

FPIC for REDD+ in the Asia Pacific region: Lessons learned, challenges and recommendations

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Contents

Contents	2
Executive summary	4
Acknowledgments	5
Introduction	6
1 Status of FPIC activities in UN-REDD Programme countries in Asia-Pacific region	10
2 Case studies of FPIC pilots	12
2.1 Central Sulawesi, Indonesia	12
2.2 Lam Dong Province, Viet Nam	18
3 Developing national (or sub-national) FPIC guidelines: Lessons learned	22
3.1 Partner countries need more assistance to develop FPIC guidelines.....	22
3.2 When preparing national FPIC guidelines, first review existing consultation processes	23
3.3 Countries appear keen to formalize national-level FPIC guidelines	25
4 Implementing FPIC: Lessons learned	25
4.1 Using a range of approaches can help communicate REDD+ to low literacy communities	25
4.2 Selecting and training suitable facilitators is of critical importance.....	27
4.3 It is important to document the whole FPIC process	29
4.4 Establishing effective grievance mechanisms is important	29
5 Opportunities and challenges	311
5.1 Improving FPIC processes throughout the broader policy framework.....	31
5.2 How to roll out FPIC for REDD+ programmes and policies?	31
5.3 How much does FPIC cost, and who will pay for it?	33
6 Recommendations	33
6.1 Develop an ‘FPIC toolbox’	34
6.2 Targeted assistance for countries to develop FPIC processes	35

6.3 Developing the business case for FPIC in REDD+	36
Useful FPIC resources	38
Other references.....	39

Executive summary

The interpretation and application of the right to Free, Prior and Informed Consent (FPIC) is still evolving and continues to present both opportunities and challenges for those developing countries who 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*. This workshop, held in Bogor, Indonesia, from 19 – 20 April 2012, was attended by nearly 80 participants, drawn from 14 partner countries across the Asia-Pacific region and 2 partner countries from the Latin America and Caribbean region.

Section 1 of the Report contains an overview of the status of FPIC activities in the UN-REDD Programme countries in the Asia-Pacific region. Of these countries, two have direct experience with piloting FPIC processes: Indonesia (in Central Sulawesi province) and Viet Nam (in Lam Dong province). Section 2 provides a description of some of the lessons learned from these two pilots.

Section 3 identifies some observations concerning these early attempts of countries to develop national or sub-national FPIC guidelines, and provides a suggested process for countries to follow.

Section 4 contains some of the lessons emerging from early attempts to operationalize FPIC in REDD+. It also contains some observations from discussions during the FPIC Workshop in Bogor, 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.

Some future opportunities and challenges for REDD+ are identified in section 5, such as the need for countries to develop FPIC processes for policies, programmes and planning-approaches, and not only for projects.

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

- To develop an FPIC toolbox
- To make targeted assistance available to help countries develop their FPIC processes
- To develop the business case for FPIC.

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Introduction

Free, Prior and Informed Consent is the collective right to participate in decision making and to give or withhold their consent to activities affecting 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 consent.¹

This right of FPIC applies to REDD+ discussions regarding potential changes in resource uses that could impact the livelihoods of Indigenous 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 (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 survival.²

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 Cancun Agreements or in its Appendix containing the safeguards⁴, the right to FPIC is addressed indirectly because the text of the safeguards "note[s]" that the General Assembly has adopted UNDRIP (which itself set out the right to FPIC). Further, the application of FPIC is a means to meet the Cancun Agreements requirement of countries to promote and support

¹ Colchester, M. and MacKay, F. (2004). In Search of Middle Ground: Indigenous Peoples, Collective Representation and the Right to Free, Prior and Informed Consent, Forest Peoples Programme, pp. 8-14.

² Center for International Environmental Law (CIEL), (2010) [FPIC and UN-REDD: Legal and Practical Considerations](#), for the UN-REDD Programme.

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 United Nations Declaration on the Rights of Indigenous Peoples (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 [Cancun Agreements decision on REDD+](#)

“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” (Cancun Agreements, paras. 69 and 72; and Appendix I, paras. 2(a), (c) and (d)).

Recognizing the critical role of Indigenous Peoples and Forest Dependent Communities to the long-term sustainability and effectiveness of REDD+, the UN-REDD Programme has prioritized stakeholder engagement and the right to FPIC as a key component of stakeholder engagement, from its inception.

