



**UN-REDD**  
PROGRAMME

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

African Regional Consultation with Indigenous Peoples Organizations  
Tuesday, 25 January 2011  
Arusha, Tanzania





# 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+ in the future.

## **Three regional consultations:**

Asia Regional Consultation – Hanoi, Vietnam – June 2010

Latin America Consultation – Panama City, Panama – October 2010

Africa Regional Consultation – Arusha, Tanzania – January 2011



# Asia Regional Consultation



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

- 20 indigenous peoples representatives from 11 countries, UN colleagues, and international CSO resource people
- Explored issues, shared experiences
- Made recommendations to an imaginary government called 'Mongolovia'
- Recommendations consolidated into draft guidelines and distributed for comment after the workshop.





# Latin America Regional Consultation



Hosted in collaboration with UNDP's Regional Centre for Latin America & the Caribbean:

- 25 indigenous peoples representatives from 11 countries, UN colleagues, and international CSO resource people
- Explored issues, shared experiences
- Made recommendations on how FPIC should be conducted in the Latin American context and which REDD+ activities require FPIC
- Recommendations consolidated into draft guidelines and distributed for comment after the workshop.





# Draft Guidelines for FPIC & Recourse

**Recommendations from the Asia & Latin America and Caribbean Workshops have been merged into one set of draft guidelines:**

- **Principles**
- **Defining FPIC**
- **Applying FPIC to the UN-REDD Programme**
- **Levels of Consultation for FPIC**
- **Guidelines for Seeking FPIC in the context of the UN-REDD Programme**
- **Guidelines for providing access to complaint resolution for UN-REDD Programme stakeholders, including indigenous peoples and other forest dependent communities**



# 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 in 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



# Applying FPIC to the UN-REDD Programme

## Identifying which UN-REDD Programme activities require FPIC:

- **Policy level:** Adopting and implementing legislative or administrative measures that may affect the rights holders (UNDRIP , Art. 19).
- **Project level:** Projects affecting the lands or territories and other resources of indigenous peoples, particularly in connection with the development, utilization or exploitation of mineral, water or other resources (UNDRIP, Art. 32).
- Removal from traditional or customary lands or territories (UNDRIP, Art. 10).
- Removal of cultural, intellectual, religious and spiritual property (UNDRIP, Art. 11).
- Activities that may affect lands, territories, natural resources, traditional livelihoods





# Levels of Consultation for FPIC

**National-level:** Consultation on issues at the national-level should be conducted by a multi-stakeholder group with a specific mandate to facilitate consultation and FPIC on REDD+ ( build on existing institutions, where possible).

**Regional/sub-national level:** Regional/sub-national level consultation mechanisms should be involved on a flexible basis, depending on the country context.

**Community level:** At the community level, consultation on FPIC must be conducted through the traditional authority, when present. The traditional authorities will determine how decisions will be made, based on customary practice. In the absence of a traditional authority, consultation or FPIC should be carried out through the prevailing local governance unit.



# 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 and 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. Africa Regional Consultation in Jan 2011 – informed by recommendations from Hanoi and Panama
2. Three sets of recommendations analyzed for similarities and differences, one set of guidelines with regional distinctions synthesized and distributed for a public comment period – Feb/Mar 2011
3. Guidelines will be Annexed to the UN-REDD Programme Operational Guidance on the Engagement of Indigenous Peoples and other Forest Dependent Communities – April/May 2011
4. Support to sensitization and capacity building for government to implement guidelines – May 2011 onwards