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# Free, Prior and Informed Consent and REDD+: Guidelines and Resources





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# **Free, Prior and Informed Consent and REDD+: Guidelines and Resources**

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## SUMMARY OF KEY POINTS

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- Free, prior and informed consent (FPIC) refers to the principle that indigenous peoples have a right to give or withhold consent to actions that will affect them, especially actions affecting their traditional lands, territories and natural resources.
- *WWF's Statement of Principles on Indigenous Peoples and Conservation* recognizes the right of indigenous peoples to FPIC to projects affecting their customary lands and resources, and states that WWF will not promote or support interventions affecting customary lands and resources that have not received FPIC.
- FPIC is highly relevant to reducing emissions from deforestation and forest degradation (REDD+) because REDD+ will involve changes in forest management and use that can affect the rights and livelihoods of indigenous peoples and local communities. FPIC enables communities to safeguard their rights and interests, and also shape REDD+ initiatives to support communities in ways that will contribute to successful outcomes.
- FPIC is also relevant to the roles WWF may play in such REDD+ related activities as awareness-raising, capacity-building, project initiating, and informing the development of REDD+ policy frameworks.
- Practical methodologies for FPIC are still evolving and need to be specific to local cultures and contexts. However, a number of recent publications have outlined general procedures to ensure that rights to FPIC are respected and supported. This working paper outlines a general set of procedures for FPIC for use by WWF programmes working on REDD+, drawing in particular on recent guidance from The Center for People and Forests (RECOFTC), the German development agency (GIZ), Oxfam and the Forest Peoples Programme.
- National frameworks for FPIC are important to establish policy mandates and guidance for community-level processes. As highlighted by the *UN-REDD Programme Guidelines on Free, Prior and Informed Consent* (UN-REDD Guidelines), some aspects of a national REDD+ strategy may also have implications for rights of indigenous peoples or other forest dependent communities that will require some form of consent.
- As REDD+ readiness activities have advanced at national and sub-national levels, experience is also emerging on ways to share information with communities, build the capacity of communities to make informed decisions about REDD+, support communities in articulating their decision-making processes, and develop national FPIC guidelines. The *Field Experiences* section of this working paper documents emerging experiences from WWF programmes in Peru, the Democratic Republic of Congo and Indonesia.
- The concluding section of this paper provides an annotated compilation of additional resources that provide more in-depth information.

## BACKGROUND

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One aspect of Reducing Emissions from Deforestation and Degradation, and conserving, sustainably managing, and enhancing forest carbon stocks (REDD+) that has generated great interest is its potential to increase support for the forest stewardship activities of indigenous peoples and local communities. Potential social benefits associated with REDD+ initiatives include strengthening of community land and resource rights, empowerment of community institutions, and increased income through benefit sharing. At the same time, REDD+ has sparked concern about possible adverse impacts on indigenous and community rights, livelihoods and cultures — including restrictions on land and resource rights, increased centralization of forest management, and inequitable benefit-sharing.

Free, prior and informed consent (FPIC) of indigenous peoples and other forest-dependent communities is widely recognized as a key foundation for securing the opportunities that REDD+ may provide and addressing its risks — contributing to more equitable, effective and sustainable REDD+ initiatives. At the same time, practical challenges to effectively realize FPIC remain. A number of recent publications and current processes seek to address these, including the development of practical guidelines and procedures. One purpose of this working paper is to distill these practical guidelines into guiding principles and procedures for WWF programmes working on REDD+ into a resource for ensuring that rights to FPIC are respected and supported. The paper also provides an annotated compilation of additional and more in-depth resource materials on which programmes can draw.

## WHAT IS FREE, PRIOR AND INFORMED CONSENT?

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FPIC refers to the right of indigenous peoples to give or withhold consent to actions that will affect them, especially actions affecting their lands, territories and natural resources. FPIC is recognized in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and elsewhere, and is linked to individual and collective rights of indigenous peoples, such as to property and self-determination. FPIC has evolved as a protection against the often-devastating impacts on communities when they are left out of planning and decision-making processes, especially about large-scale development projects and other land use changes. While most clearly established as rights of indigenous peoples, it is increasingly recognized that the basic principles underlying FPIC are also relevant to non-indigenous communities.<sup>1</sup>

FPIC is increasingly recognized as “best practice” in conservation and development to avoid conflicts and ground activities in equitable agreements with indigenous communities, including fair benefits from activities on their lands.<sup>2</sup> FPIC enables communities to assess the potential benefits and risks of REDD+ initiatives, influence their design to reduce risks and promote benefits, and decide whether or not to approve or participate in them.

### **Article 32 of the United Nations Declaration on the Rights of Indigenous Peoples states the following:**

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water, or other resources.
3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural, or spiritual impact.

## WHAT IS WWF'S FPIC POLICY?

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WWF's *Statement of Principles on Indigenous Peoples and Conservation* recognizes the right of indigenous peoples to free, prior and informed consent to projects affecting their customary lands and resources. It further states that WWF will not promote or support, and may actively oppose, interventions affecting customary lands and resources that have not received free, prior and informed consent.

In the context of REDD+ specifically, *The REDD+ Five Guiding Principles* – which were developed by WWF, CARE and Greenpeace – highlight respect for the rights of indigenous peoples and local communities as a key principle of REDD+. While WWF has determined that it will not directly own or benefit from carbon credits, understanding FPIC principles and procedures is relevant to roles such as

awareness raising (providing information about REDD+) or initiating (co-developing demonstration projects within a national framework) that WWF may play. In addition, it is important to stay informed of the extent to which consent processes are being upheld by others in areas where WWF may be working on related activities, in order to adhere to WWF policy commitments not to support activities in indigenous lands that have not secured FPIC. Finally, WWF programmes can raise awareness, support other stakeholders and partners (government, private sector and other civil society actors) to strengthen their understanding of and commitment to FPIC, and promote integration of FPIC in REDD+ policies – in order to contribute to more effective REDD+ outcomes.

## WHY IS FPIC IMPORTANT TO REDD+?

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FPIC has received significant attention in the context of REDD+ because reducing emissions from deforestation will require changes in how forest land is used. Depending on how they are carried out, these changes may support or undermine the rights and livelihoods of indigenous peoples and local communities. For example, there is a risk that governments may restrict activities perceived to be contributing to deforestation and forest degradation, or re-centralize resource management, disrupting local institutions and management systems. Negative impacts on community rights and livelihoods, in turn, generate missed opportunities to engage the substantial knowledge and capacities of indigenous and local communities to contribute to forest stewardship. FPIC enables communities to guard against negative impacts and also shape REDD+ initiatives to support traditional knowledge, management systems and livelihoods that will be vital for successful programmes.

Recognition of rights to FPIC in relation to REDD+ has been a central part of the platform of indigenous peoples' organizations engaging in UNFCCC policy processes.<sup>3</sup> The December 2010 Cancun Agreement (Annex 1) adopted "*Respect for the Rights of indigenous peoples and members of local communities, noting adoption of UNDRIP*" as a safeguard for REDD+ programs. While not explicitly stated, this implies that FPIC is to be applied in the context of REDD+, as FPIC is one of the provisions of UNDRIP.<sup>4</sup>

Among donor initiatives, the UN-REDD Programme has

made an explicit commitment to adhere to the UN Declaration on the Rights of Indigenous Peoples, including FPIC. To put this commitment into practice, UN-REDD has carried out a series of regional consultation meetings on FPIC and developed guidelines for FPIC in the context of REDD+ programs (see the *National Frameworks and Processes* section, below).

The UN-REDD Programme and the World Bank Forest Carbon Partnership Facility (FCPF) also developed the *Guidelines on Stakeholder Engagement for REDD+ Readiness with a Focus on the Participation of Indigenous Peoples and Other Forest-Dependent Communities*. The Guidelines, revised in August 2012, focus on principles for effective participation and consultation, and provide guidance on the planning and implementation of consultations.

