



Regional Consultation between
Indigenous Peoples Organizations
from Latin America and the
Caribbean and the UN-REDD
Programme on Free, Prior and
Informed Consent Processes and
Recourse Mechanisms for UN-REDD
activities

Workshop Report

UN-REDD PROGRAMME

BACKGROUND

The UN-REDD Programme, in collaboration with the regional Indigenous Peoples and Civil Society Organizations representatives to the UN-REDD Programme Policy Board, Coordinadora Nacional De Los Pueblos Indígenas De Panama (COONAPIP) and the International Alliance of Indigenous and Tribal Peoples of Tropical Forest (IAITPTF), and with support from the UNDP Country Office and the Regional Centre for Latin America and the Caribbean in Panama convened a four-day workshop between 4 and 7 October at the Gamboa Rainforest Resort in Panama to advance the development of guidelines for Free, Prior, and Informed Consent (FPIC) and Recourse Mechanisms for the UN-REDD Programme. The workshop brought together 54 participants from Indigenous Peoples' organizations, civil society organizations, representing UN-REDD Programme pilot and partner countries such as Bolivia, Colombia, Costa Rica, Guatemala, Panama, Paraguay, and others, along with participants from UN agencies and the World Bank. Indigenous Peoples and Civil Society representatives to the UN-REDD Policy Board for Latin America and the Caribbean, and the President of the UN Permanent Forum on Indigenous Issues also participated. For a full list of participants, please refer to Annex 1.

Purpose and outputs of the consultation

The consultation was the second step of a four-step process that was initiated with a [regional consultation on FPIC and Recourse Mechanisms for the Asia and Pacific](#) region held in Hanoi in June this year. A third regional consultation will be held for the Africa region in January 2011 to receive input from Indigenous Peoples and civil society organizations there. Following the Africa consultation, the fourth step of the process will be to compile the guidelines from the three regional workshops and open the resulting draft guidelines to a public comment and input process. Finally, the guidelines will be added as an annex to the [UN-REDD Programme Operational Guidance on the Engagement of Indigenous Peoples and other Forest Dependent Communities](#).

This body of work is a crucial component of the UN-REDD Programme's objectives in the area of stakeholder engagement. As outlined in the Operational Guidance, the UN-REDD Programme is mandated to support the implementation of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). A key guiding principle of the UN-REDD Programme is that the right to free, prior and informed consent is essential to ensure the full and effective participation of Indigenous Peoples and other forest dependent communities in policy and decision-making processes within UN-REDD Programme activities.

The main output of this consultation will be a set of draft guidelines for FPIC and Recourse Mechanisms for the Latin America and Caribbean region.

Workshop process

The workshop was divided into two components:

Component 1 – Overview of REDD+, FPIC and Recourse Mechanisms (Days 1 and 2)

A series of presentations and question and answer sessions were conducted to give participants an overview of the principles and operational modalities of REDD+ and to introduce key concepts, ideas and debates surrounding issues of FPIC and Recourse Mechanisms.

Component 2 – Group work to develop detailed guidelines (Days 3 and 4)

The overview presentations were followed by intensive group work to discuss key issues and develop detailed recommendations for the development of guidelines for FPIC and Recourse Mechanisms. Participants formed 5 groups:

- Group 1 reviewed the Asia and Pacific draft guidelines and further elaborated what Free, Prior and Informed Consent meant in practical terms with regards to the Latin American and Caribbean context;
- Group 2 developed principles and guidelines for recourse mechanisms;
- Group 3 developed principles and guidelines for consultation processes; and
- Groups 4 and 5 looked at what specific UN-REDD or REDD+ readiness activities FPIC should be applied to.

[Note: Group 5 formed the only English speaking group; all other groups held discussions in Spanish].

Each group reported on their initial conclusions at the end of day three, allowing for input and discussion with the broader group. After incorporating these during further group discussions on day four, the final guidelines for each topic area were presented on the afternoon of the last day of the workshop.

SUMMARY OF ISSUES RAISED

Participants raised a number of questions and concerns during the workshop. These are presented in greater detail in the sections below. Some of the main issues that emerged included the following:

- The need to ensure that regional differences are reflected in any global guidelines that the UN-REDD Programme adopts; there may even be a case for producing guidelines specific to each region.
- The importance of harmonizing guidelines and safeguards between different REDD+ implementing agencies; this needs to be pursued where possible.
- The need to ensure proper representation, full and effective participation, and consultation that reaches all stakeholders, even in rural or remote areas.
- The acute need to support effective outreach at the community-level due to the considerable challenges associated with disseminating highly technical information to numerous individuals with varied cultural and educational backgrounds who may be located in remote areas.
- The importance of associated issues, such as land demarcation efforts, formal land titling processes and strengthening land rights for Indigenous Peoples.
- The importance of developing safeguards to ensure that women and other marginalized groups are supported to participate fully.
- Questions over the ability of existing mechanisms to provide adequate and timely recourse, particularly formal national and international legal systems.

