in two provinces (Khyber Pakhtunkhwa and Azad-Kashmir).

*Key to numerical scale categorizing the level of progress in FPIC for REDD+ in countries analysed:

FPIC status Level of progress in FPIC

- 1 Has developed FPIC guidelines and/or has carried out some pilot FPIC activities
- 2 Has developed national or sub-national FPIC guidelines
- 3 Is carrying out preparatory activities for FPIC
- 4 Has identified specific FPIC activities in its National Programme Document or R-PP
- 5 Has yet to initiate any FPIC activities

11 Although Viet Nam has carried out FPIC pilot activities in Lam Dong province, this activity was undertaken without FPIC guidelines, and to date Viet Nam is yet to develop national FPIC guidelines.

12 Van Noord (2010).

3. Case studies of FPIC pilots

Within the group of UN-REDD Programme partner countries in the Asia-Pacific region, two countries have direct experience with piloting FPIC for REDD+ activities under the UN-REDD Programme: Indonesia in the province of Central Sulawesi, and Viet Nam in Lam Dong province.

3.1 Central Sulawesi, Indonesia

Central Sulawesi is a province in Indonesia with a land area of 68,033 km² and a population of more than 2.6 million people (Map 1). It has forest cover of 4,394,000 hectares, about 65% of its total land area. Between 2003 and 2006, the average deforestation rate in Central Sulawesi was 118,744 hectares per year¹³.

Central Sulawesi was selected as the pilot province for demonstration activities under Indonesia's UN-REDD National Programme¹⁴. REDD+ activities will be carried out in 5 of the 10 districts within the province¹⁵. Indonesia's UN-REDD National Programme has identified two direct drivers of deforestation in the province, namely:

- Planned and unplanned forest conversion (plantations, mining and cocoa production); and
- Illegal logging and forest fires.

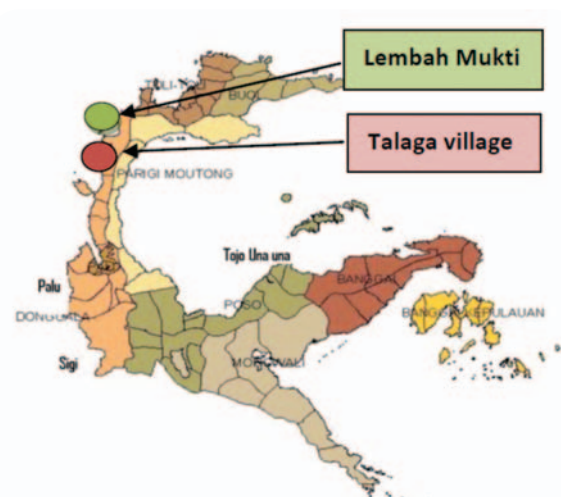
In December 2011, a Provincial REDD+ Working Group ("Pokja") produced a set of draft FPIC guidelines for Central Sulawesi ("Panduan").

During March 2012, the draft FPIC guidelines were piloted in two villages (see Map 2):

- Lembah Mukti village (which includes 5 sub-villages); and
- Talaga village.



Map 1: Location of Central Sulawesi province, Indonesia.



Map 2: Location of two FPIC trials carried out in March 2012 in Central Sulawesi province, Indonesia.

13 Ministry of Forestry (2008).

14 See the report, *Central Sulawesi's Readiness to Implement REDD+ after 2012*, Indonesia's UN-REDD National Programme. http://www.unredd.net/index.php?option=com_docman&task=doc_details&Itemid=&gid=6506

15 In May 2012, the Provincial Governor of Central Sulawesi endorsed five of the 10 districts in Central Sulawesi for REDD+ demonstration activities. These are: Donggala, Tolitoli, Sigi, Tojo Una Una, and Parigi Moutong.

Description of the FPIC process

The FPIC pilot used the following process:

- Communication materials were prepared, tested for effectiveness, and revised. These included banners, posters, brochures and calendars.
- A total of twenty facilitators were recruited from the two villages (5 from each village) and also from other nearby villages. The facilitators were trained on climate change, REDD+, and the FPIC process (negotiation and facilitation skills).
- An initial visit was made to each village to explain the REDD+ proposal, which was a forest rehabilitation proposal by the local Forest Management Unit (FMU).
- The facilitators then returned two weeks later to Lembah Mukti to hold workshops on the proposed forest rehabilitation (replanting) programme. They did not return to the other village, Talaga village – see the explanation below in Table 2.



Participant reports back to the Working Group on proposed consent conditions, FPIC Pilot, Lembah Mukti village.

What did the proposed forest rehabilitation programme involve?

The FPIC process was led by the Provincial REDD+ Working Group (“*Pokja*”) which sought to assist the local FMU to implement a forest rehabilitation programme. The programme proposed to replant areas of degraded forest with species which were of value to the local community, namely rubber (“*karet*”) and/or jabon, in return for the village carrying out forest conservation activities.

What was the outcome of the consultations?

The village consultations resulted in two very different outcomes:

Table 2: Outcomes of consultations in Lembah Mukti village and Talaga village

Lembah Mukti village	Talaga village
<p>The villagers of Lembah Mukti agreed to implement the forest rehabilitation programme proposed by the FMU, with a number of changes, such as: assistance to resolve boundary disputes, forest management training, and the provision of nutmeg and durian seedlings (see Summary below).</p> <p>Result:</p> <ul style="list-style-type: none"> ■ A Letter of Agreement was signed by the negotiators representing the village and the FMU (see the Summary of agreement). ■ A platform was established to manage complaints and feedback. 	<p>This village did not wish to consult on REDD+.</p> <p>An NGO, <i>Pokja Pantau</i>, had previously been to the village and told villagers that: “REDD+ will take the forest by force and will destroy the socio-cultural values of the community.”</p> <p>About 50% of the villagers grow cocoa, coffee and chilli and were concerned that REDD+ would stop them from entering the forest area.</p> <p>Result:</p> <ul style="list-style-type: none"> ■ The FPIC process was discontinued. ■ The NGO, <i>Pokja Pantau</i>, subsequently requested further consultation with the FMU and the UN-REDD Programme.