Among voluntary standards, the REDD+ Social and Environmental Standards (REDD+ SES) for government-led programmes, developed with support from CCBA and CARE, also call for the "free, prior and informed consent of indigenous peoples and local communities for any activities affecting their rights to lands, territories, and resources" (1.3).<sup>5</sup> These standards are being piloted in a number of national and sub-national programs including in Brazil (State of Acre), Ecuador, Indonesia (Central Kalimantan), Nepal, and Tanzania.<sup>6</sup> Similarly, the CCBA voluntary guidelines for REDD projects require documentation of a process for securing FPIC of project-affected communities.

## WHAT ARE FPIC GUIDING PRINCIPLES?

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Guiding principles for FPIC include that decision-making processes will be:<sup>7</sup>

- ▶ **Free** from coercion, intimidation or manipulation.
- ▶ **Prior** to allocation of land for particular uses or approval of specific projects. Lead time should reflect respect for time requirements of indigenous consultation/consensus processes.
- ▶ **Informed**, based on full information, at least, about the nature and scope of any proposed project or activity; areas that will be affected; the potential economic, social, cultural and environmental risks and benefits; and the timeframe of the proposed project and organizations/actors likely to be involved. Information should be in a language easily understood by the affected people, delivered in a culturally-appropriate way, and available from independent sources. Communities may also require capacity building on unfamiliar issues to be truly informed.
- ▶ **Consent** requires time and an effective system for communicating among all affected community members and taking decisions through customary or other community-defined decision-making processes. It requires that affected people are able to say yes or no at each stage of the project. Consent is to be given or withheld by the community as a whole; no single individual or representative can make the decision. Consent should result in equitable agreements, and should be part of ongoing processes of communication and negotiation, rather than a one-off action.

## WHAT ARE FPIC GENERAL PROCEDURES?

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As highlighted by Anderson 2011, “Respecting the right to FPIC is, by definition, a locally and culturally specific process in which the affected communities themselves determine the steps involved. It is therefore not possible to produce a universally applicable ‘how to do it’ guideline.” However, it is possible to identify a set of key elements or components of an FPIC process, bearing in mind that these will need to be adapted through locally-appropriate processes. This section presents an overall outline of procedures for FPIC, drawing on recent guidance and emerging practices (see *Additional Resources* section). The procedures described here focus primarily at the community or project level, as the scale at which FPIC is most relevant. At the same time, the following section discusses the relevance of national scale frameworks and processes for FPIC, with particular reference to UN-REDD Programme Guidelines.

In the context of REDD+, emerging best practice is to seek consent at multiple stages; for example, at the outset of assessments/planning for a project, to project design documents, and as a requirement for any contractual agreements. This implies that processes will be iterative and also that “no project” options need to be built in at each of these stages in case consent is not secured.

RECOFTC & GIZ’s guidance on FPIC and REDD+ identifies the following three levels of consent:

- Consent to discuss the idea for a REDD+ project that will affect community lands and resources;
- Consent to participate in developing a detailed plan for a project;
- Consent to the implementation of the project.

(From: Anderson 2011. *Free, Prior and Informed Consent in REDD+: Principles and Approaches for Policy and Project Development*.)



**Key Elements of an FPIC procedure include:<sup>8</sup>**

**1. *Identifying customary lands and rights holders.***

This step is an essential foundation for FPIC as it establishes who the rights-holders to a given area are, and therefore who needs to give consent to a particular activity. As land claims based on customary rights are often not formally recognized in law, fulfilling this element may require support for a participatory community mapping process to document community-recognized rights over forests. Mapping should include different groups within the community (who may have differences in knowledge, interests and uses of resources) as well as neighboring communities (to validate and agree boundaries).

**2. *Identifying and engaging with appropriate community decision-making institutions/authorities.***

Communities should be represented by institutions they choose themselves through a verifiable process, which may differ from institutions set up under government structures. Appropriate decision-making institutions will vary by the scale of the REDD+ initiative. Communities may also develop or designate new bodies to engage in participatory development of a REDD+ initiative; for example, where the geographical scale of the initiative spans several community institutions, or where structures of representative in relation to outsiders are not yet in place. Representation should be broadly inclusive of all rights-holding communities in the area and of all groups within the community (women, youth); ensuring full representation of diverse interests may require specific attention and activities. Where outside facilitation is provided for a consent process, this should be provided by a neutral body (without vested interests in the outcome) and specifically agreed with the community. Conflict resolution measures should also be built into the decision-making process.

**3. *Identifying and engaging support organizations.***

Engaging with support organizations – such as regional or national representative organizations of indigenous peoples and/or expert or advocacy groups on indigenous/community rights – enables communities to access independent information and advice about the REDD+ initiative from a rights perspective. In addition, support organizations can work with communities to promote enabling policy frameworks for their local activities, where these are not yet in place or

need to be strengthened. Engaging with higher-level organizations further helps promote transparency of the REDD+ initiative, and learning about effective consent processes that can be spread to other areas. Partnerships between actors with diverse political and technical skills, for instance between indigenous forest communities and organizations with social or conservation expertise can also facilitate information sharing and capacity building. However, such support organizations can not make the decisions for the communities.

**4. *Building mutual understanding and agreement on a locally-appropriate FPIC process.***

This element addresses the need for outside actors to understand local community decision-making processes and for communities to define their own process as well as expectations regarding information and support from outside groups. Aspects of the local process may include: who makes decisions, timeframes for community discussions and agreement, how potentially marginalized groups will be involved, requirements to reach a decision, points along a process at which FPIC is needed, and how agreements will be documented. Aspects of outside support that may need to be defined include how and when information about a proposed initiative will be communicated and in what forms, and the types of capacity building that communities may need to understand and make decisions about the proposed initiative (see *Providing Information and Supporting Decision-making*). Information-sharing and engagement and/or capacity building activities with other entities (e.g. government, private sector) may also be needed to build support and respect for the FPIC process. The Guiding Principles for FPIC, outlined above, provide a useful standard against which to assess specific processes.

**5. *Providing information.***

Information provision addresses the principle that decision-making and consent should be *informed*. Specific relevant information will vary depending on the stage of the work (e.g. initiating a process, designing a project, developing a project implementation agreement). Types of information that may be relevant at different stages of a local REDD+ initiative are:

*Stage 1 (Initiating process):* Information on climate change and its impacts, on REDD+ and how it is developing in the national context, on the international and national context of rights - including to FPIC, assessment plans, who will be involved.

*Stage 2 (Project design):* Proposed changes in land/resource use, results of assessments of potential impacts and costs, benefit sharing arrangements, legal implications, etc.

*Stage 3 (Project implementation):* Specific terms of the implementation agreement, based on the results of negotiation.

General guidelines on *how* information should be provided include that it should be:

- Open and transparent;
- In locally-appropriate languages and forms;
- Delivered in timely and culturally-appropriate ways.

General guidelines on *what* information should be provided include:

- Balanced treatment of potential positive and negative impacts of an initiative;
- An assessment of costs and benefits, and their distribution;
- Alternatives and outcomes of different scenarios;
- Information on community's legal rights and legal implications of the proposed project (e.g. implications for land/resource rights, status of carbon rights).

### **6. Engaging in negotiation and supporting decision-making.**

Negotiation consists of a two-way dialogue between communities and project proponents or facilitators (e.g. government, private sector, NGO) on proposals, interests and concerns. In the context of REDD+ initiatives, key issues are likely to include the nature and extent of any changes to forest use, roles of communities in forest management and monitoring, and how communities will secure and manage anticipated benefits. Interactive dialogue is likely to be interspersed with periods of time for community leaders and members to freely discuss their concerns and proposals among themselves. Communities may also need additional technical advice on specific aspects of proposals under discussion, and have rights to independent advice as needed. Ample time should be allowed for a conclusion to this process, which may not conform to standard project timelines.