OVERVIEW OF SESSIONS

[Please refer to Annex 2 for the full agenda; all presentations can be downloaded from the UN-REDD Programme [online workspace](#)].

DAY ONE: INTRODUCTORY PRESENTATIONS AND PLENARY DISCUSSION

The opening address was given by **Chris Briggs, Team Leader of the Energy and Environment Group of the UNDP Regional Centre for Latin America and the Caribbean** and **Heraclio Herrera from the National Indigenous Peoples Coordinating Body of Panama, COONAPIP** (Coordinadora Nacional De Los Pueblos Indígenas De Panama) who welcomed the participants to Panama and discussed the importance of supporting the rights of Indigenous Peoples. **Pierre-Yves Guedez, Regional Technical Advisor, UN-REDD Programme, UNDP Environment and Energy Group, Latin America and the Caribbean**, also welcomed participants on behalf of the UN-REDD Programme.

The day focused on a series of technical presentations to assist participants in reaching a common understanding of the history and current status of REDD+, the UN-REDD Programme and the Forest Carbon Partnership Facility. The first presentation, delivered by **Jose Arturo Santos, Unit Coordinator, Biodiversity and Sustainable Use Unit, Regional Office for MesoAmerica, International Union for Conservation of Nature (IUCN)**. This provided an introduction to the concepts underpinning REDD+, the institutional history of REDD+ in the UNFCCC process, the institutional structure and implications of REDD+ at every level (e.g., the local, national, regional and global levels), and the relevance of these issues to Indigenous Peoples and civil society. **Gaya Sriskanthan of the UN-REDD Programme** then gave an overview of the Interim REDD+ Partnership, introducing the ideas behind the inception of the Partnership and how it is structured, outlining the main activities under the Partnership's recently released work plan, and presenting the proposed next steps for furthering the Partnership.

Gabriel Labbate, Regional Coordinator, UN-REDD Programme, UNEP Regional Office, Latin America and the Caribbean, along with **Pierre-Yves Guedez** gave an introduction to the UN-REDD Programme's work in the region, reviewing how REDD+ activities can align to existing country processes, and how Indigenous Peoples and civil society can participate in the UN-REDD Programme activities. They also provided a clear description of the different stages of National Programme development and how and where consultation with Indigenous Peoples and civil society relates to and can be incorporated in each of these stages. Updates were also provided on activities in Bolivia, Ecuador, Panama and Paraguay. These included reviews of the stakeholder engagement process carried out in each country, with an appraisal of the successes and challenges presented in different country contexts.

Miriam Bae, Social Development Specialist, Latin America and the Caribbean Region, World Bank complemented this presentation with an overview of the World Bank's Forest Carbon Partnership Facility (FCPF) work in the region. This focused on the key social issues faced by countries in the specific topic areas of: consultations with key local stakeholders; land rights and land tenure; benefit-sharing; and FPIC. Her presentation looked at progress and key challenges under each of these topic areas in Argentina, Costa Rica, Guyana, Mexico and Panama, highlighting the similarities and differences between countries.

The day ended with a closing presentation by **Estebancio Castro, Executive Director of the International Alliance for Indigenous and Tribal Peoples of Tropical Forests** on Indigenous Peoples and other Forest Dependent Communities and REDD+. This first examined Indigenous Peoples' current engagement in the climate talks and the UN-REDD Programme's actions to engage with Indigenous Peoples in the region. He also gave a brief review of the concerns of Indigenous Peoples with regards to the Interim REDD+ Partnership. The presentation examined Indigenous Peoples' interests in a number of related areas such as: the UNFCCC talks in Bonn this year; the Kyoto Protocol; the Climate Investment Funds (CIF)

mechanism; and the Global Environmental Facility (GEF). A detailed update was also provided on the outputs of a recent meeting, held in September this year, between Indigenous Peoples and government representatives in Quintana Roo, Mexico, where Indigenous Peoples had the opportunity to provide their perspectives on the UNFCCC negotiation text.

Plenary discussion during the first day raised a number of significant issues. Some of these are summarised below.

