

How to do

Seeking free, prior and informed consent in IFAD investment projects



How To Do Notes are prepared by the IFAD **Policy and Technical Advisory Division** and provide practical suggestions and guidelines to country programme managers, project design teams and implementing partners to help them design and implement programmes and projects.

They present technical and practical aspects of specific approaches, methodologies, models and project components that have been tested and can be recommended for implementation and scaling up. The notes include best practices and case studies that can be used as models in their particular thematic areas.

How To Do Notes also provide tools for project design and implementation based on best practices collected at the field level. They guide teams on how to implement specific recommendations of IFAD's operational policies, standard project requirements and financing tools.

The **How To Do Notes** are "living" documents and will be updated periodically based on new experiences and feedback. Your comments or suggestions are most welcome. Please contact any of the people below.

Originator

Antonella Cordone

Senior Technical Specialist, Indigenous Peoples and Tribal Issues
Rural Institutions, Social Assets and Empowerment Unit (RISE)
Policy and Technical Advisory Division
E-mail: a.cordone@ifad.org

Acknowledgements

The preparation of this note was supported by **Ms Birgitte Feiring**, senior consultant on Indigenous Peoples' Issues. The preparation of this note also benefited from input from IFAD country programme managers, IFAD technical specialists, specialists from the Environment and Climate Division, Secretariat of the International Land Coalition, representatives of indigenous peoples' institutions/organizations and selected members of the Inter-Agency Support Group on Indigenous Peoples' Issues. Special thanks to Ms Dafni Tsakyraki for her research support.

Contact

Maria-Elena Mangiafico

Knowledge Management and Grants Officer
Policy and Technical Advisory Division
E-mail: PTAKMmailbox@ifad.org

September 2015

Contents

LIST OF ACRONYMS	ii
INTRODUCTION.....	1
SEEKING FPIC: WHY, WHERE AND WHEN ?.....	2
WHY SEEK FPIC?	2
WHERE TO SEEK FPIC?	3
WHEN TO SEEK FPIC DURING THE PROJECT CYCLE?.....	4
HOW TO SEEK AND OBTAIN FPIC.....	5
GENERAL GUIDING PRINCIPLES.....	5
SOLICITING FPIC AT DESIGN STAGE	8
SOLICITING FPIC AT IMPLEMENTATION STAGE.....	12
ADDRESSING COMPLAINTS ABOUT IFAD-FUNDED PROJECTS	16
ANNEX 1: WHAT TO DO AND HOW TO SOLICIT FPIC	17
ANNEX 2: EXAMPLE OF A DRAFT CONSULTATION PROCESS LEADING TO FPIC, PREPARED AS PART OF THE FIRST DESIGN MISSION FOR AN IFAD-FUNDED PROJECT.....	19
ANNEX 3: SAMPLE TERMS OF REFERENCE FOR FACILITATORS SUPPORTING THE FPIC PROCESS IN IFAD-FUNDED PROJECTS.....	22
ANNEX 4: FPIC IN PROJECTS FINANCED THROUGH THE INDIGENOUS PEOPLES ASSISTANCE FACILITY (IPAF).....	23
ANNEX 5: INTERNATIONAL FRAMEWORK.....	24
ANNEX 6: CASES OF FPIC IN ACTION	28
ANNEX 7: PUBLICATIONS AND OTHER RESOURCES.....	34

List of acronyms

ACHPR	African Commission on Human and Peoples' Rights
CPMT	country programme management team
ESIA	Environmental and Social Impact Assessment
FPIC	free, prior and informed consent
ILO	International Labour Organization
NARMG	natural resource management group
NGO	non-governmental organization
PDR	project design report
PTA	Policy and Technical Advisory Division
QA	quality assurance
QE	quality enhancement
SECAP	Social, Environmental and Climate Assessment Procedures (IFAD)
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples

Introduction

Free, prior and informed consent (FPIC) is an operational principle empowering local communities to give or withhold their consent to proposed investment and development programmes that may affect their rights, access to lands, territories and resources, and livelihoods. FPIC is solicited through consultations in good faith with the representative institutions endorsed by communities. It ensures that they participate in decision-making processes concerning a given development project.

FPIC of local communities on public development initiatives that may affect their rights, access to land, resources and livelihoods has become an IFAD operational principle through its policies on Improving Access to Land and Tenure Security (2008) and Engagement with Indigenous Peoples (2009). The principle is also mentioned in the IFAD Policy on Environment and Natural Resource Management (2011) and in IFAD's Social, Environmental and Climate Assessment Procedures (2014). IFAD is the first international financial institution to adopt FPIC as an operational principle in its policy documents.