### **7. Documenting consent-based agreements.**

One distinction between FPIC and more general consultation processes is that specific agreements should be documented in a mutually agreed form among all parties. The content of agreements will vary according to the stage of the work; REDD+ project implementation agreements, for example, would likely include specifics of the agreed costs and benefits to the community, resource management requirements and any regulations on use. An agreement may also document forms of capacity-building or technical support to be provided by outside actors to enable communities to fulfill obligations; for example, in relation to resource management or distribution of benefits. It will be useful to define the general content of REDD+ agreements as part of participatory development of broader (national or sub-national) policy and legal frameworks.

### **8. Supporting and monitoring implementation of agreements.**

As noted, community implementation of consent agreements may require ongoing technical or capacity-building support. Furthermore, monitoring the implementation of agreements enables parties to hold each other accountable to agreed results as well as to adaptively manage where actual outcomes may diverge from projections (e.g. of community costs or benefits). Community rights-holders should be substantively involved at all stages of designing and carrying out monitoring of consent agreements, rather than just carrying out paid data collection.

### **9. Establishing and operating a conflict resolution mechanism.**

A conflict resolution mechanism provides a process for resolving differences that may arise in the course of implementation of agreements. Defining in advance how differences will be communicated and resolved helps to ensure that they do not grow into broader conflicts that derail the agreement and project. Best practices for conflict resolution (or "grievance") mechanisms developed from private sector experience provide useful guidelines that can be drawn on in REDD+ initiatives.<sup>9</sup>

### **10. Verifying Consent.**

Verification by a third party that community consent has been free, prior and informed guards against manipulation of FPIC processes and enables REDD+ proponents and facilitators to demonstrate that they have respected this right in relation to specific initiatives.

# NATIONAL FRAMEWORKS AND PROCESSES: UN-REDD PROGRAMME GUIDELINES ON FPIC

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As noted, FPIC processes are most often undertaken at the community level in relation to specific projects or activities with potential to impact particular communities. At the same time, national level frameworks for FPIC are important to establish policy mandates and guidance for such community-level processes. In addition, as highlighted by the *UN-REDD Programme Guidelines on Free, Prior and Informed Consent* (Guidelines on FPIC), some aspects of a national REDD+ strategy may have implications for rights of indigenous peoples or other forest dependent communities that require some form of consent.<sup>10</sup>

The Guidelines on FPIC are based on the duties and obligations UN-REDD partner countries hold under international law, particularly the right of indigenous peoples to effective participation in decisions, policies and initiatives that affect them. A *Legal Companion to the UN-REDD Programme Guidelines on FPIC* provides a non-exhaustive compendium of international laws and emerging State practice, affirming the duties and obligations of States with regard to FPIC.

The Guidelines on FPIC establish the duty of UN-REDD national implementing partners, including national counterparts and UN organizations, to ensure that FPIC is incorporated into the national REDD+ process. One indicative step for this is to develop National FPIC Guidelines and Methodologies, based on a consultative process. In general, implementing countries should guarantee effective and good faith consultations with indigenous peoples and forest-dependent communities with a view to reaching agreement as part of the development of national REDD+ strategies. However, where specific policies and activities stemming from the national REDD+ strategy may affect indigenous peoples' rights (and, where relevant, forest-dependent communities' rights) the national implementing partner will have the duty and obligation to secure FPIC in order to ensure the protection of the underlying substantive rights. Relevant substantive rights highlighted in the Guidelines on FPIC include the rights to:

- Self-determination;
- Own, use, and control their lands, resources, and territories;
- Health and environment, to ensure their traditional livelihoods or survival;
- Equality before the law;
- Be free from forced relocations.

In order to determine the right-holders from which UN-REDD countries are required to seek FPIC, the Guidelines

on FPIC propose definitions of indigenous peoples (Annex I) to which countries should refer. Remarkably, partner countries' own recognition or identification of communities as "indigenous peoples" are not considered to be definitive. Annex I includes, instead, two sets of questions that should support States in understanding and identifying who are indigenous peoples.

The UN-REDD Guidelines on FPIC encourage partner countries to engage right-holders through their own representative institutions. This involves "respecting the norms, values, and customs" of indigenous peoples and communities. Nevertheless, the guidelines also encourage representation of all customary and formal rights-holders in the decision-making process, especially women, in keeping with both the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and the UNDRIP.

When granting consent depends on the fulfillment of certain conditions, such as provision of benefits, and the conditions are not met, the community may review these requirements and either reaffirm or refuse consent. Consent must be an iterative process and therefore can be revoked at a later stage of programme implementation if conditions change or agreements are not fulfilled. Nonetheless, the Guidelines on FPIC stress that given the significant time and resources that may have been invested during the process, rights-holders may not withdraw consent arbitrarily. Hence, if the conditions upon which the original consent was granted are sustained, ongoing consent is implied. If there are discrepancies on whether these conditions are being sustained or not, communities should have recourse to a relevant national-level grievance mechanism, to ensure that grievances and disputes are settled in a timely and proper manner.

The Guidelines on FPIC include a non-exhaustive checklist aiming to support partner countries when determining whether an activity will require FPIC in the context of their REDD+ work. (*See box on next page*).

The guidelines also mandate documenting the FPIC process in writing and making it publicly available. The written document should clarify if consent was provided or withheld and provide a basis for decisions to be binding and enforceable. Rights-holders should be asked what can be recorded and what it is permissible to document. Ideas, questions, and concerns raised during the FPIC process should also be documented so that it is possible to review the whole process if a grievance or dispute arises.

## Checklist for appraising whether an activity will require FPIC

YES/NO

1. Will the activity involve the relocation/resettlement/removal of an indigenous population from their lands?	
2. Will the activity involve the taking, confiscation, removal or damage of cultural, intellectual, religious and/or spiritual property from indigenous peoples/forest-dependent community?	
3. Will the activity adopt or implement any legislative or administrative measures that will affect the rights, lands, territories and/or resources of indigenous peoples/forest-dependent community (e.g. in connection with the development, utilization or exploitation of mineral, water or other resources)?	
4. Will the activity involve mining and oil and/or gas operations (extraction of subsurface resources) on the lands/territories of indigenous peoples/forest-dependent community?	
5. Will the activity involve logging on the lands/territories of indigenous peoples/forest-dependent community?	
6. Will the activity involve development of agro-industrial plantations on the lands/territories of indigenous peoples/forest-dependent communities?	
7. Will the activity involve any decisions that will affect the status of indigenous peoples'/forest-dependent community's rights to their lands/territories or resources?	
8. Will the activity involve the accessing of traditional knowledge, innovations and practices of indigenous and local communities?	
9. Will the activity involve making commercial use of natural and/or cultural resources on lands subject to traditional ownership and/or under customary use by indigenous peoples/forest-dependent community?	
10. Will the activity involve decisions regarding benefit-sharing arrangements, when benefits are derived from the lands/territories/resources of indigenous peoples/forest-dependent community?	
11. Will the activity have an impact on the continuance of the relationship of the indigenous peoples/forest dependent community with their land or their culture?	

(From: UN-REDD 2013. *Guidelines on Free, Prior and Informed Consent*)



## FIELD EXPERIENCES

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As REDD+ readiness activities have advanced at national and sub-national levels, experience is also emerging on ways to promote and support free, prior and informed consent processes at community and national levels. The case studies including in this working paper document emerging experience from WWF programmes in Peru, Indonesia and the Democratic Republic of Congo (DRC). Work in Madre de Dios, Peru has focused on building the capacity of indigenous leaders and communities to understand REDD+ — as a basis for informed decision-making — and to define their own decision-making process, including with the participation of women and other marginalized groups.