- *Communicating ideas surrounding REDD+ effectively to communities:* A number of participants noted that current efforts to raise the awareness of communities on the ground-level are not keeping up with the levels of complexity presented by REDD+. There is a perception that there is an overwhelming amount of complex terminology, with new terms and issues emerging constantly, making it difficult for Indigenous People to navigate the REDD+ debate. Communities also need information on REDD+ and climate change that communicates both the local relevance as well as the global importance of these issues. The need to prioritize community-targeted outreach and information dissemination is seen to be crucial. The UN-REDD Programme and FCPF have awareness-raising activities as part of their REDD+ readiness processes but it is possible that these should be scaled up. Given the remoteness of many communities, the task of reaching all stakeholders is a daunting challenge that requires sufficient time and financial resources. There is a huge need for support so that the REDD+ process is not slowed down by awareness-raising efforts. Participants requested that the UN-REDD Programme provide further clarity over who is responsible for supporting these needs, noting that political will and support is important to move forward in this area.
- *Supporting safeguards for REDD+:* What safeguards are available for REDD+ and are they adequate? How are multiple delivery partners ensuring harmonization of standards? It is noted that this is an area that is currently being developed. As REDD+ was only initiated in 2007, the current process is precisely to ensure that adequate safeguards are developed; this FPIC and Recourse Mechanism workshop is cited as an example of one of the activities towards this goal. Harmonization efforts between the UN-REDD Programme and the World Bank are currently being carried out. At present there may be differences between the agencies (e.g., for UN-REDD countries, FPIC will be mandatory; for FCPF-only countries, World Bank standards and procedures apply), however there should be one standard in a country, even if UN-REDD and FCPF are both contributing. As REDD+ matures, this is an area that will have to be more carefully defined.
It is recognized that different countries have different experiences – some have minimum standards for consultation while others do not. It is recommended that the UN-REDD Programme and World Bank should follow the existing national processes where they exist and are legitimate, as well as following the UNDRIP, ILO Convention 169, and other existing rights mechanisms.
- *Defining and understanding where consultation should apply with regards to the readiness process, given the purview of this specific workshop and area of work:* There was considerable discussion over what constituted adequate consultation and where it should apply. It is emphasized that issues that have not yet been finalized (e.g., funding mechanisms, reference scenarios) should not be confused with what we need to be consulting on at this stage – namely specific readiness activities and processes leading up to the development of these activities.

- *Land titles and REDD+*: It is noted that countries may only recognize formal land titles with regards to REDD+. Traditional lands and existing lands claims are a challenge. Disputes would have to be subjected to programme safeguards.
- *Issues outside of the purview of the UN-REDD Programme's mandate that raised concerns*: Certain issues, that are not under the scope of UN-REDD Programme's remit to influence or control were raised by participants including –
 - The official definition for forests that would be adopted by REDD+ - this will be determined in negotiations through the UNFCCC process not the UN-REDD Programme and is an issue that is being debated and has profound consequences for Indigenous Peoples;
 - Whether REDD+ would be financed by a market based mechanism or a fund, again this will be determined in negotiations through the UNFCCC process not the UN-REDD Programme;
 - Harmonizing REDD+ safeguards with agencies other than the World Bank;
 - Promoting Indigenous Peoples' issues actively at the national level or at climate talks; as a neutral facilitator the UN cannot play this role. It can, however, facilitate the expression of the views of all stakeholders, and support governments to adopt and implement the best policies and practices in line with the principles that the UN is bound by (e.g., UNDRIP, FPIC, ILO 169).

DAY TWO: PRESENTATIONS ON STAKEHOLDER ENGAGEMENT IN REDD+ AND FPIC, AND PLENARY DISCUSSION

The day opened with a presentation on the Background and Legal Context for FPIC and the United Nations System given by **Kristen Hite from the Center for International Environmental Law**. The presentation focused on the legal frameworks that form a strong basis for implementing FPIC in the region. It also reviewed potential avenues for recourse, including an appraisal of existing mechanisms and examined the possible functions of a complaint mechanism, the different forms of remedy as well as precautionary measures that could be taken. The presentation highlighted the wide spectrum of options that could be pursued other than formal legal action.

Nina Kantcheva, UN-REDD Programme presented on the UN-REDD Programme Approach to Ensuring Stakeholder Engagement, FPIC and Providing Recourse Mechanisms. The responsibilities of the UN-REDD Programme to honour rights, consultation, representation and FPIC were emphasized; UN-REDD's collaborative relationship with FCPF was reviewed; and the UN-REDD Programme governance structure was introduced, including the provisions for Indigenous Peoples and Civil Society representation on the UN-REDD Programme Policy Board and the provision of the Independent Civil Society Advisory Group on Forests, Livelihoods, and Climate Change.

A presentation of the Draft FPIC and Recourse Mechanisms Guidelines developed by participants of the Asia and Pacific Consultation was given by **Elsbeth Halverson, UN-REDD Programme**. This outlined the process by which these guidelines were developed in Asia and noted the principles that FPIC and Recourse were based on. The main questions around the component terms 'free', 'prior', 'informed', and 'consent' were highlighted and the next steps for the FPIC and Recourse guidelines development

process was outlined. **Kristin Hite** and **Estebancio Castro**, who had both attended the Asia and Pacific Consultation, also provided their reflections. Ms. Hite noted that, though the underlying principles can be broadly agreed on, coming up with concrete recommendations is difficult. Sharing personal experiences is a valuable way of understanding how to do this. One of the key issues regarding recourse is the need to exhaust all possible options before going to the next level. Mr. Castro noted that the differences between regions and sub-regions needed to be accounted for and that, even if communities are opposed to REDD+, having these guidelines will help the communities that decide to engage with REDD+.

