**Proposal for an approach to ensure Free, Prior, Informed Consent from Ethnic Minorities in Lam Ha and Di Linh Districts, Lam Dong province for UN-REDD programme activities in those districts**

**Introduction**

The landmark *United Nations Declaration of the Rights of Indigenous Peoples* (UNDRIP)[[1]](#footnote-1), adopted by the UN General Assembly in September 2007, provides a universal framework for action for the international community concerning Indigenous Peoples. In the context of Viet Nam, “ethnic minorities” meet the criteria usually applied to the term “indigenous peoples”[[2]](#footnote-2).

The UN‐REDD Programme partners, UNDP, UNEP, and FAO derive their mandates for engagement with

Indigenous Peoples from the Charter of the United Nations[[3]](#footnote-3), which states: ‘*We the peoples ... reaffirm faith in fundamental human rights, in the dignity and worth of the human person... (and) promote social progress and better standards of life in larger freedom.*’ This mandate was reaffirmed in the UNDRIP. Furthermore, Article 42 of the UNDRIP states that: “*The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, … shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration*.”

Among the Guiding Principles for the UN‐REDD Programme[[4]](#footnote-4) is the principle that Free, Prior, and Informed Consent for indigenous peoples and other forest-dependent communities must be adhered to, and is essential to ensuring the full and effective participation in policy‐making and decision-making processes within UN‐REDD Programme activities. In this context[[5]](#footnote-5):

* ***Free*** should imply no coercion, intimidation or manipulation;
* ***Prior*** should imply consent has been sought sufficiently in advance and respect time requirements of indigenous consultation/consensus processes;
* ***Informed*** – should imply that information is provided that covers (at least) the following aspects:

1. The nature, size, pace, reversibility and scope of any proposed project or activity;
2. The reason/s or purpose of the project and/or activity;
3. The duration of the above;
4. The locality of areas that will be affected;
5. A preliminary assessment of the likely economic, social, cultural and environmental impact, including potential risks and fair and equitable benefit sharing in a context that respects the precautionary principle;
6. Personnel likely to be involved in the execution of the proposed project (including Indigenous Peoples)
7. Procedures that the project may entail.

* ***Consent*** - consultation and participation are crucial components of a consent process. Consultation should be undertaken in good faith, requires time and an effective system for communicating among interest holders. Indigenous Peoples should be able to participate through their own freely chosen representatives and customary or other institutions. The inclusion of a gender perspective is essential. This process may include the option of withholding consent.

Among Guidelines for National UN‐REDD Programme Activities[[6]](#footnote-6) are the following:

*Representation*

Indigenous Peoples and other forest dependent communities shall be represented on National REDD

Steering Committees or equivalent bodies, where established.

*Participation and Inclusion*

The National Programme consultation and engagement strategy should effectively involve Indigenous

Peoples and other forest dependent communities.

National Programmes should include activities and resources to support ongoing consultation, engagement and partnership to ensure that national UN‐REDD activities take into account current priorities and concerns articulated by representatives of Indigenous Peoples and other forest dependent communities.

As addressed in the UNDRIP and ensuring FPIC, National Programmes will assess the impact of UN‐REDD Programme activities on Indigenous Peoples’ and other forest dependent communities’ rights prior to taking decisions on such activities.

*Transparency and Accountability*

The UN Resident Coordinator is responsible for ensuring that the National Programme abides by the UN’s Standards and Declarations.

The Principles for Consultation and Engagement[[7]](#footnote-7) include that they should:

* Occur freely and voluntarily, without external manipulation;
* Recognize existing Indigenous and local authorities, institutions and processes;
* Be an ongoing process, facilitating input into programme design, implementation, and verification based on FPIC, not a one‐off meeting;
* Take place within a reasonable amount of time agreed to by the stakeholders;
* Disseminate information and ensure the timely exchange of all relevant information between stakeholders;
* Engage diverse and relevant stakeholders;
* Use effective communication channels;
* Recognize the right of Indigenous Peoples and other forest dependent communities not to participate in consultations or associated activities;
* Allow for independent verification

**UN-REDD activities in Viet Nam that fall under Article 32 of the UNDRIP**

The activities of the UN-REDD programme that are, or which could be subject to Article 32 of the UNDRIP fall within Outcome 2 of the programme: Improved Capacity to manage REDD and provide other Payment for Ecological Services at district-level through sustainable development planning and implementation.