Following a series of extensive consultations with Indigenous Peoples and Forest Dependent Communities⁵, the UN-REDD Programme has developed draft Guidelines on Free, Prior and Informed Consent⁶, which outline the normative, policy and operational framework for UN-REDD Programme partner countries to seek FPIC. The Guidelines are currently being revised to address recommendations arising from comments received during the public consultation period (1 December 2011 – 20 January 2012) and the Expert Workshop on the UN-REDD FPIC Guidelines in Geneva (10-11 February 2012)⁷. The revised Guidelines are expected to be shared publicly in September 2012.

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 and REDD+ in the Asia Pacific region based on these emerging experiences. It also seeks to identify some of the opportunities and challenges for FPIC on the horizon, and makes some brief recommendations for further action by the UN-REDD Programme on FPIC.

This Report draws significantly on the proceedings of the *Second UN-REDD Programme Regional Workshop on FPIC Shared Learning*, held in Bogor, Indonesia, from 19 – 20 April 2012 (hereafter referred to as the ‘FPIC Workshop in Bogor’). This workshop was attended by nearly 80 participants, drawn from 14 partner countries across the Asia Pacific region and 2 partner countries from the

⁵ The UN-REDD FPIC Guidelines are based on recommendations received during three regional consultations on FPIC and grievance mechanisms, held in Viet Nam (June 2010), Panama (October 2010), and Tanzania (January 2011) (For more information, see: [Asia-Pacific workshop report](#); [Latin America and the Caribbean workshop report](#); [Africa workshop report](#)); and respond to feedback received from the UN Special Rapporteur on the Rights of Indigenous Peoples (February 2011).

⁶ The draft Guidelines are available [here](#) in English, French and Spanish.

⁷ Click [here](#) for all documents related to this Workshop, including the Final Report.

Latin America and Caribbean region, including both government representatives and representatives from indigenous peoples' and civil society organizations.⁸ In addition to the workshop proceedings, the Report also draws on personal interviews with participants attending the conference, 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 FPIC Guidelines or other publications⁹. Rather, the Report seeks to build on existing FPIC material by analysing some of the emerging issues and identifying some of 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.

⁸ Participants attended the FPIC workshop from Bangladesh, Bhutan, Cambodia, Indonesia, Laos, Malaysia (not a UN-REDD Programme partner country), Mongolia, Myanmar, Nepal, Pakistan, Papua New Guinea, the Philippines, Solomon Islands, Sri Lanka, and Viet Nam, as well as Ecuador and Paraguay. The FPIC Workshop agenda, presentations and evaluation report can be accessed [here](#).

⁹ For example, Anderson, P., (2011). *Free, Prior and Informed Consent in REDD+: Principles and Approaches for Policy and Project Development*, published by RECOFTC and GIZ.

Photos from the Second Regional UN-REDD Workshop on FPIC held in Bogor, Indonesia



Participants at the Second Regional UN-REDD Workshop on FPIC Shared Learning, Bogor, Indonesia, 19 – 20 April 2012



Welcome ceremony: Traditional rampak gendang dance from Indonesia



Mrs Nguyen Thi Thu Huyen, UN-REDD Vietnam Programme, being interviewed during FPIC Workshop in Bogor



(left to right): Ms Javin Tan (Malaysia), Mr Thaug Naing Oo (Myanmar) and Mr Cedric Tumba (PNG)



(left to right): Mr Chou Beang Ly, Mr Sokun Narong Sopha, and Mr Monyrak Meng (all from Cambodia)

1 Status of FPIC activities in UN-REDD Programme countries in Asia-Pacific region

Each of the UN-REDD 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.

Key:
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

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

Country	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 (DKN), an industry body, has prepared a set of recommendations for establishing national FPIC guidelines. These were submitted to the National REDD+ Taskforce and the Ministry of Forestry in March 2011. ¹⁰ In December 2011, sub-national draft FPIC guidelines (" <i>Panduan</i> ") were prepared by a Working Group for Central Sulawesi, the pilot province for demonstration activities under the UN-REDD Programme. 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 of this in section 3.1). In July 2012, a second round of field testing of the draft FPIC Guidelines will be carried out in two villages near the Lore Lindu National Park in Central Sulawesi, following which the draft FPIC Guidelines will be revised.
Papua New	2	PNG has prepared draft national FPIC Guidelines (FPIC Manual, 2011) which are project-based. The draft guidelines have been subject to stakeholder

¹⁰ See the Dewan Kehutanan Nasional publication, [Policy Recommendation: Free, Prior Informed Consent \(FPIC\) Instrument for Indigenous Community and or Local Community who will be Affected by REDD+ Activities](#).

