



**UN-REDD**  
PROGRAMME

# UN-REDD Guidelines on Free, Prior, and Informed Consent

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May 16, 2012





# Presentation Overview

1. What is the UN-REDD Programme?
2. Stakeholder Engagement in the UN-REDD Programme
3. Focus on Guidelines on Free, Prior, and Informed Consent (FPIC)



# What is the UN-REDD Programme?

Partnership of FAO, UNDP & UNEP to provide support for:

1. National REDD+ Programmes
  - Total of 42 partner and pilot countries; increasing demand
  - capacity building for readiness
  
2. Global Activities: guidelines, advice, regional/international dialogue, analyses on:
  - Governance
  - Stakeholder Engagement
  - Benefit Sharing
  - Multiple Benefits
  - Monitoring, Reporting, Verification (MRV)
  - ⇒ that support country action
  - ⇒ that support the UNFCCC process on a global scale



# UN-REDD Prioritizes Stakeholder Engagement

- From Bali to today, full and authentic participation of indigenous peoples recognized to be crucial for REDD+
- Strong support from the UN-REDD Policy Board for guidance
- Demand from stakeholders during extensive consultations
- Led to development of Harmonized Guidelines on Stakeholder Engagement
- Also called for these FPIC Guidelines



# UN-REDD Prioritizes Stakeholder Engagement

1. Design and implementation of Guidelines (on FPIC, and Stakeholder Engagement)
2. Informing and supporting the engagement of stakeholders

via

- the UN-REDD Governance model (4 IP and 4 CSO reps)
- Global, Regional and National Consultations with IPs/CSOs



# Significance of FPIC for REDD+

- Value of FPIC has been recognized for years by Indigenous Peoples, governments, CSOs, private sector
- UN commitment to FPIC (e.g. UN Declaration on Rights of Indigenous Peoples; UNDG IP Guidelines; FAO IP Policy)
- Challenges in implementation but recognition of significant benefits of FPIC and need to invest now in processes to support FPIC for REDD+



# FPIC Guidelines: Consultation Process So Far

**Jun 2010 – Jan 2011:** 3 regional consultations with Indigenous Peoples & civil society in Vietnam (Jun 2010); Panama (Oct 2010); Tanzania (Jan 2011):

- Reps of 76 IP & civil society organizations from 32 countries
- Reps of 47 international & regional organizations
- UN-REDD country staff

**Feb – Jul 2011:** Synthesis of input into draft Guidelines

**Aug – Nov 2011:** Internal review by global & regional UN-REDD staff

**Dec 2011 – Jan 2012:** Public comment period

**Feb 2012:** ‘Expert Workshop’ to review FPIC Guidelines

**Mar 2012:** Presented update to UN-REDD Policy Board



# Definition of Free, Prior and Informed Consent

- **FPIC** is the principle that a community has the right to give or withhold its consent to proposed projects that may affect the lands they customarily own, occupy or otherwise use





# FPIC Guidelines: Objective and Scope

## Objective:

To outline a normative, policy and operational framework for UN-REDD National Programmes to seek FPIC, as and when appropriate, as determined by the National Programme in consultation with relevant rights-holders

## Users:

UN-REDD National Programmes and Partner Countries



# FPIC Guidelines: Contents

**The Guidelines provide information on:**

1. The normative framework underpinning the UN obligation to support the right to FPIC
2. Definitions of the elements of FPIC
3. UN-REDD Programme Policy on applying FPIC
4. Operational framework for seeking FPIC
5. Grievance and accountability framework



# 1. Normative framework for FPIC

- UNDG Guidelines on Indigenous Issues (2008)
- UNDRIP (2007)
- CBD (1992)
- ILO Convention 169 (1989)
- Cancun Agreements (2010)



## 2. Definitions of the elements of FPIC

**Free:** refers to a process that is self-directed by the community from whom consent is being sought, unencumbered by coercion, expectations or timelines that are externally imposed.

**Prior:** refers to a period of time in advance of an activity or process when consent should be sought, as well as the period between when consent is sought and when consent is given or withheld.

**Informed:** refers to the type of information that should be provided prior to seeking consent and also as part of the ongoing consent process.

**Consent:** refers to the decision made by indigenous peoples and other forest dependent communities reached through their customary decision-making process.