In Kutai Barat, Indonesia, work has focused on clarifying community decision-making processes and securing agreement on how to take forward community activities such as forest carbon measurements and development of village regulations. In DRC, work has focused both on support to a national-level process of developing FPIC Guidelines, and on community-level activities to test the national guidelines — and, in the process, share information on REDD+, document customary consent processes of local communities, and gather initial community interests and concerns with regard to potential REDD+ activities.

### MADRE DE DIOS, PERU: Enhancing capacities of indigenous leaders on REDD+ and FPIC

#### Introduction

For indigenous peoples of Madre de Dios, Peru, forests are the ancestral habitat where their ancestors dwell and their livelihoods and cultures are sustained. The forest is their “mother”, a sacred space linked with their identities and spiritual beliefs that deserves respect and care. Livelihoods of indigenous communities depend upon their territories, where they undertake activities such as horticulture, hunting, fishing and traditional harvest of fruit. Due to the advance of urbanization and economic activities, notably mining, indigenous communities located closer to Puerto Maldonado, the capital city of the Madre de Dios Region, are the most vulnerable to shortages of wildlife, fish and other resources. For instance, the communities of Boca Pariamanu and Tres Islas stressed that good conditions still exist for hunting; the areas of Sonene and Palma Real still have both good hunting and fishing resources but fishing in San Jacinto is harder because mining is polluting the water.

In 2011-12, WWF-Peru supported capacity-building activities for indigenous communities in Madre de Dios aiming to enhance knowledge about REDD+ and FPIC-related issues. Activities were developed jointly with the Indigenous Forest Association of the Madre de Dios Region, or *Asociación Forestal Indígena de Madre de Dios* (AFIMAD). AFIMAD's overall goal is to develop economic activities benefiting indigenous communities of Madre de Dios. For example, the organization has supported production of Brazil nuts, an activity deeply rooted in the economy of several indigenous communities and that remains a major source of income for them.

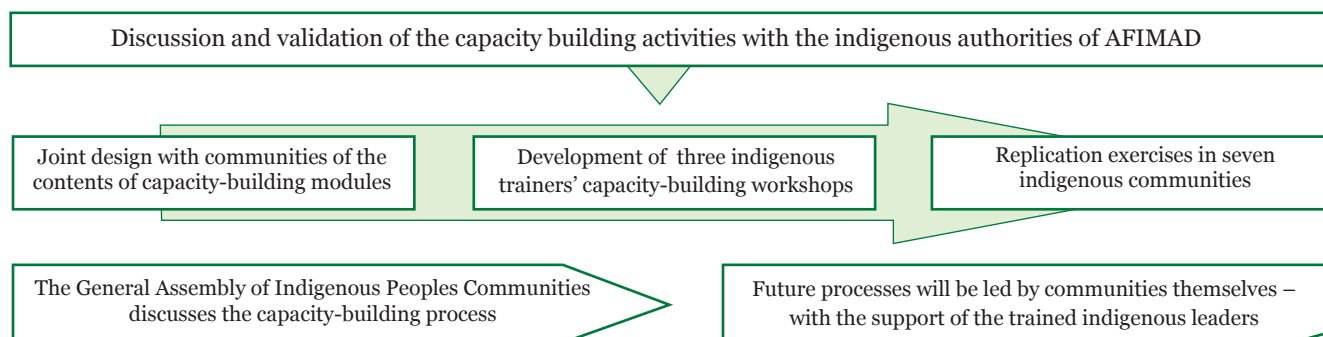
Work was undertaken in the context of the recent approval of a national law and regulations on the right to prior consultation of indigenous peoples. The consultation regulations apply to administrative and legislative measures adopted by the national, regional and local governments. The consultation law and regulations apply only to collective rights of indigenous peoples, a limitation criticized by some indigenous organizations such as the Inter-Ethnic Association for the Development of the Peruvian Rainforest (AIDESEP). At the same time, the strengthening of indigenous communities' capacities on REDD+ and FPIC can feed into emerging practices and lessons on implementation of the Law on Prior Consultation.

#### Activities undertaken and outcomes achieved

The capacity-building activities carried out sought to build indigenous leaders' knowledge of REDD+ and FPIC. The work involved training on climate change and REDD+, reflections on the relationship between indigenous communities and government institutions regarding land and natural resource management, and community discussion on the use of traditional and local knowledge systems to mitigate deforestation and degradation within their territories. Communities also reflected on how they conceived their future in their territories. Activities were coordinated with indigenous authorities and AFIMAD, and visits only carried out with the previous approval of communities' authorities, in accordance with an agreed-upon schedule.

The following diagram outlines the process:

## MADRE DE DIOS, PERU CONT.



Community members had the opportunity to reflect on and spell out their decision-making mechanisms; their approach to inclusive participation in decision-making; the situation of their lands, territories and resources; and potential relevant stakeholders in a grievance mechanism for REDD+.

**Decision-making: A combination of formal and customary mechanisms.** Decision-making in AFIMAD indigenous communities is a combination of government and traditional decision-making structures. All communities have the structure of a civil association, in keeping with Peruvian law, i.e. there is a president, a secretary, board members and a comptroller. This structure runs a book of records and establishes a statute and set of regulations adopted by the community. All communities are partners and appoint the president of AFIMAD.

Among other duties, each indigenous community adopts all decisions affecting the community's culture, autonomy and territories, and decides on the preparation of consultations. Indigenous communities coordinate with the Native Federation of the Madre de Dios River and Madre de Dios Tributaries (FENAMAD) on the application of the right to previous consultation.

At the same time, customary law based on ancestral traditions also has a place in the decision-making structure of several indigenous communities of Madre de Dios. The communities of Palma Real and Sonene have a council of elders, which is summoned when there are difficult problems to solve. In the past, the elders were convened when there were conflicts with other communities. In the case of certain communities, including Palma Real and Sonene, there is an Ese'jeja development committee, formerly a culture committee, responsible for conducting activities aiming to revitalize the Ese'jeja culture. This committee no longer meets but could be a space for the revitalization of traditional knowledge if the communities so decide.

**Participation of women, youth and elders.** The facilitators sought to ensure inclusive participation in capacity-building activities by:

- Including instructions to involve women and youth in the methodological guidance for workshops;
- Ensuring at least one women per community was selected as a leader for training;
- Asking women to occupy the first ranks when mixed groups and rows are being organized in capacity-building activities;
- Including the elderly and the council of elders;
- Asking the president of the community to enable the elderly to participate in the activities;
- Sending separate invitation letters to the elders who run the council;
- Including native language speakers.

Although most communities use the Spanish language, facilitators also mapped linguistic families and communities where there still are speakers of traditional languages. For example, in the communities of Tres Islas, Palma Real and Sonene there are still speakers of the indigenous languages Shipibo-Conibo and Ese'jeja. Facilitators worked with the communities of Palma Real and Sonene, where there were more indigenous languages speakers. Indigenous trainers were taught to use images, graphics and other resources in these communities. Workshop guidance highlighted that a community translator should be available to facilitate oral interaction and to write down the minutes and reports in the native language if the community so requests.

**The situation of indigenous lands, territories and resources.** Currently, there are ongoing conflicts in the territories of AFIMAD indigenous communities between indigenous peoples and external stakeholders, such as the state, private companies, migrants and settlers. Communities feel that these stakeholders do not respect the

## MADRE DE DIOS, PERU CONT.

natural cycle of the forest or their traditional livelihoods. All throughout indigenous communities' territories there are conflicts over overlapping land uses and rights such as with mining communities and protected areas. In the community of Tres Islas, where this capacity building process was initiated, there are constant conflicts between the communities and the miners involving most of the territory. Moreover, there is no demarcation or micro-zoning of common areas.