Country	FPIC status	FPIC activities
Guinea		consultation and remain open for comment (June 2012). 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	<p>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>", which replaced the FPIC Guidelines of 2006. The recent 2012 FPIC guidelines apply to REDD+ activities.</p> <p>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 right of indigenous peoples in the context of REDD+ (see section 4.2 below).</p>
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.
Sri Lanka	4	Sri Lanka's R-PP (March 2012) 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	<p>Viet Nam has the most experience in conducting FPIC for REDD+ among the UN-REDD 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 78 villages in Lam Dong province (see the case study in section 3.2).</p> <p>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.</p>
Other UN-REDD Partner Countries		
Bangladesh	4	Bangladesh prepared a draft National REDD+ Roadmap in March 2012 which includes a proposal to develop 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

¹¹ Although Viet Nam has carried out FPIC pilot activities (in Lam Dong province), this activity was undertaken without FPIC guidelines, and to date (June 2012), Viet Nam is yet to develop any FPIC guidelines.

Country	FPIC status	FPIC activities
		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 nation 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 <i>Forest and Nature Conservation Act 1995</i> .
Mongolia	4	Mongolia has prepared a draft National REDD+ Roadmap (June 2012). The Roadmap includes an activity to prepare and pilot a national FPIC guideline. This activity has not yet commenced.
Myanmar	5	Myanmar became a UN-REDD partner country in November 2011. It has not yet prepared a National REDD+ Roadmap.
Nepal	5	Nepal became a UN-REDD 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 ILO 169. 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 (KPK province, and Azad-Kashmir).

2 Case studies of FPIC pilots

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

2.1 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. In 2008, the average deforestation rate in Central Sulawesi was 118,744 hectares per year.

¹² Van Noord, H, (2010). *Feasibility of REDD+ in Bhutan: A scoping study*. Watershed Management Division, Department of Forests and Parks Services, Ministry of Agriculture and Forests, published by SNV.

Central Sulawesi has been selected as the pilot province for demonstration activities under the UN-REDD Indonesia Programme.¹³ REDD+ activities will be carried out in 5 of the 10 districts within the Province.¹⁴ The UN-REDD Indonesia 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.



Map 1: Location of Central Sulawesi Province, Indonesia

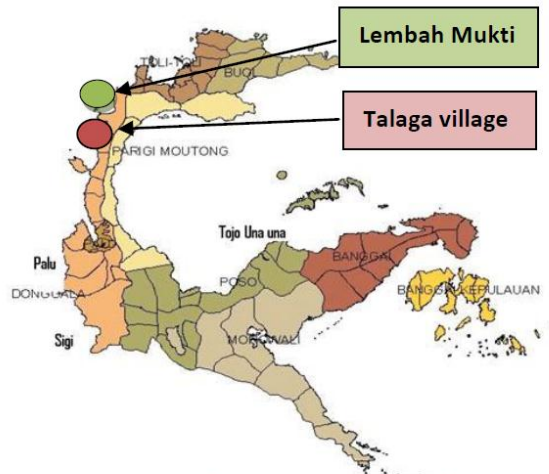
¹³ See the report, [Central Sulawesi's Readiness to Implement REDD+ after 2012](#), UN-REDD Indonesia Programme.

¹⁴ 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.

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 trialled in two villages (see Map 2):

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



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

Description of FPIC process

The FPIC trial 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 Forest Management Unit.
- The facilitators then returned two weeks later to Lembah Mukti to hold workshops on the proposed forest rehabilitation (replanting) program. They did not return to the other village, Talaga village – see the explanation below in the pink column.



Participant reports back to Working Group on proposed consent conditions, FPIC trial, Lembah Mukti Village, Central Sulawesi, Indonesia, March 2012.

What did the proposed forest rehabilitation program involve?

The FPIC process was led by the Provincial REDD+ Working Group (*Pokja*) which sought to assist the local Forest Management Unit to implement a forest rehabilitation program. The program 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:

Lembah Mukti village	Talaga village
<p>The villagers of Lembah Mukti agreed to implement the forest rehabilitation programme proposed by the Forest Management Unit (FMU), with a number of changes (e.g. 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 in the paragraph below.) • 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 Forest Management Unit 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 Forest Management Units for forest rehabilitation changed significantly to incorporate the villagers' requests. The negotiators representing Lembah Mukti village and the Forest Management Unit exchanged a Letter of Agreement (later sent to the Forest management Unit for approval) which set out 12 action points, some of which are described below.

The Forest Management Unit 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 jaboron, including training on replanting and small-scale social forestry for the local community
- provide seedlings to the villagers of Lembah Mukti of nutmeg and durian.