Mirta Pereira from the Forest Peoples Programme (FPP) gave an overview of the Key Issues and Questions to be Resolved in Applying FPIC. This presented experiences from the Coordinating Body of Self-Determining Indigenous Peoples (CAPI) in collaboration with FPP in Paraguay in the use of a protocol of ground rules for a project interacting with Indigenous Peoples' territories. This highlighted some of the problems with consultation (e.g., allowing for adequate time, information and full understanding of the issues). It also looked at what representation is and the need to allow Indigenous Peoples to take their time to consult and decide on proper representation, underscoring the need to give consent in phases and have the right to withhold consent at any point, even before the process is begun. The concern that many communities are totally disengaged from the process was stressed.

Diego Escobar, Coordinator (Territories, Environment and Natural Resources), Coordinating Body for the Indigenous Organizations of the Amazon Basin (COICA) gave an overview of Intervention Strategies for the Development of Policies and Mechanisms for REDD+ in the Amazon Region. This reviewed the role of COICA, their work to inform Indigenous Peoples to empower themselves to make their own decisions regarding REDD+, and outlined COICA's strategy/policy position on REDD+ in the Amazon.

Celin Quenevo and Jorge Retamozo, Confederation of Indigenous Peoples of Bolivia (CIDOB) and **Serapio Marca, Syndicate of Intercultural Communities (CSCIB)** both presented on Stakeholder Engagement Processes in Bolivia. Sharing the consultative process that they have employed for REDD+ in Bolivia, they outlined the principles of a good consultation adopted. The presentation highlighted that prevailing political issues need to be understood and national law has to be followed with regards to Indigenous Peoples' engagement. They also noted that the difficulty of conceptualizing REDD+ was an issue as it's a global issue that needs to be related effectively to the local level.

Heraclio Herrera, from the Panamanian Indigenous Peoples' organization, Coordinadora Nacional De Los Pueblos Indígenas De Panama (COONAPIP), gave an overview of the Stakeholder Engagement Processes in Panama. COONAPIP had taken the approach of reviewing the National Programme document and working with authorities (ANAM). According to their analyses, during the development of REDD+ there were 18 essential points that needed to be addressed for REDD+ to be implemented equitably. These included revisions of local/national law, capacity building for Indigenous Peoples, ensuring the jurisdictional security of the territories of Indigenous Peoples, and ensuring food security for Indigenous Peoples. He stated that the authorities recognized that Indigenous Peoples had the key to open or close the process and also highlighted the challenge of taking technical language to the grassroots.

Hipolito Acevei, President of CAPI, then gave a presentation on Stakeholder Engagement Processes in Paraguay. This presentation underscored some of the problems of ensuring true representation, noting that in Paraguay certain individuals located near administrative centers were given disproportionate

voice. National observance of international and national laws was highlighted as being extremely important. The importance of involving Indigenous Peoples from the inception stage, not just at the validation meeting, was stressed.

The final presentation of the day was given by **Tim Boyle, Regional Coordinator for the UN-REDD Programme in Asia and Pacific**. This was on the UN-REDD Programme Pilot FPIC Process in Viet Nam which was carried out this year in order to obtain the consent of communities to engage in UN-REDD Programme activities and provided a learning opportunity on FPIC for the government, communities and the UN-REDD Programme. The presentation provided a detailed overview of the process, tools, techniques and estimated costs for the eight-step process that was used in Viet Nam, and participants saw a short film that documented the FPIC process there. Dr. Boyle noted that one of the lessons learned is that the community needs more time for internal discussion before coming to a conclusion.

The main issues raised in plenary discussion are noted below:

- *The ability of existing legal mechanisms to provide adequate recourse:* It is noted that bodies that could provide recourse are available in the region and internationally (e.g., the Inter-American Court of Human Rights; the Committee on the Elimination of Racial Discrimination; the World Bank Inspection Panel; the UN-REDD Programme Policy Board). Many of the participants feel that there are many barriers to poor communities in accessing these mechanisms and the associated processes often take too long. Also, even if laws are passed there is a gap between this and implementation. The more formal the mechanism the more laborious the process, however, any results achieved are likely to be more binding. It may be that in some cases a formal process should be pursued while in others less formal approaches could be explored; there are many models that can be examined and applied depending on specific needs.
- *Gender and Indigenous Peoples representation in decision making:* The challenge of effectively including women in decision-making processes was raised. It was noted that there was an imbalance of male and female Indigenous Peoples present at this workshop which is indicative of this problem. The need to reach women, children and other less powerful groups is important, particularly with regards to awareness raising and improving understanding of REDD+. Participants suggested that existing women's networks should be effectively engaged. The UN-REDD Programme Operational Guidelines for Stakeholder Engagement do specifically address the issue of gender and this is an important area of work for the UN-REDD Programme that is being further developed. A few participants also felt that there could be more Indigenous Peoples represented in the workshop; it was noted that more had been invited but couldn't attend due to extraneous circumstances (e.g., political turmoil preventing travel from Ecuador).
- *Differences between the regions:* Participants felt that the Latin America and the Caribbean region was very different from other regions, particularly as there is much stronger legal recognition of Indigenous Peoples in this region on average. The proposed guidelines should reflect this. Though there may be specific differences between the regions, there are general issues that were common globally (e.g., the displacement of one group by another; the imbalance of decision-making power between different groups).
- *The challenge, as Indigenous Peoples, of working with governments:* Often government liaison

points have no understanding of Indigenous Peoples' issues. After building relationships with officials they may be moved to another posting and the process has to begin again. There is a need to have Indigenous Peoples participating directly on projects.

- *Overcoming conceptual barriers to communication:* The struggle to understand what REDD+ means and its relevance to people on the ground is considerable. The words often do not exist in indigenous languages and it is difficult to conceptualize and therefore there is little ownership or empowerment. Using graphics and other visual media as tools or other more culturally appropriate techniques may be a way to overcome this.
- *What constitutes a consultation and defining the process:* At certain “consultations” the agenda and output is already pre-determined and there is no real attempt to go down to the community level. There is a need to develop the agenda with people on the ground and adapt processes to their way of life. One indigenous participant noted that there may be a need for Indigenous Peoples to be creative and help to define processes, e.g., suggest what the timescale and mode of consultation should be when government shows a willingness to engage.
- *Land demarcation processes:* These can be important. Experiences in Panama with self demarcation processes yielded positive and negative experiences. In the case of the Kuna, self-demarcation processes led to debate in the National Assembly and the formal demarcation of Kuna lands; this is a very important lobbying tool as well as potentially leading to the protection of land. COICA is working on a strategy for supporting land demarcation and “cosmovisioning”, tackling issues such as defining economic, ecological and social zones. One participant felt that the cosmovision approach was all about making money, while others disagreed, noting that it was a way of strengthening Indigenous Peoples' negotiating position.

DAY THREE AND FOUR: GROUP WORK AND DEVELOPMENT OF GUIDELINES

The following sections summarize some of the discussions and outputs from the group work sessions during the last two days of the workshop. The presentations from each of the working groups are available on the [UN-REDD Workspace](#).

Group 1: Guidelines for Free, Prior and Informed Consent

Conclusions from this group include:

- Guiding principles for FPIC and instruments that may support the right to FPIC.
- Guidance on:
 - Who grants consent and for what: it was agreed that consent is given at the community level;
 - What constitutes “free” engagement;
 - Specifically where in the process action needs to be taken to fulfill requirements of “prior”; and
 - What kind of information should reach which stakeholders to ensure they are “informed” adequately.

For example, in the case of Panama, group participants outlined how a potential FPIC process would work: the party seeking the consent (for example, government) identifies the key Indigenous Peoples

organizations and/or coordinating bodies (in this case, the main national network of Indigenous Peoples of Panama is COONAPIP). COONAPIP would then manage the process of obtaining FPIC and reach out to its constituent communities to share relevant information. Each community then has a chance to go through its own process of determining whether to give consent or not. The result is communicated back to COONAPIP through the communal traditional governing structures. COONAPIP then communicates the results back to the party seeking consent.

Discussion points raised by the wider group are summarized below:

- For activities at the national level consent may not be required but effective participation is required; Indigenous Peoples' representatives must deliver information to their constituents, gather feedback and accurately reflect their concerns.
- It is very important to define the communication channels to the village-level as this often lags behind and needs to be better specified.
- Need to define whether the guidelines for FPIC are a process, tool or requisite. How will we assess and monitor? Who will use it? Who will evaluate it?
- There should be an obligation to develop a strategy for this along with the analysis of stakeholder representative groups.
- As a requirement for the UN agencies it is felt that FPIC strengthens REDD+ programme implementation – the improved involvement of stakeholders results in better governance and more effective benefit distribution.
- Agree that many steps of the REDD+ process may require consent but the availability of time needs to be considered.
- There is a question regarding how consent should be expressed. It is possible to use resolutions, decrees, formal agreements but there are other things to consider. There may also be disapproval, or acceptance of only certain parts of the process or proposal – after the signing of the agreement, the resolution is the expression of the will of the people.
- If a community withholds their consent there may be different ways of approaching the situation:
 - Get the neighbouring community to discuss the issue with them;
 - Discuss their concerns and try to reach a compromise;
 - Respect the right of the community to not divulge why they withheld consent;
 - Recognize that the community not be ready for the changes associated with activities or ready to engage in the consultation process due to other priorities; and
 - It may be possible to revise the proposal until it is acceptable (note: this is only possible if community agree to explain why they withheld consent).
- Decisions regarding the appropriate unit of governance that would be involved in benefit distribution may require FPIC.