Summary of agreement between Lembah Mukti village and the Forest Management Unit

As a result of the negotiations, the original proposal by the FMU for forest rehabilitation changed significantly to incorporate the villagers' requests. The negotiators representing Lembah Mukti village and the FMU exchanged a Letter of Agreement (later sent to the FMU for approval) which set out 12 action points, some of which are described below.

The FMU agreed to:

- Assist to resolve the boundary of Lembah Mukti village and its surrounding villages, in conjunction with the village, sub-district and district administration;
- Help to clarify the status of private land owned by the village and the land owned by the FMU;
- Replant rubber and jaboran, including training on replanting and small-scale social forestry for the local community; and
- Provide nutmeg and durian seedlings to the villagers of Lembah Mukti.

In return, the members of Lembah Mukti village agreed to:

- Permit the FMU to carry out its replanting programme for rubber and jaboran;
- Immediately stop illegal logging activities;
- Establish regulations to prohibit poaching and address forest conservation and management; and
- Plant trees on steep slopes to reduce natural disasters.



Negotiators representing Lembah Mukti village and the Forest Management Unit exchange a Letter of Agreement following negotiations.

Summary of later meetings between the NGO Pokja Pantau and Indonesia's UN-REDD National Programme

Following the decision by Talaga village not to engage in consultations regarding REDD+, Indonesia's UN-REDD National Programme met with the NGO concerned, Pokja Pantau, on a number of occasions in June 2012, at the NGO's request. The purpose of the meetings was to exchange information and to clarify some misunderstandings about the role of the UN-REDD Programme (both with regards to its role at the global and national levels) and about REDD+. The NGO also presented their position on REDD+, including their concerns that adequate safeguards should be in place before REDD+ occurs, and the need for sufficient information to be given to the community on REDD+. Indonesia's UN-REDD National Programme also facilitated multi-stakeholder meetings between the NGO and other stakeholders.

Lessons learned from the FPIC pilot

Lessons learned and identified by Indonesia's UN-REDD National Programme from the FPIC pilot in Central Sulawesi include:

- The audience in the consultations should be segmented so that the most appropriate communication materials can be used for different members of the local community. For example, written materials will be more suitable for people with higher levels of literacy. In Lembah Mukti village, the comic books¹⁶ explaining the forest rehabilitation proposal were particularly popular.

¹⁶ These can be accessed at the UN-REDD Programme's Asia-Pacific Communications Resources site.

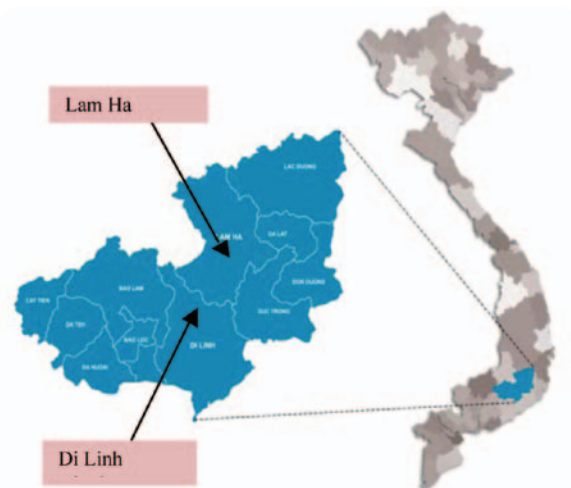
- FPIC guidelines are best tested in a location where there is a concrete proposal that requires community consent (see discussion of this issue in Section 5.1). In the case of Lembah Mukti village, it was the replanting programme proposed by the FMU. This can be contrasted with the FPIC pilot carried out in Lam Dong province, Viet Nam (described in Section 3.2 below), where villagers were asked generally if they agreed to proposed UN-REDD Programme activities, but a subsequent evaluation found that villagers did not really understand what was being proposed (see the explanation in Section 3.2 below).
- It takes time and repetition to communicate a REDD+ proposal effectively, which can be quite complex for a local community to understand. Using a concrete proposal, such as tree-planting, can be an easier way to explain a REDD+ project.
- Using trained facilitators from the village's own community can accelerate understanding because the process of building confidence between the facilitator and community is faster.
- Where a direct negotiation is involved (in this case, between the FMU and the village), a grievance mechanism should be established which includes a mediator who can resolve complaints during and after the discussion period.
- A community may refuse permission to engage in consultations, as happened with Talaga village. Where this occurs, this decision must be respected.

Indonesia's UN-REDD National Programme is currently undertaking a review of the first FPIC pilot carried out in March 2012 in Central Sulawesi, and carried out two further pilots in Central Sulawesi in October 2012. Following these pilots and their reviews, the draft FPIC guidelines for Central Sulawesi will be revised and then released for further public consultation. They will then be submitted to the government agency responsible for reviewing draft local regulations, after which they may be considered for formal adoption by the Provincial Government.

3.2 Lam Dong Province, Viet Nam

With the assistance of the UN-REDD Programme, Viet Nam was the first country to pioneer a REDD+ specific FPIC activity which focussed on district-level (rather than project-level) consultation¹⁷. The FPIC pilot took place in 2010 in two districts, Lam Ha and Di Linh, within Lam Dong province (Map 3).

Viet Nam has high rate of internal migration with approximately 53 minority ethnic groups, comprising approximately 16 million people. In Lam Dong province, there are 30 ethnic minority groups represented in the two pilot districts, of which only six are native to the districts, the others having moved from other parts of the country in the last generation. The ethnic majority group known as Kinh (ethnic Vietnamese) are also represented in Lam Dong province. The diversity of ethnic and linguistic groups created particular challenges to ensure effective communication and inclusion in the FPIC process.