Negotiators representing Lembah Mukti village and the Forest Management Unit exchange a Letter of Agreement following negotiations in Lembah Mukti Village, Central Sulawesi, Indonesia, March 2012. (Photo credit: UN-REDD Indonesia Programme)

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

- permit the Forest Management Unit to carry out its replanting program for rubber and jaboron
- immediately stop illegal logging activities
- establish regulations to prohibit poaching and address forest conservation and management
- plant trees on steep slopes to reduce natural disasters.

Summary of later meetings between NGO (Pokja Pantau) and UN-REDD Indonesia Programme

Following the decision by Talaga village not to engage in consultations regarding REDD+, the UN-REDD Indonesia 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 global and country programmes) and about REDD+. The NGO also presented their position on REDD+, including their concerns that adequate safeguards should be in place before FPIC occurs, and the need for sufficient information to be given to the community on REDD+. The UN-REDD Indonesia Programme has also facilitated multi-stakeholder meetings between the NGO and other stakeholders.

Lessons learned from the FPIC trial

Some of the lessons learned and identified by the UN-REDD Indonesia Program from the FPIC trial 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 books](#) explaining the forest rehabilitation proposal were particularly popular.
- FPIC guidelines are best tested in a location where there is a concrete proposal that requires community consent (in the case of Lembah Mukti village, it was the replanting programme proposed by the Forest Management Unit). 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 a program of proposed UN-REDD 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 Forest Management Unit 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.

The UN-REDD Indonesia Programme is currently undertaking a review of the first FPIC trial carried out in March 2012 in Central Sulawesi, and is planning two further trials in Central Sulawesi in June 2012. Following these trials 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.

2.2 Lam Dong Province, Viet Nam

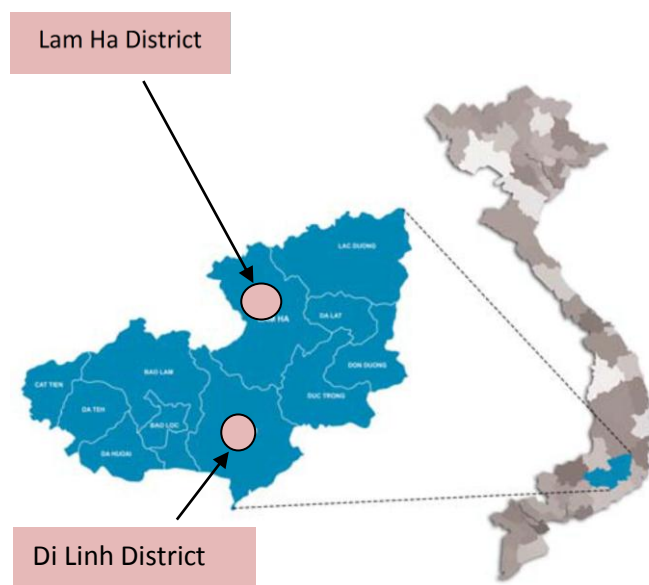
With the assistance of the UN REDD Programme, Viet Nam was the first country to pioneer a REDD+ specific FPIC activity which focussed on district-level (rather than project-level) consultation.¹⁵ The FPIC pilot took place in 2010 in two districts, Lam Ha and Di Linh, within Lam Dong Province (**Map 3**).

Viet Nam has high rate of internal migration with approximately 53 minority ethnic groups, comprising approximately 16 million people. In Lam Dong Province, there were 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. This created particular challenges to ensure effective communication and inclusion in the FPIC process.

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 (interlocutors), selected from 35 candidates, who all received training in climate change, REDD+ and FPIC techniques (see **section 5.2** for more details).



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

¹⁵ A useful summary of the lessons learned from Viet Nam's early FPIC experience is set out in a forthcoming report: UN-REDD Programme, "Lessons Learned: Viet Nam UN-REDD Programme, Phase 1" (forthcoming publication), UN-REDD Programme, prepared by Vickers, B., and Nguyen Hang.

What was the outcome of the FPIC pilot?