Group 2: Guidelines for Recourse Mechanisms

Conclusions from this group include:

- Agreement with the general principles presented in the draft guidelines developed in Hanoi.
- The foundation of recourse mechanisms should be based on (a) international and national legislation concerning collective and individual rights of Indigenous Peoples, those of African descent, and other forest-dependent communities; and (b) UN-REDD Programme rules and principles.
- Access to recourse mechanisms should be available throughout the REDD+ and readiness process and should apply to anticipated claims as a precautionary measure.

- Mechanisms should be available at the local, national, regional and international levels.
- Guidance on what kind of actors should be involved on different levels.
- Elaboration on the specific role of the National Committee.
- Principles that recourse mechanisms should abide to.

Discussion points raised by the wider group are summarized below:

- The direct translation of the word “recourse” into Spanish does not adequately capture the nature of the mechanism. The term *apelación* or appeals process was suggested, but it was noted that this has very strong legal connotations. It was provisionally agreed that “complaint” or “conflict” resolving mechanism could be more apt.
- There was discussion on whether a complaints mechanism should just apply to the UN-REDD Programme and just to FPIC. There is a feeling it should apply to REDD+ activities and all associated claims/rights more broadly.
- The priority of such a mechanism should be to serve Indigenous Peoples and other forest dependent communities.
- It is noted that communities may have their own conflict resolving mechanisms and that these should be incorporated and respected.

Group 3: Guidelines for Consultation

Conclusions from this group include:

- The need to ensure that national and international law is observed and that legislation and policies are revised where necessary.
- The importance of going through traditional authorities and organizations.
- The need for full disclosure, including all benefits and costs of a proposed action.
- Guidance on what issues to consider when planning community consultations and observing relevant rights (e.g., intellectual property rights).

Discussion points raised by the wider group are summarized below:

- National consultation bodies in certain countries (e.g., Bolivia and Nicaragua) offer some good lessons.
- Roundtables could be held at the district level to consult on different issues and open up dialogue.
- There should be indicators to assess consultation effectiveness and transparent documentation of how the consultation process is executed.
- There is a need to recognize time needs for effective consultation that take into consideration Indigenous Peoples’ schedules and that the remoteness of some communities requires extra time for consultation. The consultation process should be timed at the pace of the hardest to reach communities.
- Need to use culturally appropriate approaches, such as oral documentation and use of indigenous languages. Capacity building needs for communities to engage effectively also need to be accounted for.
- Training may be more about supporting intercultural dialogue and seeing if materials can be adapted to local contexts.
- Getting information to communities can be very difficult – in Brazil a mechanism called V-Sat has been developed which allows communities to use internet and phones.

- At the national level meaningful representation is difficult to achieve. One example is the Amazon Fund; the Amazon Indigenous Peoples are represented but don't have any decision making power. In the case of Ecuador there are many national institutions (e.g., one CSO institution, one Indigenous Peoples institution) but these do not seem very equitable, acting as advisory boards rather than decision-making boards.
- If the mechanisms must apply at all times what does this mean in reality? Should the mechanism be in place before the document is developed?
- A consultation strategy should include the establishment of a dispute resolution mechanism; the goals for consultation should include raising awareness of available dispute resolution mechanisms.
- There may be instances where some communities are more vocal and the others follow. The leaders of each community can meet up on a quarterly basis and allow the other community to take the lead.
- At the community level there is usually a core that is very active, another group that is partially active, and individuals that may never participate.
- Need to let the community decide what is a "majority",
- Consultation shouldn't be one off but a continuous process.

Groups 4 and 5: UN-REDD or REDD+ readiness activities that require FPIC

Conclusions from these two groups include:

- The importance of differentiating between when it is necessary to specifically obtain consent for an activity using FPIC and when it is necessary for more a general consultation/participation process. For both processes guidelines that provide clear direction, while retaining a certain degree of flexibility, will be necessary.
- The need to identify appropriate institutions to oversee the process, using existing institutions where possible.
- Guidance on the development of procedures for the UN-REDD Programme to ensure that areas where consultation/participation and/or FPIC have to be applied are identified early on and agreed by all stakeholders.
- The need for safeguards that ensure that participation is fair and equitable and that there is true representation of all groups.