### 3. UN-REDD Programme Policy on applying FPIC

National Programmes to include description of plans to consult on FPIC: who, when, how – in stakeholder engagement component of R-PP

During Readiness Phase, National Programmes:

- Undertake stakeholder/rights-holder mapping to determine who;
- Impact assessment to determine when;
- Pilot activities to determine how;
- Consult with stakeholders to develop and validate national methodology



## 4. Operational framework for seeking FPIC

- **FPIC Scoping Review:** proposed policy; rights-holders; legal framework; impacts and mitigation measures; proposed budget
- **FPIC Proposal:** capacity needs; facilitator; location; timeline; language; decision-making process; documentation; other participants; verification; consent to what; recourse mechanism; consultation process
- **Independent evaluation:** review against definition of FPIC as criteria and agreement in Scoping Review/FPIC Proposal



## 5. Grievance and accountability framework

### **National level:**

National Programmes are required to establish national-level grievance mechanisms. We are developing guidance on how to do this.

### **Global level:**

The UN agencies are undertaking a review of existing policies and procedures to determine a base upon which to build a grievance and accountability mechanism.

# Commenters on the Guidelines:

## NGO / Academia

- CARE Lima
- CIFOR
- Conservation International (CI)
- University College London (UCL)
- University of Dalat, Viet Nam
- Federation for the Self -Determination of Indigenous Peoples (FAPI), Paraguay
- Forest Peoples Programme (FPP)
- Gaia Commoditas, Indonesia
- Gender Action, Washington, DC
- Global Witness
- HuMa, Indonesia
- ILRC
- Indigenous Peoples of Africa Coordinating Committee (IPACC), Kenya
- Lao PDR GIZ- CliPAD Project
- Programa de Mudanças Climáticas - Climate Change
- Program Instituto de Pesquisa Ambiental da Amazônia (IPAM)
- Rainforest Foundation Norway (RFN)
- RECOFTC
- The Nature Conservancy (TNC)
- Stakeholders consultation, DRC

## Government

- Brazil
- Guatemala
- Norway
- Ecuador

## UN-REDD National Programme

- UN-REDD Programme, Indonesia
- UN-REDD Programme, Viet Nam

## Intergovernmental Body

- BDP/RBLAC Regional Expert, UNDP
- GEF/UNDP Small Grants Programme
- OHCHR
- World Bank
- UNDP DGG – Anti-Corruption Team
- UNDP DGG - Human Rights Team
- UNDP Paraguay
- UN Permanent Forum on Indigenous Issues
- UN-REDD Regional Coordinator, Asia/Pacific, UNEP
- World Health Organization (WHO)
- Workshop of UN-REDD RTAs





# Overview of Key Recommendations

1. Need to be tailored to national contexts
2. Strengthen normative framework section
3. Who gives consent?
4. When is FPIC required?
5. How is FPIC applied?
6. Address differing standards (FCPF & UN-REDD)
7. Grievance and accountability mechanisms
8. Incorporate gender perspective

**Slide 17**

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wb146523, 3/23/2012



# Expert Workshop, February 2012, Geneva

- 1. Who gives consent?**
- 2. When is FPIC required?**
- 3. Process for Seeking FPIC**



# Who Gives Consent?

1. FPIC is a recognized right of indigenous and tribal peoples under international law.
2. Elaborate on the rights of other stakeholders
3. Apply the World Bank's criteria on IPs
4. Introduce a means to assess and manage human rights risks and impacts associated with UN-REDD Programme activities.
5. Adopt the definition of consultations as stated in ILO Convention 169, which states that all consultations have the objective of achieving agreement or consent.



# When is FPIC Required?

- Should consent be required at the national level or only at the community level? (If national, how should (all relevant) rights-holders be represented?)
  - Required at **local level** when activity will affect the right and management of land, territories and resources of IPs.
  - At **national level**, FPIC doesn't mean collective consent from every community. Instead, consent through representation.
- What criteria/questions could support a National Programme to determine whether or not an activity requires FPIC?



# Process for Seeking FPIC

- Clarify the methodology for evaluation/verification of an FPIC process
- Provide more guidance on the role of the facilitator in the FPIC process
- Clarify what is reasonable regarding FPIC process timeline



# Next Steps / Application

- Revise FPIC Guidelines:
  - **Who:** Tools for stakeholder/rights-holder mapping
  - **When:** impact assessments to determine which activities require FPIC
  - **How:** Learn by doing – different in varying contexts, share best practices and tools
- Apply with Guidelines on Stakeholder Engagement in the preparation of UN-REDD countries' R-PPs to develop stakeholder consultation plans
- Support UN-REDD National Programs to develop national methodologies / guidelines
- Update to address emerging needs / experiences