The communities concerned gave their consent to UN-REDD Viet Nam activities at the field level. The question actually posed to villagers during the consultations was: “Do you agree with the proposed UN-REDD 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”.¹⁶ 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 program 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 the UN-REDD Viet Nam Programme. Viet Nam is now considering developing a national FPIC Guideline as part of its proposal to ‘roll out’ FPIC for REDD+ on a national scale, which in turn will form part of Viet Nam’s implementation of Phase 2 of REDD+.¹⁷

As a result of a final workshop to evaluate the FPIC process in Lam Dong Province, it was recommended that teams of village facilitators (different to FPIC facilitators) be established who are from each village (e.g. the village head, local people, etc.) who can develop a more detailed understanding of REDD+. 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

¹⁶ In the independent evaluation of the FPIC trial, 78% of people said that they did not comprehend the UN-REDD Programme; the remaining 22% said that the program concerned forest protection or generating cleaner air: See Tan, N.Q., et al (2010). *Evaluation and Verification of the Free, Prior and Informed Consent Process under the UN-REDD Programme in Lam Dong Province, Viet Nam*, RECOFTC, pp. 37 and 38.

¹⁷ This is in line with a recommendation made by RECOFTC that Viet Nam develop a national FPIC guideline to guide future FPIC activities: See Tan, N.Q., et al (2010). *Evaluation and Verification of the Free, Prior and Informed Consent Process under the UN-REDD Programme in Lam Dong Province, Viet Nam*, RECOFTC, at p. 15.

- a desire not to have too many meetings
- a preference for individuals to vote rather than decisions being made by representatives
- 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 an NGO, RECOFTC.¹⁸

Lessons learned from the FPIC pilot in Lam Dong Province

Lessons learned from the FPIC pilot in Lam Dong Province include:¹⁹

- **Adequate time needs to be allowed for awareness-raising:** This issue was also raised many times during the FPIC Workshop in Bogor. The concept of climate change and REDD+ is 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/interlocutor make at least 3 visits to a village before any decisions are made.



FPIC village facilitators talking to community members during the FPIC pilot in Lam Dong Province, Viet Nam, 2010. (Photo credit: Nguyen Thi Thu Huyen)

¹⁸ See Tan, N.Q., et al (2010). Evaluation and Verification of the Free, Prior and Informed Consent Process under the UN-REDD Programme in Lam Dong Province, Viet Nam, RECOFTC.

¹⁹ These lessons are set out in more detail in a [Fact Sheet on Work on Free, Prior Informed Consent in Viet Nam](#), UN-REDD Programme, Viet Nam.

- **Engagement with local authorities needs to be managed carefully and flexibly:** There is a tension between engaging local authorities who 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 5.2**.
- **Documenting FPIC decisions can be challenging:** Indigenous peoples and local communities may fear submitting written statements or signing documents, but only relying on verbal agreements leaves open the possibility of future disagreements. A compromise may be needed.
- **Managing expectations of villagers 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 interest in a proposal.
- **A grievance and review mechanisms should be established at the outset:** This was not done in the FPIC pilot in Lam Dong Province and was an omission.

Further information on the FPIC pilot in Viet Nam

Documents from the FPIC pilot in Viet Nam are available on the [UN-REDD Programme Viet Nam website](#) and include:

- A full report by the UN-REDD Vietnam 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 audit of the FPIC pilot by an NGO, RECOFTC, which contains many useful observations and recommendations regarding the pilot.²⁰
- A [Manual for Interlocutors](#) to Conduct FPIC Village Consultation meetings (local facilitators), which contains: detailed information on climate change, REDD+ and the UN-REDD activities to be carried out; guidance on the role of a facilitator in an FPIC process, covering areas such

²⁰ This was carried out by the Centre for People and Forests (RECOFTC), which was engaged by the UN-REDD Programme for this purpose. See Tan, N.Q., et al (2010). *Evaluation and Verification of the Free, Prior and Informed Consent Process under the UN-REDD Programme in Lam Dong Province, Viet Nam*, RECOFTC.

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 forthcoming review of Phase 1 of the UN-REDD Viet Nam Programme: UN-REDD Programme, “*Lessons Learned: Viet Nam UN-REDD Programme, Phase 1*” (forthcoming publication in 2012), UN-REDD Programme, prepared by Vickers, B., and Nguyen Hang.

3 Developing national (or 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 *Second UN-REDD Programme Regional Workshop on Shared Learning for FPIC* held in Bogor, Indonesia, in March 2012.

3.1 Partner 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, guideline 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 2**).
- The UN-REDD Programme could create an FPIC Toolbox that countries seeking assistance could access containing FPIC materials. For example, the Toolbox could contain examples of FPIC Guidelines from other countries, example of communication materials, and a list of organizations and consultants with expertise in the area of FPIC (see the Recommendations in **section 7.1** below).