Map 3: Location of FPIC pilot districts in Lam Dong province in Vietnam, and Lam Ha and Di Linh Districts.

¹⁷ A useful summary of the lessons learned from Viet Nam's early FPIC experience is set out in Vickers and Hang (2012).

Phased approach to FPIC

The FPIC process was implemented over a period of five months between January and June 2010 and covered 5,500 people in 78 villages. The village FPIC meetings were divided into three phases (first phase = 22 villages; second phase = 31 villages; third phase = 25 villages). This allowed the FPIC process to be reviewed and allowed lessons from earlier phases to be incorporated into revised procedures for later phases.

The FPIC activity itself was delivered by 24 FPIC facilitators, selected from 35 candidates, who all received training in climate change, REDD+ and FPIC techniques (see Section 5.3 for more details on the use of facilitators).

What was the outcome of the FPIC pilot?

The communities concerned gave their consent to Viet Nam's UN-REDD National Programme activities at the field level. The question actually posed to villagers during the consultations was: "Do you agree with the proposed UN-REDD Programme activities and want to participate in these activities?" with the relevant activities being indicated using a poster showing four field activities.

However, an independent review of the process shows that there was some level of confusion among villagers as to what the UN-REDD Programme was, and to what was actually being proposed, with the recollection of many villagers being that they gave their consent to "forest protection"¹⁸. This appears to indicate some of the difficulties involved in clearly explaining the role of the UN-REDD Programme in REDD+, as well as the difficulties in seeking consent for a programme of activities rather than for a concrete project or planning proposal.

Follow up work since FPIC pilot

The FPIC pilot in Viet Nam took place without national or sub-national FPIC guidelines and was based on guidance given by Viet Nam's UN-REDD National Programme. Viet Nam is now considering developing national FPIC guidelines as part of its proposal to support the right to FPIC for REDD+ from the national level, which in turn will form part of Viet Nam's implementation of Phase 2 of REDD+¹⁹.

As a result of a final workshop to evaluate the FPIC process in Lam Dong province, it was recommended that teams of village facilitators (note: these are different to FPIC facilitators) who are from each village (e.g. the village head, local people, etc.) who can develop a more detailed understanding of REDD+, be established. These people are now being trained by the FPIC facilitators on climate change and REDD+.

The UN-REDD Programme has also held four village meetings to obtain further feedback on the FPIC pilot process, including consultations on how to establish a grievance mechanism.

The feedback given included:

- The need for more discussion time;
- A desire not to have too many meetings;

18 In the independent evaluation of the FPIC pilot, 78% of people said that they did not comprehend the UN-REDD Programme; the remaining 22% said that the proposed programme concerned forest protection or generating cleaner air: See Tan et al (2010).

19 This is in line with a recommendation made by RECOFTC that Viet Nam develop national FPIC guidelines to guide future FPIC activities: See Tan et al (2010).

- A preference for individuals to vote rather than decisions being made by representatives; and
- The need for the grievance mechanism to cover the performance of the facilitator.

The whole FPIC process in Lam Dong was subject to an independent review by the NGO, RECOFTC²⁰.

Lessons learned from the FPIC pilot in Lam Dong province

Lessons learned from the FPIC pilot in Lam Dong province include²¹:

- Adequate time needs to be allowed for awareness raising. This issue was also raised many times during the Regional Workshop on FPIC. The concepts of climate change and REDD+ are complex and difficult to grasp, particularly for local officials and communities with less education.
- Adequate time must be given to absorb information and for internal discussion. There must be sufficient separation between the early visits to introduce the idea of REDD+ to the community and the time when they are asked to make a decision.
- Local FPIC events can be very time-consuming and complex. Local communities may tend to be distrustful of new initiatives and need time to absorb information. It is recommended that the same facilitator make at least 3 visits to a village before any decisions are made.
- Engagement with local authorities needs to be managed carefully and flexibly. There is a tension between engaging local authorities that may play a very visible role in negotiations, while at the same time ensuring that the consultation remains “free” (without coercion).
- Local facilitators are essential for effective awareness raising and discussion (see the discussion in Section 5.3).
- Documenting FPIC decisions can be challenging. Indigenous peoples and local communities may fear submitting written statements or signing documents, but relying solely on verbal agreements leaves open the possibility of future disagreements. A compromise may be needed.
- Managing the expectations of the community is important. Understandably, many villagers focus on short-term benefits and will ask: “when will we see some benefits?” and “how much?” Although consultations need to be “prior,” they should not be so far in advance of an activity that villagers lose trust and interest in a proposal.
- A grievance and review mechanism should be established at the outset. This was not done in the FPIC pilot in Lam Dong province and was an omission.



FPIC village facilitators talking to a community member during the FPIC pilot in Lam Dong province.