All communities have a communal title, i.e. the land belongs to the community, rather than to individuals. Communities maintain large areas of Brazil nut trees and are dedicated to the annual harvest. In response to Brazil nut crop shortages in the community of Puerto Arturo, the communities envisage owning land in Río Piedras and establishing a collective Brazil nut plantation. However, lack of financial resources and technologies has constrained the implementation of this project. The devaluation of Brazil nut prices is a concern for them. Organic and fair trade certification would be a way to provide them with greater bargaining power with buyers.

All communities stressed they have undertaken different forest deals with bad results, notably with wood extractors of lupuna, hardwoods (shihuahuaco) and mahogany. In the community of Tres Islas, miners and communities reached an informal agreement to extract gold by making a payment to the community. In general, the influence of economic activities with links with Puerto Maldonado is central in the indigenous communities' livelihoods and land-use planning.

### ***Relevant stakeholders in the eventual implementation of a REDD+ dispute resolution mechanism.***

Communities identified indigenous representative organizations that would have a crucial role in a grievance process to protect their rights and interests. These include AIDSEP, FENAMAD and COIMBAMAD. The ombudsman (Defensoría del Pueblo) of Puerto Maldonado and the regional government of Madre de Dios were among the grievance mechanisms or forums they currently recognize. Communities also identified organizations associated with international human rights treaties, such as Convention 169 of the International Labour Organization.

### **Results and impacts**

At the conclusion of the activities, the information and capacity-building plan, along with a recording of the process, were delivered to indigenous leaders, to the seven communities and to FENAMAD. The training methodology for indigenous leaders on REDD+ and FPIC, including guidance, is therefore available for the use of AFIMAD's communities.

The capacity-building process aimed to enhance understanding and empowerment of indigenous leaders and indigenous communities on REDD+ and on several issues that are crucial to an FPIC process (e.g. land rights and land management issues, decision-making process, dispute resolution mechanisms and inclusive participation of all rights holders). Indigenous communities of AFIMAD now have a methodology for training indigenous leaders on REDD+ and FPIC. Moreover, the indigenous leaders whose capacities were reinforced in this first experience, and of which at least one per community is a woman, now have strengthened capabilities to support and lead these processes themselves within their communities.

### **Emerging recommendations and lessons learned**

- Strengthening the capacities of indigenous peoples so that they can independently develop FPIC processes is a key step towards full engagement and empowerment of these communities in REDD+.
- Testing the decision-making process within communities helps identify gaps and enables communities to make appropriate adjustments.
- Inclusion of women, elders, youth and the few remaining speakers of indigenous languages strengthened the indigenous leaders' capacity building methodology. Including at least one woman per community as an indigenous leader enabled gender-balanced decisions and consideration of vulnerable groups' concerns.
- Discussions within the community about their decision-making process, the status of territories and resources, revitalization of traditional knowledge, and inclusive participation created space to invigorate community processes and organizations that sometimes were not very active.

## KUTAI BARAT, EAST KALIMANTAN, INDONESIA: Developing field carbon measurement and village regulations with Dayak indigenous peoples

### Introduction

WWF-Indonesia has tested several methods and approaches to enhance communities' skills and capacities relevant to forest management and REDD+. This case study refers to support WWF-Indonesia provided to Dayak indigenous peoples of Borneo in East Kalimantan between 2010 and 2012, to enhance capacities on carbon measurement and development of village regulations. These activities needed agreement and consent from communities that also implied clarifications along the road.

### Activities undertaken and outcomes achieved

Carbon measurement-related activities were developed in the village of Batu Majang and village regulations were developed in the Linggang Melapeh village. Both communities are located in Kutai Barat district, East Kalimantan, Borneo, Indonesia.

**Carbon measurement-related activities.** WWF held focus group discussions with different community groups (leaders, women and youth) to discuss the possibility of having a portion of their communal forest mapped. The mapping activities included, among others, biodiversity mapping, measuring carbon stock and monitoring tree growth. Communities discussed the implications of not using a portion of their forest for a certain period of time. Indonesian language (Bahasa) was used at the beginning as the main language in these small group discussions, although there were members of the facilitating team who could also speak the local dialect.

Based on the group discussions, community leaders decided on an appropriate time for a community meeting to further discuss the forest use limitation. More than 250 people attended the scheduled community meeting where the facilitation team explained the aims and scope of this activity to the community. The discussions were held in the local language, as the community felt more comfortable than using Bahasa. The team also highlighted that REDD+ is still being discussed, that there is no clear financial mechanism for it yet, and that the carbon mapping activity in itself is not a REDD+ project.

After discussion, the community came up with objectives for the proposed activities. Regarding biodiversity mapping, community members expressed this would help them be familiar with what has been identified in their forest. Moreover, they could have recourse to their traditional knowledge and practice their skills in the identification of their resources. Villagers also requested that WWF support them in developing an environmental course on forests and ecosystems in order to balance the level of understanding among community members.

Community members had no objections to set aside a portion of their forest for the mapping activities since the resultant protection would help protect the area against encroachment and enhance ecosystem connectivity during the period restrictions would be in place.

With these agreements in place, the community went through land mapping training. The facilitating team presented different methodologies to the community and they opted for the circular method to delineate their plots. The community then designated seven members to conduct the mapping. Plant species identification was undertaken using in both scientific and local names. Use of local names enables community members' active engagement and facilitates understanding of the depth of local ecological knowledge. A compensation fee was established for those community members who were directly involved. The designated persons had previous experience working with logging companies and were therefore familiar with the methodology. As a result, the measurement process was hastened.

**Formulation of Linggang Melapeh village regulation.** The development of village regulations ran into initial difficulties linked to the fact that the village leader was not certain of the type of support to be provided. The village leader wanted to make sure direct *in-situ* support would be provided by the facilitation team, considering that the development of a village regulation needs at least six months of work. He was also concerned to make clear that the forest in Gunung Eno had to be included under the village regulation. The village leader wanted to make sure he could clarify the relationship with other government regulations that had potential to negatively impact the Gunung Eno forest. The village leader and WWF facilitating team agreed upon these issues (*in situ* capacity-building would be facilitated for six months and the Gunung Eno forest would be included under the village regulation) and committed to move forward with the activity.

The facilitating team held several trainings explaining the role of village regulations and how they are formulated, the shared interest in protecting the Gunung Eno forest, and the code of conduct that must be followed for this purpose by the community. A wide range of stakeholders attended trainings, including the village administrator, community representatives, customary groups' representatives, youth representatives, professionals (represented by teachers), as well as representatives from women's groups.



## KUTAI BARAT, EAST KALIMANTAN, INDONESIA CONT.

After the training, participants discussed priorities for the village regulations. These included the protection of the Gunung Eno forest and the need to build a model for village regulations, so that it would be easier for other village members to develop similar regulations.

To carry forward the work of developing the regulations, the participants selected a taskforce of seven members representing different community groups, i.e. a youth representative, the village administrator, the village representative, the customary leader, a representative of women's groups and a representative of the professional sector (mainly teachers). The taskforce had to prepare a draft of the village regulation based on communities' inputs and in accordance with an agreed timeline.

In November 2011, WWF convened a meeting between the taskforce and the bureau of the district government in order to discuss progress and ask advice on the village regulation draft. On December 2011, the draft prepared by the taskforce was consulted publicly among all villagers of Linggang Melapeh. Almost all villagers attended the public consultation held in Luuq Melapeh (long house meeting), including young members of the community. This event was enlivened with a musical event and dinner.

In January 2012, the draft was presented before several district development agencies such as Bappeda (District Development Planning Agency); the Forestry Agency; the District Government Agency of Tourism, Culture and Sport; the District Government Agency for Industry, Trade and Cooperatives; the District Investment Agency; and the Legal Bureau of the District Government. Inputs from these consultations were incorporated to the final draft.

After the village regulation was signed, a Management and Work Plan Unit for Gunung Eno forest was also established. In parallel to Linggang Melapeh, WWF also facilitated the development of other four villages' regulations in the Long Pahangai Sub-District.