Box 2: Suggested steps for developing national level guidelines

1. *Identify the relevant principles for the guidelines*
 - The country’s international law 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 4.1).
 - Include any actors which are likely to be involved in implementing the guidelines, such as local or national forestry authorities.
 - 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 which requires consent from the local community (see the case study on Central Sulawesi in section 4.1)
 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+.*

3.2 When preparing national FPIC guidelines, 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 concept.²¹ For example, some participants in the FPIC Workshop in Bogor did not initially understand that FPIC is simply another form of consultation and participation (but set to a higher standard: see **section 1.2**), and that they may already have existing requirements for consultation and consent in relation to natural resource development in their country (e.g. under relevant forestry or timber extraction laws) that they can draw on 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 processes (e.g. are landowner processes for consent already in

²¹ This observation was also made in a recent review of the UN-REDD Viet Nam Programme: UN-REDD Programme, “*Lessons Learned: Viet Nam UN-REDD Programme, Phase 1*” (forthcoming publication in 2012), UN-REDD Programme, prepared by Vickers, B., and Nguyen Hang.

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 3** contains an example from the Philippines where this type of analysis is has been done.

Box 3: Case study – Policy reviews of existing FPIC processes in the Philippines

There are about 13 million people in the Indigenous Cultural Communities (ICCs) and Indigenous Peoples (IPs) in the Philippines, representing approximately 110 ethno-linguistic groups.²² 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/IPs have the right to give or withhold their FPIC where their ancestral domains are concerned. Government agencies cannot issue any concession, lease or licence over an ancestral domain area without obtaining the FPIC of the relevant ICC/IP (s. 59). The legal right to FPIC in the *Indigenous Peoples Rights Act* was supplemented by the FPIC Guidelines of 2006 which set out a detailed process for how the FPIC process must be undertaken.

In 2011/2012, 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 Indigenous communities of irregularities in the implementation of the 2006 FPIC Guidelines and provided policy recommendations for the review of the Guidelines;
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+.²³
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 FPIC Guideline of 2012 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 corruption.²⁴

²² Atty. Jonathan Adaci, Director, Ancestral Domains Office, National Commission of Indigenous Peoples, presentation to FPIC Workshop in Bogor on 19 – 20 April 2012.

²³ This Policy Study is being funded by GIZ in partnership with the Non-Timber Forest Products - Exchange Program (an NGO) and the National Commission on Indigenous Peoples. The results of the Policy Study were not available at the time of writing (May 2012).

²⁴ Source: Presentation on '*FPIC: The Philippine Experience*', given by Ms Robeliza Halip, Researcher, Non-Timber Forest Products Exchange Programme, to the FPIC Workshop in Bogor, 19 – 20 April 2012.

The 2006 FPIC Guideline has now been repealed and replaced by “*Revised Guidelines on Free and Prior Informed Consent (FPIC) 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+.

3.3 Countries appear keen to formalize national-level FPIC guidelines

During the FPIC Workshop in Bogor, a group exercise was held which discussed the question of “whether national FPIC guidelines are 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 FPIC guidelines would also increase donor confidence.
- An important purpose of national FPIC guidelines is to minimize conflict on the right and wrong forms of FPIC.
- 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.

4 Implementing FPIC: Lessons learned

The objective of this section is to identify some of the practical lessons learned of ‘how to do FPIC’ based on the case studies and material presented at the FPIC Workshop in Bogor.

4.1 Using a range of approaches can help communicate REDD+ to low literacy communities

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 FPIC Workshop in Bogor 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 2** below:

Table 2: 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 security and food security. • Explaining REDD+ as another version of community forestry, if the community already has experience of community forestry. • Pointing out familiarities with existing government forestry programs 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"> • It is not always useful to describe REDD+ in terms of climate change, greenhouse gas emissions, and carbon. • Do not use examples of climate change impacts that are not relevant to the region. For example, describing the melting of glaciers melting may be relevant in Nepal, but are likely to be confusing if used in tropical countries. • Don't use the term 'FPIC', if possible, as it only confuses people. Instead, use familiar terms such as consultation and participation.

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 programs; and regular radio programs.

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+

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 7.1.



Ethnic FPIC facilitator explaining climate change and REDD+ to women during FPIC pilot in Lam Dong Province, Viet Nam, 2010. (Photo credit: Nguyen Thi Thu Huyen)

4.2 Selecting and training suitable facilitators is of critical importance

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 Viet Nam FPIC pilot (section 3.2) and the pilot in Central Sulawesi (section 3.1) used facilitators to communicate with local communities.

In the FPIC trial 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 trial 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 Forest Management Unit). 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 Forest Management Unit.

