

A misty forest scene with trees in autumn foliage. The trees are tall and thin, with some showing vibrant orange and yellow leaves. The ground is covered in fallen leaves. The overall atmosphere is soft and ethereal.

“PRIOR” OF FPIC

16-18 JUNE 2010 HANOI

Prior Group Presentation

- Sri Lanka
- Burma
- Cambodia
- Nepal
- Philippines
- Tomo - facilitator

Group members

1. Examples of traditional decision making processes
2. Summary of findings
3. Recommendation
4. Additional comments

Contents

Sri Lanka- Vadda

- ⦿ Isolated hunter gatherer communities, recently reallocated to villages
- ⦿ Vadda communities don't really care about formal decisions, they would rather say "yes" to everything because saying "no" is problematic
- ⦿ Time, prior, etc doesn't mean very much in this context

Burma - Kechin

- ◉ Village committee (10-15, only men) decide on behalf of 100 HHs
- ◉ Final decision made by headman, based on committee discussion
- ◉ Usually villagers do not have right to make decision, only informed

Cambodia Phuong (Northern Province)

- ◎ Village elder organization (5-6 elders, gender balanced) decides on behalf of the 50-60 HH
 1. Initial meeting to present the issue (1 day)
 2. One month to internalize and discuss
 3. Decision making meeting (1 day)
- ◎ Other- training/seminars for complex issues

Nepal-Mustang

- Most issues are discussed in annual 3 day meetings participated by all HHs.
“Posang”
 - Avoiding the rainy season, and also when there is snow
- For urgent issues, village meetings take place and headmen decide, followed by a headman of headmen decision

Philippines- Kankanaey

1. Meeting involving all villagers to discuss issues -> duration depends on the urgency, food also a factor
 2. Council of elders make a decision in the “sacred place” to formalize
 3. No women involved in above, but women are consulted at HH level by their husbands
- Complex issues may take months for community to properly understand and decide on

Summary of findings

- **Time needed for community process to take place varies**— some need to go to designated areas for decision making; consultation process is varied, often informal but efforts are made to get all inputs;
- **Customary decision making processes already exist**- Village leaders, headmen, clan leaders, elders are defined through community process and are already in place with clear roles on decision making

Principles and Standards for “Prior”

- Appropriate time must be given for communities to understand and internalize the issues- required time depends on the issue and community
- Community calendar must be observed – no meetings when agricultural activities are being undertaken, when there is snow, etc.
- Consent must be obtained prior to planning, brainstorming stage – including development of benefit sharing plan
- At all levels/stages participation and representation of indigenous peoples must be ensured – what is ideal is planning should be bottom-up, communities should determine what their needs are and these gets incorporated in national plans

Fundamental Condition for FPIC

- ⦿ Recognition of indigenous peoples rights must take place **prior** to any discussions on projects or processes – for instance, why would government need to get our consent when we do not have rights over forests;

Fundamental Condition for FPIC (continued)

- ◉ National policies/laws must be amended to ensure that they conform to the principles of the UNDRIP
- ◉ National laws must be amended/ strengthened to recognize indigenous peoples land and forest rights
- ◉ UN-REDD should work with governments towards the recognition of indigenous peoples rights – i.e. delineation of indigenous peoples lands

Guidelines for Mongolia

Guidelines for “Prior” in the National Government of Mongolia

- Establish a special committee to review existing laws and regulations regarding REDD+, from the perspective of Indigenous Peoples rights
 - Half of the committee members should be IP representatives
 - The other half multi-stakeholder- including Government institution responsible for IPs
 - UN-REDD NJP to fund/support all necessary activities including workshops, research, travel, printing etc.
 - Maximum 15 people
 - 3 months
 - Output -> policy analysis, recommending revision, new legislation etc.
 - Translated into appropriate languages as decided by the committee
 - National workshop to disseminate the results, and publish, shared with members of congress/parliament/political parties/donors/key stakeholders

Guidelines for “Prior” in the National Government of Mongolia

- District Governments and local community representatives analyze community mapping needs
 - To identify who should be consulted/ FPIC'd
 - To clarify IP territories, overlapping land claims, existing land use, deforestation/degradation causes/patterns
 - Utilize GIS
 - Local gov staff and IP/CSO reps
 - 3 months
 - Should lead to actual mapping and CB according to resources

Guidelines for “Prior” in the National Government of Mongolia

- Information campaign on REDD+ and rights of IPs
 - Provincial level workshop to determine awareness raising needs
 - Translation of UNDRIP to relevant local languages and appropriate interpretation/dissemination
 - TOT design
 - Procurement of local IP/CSO to develop information material/campaigns/radio script/street dramas
 - Track record of working info dissemination
 - Info on REDD+ and rights
 - Funding to be secured for subsequent follow up activities
 - Leads up to national level workshop with Output-> REDD+ communication strategy
 - Relevant stakeholders including Ministry of Information, CSOs, research organizations

Guidelines for “Prior” in the National Government of Mongolia

- Appropriate time must be given for communities to understand and internalize the proposed activity
- Communities should be consulted on how much time is required to make decisions
 - Communities should be supplied with relevant information before they decide on decision making time requirements
 - This initial consultation on decision making time should be ascertained through relevant community representative councils
- The community representative councils notify proponent(s) on the required time/number of meetings etc. for decision making
- Proponents and community representative councils co-develop FPIC plan taking into account the above
- All of the above activities can be brought to the recourse mechanism if necessary

Guidelines for “Prior” in the National Government of Mongolia

Verification of “prior”

- Independent verification on whether the “prior” principle was followed in the FPIC process by an institution which has been agreed by all relevant stakeholders
- Key verification criteria:
 - Information (leaflets, radio etc) was shared at village level
 - Community calendar of events was taken into account
 - Availability of villagers was considered