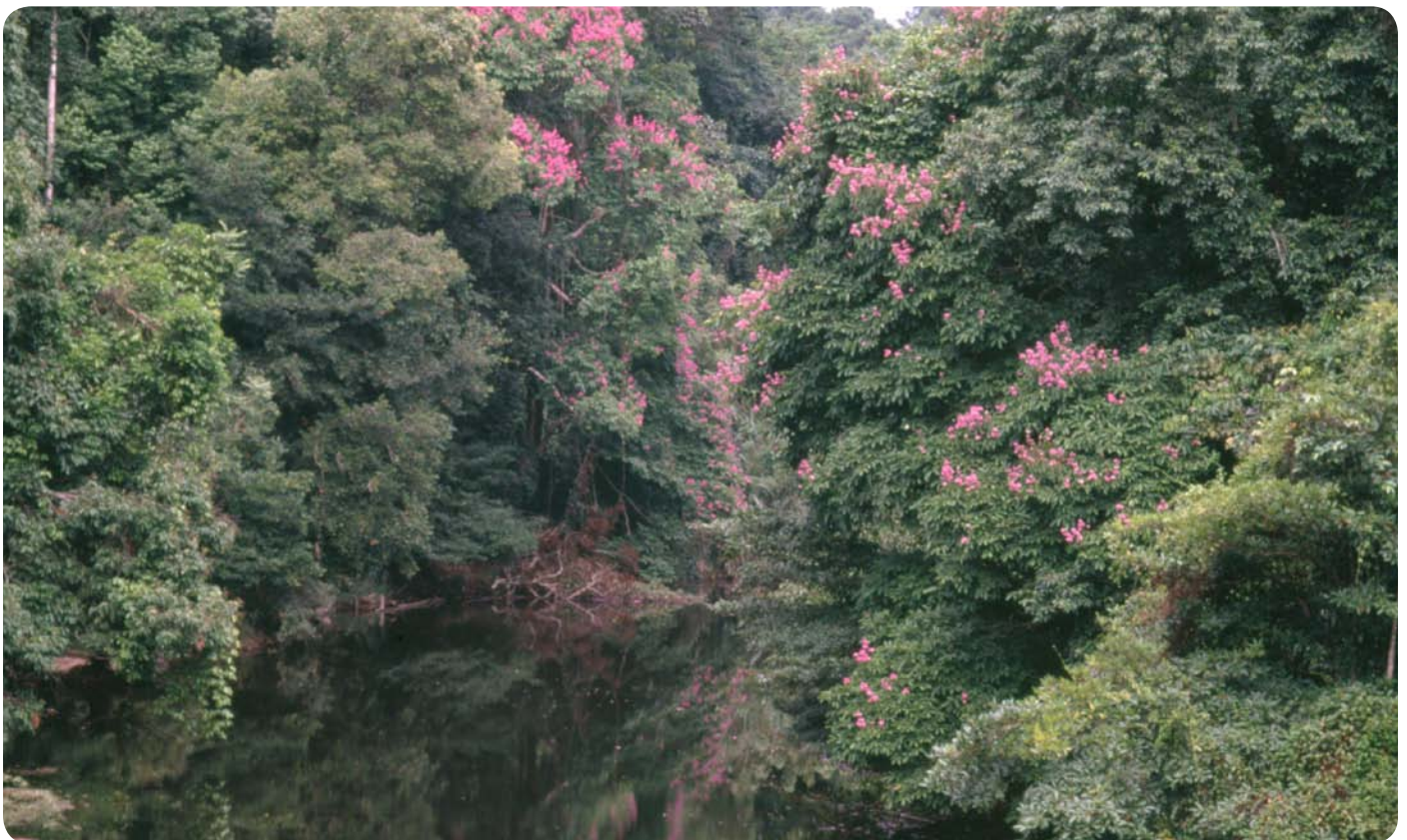
²⁰ See Tan et al (2010).

²¹ These lessons are set out in more detail in Fact Sheet on *Work on Free, Prior and Informed Consent in Viet Nam*, Viet Nam's UN-REDD National Programme.

Further information on the FPIC pilot in Viet Nam

Documents from the FPIC pilot in Viet Nam are available on *Viet Nam's UN-REDD National Programme website*²² and include:

- A full report by Viet Nam's UN-REDD National Programme on the FPIC pilot, *Applying the Principle of Free, Prior and Informed Consent in the UN-REDD Programme in Viet Nam*, August 2010, which contains a more detailed description of the lessons learned.
- An *independent evaluation of the FPIC pilot* by RECOFTC, which contains many useful observations and recommendations regarding the pilot²³.
- A *Manual for Interlocutors* (local facilitators) to conduct FPIC village consultation meetings, which contains: detailed information on climate change, REDD+ and the UN-REDD Programme activities to be carried out; guidance on the role of a facilitator in an FPIC process, covering areas such as cultural information on the K'Ho people; and guidance on how to organize discussion groups, deliver effective presentations and prepare reports of village consultation meetings.
- Examples of the communication materials used, such as posters, leaflets, and flyers.
- A review of Phase 1 of Viet Nam's UN-REDD National Programme, *Lessons Learned: Viet Nam's UN-REDD National Programme, Phase 1*²⁴, includes further analysis of lessons learned during the FPIC pilot.



²² <http://www.vietnam-redd.org/>

²³ This was carried out by RECOFTC, which was engaged by the UN-REDD Programme for this purpose. See Tan et al (2010).

²⁴ See Vickers and Hang (2012).

4. Developing national and sub-national FPIC guidelines: Lessons learned

This Section contains a number of observations and lessons learned which arose from the discussions and presentations given during the Regional Workshop on FPIC.

4.1 Countries need more assistance to develop FPIC guidelines

With the exception of Indonesia and Viet Nam, most UN-REDD Programme partner countries in the Asia-Pacific region are still in the early stages of Phase 1 of REDD+ in which they are developing their national REDD+ policies and strategies. As part of this REDD+ readiness process, countries are seeking to develop a national, or in some cases, sub-national, guidelines on FPIC, but are unsure of how to go about it and are looking for assistance.

This need could be met in a number of ways, such as:

- A UN-REDD Programme template or format which more clearly sets out a process that a country could follow to develop FPIC guidelines (see the example in Box 1).
- The UN-REDD Programme could create an FPIC Toolbox that countries seeking assistance could access. For example, the Toolbox could contain examples of FPIC guidelines from other countries, examples of communication materials, and a list of organizations and consultants with expertise in the area of FPIC (see the Recommendations in Section 6.1 below).