In the UN-REDD Programme’s FPIC pilot in Viet Nam, 24 male and female FPIC interlocutors (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 official.²⁵

Lessons learned from these two early experiences with facilitators include:

- The selection and training of suitable FPIC facilitators is of 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.



FPIC Facilitator addressing participants during the FPIC pilot in Lembah Mukti Village, Central Sulawesi, Indonesia, March 2012. (Photo credit: UN-REDD Indonesia Programme)

²⁵ RECOFTC, 2010. Evaluation and Verification of FPIC Process under the UN-REDD Programme in Lam Dong Province, Viet Nam, p. 26.

4.3 It is important to document the whole FPIC process

The process of documenting FPIC was also the subject of much discussion during the FPIC Workshop in Bogor. 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 details 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 meetings.²⁶
- 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 might 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.



Participants consider REDD+ materials during FPIC trial in Lam Dong Province, Viet Nam, 2010. (Photo credit: UN-REDD Viet Nam Programme)

4.4 Establishing effective grievance mechanisms is important

Although this point has been raised in UN-REDD Programme publications before,²⁷ 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,

²⁶ See Tan, N.Q., et al (2010). Evaluation and Verification of the Free, Prior and Informed Consent Process under the UN-REDD Programme in Lam Dong Province, Viet Nam, RECOFTC, at p. 35, 39.

²⁷ For example, see the UN-REDD draft FPIC Guidelines (section 5) which address the need for UN-REDD partner countries to establish a grievance and accountability mechanism.

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 trial in Central Sulawesi, where negotiations were led by the local Forest Management Unit, it was found that specific mediation skills, including a grievance mechanism, would have assisted the negotiation process between the Forest Management Unit and the local community.

5 Opportunities and challenges

5.1 Improving FPIC processes throughout the broader policy framework

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 is suggested in **section 4.2** (e.g. see the example from the Philippines in **Box 4** below), this should identify where improvements are required. The development of an effective model for FPIC in the context of REDD+ offers each a country an opportunity to improve their consultation processes for other natural resource developments, such as for logging, mining and petroleum development.

Box 4: Approach to FPIC in the Philippines for programmes and policies

The Revised 2012 FPIC Guidelines in the Philippines (see Box 3) specify a different FPIC process for **projects** and **programs** proposed by the National Commission for Indigenous People compared to the FPIC process specified for projects. For example, while the Revised Guidelines require project-based 'carbon trading activities' to undertake a full FPIC process, they allow a shorter consultation process (called a 'validation process') to be used to determine whether a proposed policy or program is consistent with the development priorities of the local community (s. 40). This allows matters of national importance to be addressed expeditiously.

5.2 How to roll out FPIC for REDD+ programmes and policies?

One of the main challenges for applying FPIC is how to manage the **scope** and **scale** of REDD+.

For example, the **scope** of REDD+ strategies is potentially very broad. While some countries are focussing on project-level activities (e.g. PNG), REDD+ strategies may also include wide-ranging changes to national level legislation and policy, for example, by reforming the process for land titling, strengthening community-based approaches to forest management, or improving forest law enforcement and governance. Article 19 of UNDRIP makes it clear that such activities must be subject to FPIC (see **Box 5**).

With this scope in mind, each country's approach to FPIC should identify appropriate structures and processes for applying FPIC at the broader policy and administrative levels. For example, this could be done by ensuring that indigenous people and local communities are represented on multi-

stakeholder consultation groups, or by specifying a shorter FPIC process for programmes and policies (e.g. see the example from the Philippines in Box 5).

The **scale** of REDD+ is also a challenge for FPIC. This will arise where REDD+ strategies will be implemented through changes to land-use planning policies and programmes which will affect the whole of the forest estate in a district or province (a

Box 5: Article 19 of UNDRIP

Article 19 provides that:

‘States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing **legislative** or **administrative** measures that may affect them.’

‘planning-based approach’), rather than by supporting individual projects (a ‘project-based approach’). While some UN-REDD partner countries are envisaging adopting a planning-based approach to REDD+ (e.g. Viet Nam: see section 3.2), some appear to be considering a project-based approach to REDD+ (e.g. Papua New Guinea).

When countries are designing their national approach to REDD+, they should consider the implications of these two approaches for their FPIC guidelines and processes (see Table 3 below).

