

Work Group 4 Report

When to apply FPIC in activities within the national program

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Rich discussion and including several national examples. We've followed the same methodology as we did yesterday, and responded to questions we were asked yesterday.

Who defines who is a part of the consultation mechanism?

If it is the government, how do we ensure the selection is inclusive and democratic?

How will UN-REDD seek to make sure these consultation mechanisms in each country are democratic and inclusive?

The following are key subjects/recommendations that arose:

- In order to apply FPIC, existing consultation/participation mechanisms should be used/leveraged as long as they fulfill FPIC implementation requirements.
 - In the event that these consultation/participation mechanisms do not fulfill the FPIC implementation requirements, the consultation mechanisms should be strengthened;
 - In the event that multiple consultation mechanisms exist under a variety of initiatives, these mechanisms should be coordinated;
 - If different consultation channels/mechanisms exist, how do we guarantee compliance with the FPIC? Should a list of minimal requirements exist?
- The consultation mechanism should have a structure, mandate and the decision-making power defined to manage its decisions. Its integration should be inclusive and representative. Otherwise, it will only be a dialogue forum and there won't be a guarantee that it will truly be able to apply FPIC in this instance.
 - It will be essential to develop a road map/identification of key players and a road map of the processes of existing consultations
 - UN-REDD should provide guidelines as to who should be considered key players to integrate into this consultation mechanism so the national government abides by them. As an example the following key players are recommended for consideration:
 - Players who are in the territory and have forest coverage;
 - Governmental players that affect decision-making processes in regards to the environment-forestry-finance-land tenure;
 - Representatives of each indigenous people and indigenous organizations;
 - Civil society associated with the subject matter;

- Selection of the players that comprise the consultation mechanism should be done objectively and democratically;
 - UN-REDD should seek to ensure that these consultation mechanisms are the most democratic and inclusive possible at the national level.
- If it is determined that someone was not included in the consultation mechanism (in good or bad faith), it shall be fundamental that this player later be integrated.
 - If the worktable/consultation mechanism complies with the guidelines provided by UN-REDD (those whose purpose was to make the work group was constituted democratically and is duly represented), they will be able to carry out consultation processes through this work group, as an example, presenting the document which will be presented to the Policy Board for validation purposes.

The idea is to keep from hindering the process at the onset, while also considering the fact that the funds are limited (they have not been disbursed by UN-REDD)

- It is essential that the players who are a part of the consultation/participation mechanism receive training, and this training should precede any consultation process. It is recommended that informational meetings be held about UN-REDD so that all the players understand what UN-REDD is in the preparation stage, and jointly agree as to the time they will need to carry out the consultation processes to prepare the document.
- It is important that an understanding exist as to the national situation in order to train the players who make up the consultation platform. Therefore, it is recommended that a preliminary analysis be carried out as to the national situation in a parallel manner to the integration of the consultation platform.
- What is necessary to carry out in order to consider the UN-REDD document as concluded? A consultation or consensus? Perhaps the initial work group can initially define up to what point it is necessary to consult or if it is necessary to arrive at a consensus.

In regards to the listed activities, which will need FPIC or a consultation mechanism?

We'd like to highlight that it is difficult to determine what activities require FPIC or consultation, if we do not yet understand what FPIC entails...

Overall recommendation

- It is important to consider the differentiation between when it will be necessary to obtain a FPIC and when a consultation/participation process will be required. For both processes, minimal and generic guidelines will be necessary, to the end that the countries have a key direction and a certain degree of flexibility.
- These minimal requirements can help the country's accountability and to give the direction they need to comply with to carry out a consultation/FPIC process.
- We do not go into detail into the definition of consultation or FPIC guidelines, because other work groups are discussing the content of defining FPIC.

Key Recommendations

- Individual conditions for each country/UN-REDD should define what activities will be essential to have/obtain a FPIC, otherwise, the governments can bypass their obligation and choose a consultation process when the appropriate thing is to obtain a FPIC. All remaining activities can be adapted to the national situation (a consultation process);
- Under the premise that the consultation mechanisms applied by each government are effective and follow the UN-REDD requirements, and that FPIC should adapt to activities where there is a risk of considerable negative impact. For the following activities it is recommended that UN-REDD should require the FPIC;
- Inclusion/integration of this requirement as to what activities need FPIC in the format/template of the national UN-REDD document;
- During the development of the national UN-REDD document, it must be clarified if this activity will require a consensus or consultation, and this activity should clarify how this consultation/consensus process will be completed. We will know in the document if we need to plan a specific budget for the consultation process;
- Clarify in the UN-REDD document if there is an existent consultation mechanism and which one we will do;
- The FPIC requirement should be integrated into the execution contracts between the government and the organization contracted for implementing activities, particularly in terms of carrying out the activities that have an impact on indigenous peoples. The duty to obtain the FPIC should be integrated into the reference terms of each contract by the national government and with indicators to verify what was carried out for the identified activities.

Overall Recommendations

- The process carried out in Vietnam cannot be applied to Latin America because Latin America consultation mechanisms already exist and those should be employed in order to familiarize the population with REDD and UN-REDD. However, the topic of training is very important and should take place adequately. The message of REDD and climate change needs to be uniform, unified and clear.
- The timelines imposed by the REDD financing mechanisms should not be a determining factor in implementing adequate consultation processes!
- It will be necessary to clarify the nature of FPIC for UN-REDD and for each country...will it involve a process, tool, requirement, instrument, protocol?