Box 1: Suggested steps for developing national and sub-national level guidelines

1. *Identify the relevant principles for the guidelines*
 - The country's international obligations;
 - Any obligations under national law.
2. *Identify any existing processes for consultation and consent concerning relevant stakeholders' land and land use planning or natural resource development, and analyze the strengths and weaknesses of these processes*
 - For example, are they being properly followed? Where is the existing system breaking down?
 - Are these systems effective in protecting the rights of indigenous peoples and other rights-holders?
3. *Develop first draft of FPIC guidelines*
 - Consider establishing a multi-stakeholder working group to do this. Undertake capacity building of working group members on FPIC, if necessary (this was a recommendation arising from the Central Sulawesi field test, see Section 3.1);
 - Include any actors which are likely to be involved in implementing the guidelines;
 - Ensure that there is a process of public consultation and validation by stakeholders on the guidelines.
4. *Field-test draft FPIC guidelines at a pilot site*
 - This should preferably be done where there is a concrete proposal that requires consent from the local community (see the case study on Central Sulawesi in Section 3.1 and Section 5.1).
5. *Independently evaluate the field test*
6. *Amend the draft FPIC guidelines, if necessary*
 - Undertake a validation process with all stakeholders.
7. *Consider how the FPIC guidelines could be formalized*
 - For example, by adopting the right to FPIC in legislation, and consider how the guidelines could be integrated into a broader regulatory scheme for REDD+.

4.2 Countries should first review existing consultation processes

One of the problems of using the new and unfamiliar term of “FPIC” is that people sometimes assume that FPIC is a completely new concept²⁵. For example, some participants in the Regional Workshop on FPIC did not initially understand that FPIC builds on other forms of consultation and participation (though set to a higher standard), and that they may already have existing requirements for consultation and consent in relation to natural resource development in their country (e.g. under environmental impact assessment guidelines or regulations) that they can draw from in order to inform the development of their FPIC processes for REDD+.

Related to this is the observation that, as an example of good practice, countries should review their existing consultation and participation frameworks as a preliminary step to preparing their national or sub-national FPIC guidelines for REDD+. This step is important in order to analyze the strengths and weaknesses of any existing process (e.g. are landowner processes for consent already in place? Are they working well or are they being undermined or subverted in some way?), and to assess how they might be improved to ensure the protection of indigenous peoples’ and local communities’ right to FPIC in REDD+. Box 2 contains an example from the Philippines where this type of analysis has been carried out.



Box 2: Case study – Policy reviews of existing FPIC processes in the Philippines

There are about 13 million people from Indigenous Cultural Communities (ICCs) and indigenous peoples’ communities in the Philippines, representing approximately 110 ethno-linguistic groups²⁶. The Philippines has had many years of experience with FPIC, mainly in the context of natural resource project-based development. Under the Indigenous Peoples Rights Act 1997, ICCs and indigenous peoples have the right to give or withhold their consent where their ancestral domains are concerned. Government agencies cannot issue any concession, lease or license over an ancestral domain area without obtaining the FPIC of the relevant ICCs and indigenous peoples (s. 59). The legal right to FPIC in the *Indigenous Peoples Rights Act* was supplemented by the national 2006 FPIC Guidelines which set out a detailed process for how the FPIC process must be undertaken.

Over 2011 and 2012, three separate policy reviews were undertaken into the adequacy of the 2006 FPIC Guidelines:

1. A government-led review, being conducted by the National Cultural Communities Committee of the 15th Congress, in response to a House Resolution 887 of 2011. This review looked into reports from affected ICCs and/or indigenous peoples’ communities of irregularities in the implementation of the 2006 FPIC Guidelines and provided policy recommendations for the review of the Guidelines;

25 This observation was also made in a recent review of Viet Nam’s UN-REDD National Programme in Vickers and Hang (2012).

26 Presentation given by Jonathan Adaci, Director, Ancestral Domains Office, National Commission of Indigenous Peoples, to the Regional Workshop on FPIC.

2. An NGO-led Policy Study on the Assessment of FPIC Implementation. This Study is looking specifically at whether the 2006 FPIC Guidelines are suitable for, and will constitute a sufficient safeguard for, indigenous peoples' rights under a national REDD+²⁷; and
3. An internal government-led review initiated by the National Commission on Indigenous Peoples (NCIP), the agency responsible for the implementation of the *Indigenous Peoples Rights Act*. This review led to the drafting of the revised 2012 FPIC Guidelines that took into consideration the recommendations from the reviews conducted by the National Cultural Communities Committee of the 15th Congress and the NGO-led Policy Study.

The policy reviews were triggered in response to reports concerning alleged irregularities in the implementation of the 2006 FPIC Guidelines and reported violations, ranging from the creation of fictitious tribal associations, possible collusion with proponents, to claims of outright corruption²⁸. The 2006 FPIC Guidelines have now been repealed and replaced by the *Revised Guidelines on Free and Prior Informed Consent and Related Processes of 2012* (NCIP Administrative Order No. 3, Series of 2012), which expressly state that they apply to "carbon trading and related activities" (s 19(i)).

The good practice point that this process raises for FPIC is that the development of national FPIC guidelines for REDD+ should be preceded by a thorough review of existing consultation and consent processes so that any shortcomings or weaknesses can be addressed in the design of new FPIC processes for REDD+.

4.3 Countries appear keen to formalize national-level FPIC guidelines

During the Regional Workshop on FPIC, a group exercise was carried out which discussed the question: are national FPIC guidelines always necessary? The overwhelming response from participants was yes, subject to some qualifications.

The main points from this discussion were that:

- National FPIC guidelines are necessary in order to standardize the principles and procedures for FPIC throughout the country. Credible national FPIC guidelines would also increase donor confidence.
- An important purpose of national FPIC guidelines is to minimize conflict stemming from different interpretations of what FPIC is and how it should be implemented.
- There should be some sort of legal or official recognition of national FPIC guidelines by the government concerned, otherwise people will not follow them. However, if national or sub-national FPIC requirements are made to be legally binding, they should also be broad enough to allow for flexibility at the local level.

27 Presentation given by Jonathan Adaci, Director, Ancestral Domains Office, National Commission of Indigenous Peoples, to the Regional Workshop on FPIC.