Table 3: Implications for FPIC of project-based v. planning-based approach to REDD+

	Project-based approach	Planning-based approach
FPIC process	FPIC process will be linked to the project development cycle	FPIC process should be incorporated into the land-use planning process
Parties involved in FPIC process	Four actors: <ul style="list-style-type: none"> • government • local communities • FPIC implementer • project proponent 	Three actors: <ul style="list-style-type: none"> • government • local communities • the FPIC implementer

	Project-based approach	Planning-based approach
Level of FPIC	Consultations will take place at a project level	Consultations will take place on a very broad scale, possibly across or within a district or province. This may result in higher costs because of the larger scale of implementation, although these may be offset by greater emission reductions.
Grievance mechanism	Established specifically for the project	Institutionalized at a district or provincial administrative level

5.3 How much does FPIC cost, and who will pay for it?

How much does it cost to do FPIC? While this question was asked a few occasions during the workshop there were 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 country.²⁸ It is also not clear how countries are going to fund their FPIC programmes, given that they may end up costing a significant amount of money 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.

6 Recommendations

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

²⁸ 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.

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. Central Sulawesi, 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 Central Sulawesi have already produced



Participant in FPIC pilot in Lam Dong Province, Viet Nam, 2010. (Photo credit: UN-REDD Viet Nam)

manuals for facilitators); manuals for trainers, such as the manual produced recently by RECOFTC.²⁹

- Examples of communication materials on climate change and REDD+
 - For example, the materials used in the FPIC pilot in Viet Nam are available on the [UN-REDD Programme Viet Nam website](#).
- Evaluation and verification methodologies and toolkits.
 - For example, RECOFTC has produced an [FPIC Evaluation and Verification Toolkit for UN-REDD Programme Country Programmes](#) (June 2010).
- A budget 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 Targeted assistance for countries to develop FPIC processes

²⁹ See Edwards, *et al*, (2012), [Putting Free, Prior and Informed Consent into Practice: A Training Manual](#), RECOFTC (2012).

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 their NPDs/R-PPs. However, based on consultations and presentations during the FPIC Workshop in Bogor, partner countries are clearly expressing an interest in accessing targeted assistance to both develop national (or sub-national) FPIC guidelines, and to develop practical approaches to implementing FPIC. The UN-REDD Programme should consider how this support could be made available.

6.3 Developing the business case for FPIC in REDD+

Two related issues which arose periodically during the FPIC Workshop in Bogor related to the cost of FPIC. One question raised was: “What is the cost of doing FPIC?” with the converse question being: “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 titled: *“Development Without Conflict: The Business Case for Community Consent”*.³⁰ Based on four case studies³¹ in which FPIC 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 its argument that it is in the financial interest of project sponsors and their financial backers to

Box 6: Conclusions reached in WRI Report (2007) on why FPIC 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 stakeholder, 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 conflict.

Source: Sohn, J., (ed.) (2007), *Development Without Conflict: The Business Case for Community Consent*, World Resources Institute, p. 3.

³⁰ For an example of an existing publication along these lines, but produced in the context of project-based development, see Sohn, J., (ed.), 2007, [Development Without Conflict: The Business Case for Community Consent](#), World Resources Institute, Washington, D.C.

³¹ 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.

ensure that local communities should have the right to give or withhold their consent (see the conclusions listed in Box X). Although developed in a project-specific context, many of these observations and lessons are relevant to REDD+.

In the context of REDD+, the need to address the risk of reversals is a particular risk which should be considered when quantifying the risk of not doing FPIC.³² Reversals, also referred to as ‘loss of permanence’, happen where a country receives benefits or incentives for avoided forest carbon emissions or increases in carbon removals and the carbon is subsequently released into the atmosphere. 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 release of sequestered forest carbon because of the actions of local communities who do not support, or who may seek to actively undermine, the REDD+ activity.

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

³² The need to address the risk of reversals is a requirement under the Cancun Agreements: Appendix I, para. 2(f).

Useful FPIC resources

UN-REDD Programme FPIC Guidelines

[UN-REDD Programme Guidelines on Free, Prior and Informed Consent](#), draft for comment – December 2011

UN-REDD Programme, [Report of the Expert Workshop on the UN-REDD Programme draft Guidelines on Free, Prior and Informed Consent](#), 10 – 11 February 2012, Geneva.

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).

CIEL (2010). [FPIC and UN-REDD: Legal and Practical Considerations](#), prepared for the UN-REDD Programme by the Center for International Environmental Law (CIEL).

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), Philippines.

UN-REDD Indonesia. [Guidelines for Implementation of Free Prior Informed Consent \(FPIC\) in UN-REDD Project in Central Sulawesi](#) (draft 27 – 29 December 2011)

General information on FPIC

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