In IFAD-funded projects and programmes, the borrowing government (or grant recipient) is responsible for seeking and obtaining FPIC. FPIC is methodologically solicited through consultation and the participation of communities and local institutions at specific stages of the project cycle.

The IFAD approach to FPIC has mainly grown out of experience with participatory, community-driven development rather than prescriptive guidelines and procedures.

Given the diversity of situations and contexts when seeking FPIC, there is no simple or universal way to carry it out. Rather, the various instruments that are enshrined in FPIC and implementation experiences provide general guidelines and qualitative requirements that guide the processes to obtain FPIC.

Soliciting FPIC of local communities cannot be reduced to a checklist that is "ticked" as it is carried out. The right of local communities to give or withhold their consent to development initiatives that affect their land access and use rights ensures ownership and sustainability. Therefore, one of the first steps for seeking FPIC is to agree with the concerned community on the FPIC process itself. As local communities vary greatly in their sociocultural aspects, history, institutions and approaches to development, the processes that they will agree to undertake will differ.

This note is not a prescriptive or normative tool. It offers practical guidance for IFAD staff, consultants and in-country partners for soliciting FPIC in the design and implementation of IFAD-funded projects, in compliance with IFAD policies.

The requirement for FPIC is promoted in three IFAD policies:¹

- **Policy on Improving Access to Land and Tenure Security** (2008): *"Before supporting any development intervention that might affect the land access and use rights of communities, IFAD will ensure that their free, prior and informed consent has been solicited through inclusive consultations based on full disclosure of the intent and scope of the activities planned and their implications."*
- **Policy on Engagement with Indigenous Peoples** (2009): *"In working with Member States on projects targeting or affecting indigenous peoples, IFAD shall support the participation of indigenous peoples' communities in determining priorities and strategies for their own development. When appraising such projects proposed by Member States, in particular those that may affect the land and resources of indigenous peoples, the Fund shall examine whether the borrower or grant recipient consulted with the indigenous peoples to obtain their free, prior and informed consent. The Fund shall consider this consultation and consent as a criterion for project approval. In appraising such projects the Fund shall verify whether they include measures to: (a) avoid potentially adverse effects on the indigenous peoples' communities; or (b) when avoidance is not feasible, minimize, mitigate or compensate for such effects."*

¹ IFAD's policies are proactive approaches –not designed to prevent and/or mitigate undue harm to people – that guide the institution on how to maximize its investments to empower and strengthen the capacity of poor rural people and their organizations to overcome poverty, raise their productivity and incomes, and improve their well-being.

- **Policy on Environment and Natural Resource Management (2011):** “Respecting the principle of free, prior and informed consent, IFAD will support indigenous peoples in enhancing the resilience of the ecosystems in which they live and in developing innovative adaptation measures and emerging opportunities for indigenous peoples’ engagement in carbon sequestration and the provision of other environmental services.”

Consent should be sought in a way that is “free, prior and informed”:²

- **Free** implies no coercion, intimidation or manipulation.
- **Prior** implies that consent has been sought sufficiently in advance of any decision point or commencement of activities and respect is shown to time requirements of indigenous consultation/consensus processes.
- **Informed** implies that information provided covers (at least) the following aspects:
 - The nature, size, pace, duration, reversibility and scope of the proposed project/activity;
 - The rationale or purpose of the project/activity;
 - The geographical areas that will be affected;
 - A preliminary assessment of the likely economic, social, cultural and environmental impact, including potential risks and fair and equitable benefit-sharing;
 - Personnel likely to be involved in the execution of the proposed project/activity;
 - Procedures that the project or activity may entail.
- **Consent** is the expected outcome of the consultation, participation and collective decision-making process by the local communities. It is the mutual agreement reached, documented and recognized by all parties. Consultation and participation are crucial components of a consent process and require time and an effective system for communicating among interest holders. Consultation should be undertaken in good faith, and local communities must be able to participate through their own freely chosen representatives and customary or other institutions. In general, communities would first consent to discuss the idea of the project that will affect their land, territories and resources. They would further participate in the consultation process leading to consent by contributing to the design of the project, including its implementation and monitoring mechanisms.

Depending on the nature of the project, consent may be required for:

- The overall project (e.g. the construction of an irrigation system);
- A component and specific activity of a project (e.g. if a project has one component on irrigation and one on microfinance, consent would be needed for the component that affects the land and use rights of the communities).

Seeking FPIC: why, where and when ?

Why seek FPIC?