28 Presentation on *FPIC: The Philippine Experience*, given by Robeliza Halip, Researcher, Non-Timber Forest Products Exchange Programme, to Regional Workshop on FPIC.

5. Implementing FPIC: Lessons learned

The objective of this Section is to identify practical lessons learned on “how to do FPIC” based on the case studies and material presented at the Regional Workshop on FPIC.

5.1 Initiate FPIC processes only when there is a concrete proposal

FPIC processes should only be carried out when there is a concrete proposal for activities that should be subject to consent in accordance with the underpinning principles of FPIC. Carrying out an FPIC process without this context can lead to misinterpretations of what is being discussed and could ultimately undermine trust between communities and authorities. It is appropriate to carry out awareness raising activities and inform communities of their customary rights, including their right to FPIC, at earlier stages of REDD+, but this should only be linked explicitly to an FPIC process when there is a clear issue connected with the lands and resources of the communities concerned that would require their consent²⁹.

5.2 Use effective approaches for communicating REDD+

Communicating a complex concept such as REDD+ can be difficult where local communities with low literacy are involved. In order to explore this issue, participants in the Regional Workshop on FPIC were asked to identify the ways they have explained the concepts of climate change and REDD+ when working with low literacy communities. Some of the suggestions are set out in Table 3 below:

Table 3: Approaches to explaining climate change and REDD+ to low literacy communities

Approaches that DO work	Approaches that DON'T work
<ul style="list-style-type: none">■ REDD+ should be explained using language which is relevant to the livelihoods of the people concerned. This means, for example, explaining REDD+ in the context of resource and food security.■ Explaining REDD+ in the context of different approaches to forest management, e.g., pointing out familiarities with existing forestry programmes to demonstrate that REDD+ is not completely new.■ Asking participants to identify any changes in the local climate that they have noticed, and linking these to climate change and REDD+.	<ul style="list-style-type: none">■ Do not use examples of climate change impacts that are not relevant to the region. For example, describing the melting of glaciers may be relevant in Nepal, but is likely to be confusing if used in tropical countries.■ Don't use the term 'FPIC' if it is not clearly understood; more familiar terms such as consultation and participation can be used instead as long as it is made clear that the community has the specific right to give or withhold consent.

It was agreed that it is best to use a range of materials and approaches. Examples of the different media that participants had used included: role playing; drama; puppet shows; cartoons; animation; films; TV programmes; and regular radio programmes.

²⁹ Vickers and Hang (2012).

Examples of different approaches included: approaching religious leaders to talk about REDD+ and climate change; engaging first with village leaders and then asking them to explain new concepts to their own communities; REDD+ 'road shows' where government representatives and NGOs debate climate change and REDD+.

The need to ensure that staff involved in awareness raising have the capacity to critically evaluate the effectiveness of awareness approaches and materials was a key lesson emerging from the Viet Nam pilot. There should be an emphasis on developing appropriate awareness raising materials and critically appraising their effectiveness. Instead of using REDD+ experts in awareness raising activities it could be more effective to engage experts in communication to lead in the development of communications strategies, with the support of local facilitators and field-based NGOs³⁰.

Another useful recommendation emerging from the Viet Nam pilot was the need to ensure that information provided to communities is neutral and comprehensive in order to present them with a clear and impartial understanding of their options, rather than promoting REDD+ in a biased manner. The costs and risks associated with REDD+ need to be explained clearly as part of any awareness raising component³¹.

It is suggested that communication materials on FPIC and practical suggestions such as these could be placed in the 'FPIC Toolbox', which is recommended below in Section 6.1.

5.3 Select and train suitable facilitators

Given that REDD+ activities may often take place in remote areas where there may be high levels of illiteracy and/or little understanding of climate change or REDD+, it will generally be necessary to use intermediaries (also called "facilitators" or "interlocutors") to bridge the communication gap. Both the pilot in Central Sulawesi, Indonesia (Section 3.1) and the pilot in Lam Dong, Viet Nam (Section 3.2) used facilitators to communicate with local communities.

In the FPIC pilot in Central Sulawesi, facilitators were chosen directly from each of the villages as well as from surrounding villages. They were then trained in climate change, REDD+ and FPIC, before returning to their own villages to communicate this information. A review of the FPIC pilot in Central Sulawesi showed that facilitators may also be required to play an intermediary (or mediation) role to facilitate negotiations between the local community and the forest authority (in this case, the FMU). Where this occurs, facilitators should also receive specific training in mediation skills. The facilitators in Central Sulawesi played an important role in providing additional information on climate change, REDD+ and forest management which was additional to the information provided by the FMU.



FPIC Facilitator addressing participants during the FPIC pilot in Lembah Mukti village.

30 Vickers and Hang (2012).

31 *Ibid.*

In the UN-REDD Programme's FPIC pilot in Lam Dong province, 24 male and female FPIC facilitators were selected and trained. They were drawn from a range of different ethnic backgrounds to ensure they could communicate with communities in their local language. Most were lecturers from the local university or worked for a local protected area. The eligibility criteria included: university or college graduate, five years experience in participatory communication; enthusiastic and able to work both independently and in a team; ability to communicate in a local language; and not being currently employed as a State official³².

Lessons learned from these two early experiences with facilitators include:

- The selection and training of suitable FPIC facilitators is critical to the success of the FPIC process, but it is not always easy to get the right candidates. Consideration should be given to language skills, ethnicity, gender, experience in consultation processes, age profile (some elders prefer to speak to older facilitators), and knowledge of REDD+.
- Facilitators will often have very low capacity initially. Training facilitators takes time and money, as they are unlikely to be familiar with the issues to start with. Establishing a systematic way to train and maintain a team of experienced FPIC facilitators may help to reduce the cost of doing FPIC over the long term.
- In Viet Nam it was noted that training on both the substance of climate change and REDD+ issues must take place, as well as training in facilitation and FPIC skills.
- Communicating complex issues associated with REDD+ is even more difficult when speaking a person's second language. Communication in a person's first language is essential, and this will normally mean that it is necessary to recruit facilitators from the local area who can communicate without the need for translation.