### Emerging lessons learned

Several interesting lessons were gathered from both initiatives, besides the successful achievement of the mapping activities and the drafting of village regulations:

- Trust is gained through time. WWF was able to successfully support these activities because there was a previous relationship.
- Project schedules can lead to "false consent." Trust requires flexibility, empathy and clear communication.
- Small group discussions are important to facilitate understanding at the outset of an activity. These small group discussions also helped developed community members' ideas about the proposed project, prior to larger meetings, commitments and decisions.
- Community trainings are important to involve all members. When the community decided on a specific methodology to use for the land planning activity, this was an indication that they fully understood the process.
- The village social and political dynamics are critical. It is important for the facilitating team or project proponent to maintain good communication and rapport with the community through regular interactions.
- Non-financial benefits can also be central for communities.
- Agreement on the schedule to conduct meetings is crucial in order to facilitate attendance and engagement of all community members, particularly women.
- If there is a community group that has not participated in the meetings, the facilitating team should informally conduct a conversation with this community group. This is particularly relevant for women's participation.
- Community awareness and sense of ownership are important aspects when trying to achieve full participation throughout the process and gain long-term commitment.
- It is important to document and record the whole FPIC process.
- Community activities, such as the seasonal calendar of village communities, should be taken into account when developing timelines. FPIC processes are time-consuming and need to adjust to other workloads.
- It is desirable to share knowledge with other villagers, for example, the expertise of Linggang Melapeh community members can support the development of village regulations of fellow communities.
- Using and integrating different approaches, such as local language and local knowledge and customs, can help to introduce, inform and communicate about FPIC and REDD+ to communities, especially when communities do not speak the dominant language. The methodologies used must be applicable in the community context and facilitate full understanding.

# DEMOCRATIC REPUBLIC OF CONGO: Preliminary consultations on the content of an FPIC questionnaire with forest dependent communities of the North Bateke chefferie

## Introduction

The Government of the Democratic Republic of Congo (DRC) is taking steps to incorporate FPIC in the REDD+ process. Activities are being taken forward under the leadership of the National REDD+ Coordination of the Ministry of the Environment, Conservation of Nature and Tourism (CN-REDD/MECNT).<sup>11</sup> International and national conservation and civil society organizations are supporting the government in the development of guidance, tools and lessons to implement FPIC, as a cornerstone for greater indigenous and local community ownership of REDD+ initiatives.

In 2012, The Forest Dialogue sponsored a DRC dialogue on FPIC, which concluded with recommendations to CN-REDD to draft a roadmap for FPIC implementation in DRC involving all relevant stakeholders. WWF-DRC has further supported the preparation of a *Draft FPIC Methodological Guidance for the REDD+ Process (Version 0)* with the aim of facilitating constructive national debate. Under the supervision of CN-REDD, the Guidance will be enhanced over time with emerging lessons and practices from different initiatives facilitating implementation of the right to FPIC.

With the overall aim of gathering inputs to the *FPIC Methodological Guidance*, on August 2012 WWF-DRC supported a workshop led by CN-REDD to share experiences on piloting FPIC in forest sector projects. The two main objectives were to develop a roadmap, whose coordination would be under CN-REDD, and to develop a draft questionnaire for an initial field assessment that would also involve the preliminary collection of sociological economic and cultural data for a FPIC process.

## Activities undertaken and outcomes achieved

This case study describes the result of the field-testing of the questionnaire developed in the August 2012 workshop. Activities also involved the dissemination of the right to FPIC within the DRC REDD+ process among the four communities and an assessment of how consultations have been conducted previously in forest projects.

The questionnaire covered a range of topics including what type of climate changes communities have noticed in recent years and how they are coping with them. It also included questions on whether projects had been implemented in their lands and communities, whether they were aware they had the right to FPIC, and whether they had been consulted and how evidence was recorded if this was the case. Finally, it addressed their views on REDD+ activities and on how any benefits arising from them should be managed.

The activities were carried out on October 2012 in four villages of the *chefferie*<sup>12</sup> of North Bateke in the Bolobo Territory, in Plateaux District of Bandundu Province, e.g. Tshumbiri, Lewo, Ndua and Embirima villages. There are no indigenous peoples in these territories; instead traditional forest dependent communities whose livelihoods are at least partially governed by customary law inhabit the *chefferie*. Languages used included Lingala, French and Kiteké. Activities targeted seven groups:

- Chiefs of customary lands
- Local communities' notables
- Local leaders
- Civil society, specifically peasant associations
- Vulnerable groups, notably women
- Local community members
- State agencies

The territory of North Bateke contains exceptional biodiversity, including primates (e.g. bonobos), and lies between areas of progressive deforestation around the Congo River and inland primary forests.

The following sections describe responses to questionnaires from the four villages.

**The customary process to grant consent.** According to members of the four communities, for any initiative the project developer must begin by getting in contact with the chief, who is the traditional custodian of the land and all natural resources therein. He acts on behalf of the ancestors and they also inspire his decisions. Consent is only granted after consulting the oracle of the ancestors.

The chief then convenes a closed-door meeting with the notables. This is a forum for exchange and discussion between the chief and the notables to take decisions concerning their customary lands. Only men sit in this closed meeting. After consulting the notables, the chief of the land convenes an enlarged meeting with other community members to also request their views.

The chief can never share his final opinion with the project leader if he has not yet had the concerted opinion of the community. Nevertheless, this consultation targets only some influential people in the community.

Accordingly with customary law, the village of Lewo depends on the chief of Tshumbiri. Therefore, it is not possible for the Lewo village to accept a project without the advice of the chief of Tshumbiri land even if significant

## DEMOCRATIC REPUBLIC OF CONGO CONT.

compensations are at stake. The reason they put forward is that the lands where they live are customarily dependent of the chief of Tshumbiri who alone is authorized to enter the sanctuary and consult the oracle of the ancestors.

Some villages developed a roadmap to be used as guidance for a FPIC process. The following is a general description of the process as described by the Ndua and Embirima villages. There are some variations though commonalities prevail. The process essentially respects the customary process summarized above, except for the fact that they incorporate women's participation, though late in the process.

1. Preliminary contacts with the chief and the notables;
2. Closed-door meeting between the chief and the notables;
3. Consultations with community members to develop the specifications to be requested to project developers;
4. Meeting between the chief, the community notables and the project partner;
5. Consultations with community members;
6. Signing of commitment documents;
7. Participation of women;
8. Proposals.

**Participation of women in the FPIC process.** Local custom restricts women from seeing or talking to the oracle of the ancestors. Since this privilege is reserved for men, women do not have a voice, much less a vote, in the customary decision-making process. They are simply informed when agreements have been concluded between the project developer and men. Nor does the community consultation made by the chief and his notables involve women, since women have no right to give their views on matters of public interest.

In spite of the customary restriction on women's participation in community decision-making, women expressed their willingness to take part in project negotiations concerning the village and in wider decision-making processes. They expressed this desire to men in the community.

### **How has consultation been conducted previously?**

Communities were not aware that they could accept or reject a project having an impact on their livelihoods and on the lands and resources upon which they depend. Except for workshops informing about projects to be developed in their customary lands, local communities stressed they have not been previously consulted. Some emphasized they were consulted at the individual level but in all cases there were no community-level consultations. Moreover, there was no written evidence that any type of consultation activity took place.

**Views on REDD+.** Communities highlighted their concerns regarding the REDD+ concept as outlined by the facilitation team. They considered REDD+ a complex issue and determined further discussions would be required, particularly to determine the compensation they should obtain. Nevertheless, communities identified possible REDD+ related activities that could be implemented in cleared savannas and forests. Communities of Tshumbiri stressed that species for reforestation must be timber varieties, fruit trees, palm oil and others. They would not accept acacias as they are identified as a cause of deforestation and soil depletion.