Discussion points raised by the wider group are summarized below:

- Where does REDD+ fit into the governance/management structure? Where do Indigenous Peoples go to get involved in the process?
- UN-REDD Country Teams should:
 - Have an understanding of what different groups (stakeholders/rights holders) exist; and
 - Seek to ensure that the different groups have an equal opportunity to participate.
- All UN-REDD Programme country programmes could carry out analysis to decide where (a) participation; and (b) FPIC is needed and develop a stakeholder consultation and FPIC proposal accordingly. The national Programme Executive Boards (PEB) could review this and select independent reviewers (e.g., the UN-REDD Programme could provide a roster of approved independent reviewers); proposals could be open for public discussion before being agreed and accepted. Quarterly work updates on these consultation/FPIC activities from UN-REDD Programme would go to the PEB for scrutiny, particularly by the Indigenous Peoples representatives.

NEXT STEPS

The draft guidelines synthesized from the recommendations and this report will be shared with workshop participants for their review. The draft guidelines will serve as an input to the UN-REDD Programme Africa Regional Consultation on FPIC and Recourse Mechanisms in January 2011 and will be revised during that workshop. The final draft of the guidelines, synthesized from recommendations made by participants in each of the regions, will be distributed widely for a public comment period before it is annexed to the Operational Guidance on the Engagement of Indigenous Peoples and other Forest Dependent Communities. In 2011, it is anticipated that regional or national level trainings or workshops will facilitate the implementation of the guidance with government officials and civil society.

ANNEX 1: LIST OF PARTICIPANTS

1- INDIGENOUS PARTICIPANTS

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ANNEX 2: Agenda

Monday, 4 October 2010

08:30: Registration of Participants – Hotel Gamboa	
Opening Session	
09:00	Opening Remarks and Welcome Address <i>Chris Briggs, Team Leader, Energy and Environment Group, UN Regional Service Center, Latin America and Caribbean</i> <i>Heraclio Herrera, COONAPIP</i> <i>Pierre-Yves Guedez, UN-REDD Programme</i>
09:30	Overview of Purpose, Agenda, Introduction of Participants <i>Nina Kantcheva, UN-REDD Programme</i>
Key Theme: UNFCCC and REDD+: history, present and future	
10:30	An Introduction to REDD+: <i>REDD+ and the Climate Change negotiations; REDD+ institutions and funding; and the REDD+ Partnership.</i> <i>Jose Arturo Santos, IUCN</i> <i>Gaya Sriskanthan, UN-REDD Programme</i>
11:15	<i>Coffee Break</i>
11:30	UN-REDD Programme activities in LAC: Overview of programmes, issues and stakeholders <i>Pierre-Yves Guedez, UN-REDD Programme</i> <i>Gabriel Labbate, UN-REDD Programme</i>
12:15	Facilitated Discussion
13.00	Lunch
Key Theme: Stakeholder Engagement in REDD+	
14:30	Forest Carbon Partnership Facility: Social issues in selected Latin American countries <i>Mi Hyun Miriam Bae, World Bank</i>
15:00	Indigenous Peoples and other Forest Dependent Communities and REDD+: <i>Estabancio Castro, International Alliance of Indigenous and Tribal Peoples of Tropical Forests</i>
15:30	Facilitated discussion
16:15	<i>Coffee Break</i>

Key Theme: Review– process and next steps	
16:30	Review desired outcomes for day 2, 3 and 4 of the workshop. Determine tasks and process. Introduction to the draft guidelines on FPIC and Recourse Mechanisms produced in the Asia-Pacific Consultation and dissemination of the guidelines for study by participants.
17.30 Closing	
18:00	Cocktail Reception

Tuesday, 5 October 2010

09:00	Opening of Day's Proceedings Review issues and questions identified during day 1, overview of day's agenda, review issues/questions to be addressed by working groups
Key Theme: UN-REDD Programme Operational Guidance on Engagement of Indigenous Peoples and other Forest Dependent Communities: Focus on ensuring Free, Prior, and Informed Consent (FPIC) and Recourse Mechanisms	
09:20	Background and Legal Context for FPIC and the United Nations system <i>Kristen Hite, Center for International Environmental Law</i>
09:40	The UN-REDD Programme Approach to Ensuring Stakeholder Engagement, FPIC and Providing Recourse Mechanisms <i>Nina Kantcheva, UN-REDD Programme</i>
10:00	Presentation of Draft Guidelines recommended by participants of the Asia/Pacific Consultation on FPIC and Recourse Mechanisms <i>Elsbeth Halverson, UN-REDD Programme</i>
10:20	Key Issues and Questions to be Resolved in Applying FPIC <i>Mirta Pereira, Forest Peoples Programme</i>
10:40	Facilitated discussion
Key Theme: The UN-REDD Programme and Indigenous Peoples and Forest Dependent Communities in Latin America and the Caribbean: Sharing pilot country experiences	
11:25	<i>Coffee break</i>
11:40	Intervention strategies for the development of policies and mechanisms for REDD+ in the Amazon Region. <i>Diego Escobar, COICA</i>
12:00	Stakeholder Engagement Process in Bolivia (lessons learned, next steps) <i>Celin Cartegena, CIDOB and Serapio Marca, CSCIB</i>
12:20	Stakeholder Engagement Process in Panama (lessons learned, next steps)

