



UN-REDD
PROGRAMME



Overview of UN-REDD Programme Guidelines for Implementing FPIC and Providing Recourse



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Objectives of the Guidelines

Global level guidance to UN-REDD National Programmes in the Readiness Phase providing information on:

- The UN mandate to implement FPIC
- The principles relating to and definitions of FPIC and consultation
- How FPIC relates to the UN-REDD Programme cycle and activities
- Best practice guidance on how FPIC should be sought
- Information on recourse: (a) how it can be accessed within the UN-REDD Programme; and (b) guidance on options outside the UN-REDD Programme

The Guidelines are will be adapted at the National level through a participatory process



1. Introducing the mandate to implement FPIC

FPIC and the UN-REDD Programme

Indigenous peoples should be guaranteed the collective right to give or withhold free, prior and informed consent to all activities, projects, legislative or administrative measures, and policies under the UN-REDD Programme that take place in or impact the lands, territories, resources or otherwise affect the livelihoods of indigenous peoples.

The UN is committed to the notion that the 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



2. Definitions and Principles

Consultation processes designed to seek FPIC should:

- Strengthen and not degrade territorial integrity;
- Recognize and respect the contribution of indigenous peoples to the conservation and protection of forests;
- Be orderly, participative, inclusive, accountable and representative throughout the entire process, from initiation to evaluation;
- Be independent and follow indigenous peoples' traditional decision-making system and timelines;
- Respect the natural dynamics of indigenous peoples and other forest dependent communities (cultural customs, decision-making and natural resource management practices and lifestyle);
- Ensure that clear, prior, transparent, and consistent information reaches the community-level



Definitions and Principles Contd.

Free

- Should be free of coercion, corruption, interference, and external pressure

Prior

- Mutually agreed period of time in advance of an activity or process when consent should be sought

Informed

- The type of information that should be provided prior to seeking consent and also as part of the ongoing consent process

Consent

- Customary decisions made by indigenous peoples and other forest dependent communities reached through their socio-cultural decision-making process



Definitions and Principles Contd.

Who gives Consent?

Directly or indirectly affected indigenous peoples, tribal groups, ethnic minorities and other forest dependent communities whose rights may be affected

Who is responsible for seeking FPIC?

The State has the ultimate responsibility to consult and seek consent

For UN-REDD Programme 'readiness' support activities, the Programme staff, representatives of the government, or civil society acting on behalf of the Programme, shall seek consent.



3. Guidelines for National Programmes

- Analysis of which UN-REDD Programme activities require consultation towards FPIC
- Activities and programme components requiring FPIC should be integrated into the format/template of the UN-REDD National Programme document with budget requirements
- Broad stakeholder review of the incorporation of FPIC can be supported along different parts of the programme cycle (e.g., design, validation, inception, evaluation)
- Reinforces FPIC as a continuous process – NOT a one-off event



Consultation and Participation Plan

- Mapping of stakeholders at all levels and including multi-stakeholder groups, including IPs, in the decision making process
- Appropriate dissemination will allow multi-stakeholder groups to review planned activities to analyze for consultation towards consent and make stakeholders fully aware of their recourse rights
- Stakeholders will have their capacity built to engage with and monitor the consultation action plan, and communicate how activities on the ground affect them
- The results will be jointly analyzed and disseminated amongst stakeholders and used to improve the process



What are the consequences of withholding consent to the UN-REDD Programme?

- For activities that have discrete, time-limited impacts or can take place in distinct land areas, non-agreeing communities do not participate
- For activities that cannot be split up, the principle is to respect the wishes of all communities and only proceed if there is 100% consent



4. Guidelines on Recourse

Principles:

- Accessible
- Independent and impartial
- Efficient
- Effective
- Adequately funded
- Use indigenous dispute-resolution institutions with disputes addressed as close to the administrative level where they arose as can be effectively resolved
- 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



Existing Mechanism for Recourse within the UN-REDD Programme

- **Currently available mechanism: The UN-REDD Programme Policy Board**
 - Via UN-REDD Secretariat and to the UN Resident Coordinator in pilot countries – to be reviewed by the UN-REDD Policy Board for decision.



Evolving Work on Recourse within the UN-REDD Programme

The guidelines will provide clear information on how recourse should be developed and implemented by the National Programme

- The incorporation of recourse guidance provided by UNDP and the emerging joint FCPF and UN-REDD Programme R-PP template
 - Requires the development of a recourse mechanism at the national level
 - Should adhere to the agreed upon principles
 - Stakeholders should be properly informed of their rights to access this mechanism



Providing Full Information on Broader Options for Recourse

- **National Programmes should develop clear guidance to communities on available judicial and non-judicial recourse at:**
 1. Local/Community level
 2. National level
 3. Regional level
 4. International level



5. Regional differences

Regional differences do exist, requiring differentiated guidance

Examples:

- Latin America and the Caribbean – presented a modality for seeking FPIC via national, sub-national and local IP representatives that were not applicable in the case of Africa
- Africa – Need to refer to the definition of “Indigenous Peoples” provided by African Commission on Human and Peoples Rights

Global draft will endeavor to be comprehensive: Where ideas converge, recommendations will be harmonized. Where significant differences exist, region-specific recommendations will be highlighted, allowing guidelines to be tailored to the prevailing circumstances