

UN-REDD Programme: Draft Developing Guidelines for Implementing FPIC and Providing Recourse Mechanisms



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Charles McNeill, UNDP





Regional Consultation Process

In response to the request of the policy board:

To develop a set of concrete guidelines on how to implement FPIC and provide effective recourse mechanisms within the context of the UN-REDD Programme, so that we can build a body of knowledge and experience to inform FPIC processes and recourse mechanisms for REDD+.

Three regional consultations:


Asia Regional Consultation – Hanoi, Vietnam – June 2010

Latin America Consultation – Panama City, Panama – October 2010

Africa Regional Consultation – TBD – December 2010/January 2011



Asia Regional Consultation



Hosted in collaboration with the UN-REDD Programme Vietnam, Tebtebba Foundation, AMAN and the Asia Indigenous Peoples Pact:

- 65 participants including indigenous peoples, representatives from 11 countries, UN colleagues, and international CSO resource people
 - Explored issues, shared experiences
 - Identified recommendations to governments
 - Recommendations consolidated into draft guidelines and distributed for comment after the workshop.
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Draft Principles

All efforts to seek FPIC should be founded in the following principles:

- Transparency and access to information
- Accountability
- Inclusiveness
- Participation
- Independence and ownership of decision-making process

Motivation to seek FPIC should be based on the rights-based approach, including:

- The right to self-determination
- The right to the lands, territories and resources
- The right of indigenous peoples to practice their cultural traditions and customs

...And UNDRIP Articles 10, 11, 12, 18, 20, 24, 26, 32

Set in a national legal and policy framework that reflects a commitment to UNDRIP and/or ILO 169.



Defining Consent

Consent defined by:

What is consent?

Who gives consent?

Who seeks consent?

How to recognize consent?

What activities require consent in relation to REDD+?

Recommendations based in UNDRIP



Draft Guidelines - FPIC

Recommendations made on each of the four elements:

1) Free... 2) Prior... 3) Informed... 4) Consent...

Synthesized into a set of guidelines, focusing on the steps to take to ensure that consent is given that is based on:

- Access to comprehensive, objective information that takes into account possible benefits and risks, alternative perspectives in appropriate language and format
- Full understanding established in advance of decisions – respecting traditional decision making processes and timeline
- Full participation of the rights-holders
- Comprehensive documentation of the decision making process and results
- Independent verification of FPIC process
- Access to recourse, where decisions are not upheld
- Technical and financial support for an effective process



Draft Guidelines - Recourse

To provide access to recourse for stakeholders, including indigenous peoples and forest dependent communities, a mechanism should be:

- Accessible
- Independent and impartial
- Efficient
- Effective
- Using indigenous dispute-resolution institutions with disputes addressed as close to the administrative level where they arose as can be effectively resolved
- Adequately funded
- Able to result in necessary changes to activities, policies, and/or procedures
- Able to report to decision-makers and make recommendations for changes in policies and procedures



Next Steps

1. Recommendations from this week's workshop in Panama will be documented and circulated for comment – Oct/Nov 2010
2. Africa Regional Consultation in Dec 2010/Jan 2011 – informed by recommendations from Hanoi and Panama
3. Three sets of recommendations analyzed for similarities and differences, one set of guidelines with regional distinctions synthesized and distributed for a public comment period – Jan/Feb 2011
4. Guidelines will be Annexed to the UN-REDD Programme Operational Guidance on the Engagement of Indigenous Peoples and other Forest Dependent Communities – March 2011
5. Support to sensitization and capacity building for government to implement guidelines – Feb – June 2011