	<i>Heraclio Herrera, COONAPIP</i>
12:40	Stakeholder Engagement Process in Paraguay (lessons learned, next steps) <i>Hipolito Acevei, CAPI</i>
13:00	Facilitated discussion
13:30	<i>Lunch</i>
Key Theme: Operationalizing FPIC: Identifying key challenges and good practices for implementation	
15:00	Presentation of UN-REDD Programme Viet Nam: developing a pilot national FPIC process <i>Tim Boyle, UN-REDD Programme</i>
15:30	Presentation of UN-REDD Programme Viet Nam: implementing FPIC and conducting an independent evaluation <i>Tim Boyle, UN-REDD Programme</i>
16:00	Facilitated discussion
16:30	Coffee Break
Key Theme: Developing guidelines for FPIC processes and Recourse Mechanisms and the UN-REDD Programme – process and next steps	
16.45	Review agenda and desired outcomes for day 3 and 4 of the workshop. Determine working groups, tasks and process for reporting and consolidating outcomes.
17.30 Closing	

Wednesday, 6 October 2010

Opening Session	
09:00	Opening of Day's Proceedings Review issues and questions identified during day 2, overview of day's agenda, review issues/questions to be addressed by working groups
Key Theme: Working Group Session on the elements of FPIC and Recourse Mechanisms to inform guidelines for the UN-REDD Programme	
Preliminary working group topics:	
<ul style="list-style-type: none"> • FPIC: Review of the Asia and Pacific draft guidelines and further elaboration of what Free, Prior and Informed Consent meant in practical terms and with regards to the Latin American and Caribbean context • Recourse: Defining guidelines and processes for an effective recourse mechanism • Consultation: Defining guidelines and processes for full and effective consultation 	

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<ul style="list-style-type: none"> FPIC and REDD+ Readiness: What specific UN-REDD or REDD+ readiness activities FPIC should be applied to 	
09:30	Break into Working Groups, Identify Rapporteurs and Facilitators Working Group Sessions
10:30	Coffee Break
11:00	Working Group Sessions Continue
13.00	Lunch
Key Theme: Preliminary report back and exchange of views from working groups	
14:00	Report back from working group 1 (presentation, discussion)
14:30	Report back from working group 2 (presentation, discussion)
15:00	Report back from working group 3 (presentation, discussion)
15:30	Coffee Break
16:00	Report back from working group 4 (presentation, discussion)
16:30	Report back from working group 5 (presentation, discussion)
Key Theme: Next steps for developing guidelines on FPIC and Recourse Mechanisms for the UN-REDD Programme	
17.00	Summarize main points from working group presentations, issues raised during discussion, review agenda for day 4, determine tasks and process for developing draft FPIC and Recourse guidelines for the UN-REDD Programme
17.30 Closing	

Thursday, 7 October 2010

Need to revisit this day depending on the flow of the workshop.

Opening Session	
09:00	Opening of Day's Proceedings

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	Review of working group outcomes and issues raised during day 3, review process for developing draft guidelines for the FPIC and Recourse Mechanisms for the UN-REDD Programme.
Key Theme: Inputs to draft guidelines on FPIC and Recourse Mechanisms for the UN-REDD Programme	
09:30	Working Group Sessions Continue to revise guidelines in response to feedback on day 3
11:00	Coffee Break
11:15	Final report back from working group 1 (presentation, discussion)
12:00	Final report back from working group 2 (presentation, discussion)
12:45	Lunch
13.45	Final report back from working group 3 (presentation, discussion)
14:30	Final report back from working group 4 (presentation, discussion)
15:15	Final report back from working group 5 (presentation, discussion)
16.00	Coffee Break
Key Theme: Next steps for developing guidelines on FPIC and Recourse Mechanisms for the UN-REDD Programme	
16.15	Summarize agreed inputs, flag main issues for further elaboration, agree to process for recording inputs from the LAC Region to the draft guidelines (UN-REDD will draft report from meeting, participants will be invited to provide written comments)
17:00	Closing remarks Betanio Chiquidama, President, COONAPIP Don Gilberto Arias, Vice President, COONAPIP Pierre-Yves, UN-REDD Programme
17.15 Close of Meeting	