The village members identified the causes of the current state of forests, among them: abusive use of forest resources, slash and burn agriculture, bush and forest fires, overgrazing, and timber extraction. Beliefs and social practices also came into play, in the identification of non-respect of ancestors as a factor in the current state of forests.

After having a better understanding of what REDD+ is and what it implies, communities identified potential social and environmental impacts. Among the first, they cited potential for internal conflicts between community members, disrespect for cultural traditions, and non-payment of compensation due to the community for activities undertaken in their lands. The environmental impacts, on the other hand, included overfishing, bush fires and introduction of forest species unwanted by communities.

The community had initial discussions on how they would manage eventual benefits associated with REDD+, generally proposing to create a local management committee (*comité local de gestion*) jointly with the community. For the community, the use of local skills and labor is a prerequisite for all future projects in their forests and lands. All communities considered that technical government agencies should also participate, for instance demarcation activities must be established in collaboration with the Department of Agriculture. They also stressed that both village communities involved in the project and the local administration should be beneficiaries of any eventual REDD+ initiative.

Finally, in Ndua Village, community members demanded that around 40 per cent of any benefits specified in REDD+ agreements must be paid in advance of any project on their lands. Community men highlighted that in previous experiences contractors did not keep their commitments, hence the aim to obtain part of their requirements in advance.

**Involvement of government officials.** Besides participating in consultation activities and providing relevant information, government officials expressed their duty to

## DEMOCRATIC REPUBLIC OF CONGO CONT.

be included in all discussions concerning the communities' interest. In addition, women working in government departments expressed the wish to see their capabilities enhanced.

### Emerging lessons learned

This preliminary consultation exercise allows reaching several conclusions, which might be useful for other FPIC initiatives:

- Targeted communities in the North Bateke territory hold complex knowledge about the natural resources they manage and should develop jointly with REDD+ partners all land planning and resource management activities impacting their territories, resources and livelihoods.
- In spite of village members' recent understanding of REDD+, communities already have early proposals about REDD+ activities they consider appropriate for their lands and benefit-sharing mechanisms they deem appropriate. These inputs should be duly taken into account.
- Communities showed a clear concern to record the FPIC process and this should be a priority of any REDD+ initiative to be developed in their customary lands.
- Communities appear to have quite a lot of negative experiences with natural resources' extraction and management projects. They seem to have primarily received compensation rather than having a role in resource management. This is an approach that needs to be adjusted for REDD+.
- Customs are central in the four villages and should be respected in the development of the FPIC process; however international standards also mandate that all rights-holders must be represented in the decision-making process, especially women. Members of the community, women and men, who are rights-holders but not notables should therefore be involved in the decision-making process.
- The FPIC process implies respect of communities' time as well as sufficient financial resources.
- Though some information is already available, a complete stakeholders' mapping should be undertaken and the questionnaire adapted accordingly.
- Capacity-building activities for communities and government officials on REDD+ and FPIC need to be prioritized. Communities must be fully familiar with the projects to be developed in their lands in order to be empowered to express their views freely and knowingly.



# ADDITIONAL FPIC RESOURCES

## FPIC and REDD+

### [Free, Prior and Informed Consent in REDD+](#)

*Patrick Anderson, February 2011 - RECOFTC and GIZ* | Using relevant examples from a range of locations and sectors, this manual provides a basis for developing country-specific guidance on securing FPIC in REDD+ processes. It offers guidance on procedures for respecting the right to FPIC and details 12 elements that need consideration in REDD+ projects to effectively prepare for rights-holder engagement, implement a consent process, and maintain consent.

## UN-REDD Programme materials

### [UN-REDD Programme Guidelines on Free, Prior and Informed Consent](#)

*UN-REDD Programme, January 2013* | These Working Final Version Guidelines - based on myriad recommendations, including those made by participants at the Asia, Africa and Latin America regional consultations on FPIC and recourse mechanisms, respond to the demand from participating countries for concrete guidance on how to seek FPIC and provide effective recourse within the context of the UN-REDD Programme.

### [Legal Companion to the UN-REDD Programme Guidelines on Free, Prior and Informed Consent \(FPIC\) – International Law and Jurisprudence Affirming the Requirements of FPIC](#)

The Legal Companion is a non-exhaustive compendium of the existing international law and emerging state practice, which affirms that indigenous peoples have the right to effective participation in the decisions, policies and initiatives that affect them and that FPIC is a legal norm that imposes duties and obligations on the states.

### [UN-REDD-FCPF Guidelines on Stakeholder Engagement in REDD+ Readiness with a Focus on the Participation of Indigenous Peoples and Other Forest-Dependent Communities](#)

The Guidelines are designed to support effective stakeholder engagement in the context of REDD+ readiness for the Forest Carbon Partnership Facility and the UN-REDD Programme, with an emphasis on the participation of indigenous peoples and other forest-dependent communities. The Guidelines contain 1) Relevant policies on indigenous peoples and other forest-dependent communities; 2) Principles and guidance for effective stakeholder engagement; and 3) Practical “how-to” steps on planning and implementing effective consultations.

### [Free, Prior and Informed Consent for REDD+ in the Asia-Pacific Region: Lessons Learned](#)

The report shares recent lessons learned on FPIC for REDD+ based on the emerging experiences of the UN-REDD Programme partner countries in the Asia-Pacific region. The report draws significantly on the proceedings of the Second UN-REDD Programme Regional Workshop on FPIC Shared Learning, held in Bogor, Indonesia, from 19-20 April 2012.

### [Applying the Principle of Free, Prior and Informed Consent in the UN-REDD Programme in Viet Nam](#)

*UN-REDD Programme, 2010* | This report documents a process to seek FPIC in two pilot districts, as part of Vietnam’s formal preparations for field-based REDD+ activities.

### [Evaluation and Verification of the Free, Prior and Informed Consent Process under the UN-REDD Programme: Lam Dong Province, Vietnam](#)

*Nguyen Quang Tan, Luong Thi Truong, Nguyen Thi Hai Van and, K’Tip, November 2010 – RECOFTC* | This report presents results of the FPIC evaluation and verification process conducted by RECOFTC as part of the UN-REDD Programme’s + pilot project in Vietnam.

## FPIC

**The Forest Dialogue:** The Forest Dialogue, based at Yale University, is sponsoring a series of dialogues on FPIC as it relates to forest management, which have the main aim of exploring how — in practice — government agencies, commercial enterprises and non-government organizations can respect the right of indigenous peoples and local communities to give or withhold FPIC to activities that may affect their rights. Associated publications include:

### [Free, Prior and Informed Consent – Making FPIC Work for Forests and Peoples](#)

*Marcus Colchester 2010 - The Forest Dialogue* | This publication was developed as a scoping paper for the Forest Dialogue FPIC process.

### [Scoping Dialogue on Free, Prior and Informed Consent](#)

*13-14 April 2010 - New Haven, CT, USA* | This report documents discussions at a two-day Scoping Dialogue for the Free, Prior and Informed Consent series held by The Forest Dialogue in New Haven, CT, USA on 13–14 April 2010.

## ADDITIONAL RESOURCES CONT.

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### [Field Dialogue on FPIC in Indonesia](#)

*11-15 October 2010 - Pekanbaru, Riau Province, Indonesia* | This report documents the first field dialogue in the TFD series on FPIC, held in Riau Province on the island of Sumatra in Indonesia, in October 2010.

### [Field Dialogue on FPIC in DRC](#)

*21-25 May 2012 – Kinshasa, DRC* | This report documents the second field dialogue in the TFD series on FPIC. This dialogue focused on integrating FPIC into national REDD+ programs in DRC.