Relevant outputs and indicative activities under this Outcome include:

*1. District-level forest land-use plan mainstreaming REDD potential*

The Viet Nam UN-REDD programme will demonstrate mainstreaming of REDD through district-level pilots in two contrasting districts. Indicative activities contributing to this output will include:

* Training of staff of local authorities and other stakeholders in the planning and mapping processes
* Establishment of historical and current land-use maps
* Assessment of past causes and likely future trends in deforestation and forest degradation
* Mapping of at risk forest and “REDD-priority” forest areas
* Preparation of district socio-economic and land-use plans
* Organization of workshops or other events to secure stakeholder endorsement of district socio-economic and land-use plans
* Establishment of district REDD team (from staff of existing district and provincial institutions) to manage and monitor implementation of the district socio-economic and land-use plans

*2. Participatory C-stock monitoring system*

The Viet Nam UN-REDD programme will test approaches to providing local communities with capacity to self-assess changes in carbon-stocks in forests under their jurisdiction. Indicative activities contributing to this output will include:

* Assessment of practicality of existing methodologies to local conditions
* Design and implementation of modifications, as necessary
* Training of local stakeholders (including district and provincial officials) in application of participatory C-stock monitoring methods
* Design of monitoring programme, including establishment of sample plots and sampling protocols
* Analysis of samples through more sophisticated methods to test accuracy of participatory monitoring methods

*3. Equitable and transparent benefit sharing payment systems*

The Viet Nam UN-REDD programme will support the design of a modified payment distribution system suitable for REDD. Indicative activities contributing to this output will include:

* Analysis of strengths and weaknesses of existing payment system(s)
* Identification and implementation of modifications necessary for REDD
* Organization of workshops or other events to educate local (district and provincial) officials and stakeholders regarding the modifications
* Testing of system

*4. Awareness-raising at district and local levels*

The programme will undertake general REDD awareness-raising efforts that target a broad audience and build support for REDD. Indicative activities contributing to this output will include:

* Assessment of awareness-raising needs and opportunities
* Preparation of awareness-raising materials such as posters, pamphlets, radio programmes, etc.)
* Organization of awareness-raising events
* Re-assessment of level of awareness and additional awareness-raising needs

**Proposed process for UN-REDD in Viet Nam**

**Step 0**

Prior to the actual FPIC process beginning, some preparatory work is required. This will include:

* The preparation of a summary of the legal basis for local community engagement/FPIC in Viet Nam
* The preparation of communications materials
* Advance consultation with provincial and district authorities on the proposed process

Short-term consultants will be hired to undertake these activities.

**Step 1**

The UN-REDD programme will organize one or more awareness-raising events for provincial, district and commune leaders to ensure that the principles guiding the UN-REDD programme and district-level activities are understood. District and commune leaders will come only from Lam Ha and Di Linh Districts. As part of the awareness raising event, a brief document explaining the meaning of REDD and activities of the UN-REDD programme will be prepared (during Step 0) for distribution. The provincial, district and commune leaders will also review the proposals for steps 2-7.

**Step 2**

The UN-REDD programme will recruit sufficient interlocutors to guide the consultation process in each ethnic minority village in Lam Ha and Di Linh districts. The interlocutors will not be government officials, and each interlocutor will be fluent in at least one of the languages of the ethnic minorities in Lam Ha and Di Linh districts, such that all ethnic minority languages are represented. The recruitment process may be assigned to an NGO.

**Step 3**

The UN-REDD programme will organize a training event for the interlocutors to ensure that they are fully familiar with the anticipated results and activities of the UN-REDD programme and the principles guiding consultations necessary to secure free prior informed consent. As part of this training event, the UN-REDD programme will arrange for the document used in Step 1 to be translated into ethnic minority languages for those ethnic minorities which are literate in their own language, but not literate in Vietnamese.