Participants consider REDD+ materials during FPIC pilot in Lam Dong province.

5.4 Document the whole FPIC process

The process of documenting FPIC was also the subject of much discussion during the Regional Workshop on FPIC. Workshop participants made the following useful observations regarding documentation:

- It is important to document the whole FPIC process, including ideas, questions and concerns raised, so that it is possible to review the whole process in the event that things go wrong and a grievance arises. This point was also raised by representatives from Viet Nam. The RECOFTC assessment of the FPIC pilot in Lam Dong province noted that detailed notes of meetings were not taken and only 'the most important/interesting things' were noted, and the notes were not shared with villages after the meetings³³.

32 Tan et al (2010).

33 *Ibid.*

- But, documenting sensitive issues can be difficult. The community should be asked what is sensitive and what is not, and what it is permissible to document.
- The importance of reverting back to the local community to inform them of the outcome of the FPIC consultation was emphasized. Not all people in the community may have participated in the consultation, yet all community members should be informed of the outcome, regardless of whether or not they participated in the decision.

5.5 Establish effective grievance mechanisms

Although this point has been raised as a need in UN-REDD Programme publications before³⁴, it is worth highlighting two additional points, namely:

- That it is important to establish effective grievance mechanisms at the appropriate level. The appropriate level will be determined, in part, by whether the FPIC process is based on a planning approach to REDD+ (in which case it could be institutionalized at the relevant local, district, provincial or national government level), or whether FPIC is taking place for a REDD+ project, in which case the mechanism should be project-specific.
- Where a project-based proposal is involved, the grievance mechanism selected should also be able to respond to the particular dynamics of each negotiation. For example, in the recent FPIC pilot in Central Sulawesi, where negotiations were led by the local FMU, it was found that specific mediation skills, including a grievance mechanism, would have assisted the negotiation process between the FMU and the local community.

5.6 Improve national policy frameworks to support effective consultation

Developing an improved FPIC process for REDD+ can create an opportunity for countries to improve their consultation processes throughout the country's broader policy framework for indigenous peoples and local communities. Where a country has undertaken a thorough policy review of its existing consultation and consent mechanisms, as suggested in Section 4.2 (see the example from the Philippines in Box 2), this should identify where improvements are required. The development of an effective model for FPIC in the context of REDD+ offers each country an opportunity to improve their consultation processes for other natural resource developments, such as for logging, mining and petroleum development.

³⁴ For example, see the UN-REDD Programme Guidelines on Free, Prior and Informed Consent which address the need for UN-REDD Programme partner countries to establish a grievance mechanism.

6. Recommendations

This Section makes recommendations for further activities that could assist UN-REDD Programme partner countries in developing and implementing their FPIC processes.

6.1 Develop an 'FPIC Toolbox'

Partner countries have expressed a need to more easily access information to help them with developing and implementing FPIC processes. It is therefore proposed that the UN-REDD Programme should develop an 'FPIC Toolbox' which partner countries could access as a central information hub on FPIC.

The Toolbox would be hosted on the UN-REDD Programme website and could contain material such as:

- Information for countries on how to develop national or sub-national FPIC guidelines:
 - This could contain: a detailed description of the steps involved in developing FPIC guidelines (see Section 4.1); copies of FPIC guidelines from other countries (e.g. the Philippines); and a collection of lessons learned from these other countries who have developed national or sub-national FPIC guidelines (e.g. Indonesia).
- Materials to assist countries to implement FPIC:
 - A list of case studies from countries that have already piloted FPIC processes; examples of how decisions on consent were made within various FPIC pilots (e.g. did representatives decide on behalf of the community, or did individuals vote, as occurred in the Viet Nam FPIC pilot?).
- Information for facilitators:
 - This could contain information on how facilitators were chosen and trained; manuals for facilitators (e.g. both Viet Nam and Indonesia have already produced manuals for facilitators); and manuals for trainers, such as the FPIC training manual produced by RECOFTC³⁵.
- Examples of communication materials on climate change and REDD+:
 - For example, the materials used in the FPIC pilot in Viet Nam that are available on the *UN-REDD Programme Viet Nam website*.
- Evaluation and verification methodologies and toolkits:
 - For example, RECOFTC has produced a *FPIC Evaluation and Verification Toolkit for UN-REDD Programme Country Programmes*.



Participant in FPIC pilot in Lam Dong province using communication materials on REDD+.

³⁵ See Edwards et al (2012).

- A template to assist countries to prepare budgets for FPIC activities:
 - The template could identify the typical costs of implementing FPIC, such as selecting and training facilitators, preparing communication materials, etc., and would help countries to identify the likely cost of doing FPIC.
- A list of non-government organizations and other experts who have experience with FPIC processes and can provide assistance to countries.

6.2 Provide specific assistance for countries to develop FPIC processes

A review of the National Programme Documents and R-PPs of the UN-REDD Programme partner countries in the Asia-Pacific region shows that there are only a small number of countries that have specifically included FPIC activities in these documents. However, based on consultations and presentations during the Regional Workshop on FPIC, partner countries are clearly expressing an interest in receiving specific assistance in order to develop national or sub-national FPIC guidelines, and to develop practical approaches for implementing FPIC. The UN-REDD Programme should consider how this assistance could be made available.

6.3 Develop the business case for FPIC in REDD+

Two related issues that arose periodically during the Regional Workshop on FPIC, related to the cost of FPIC, were: “What is the cost of doing FPIC?” and the converse question, “What is the cost of NOT doing FPIC?” While these are common questions from countries there are currently no definitive answers. This is partly because there are too few examples to draw on at present, and also because the cost of doing FPIC will differ significantly from country to country³⁶. It is also not clear how countries are going to fund their FPIC programmes, given that they may incur significant costs depending on the FPIC model that is adopted, the size of the country, etc. Countries have also expressed concern that FPIC activities will often need to take place with remote communities, with travel costs being high.