### [Guide to Free Prior and Informed Consent](#)

*Christina Hill, Serena Lillywhite and Michael Simon 2010 - Oxfam* | This guide is an introduction to FPIC, developed for use by communities and support organizations. It provides basic information about the right to FPIC and how this right can help people to have a say about development projects, such as dams, mines, logging and other large infrastructure projects that affect them in some way.

### [Training manual on Free, Prior and Informed Consent \(FPIC\) in REDD+ for indigenous peoples](#)

*IWGIA & AIPP – October 2012* | This manual aims to build the capacities of the indigenous peoples, networks and organizations to advocate and work for the effective implementation of FPIC for indigenous peoples in the activities and projects relating to REDD+.

### [Putting Free, Prior and Informed Consent into Practice in REDD+ Initiatives](#)

*RECOFTC – May 2012* | The manual, developed with financial and advisory support from the Institute for Global Environmental Strategies and Norad, serves as a practical tool for trainers and facilitators to improve understanding of FPIC among stakeholders at all levels.

### [Free, Prior, Informed Consent and the Roundtable on Responsible Palm Oil \(RSPO\): A Guide for Companies](#)

*Forest Peoples Programme, October 2008* | This report provides guidelines for communities and companies, and also local governments, on procedures to secure FPIC — focused on responsible palm oil but with broader relevance.

### [Making FPIC - Free, Prior and Informed Consent - Work: Challenges and Prospects for Indigenous People](#)

*Marcus Colchester and Maurizio Farhan Ferrari 2007 - Forest Peoples' Programme* | This report summarizes progress made by indigenous peoples' and supportive organizations seeking to assess and apply the right of

indigenous peoples to FPIC, drawing on case studies from Suriname, Guyana, Malaysia, Peru, Indonesia, Papua New Guinea and the Philippines.

### [UN Permanent Forum on Indigenous Issues, Report of the International Workshop on Methodologies regarding FPIC and Indigenous Peoples \(New York, 17-19, 2005\)](#)

*UN Economic and Social Council, 17 Feb 2005* | This workshop identified elements of a common understanding of FPIC and indigenous peoples, and provided recommendations to promote better methodologies for FPIC.

## Geographically focused - including case studies

### [Free, Prior, Informed Consent: Surui Carbon Project](#)

*Forest Trends, ACT Brasil, Metareila Association of the Surui People, Kaninde, IDESAM and, FUNBIO, August 2010.* | This publication describes, in English and Portuguese, the process used by the Surui people of Brazil and project partners to secure FPIC of the Surui to a payments for ecosystem services project, focused on the marketing of carbon credits.

### [Free, Prior and Informed Consent and Sustainable Forest Management in the Congo Basin](#)

*Jerome Lewis, Luke Freeman and Sophie Borreill, July 2008* | This document is the result of a study into how FPIC can be put into practice in forestry concessions in the Congo Basin.

### **A Guide to Establishing Free, Prior and Informed Consent for REDD+ Projects in Papua New Guinea**

This document has been drafted by the Papua New Guinea office of Climate Change and Development, to support the work of the national government to ensure that rights of landowners in forest areas are protected in relation to REDD+ projects.

### [Forêts Africaines - Tabernacle des Savoirs: Les Peuples Autochtones et le Consentement, Libre, Informé et Préalable \(CLIP\)](#)

*OSAPY, CEDEN, ADEV, Réseau-CREF, CAMV and FPP - May 2013* | This publication describes the philosophical and international law foundations of FPIC and challenges to implement FPIC in the Democratic Republic of Congo.

## ENDNOTES

<sup>1</sup> See, for example, Hill, Lillywhite and Simon 2010, *Guide to Free Prior and Informed Consent* which states that “Non-indigenous, project affected peoples have the right to consultation and negotiation in decision-making processes in ways that are consistent with the principles underlying the right to FPIC” (p3) and “The right to give or withhold consent is the most important difference between the rights of Indigenous Peoples and other project-affected peoples.” Similarly, UN-REDD 2013, *Guidelines on FPIC* recognize that where forest-dependent communities share common characteristics with indigenous peoples, and their substantive rights are significantly implicated, REDD+ activities may also require their FPIC (pp.11-12).

<sup>2</sup> Colchester 2010, *Free, Prior and Informed Consent – Making FPIC Work for Forests and Peoples*. The Forest Dialogue.

<sup>3</sup> See, for example, the statement of the International Indigenous Peoples Forum on Climate Change, as reported in IUCN 2010, [Briefing Document on Indigenous Peoples and Climate Change/REDD: An overview of current discussions and main issues. IUCN](#).

<sup>4</sup> Anderson 2011, *Free, Prior and Informed Consent in REDD+*. RECOFTC and GIZ.

<sup>5</sup> REDD+ Social and Environmental Standards Version 1, June 2010. [www.redd-standards.org/files/pdf/lang/english/REDD\\_Social\\_Environmental\\_Standards\\_06\\_01\\_10\\_final-English.pdf](http://www.redd-standards.org/files/pdf/lang/english/REDD_Social_Environmental_Standards_06_01_10_final-English.pdf).

<sup>6</sup> [www.redd-standards.org](http://www.redd-standards.org)

<sup>7</sup> These widely-cited framework principles were developed at the 2005 UNPFII *Workshop on Methodologies Regarding Free, Prior and Informed Consent and Indigenous Peoples*. (Document E/C.19/2005/3).

<sup>8</sup> The key elements highlighted here draw in particular on guidance provided in Anderson 2011; Hill, Lillywhite and Simon 2011 and Forest Peoples Programme 2008, *Free, Prior, Informed Consent and the Roundtable on Responsible Palm Oil (RSPO)* Forest Peoples Programme.

<sup>9</sup> See, for example: Harvard Kennedy School 2008. [Rights-Compatible Grievance Mechanisms: A Guidance Tool for Companies and Their Stakeholders](#), CSRI Working Paper No. 41 (January 2008); and International Finance Corporation 2009. *Addressing Grievances from Project-Affected Communities – Guidance for Projects and Companies on Designing Grievance Mechanisms*. Good Practice Note. Washington, DC.

<sup>10</sup> UN-REDD Programme 2013. *Guidelines on Free, Prior and Informed Consent*: 28.

<sup>11</sup> *Processus National REDD en République Démocratique du Congo - Rapport d'Avancement à Mi-Parcours - Juin 2012*. National REDD+ Coordination of the Ministry of the Environment, Conservation of Nature, and Tourism of the Democratic Republic of Congo. 2012.

<sup>12</sup> According to Article 67 of the Law No. 08/016 of 07 October 2008 on the composition, organization of decentralized territorial entities and their relationship with the State and the provinces (*Loi organique N°08/16 du 07 octobre 2008 portant composition, organisation et fonctionnement des entités territoriales décentralisées et leurs rapports avec l'Etat et les provinces*), the *chefferie* is a generally consistent set of traditional communities headed by a chief appointed by custom, recognized and invested by the government.

# WWF believes the following are keys to equitable and effective REDD+ initiatives:

## SECURE COMMUNITY TENURE

Recognizing and respecting customary rights to forests enables more effective stewardship and will significantly influence who receives benefits from REDD+ initiatives.

## FULL AND EFFECTIVE PARTICIPATION

Full and effective participation of indigenous peoples and local communities in developing, implementing and monitoring REDD+ initiatives will require investments in capacity building and inclusive decision-making processes.



## EQUITABLE SHARING OF REDD+ BENEFITS

Incentives for forest communities and good governance of financial mechanisms can help ensure that REDD+ initiatives provide benefits to communities, many of whom are the historic stewards of forest resources.

## FREE, PRIOR AND INFORMED CONSENT

FPIC enables community rights and interests to be taken into account in REDD+ initiatives, resulting in more effective and equitable REDD+ outcomes.



### Why we are here

To stop the degradation of the planet's natural environment and to build a future in which humans live in harmony with nature.

[www.panda.org/forestclimate](http://www.panda.org/forestclimate)

### For more information:

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