**Step 4**

Each interlocutor will be assigned to a number of villages where the ethnic minorities in whose language they are fluent reside. Those villages in which more than one ethnic minority reside may require the support of more than one interlocutor. It is anticipated that each interlocutor might be responsible for about 10 villages. Each interlocutor (or interlocutors for villages with more than one ethnic minority) will contact the village head in order to organize an awareness-raising event at a location and at a time that is mutually acceptable to all village heads. At these awareness raising events the interlocutors will explain to the village heads the meaning of REDD and proposed activities of the UN-REDD programme, using the document prepared in Step 3. They will also agree with each village head the form and timing of events to engage the villagers in their village (for example, whether a single village meeting is appropriate, or whether a multi-stage process is required). The need for broad representation of all stakeholder groups (male/female, young/old, etc.) at the village meetings/events will be emphasized, and arrangements made for the meeting/event to be announced over several days through the village loud speaker system.

**Step 5**

The interlocutor(s) will attend the village meeting(s) at the time(s) established in Step 4. At each meeting, the interlocutor(s) will explain the meaning of REDD and the proposed activities of the UN-REDD programme, using the document prepared in Step 3 if the villagers are literate. The interlocutor(s) will answer questions and then retire to allow the villagers to discuss whether they are prepared to provide their consent, or return at an agreed later date for this purpose. At the initial meeting, a “Comments Box” will be provided, and collected at a later date, to allow any villager to make anonymous observations on the process.

**Step 6**

Having reached consensus, the villagers will prepare a document, using a template prepared by the UN-REDD programme, indicating either their consent or non-consent. The document will be signed by the village head and will indicate that the decision was reached by consensus. The names, sex, ages, ethnic group, and occupation (if any) of each participant in the village meeting will be recorded in an annex to the document.

**Step 7**

The document recording consent or non-consent of each village will be provided to the UN-REDD programme by each interlocutor, who will also prepare and submit a report summarizing the consultations, highlighting any concerns as to whether there was evidence of coercion or pressure having been brought to bear on the villagers.

**Step 8**

Independent verification of the FPIC process will be secured by contacting an independent, international organization with specialization in the area of forest-community interactions. The contracted organization will be provided with all records on the process, and will be invited to interview interlocutors, local and central government officials, and local stakeholders to:

* Assess whether the process has met the principles of FPIC,
* If not, generate recommendations for improvements that need to be made in order to secure FPIC,
* Assess the cost-effectiveness of the process, and advise as to opportunities to reduce costs and/or time while retaining effectiveness of the process

**Interpretation of results of the FPIC process**

In the event that FPIC is universal in the pilot Districts, UN-REDD programme activities will proceed as planned. In the event that one or more villages withhold consent, the following decision-making process will apply:

1. For those activities that do not involve engagement with individual villages (e.g., training of local government officials) any negative comments will be noted; if such comments are rare and/or minor, the activities will proceed as planned; if they are serious and consistent, the basis for the activities will be reconsidered.
2. For those activities that do involve engagement with individual villages, and for which collective commitment from villages is not required, (e.g., training, awareness raising), activities will proceed only in those villages from which consent was secured.
3. For those activities that involve engagement with individual villages, but for which a collective commitment is required (e.g., capacity building for mainstreaming REDD into spatial socio-economic planning; or systematic sampling for carbon density estimation), the basis for withholding of FPIC will be analyzed; the proposed activities will be re-designed in the light of the withholding of consent, and the process of securing FPIC re-initiated.

All documents generated through the FPIC process, including the independent verification process and any anonymous comments provided, will be available for external inspection, on demand.

1. <http://www.un.org/esa/socdev/unpfii/en/drip.html> [↑](#footnote-ref-1)
2. For example, the Working Group on Indigenous Populations established under the Office of the United Nations High Commissioner for Human Rights includes criteria such as “*voluntary perpetuation of cultural distinctiveness, which may include the aspects of language, social organization, religion and spiritual values, modes of production, laws and institutions*”; and “*self-identification, as well as recognition by other groups, or by State authorities, as a distinct collectivity*” [↑](#footnote-ref-2)
3. <http://www.un.org/en/documents/charter/> [↑](#footnote-ref-3)
4. <http://www.un-redd.org/Home/EngagementofIPs/tabid/1033/language/en-US/Default.aspx> [↑](#footnote-ref-4)
5. Following text is an excerpt from the Report of the *International Workshop on Methodologies Regarding Free Prior and Informed Consent* E/C.19/2005/3, endorsed by the UNPFII at its Fourth Session in 2005 [↑](#footnote-ref-5)
6. http://www.un-redd.org/Home/EngagementofIPs/tabid/1033/language/en-US/Default.aspx [↑](#footnote-ref-6)
7. ibid [↑](#footnote-ref-7)