With regards to the question, what is the cost of NOT doing FPIC, in the context of large-scale public and private development projects, the World Resources Institute explored this issue in its 2007 report *Development Without Conflict: The Business Case for Community Consent*³⁷. Based on four case studies³⁸ in which community acceptance played a critical role in the success or failure (and in some cases, abandonment) of these projects, the report reached a number of conclusions to support the argument that it is in the financial interest of project sponsors and their financial backers to ensure that local communities should have the right to give or withhold their consent (see the conclusions listed in Box 3). Although developed in a project-specific context, many of these observations and lessons are relevant to REDD+.

36 By way of example, the REDD+ FPIC pilot work in Viet Nam, which covered 78 villages and took place over a 6-month period, cost US\$115,000. Some of these costs were fixed costs used for the preparation of communication materials, which can be used again in later community consultations.

37 Sohn (ed.) (2007).

38 These were the building of an industrial-scale gas-line in the Philippines, two gold mines (Argentina and Peru), and a water-treatment plant in Thailand.

Box 3: Conclusions reached in World Resources Institute Report on why community consent makes good business sense

- When businesses get it right, achieving consent can benefit both the community and the project.
- The business risks of going forward with a large-scale project in a community without its acceptance can threaten commercial or financial viability of the project.
- Community opposition can arise from impacts that are generated at any stage in the project cycle. As a result, FPIC must be ongoing.
- Addressing issues of community concern before the project begins is likely to be more successful and cost-effective than responding to community opposition later on.
- The risks of failing to achieve community consent are not borne exclusively by the project sponsor, which itself may suffer reputational harm. Other stakeholders, such as shareholders, financiers, and host governments can also have their interests adversely affected by conflicts that may result from the failure to achieve community support of a project.
- Mere engagement or consultation may not be sufficient to fully address these risks. Consultations that do not resolve a community's reasons for opposition or achieve consent will provide little assurance against potentially costly and disruptive conflicts.

Source: Sohn (ed.) (2007).

In the context of REDD+, the need to address the risk of “reversals” is a particular risk that should be considered when quantifying the risk of not doing FPIC³⁹. “Reversals,” also referred to as “loss of permanence,” refer to the reversibility of the benefits of carbon storage, when carbon stored in biological systems is released into the atmosphere⁴⁰. The release may be either intentional (e.g. illegal logging) or unintentional (e.g. wildfire). It is possible that countries will be required to insure against this risk in some way under a future UNFCCC REDD+ regime. An effective FPIC process can therefore play an important role in helping countries to reduce the risk of intentional reversals that would result in the release of sequestered forest carbon because of the actions of local communities who do not support, or who may seek to actively undermine, a REDD+ activity.

It is recommended that further work be done to develop the business case for FPIC that clearly articulates, and attempts to quantify, where possible, both the risks and benefits of undertaking FPIC for REDD+ activities.

39 The need to address the risk of reversals is a requirement under the UNFCCC Cancun Agreements: Appendix I, para. 2(f).

40 Aukland and Costa (2002).

Useful FPIC resources

UN-REDD Programme materials on FPIC

UN-REDD Programme Guidelines on Free, Prior and Informed Consent

http://www.unredd.net/index.php?option=com_docman&task=cat_view&gid=1408&Itemid=53

Proceedings of the *Second UN-REDD Programme Regional Workshop on FPIC Shared Learning*, held in Bogor, Indonesia, from 19 – 20 April 2012 (agenda, presentations and evaluation).

http://www.unredd.net/index.php?option=com_docman&task=cat_view&gid=1516&Itemid=53

RECOFTC (2010). *FPIC Evaluation and Verification Toolkit for UN-REDD Programme Country Programmes*, prepared for the UN-REDD Programme.

http://www.unredd.net/index.php?option=com_docman&task=doc_details&gid=6818&Itemid=53

UN-REDD Programme's Asia-Pacific Communications Resources site:

http://www.un-redd.org/AsiaPacific_Asia-PacificCommunicationsmaterials/tabid/106610/Default.aspx

National and sub-national FPIC Guidelines

Revised Guidelines on Free and Prior Informed Consent (FPIC) and Related Processes of 2012 (NCIP Administrative Order No. 3, Series of 2012), the Philippines.

Indonesia's UN-REDD National Programme *Guidelines for Implementation of Free, Prior and Informed Consent in UN-REDD Project in Central Sulawesi* (draft 27 – 29 December 2011).

General information on FPIC

Anderson, P. (2011). *Free, Prior, and Informed Consent in REDD+: Principles and Approaches for Policy and Project Development*, published by RECOFTC and GIZ.

<http://www.recoftc.org/site/resources/Free-Prior-and-Informed-Consent-in-REDD-.php>

Hill, C., Lillywhite, S., and Simon, M. (2010). *Guide to Free Prior and Informed Consent*, Oxfam Australia (relates to all project-based development).

<http://www.recoftc.org/site/resources/Free-Prior-and-Informed-Consent-in-REDD-.php>

FPIC training manuals

Edwards, K., Tiraganon, R., Silori, C. and Stephenson, J. (2012). *Putting Free, Prior and Informed Consent into Practice: A Training Manual*, RECOFTC. <http://www.recoftc.org/site/resources/Putting-Free-Prior-and-Informed-Consent-into-Practice-in-REDD-Initiatives.php>

Manuals for facilitators

Manual for Interlocutors to Conduct FPIC Village Consultation Meetings, Viet Nam's UN-REDD National Programme. http://www.unredd.net/index.php?option=com_docman&task=doc_view&gid=7573&tmpl=component&format=raw&Itemid=53

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