There are many advantages to seeking FPIC:

- FPIC improves the relevance and quality of investments
- Community ownership of the investment and its results and sustainability are enhanced
- Partnership between local communities, government institutions and financing organizations is strengthened
- The recognition and support of local communities’ aspirations for their own development minimizes or prevents conflicts with other resource users
- FPIC minimizes reputational, operational and fiduciary risks for the government, company or donor carrying out activities that may affect the land, resources and rights, and livelihood of the local communities.

² United Nations Development Group (UNDG), Guidelines on Indigenous Peoples’ Issues, 2009:30

IFAD-funded projects are people-centred and rarely finance large-scale infrastructures. For IFAD, therefore, FPIC is not so much a safeguard principle, rather a proactive approach to identify development pathways with local communities.

Where to seek FPIC?

IFAD, adhering to its policies, promotes the application of FPIC in two scenarios:

- Investment projects that may have an impact on the land access and use rights of rural communities;
Projects targeting indigenous peoples or rural areas that are home to indigenous and tribal peoples and ethnic minorities.

The first scenario refers to the type of investment project and the second to the type of project area and target groups. Table 1 maps FPIC requirement according to these two criteria.

Table 1: FPIC requirements based on project typology and areas of intervention

	Project likely to affect land access and/or use rights of communities	Agricultural and rural development projects unlikely to affect land rights (agricultural technologies and production, value chain development, social infrastructure)	Project supporting demand-driven services to individuals (rural finance, small and medium-sized enterprise development)
Rural areas without indigenous peoples or minorities	YES	NO	NO
Rural areas with some indigenous peoples and minorities' communities	YES	On a case-by-case basis [*]	NO
Indigenous peoples territories or tribal areas	YES	YES	YES

^{*} Depending on the potential impact of the project on local indigenous peoples' communities. The project target group may include some indigenous peoples' communities or it may not include indigenous peoples but project activities may have an impact on land, territories and resources of indigenous peoples' communities living near the project area.

In projects that affect land access and use rights of communities, IFAD applies the principle of FPIC to local communities in a broad sense. Hence, during project design and in application of SECAP, design teams need to identify the local communities that would potentially be affected, as a starting point for ensuring their FPIC.

In areas that are home to indigenous and tribal peoples and ethnic minorities, there is a general requirement for FPIC.³

Although some countries do not recognize the generic term “indigenous peoples”, most countries have national or local terms to identify them in their particular context, such as adivasis, janajatis, mountain dwellers, hill tribes, ethnic minorities, scheduled tribes, adat communities, highland peoples, hunter-gatherers, pastoralists and aboriginals. Many countries have developed registers of indigenous peoples, but lack of data is still an obstacle in some regions. In recent years, FPIC guidance to states and corporations under international law has been provided, particularly in the business and mining sectors, recognizing indigenous territorial rights arising from customary land tenure, independent of official state recognition.⁴

³ Consistent with international practice, the IFAD Policy on Engagement with Indigenous Peoples states that they are characterized by: “Priority in time, with respect to occupation and use of a specific territory; the voluntary perpetuation of cultural distinctiveness, which may include the aspects of language, social organization, religion and spiritual values, modes of production, laws and institutions; self-identification, as well as recognition by other groups, or by state authorities, as a distinct collectivity; and an experience of subjugation, marginalization, dispossession, exclusion or discrimination.”

⁴ United Nations Guiding Principles on Business and Human Rights, principle 3; United Nations Expert Mechanism on the Rights of Indigenous Peoples; United Nations Global Compact: 2012 draft Business Reference Guide to the UN Declaration on the Rights of Indigenous Peoples. For further information see <http://www.piplinks.org/report%3A-making-free-prior-%2526amp%3B-informed-consent-reality-indigenous-peoples-and-extractive-sector>.

When to seek FPIC during the project cycle?

Based on the scenarios, typology of projects and areas of interventions described in the previous section, FPIC needs to be solicited either before project approval (design phase) or during the implementation phase, depending on the nature of the project and at what stage of the project cycle specific benefiting communities are identified, together with specific investment and activities to be undertaken in each community.

Table 2: When to seek FPIC in project cycle

WHEN to seek FPIC	Scenarios
During Design Phase	When beneficiary communities are identified at design stage together with the specific investment/activities to be undertaken in each community
During Implementation Phase	When either the communities and/or the specific investment/activities are not identifiable at project design phase

Seeking FPIC at the design phase. Investment projects that may affect land access and use rights of communities are mostly related to irrigation system development, construction of rural roads, natural resource and rangeland management. In these cases, when the precise nature and specific location of each investment is defined in the PDR, FPIC must be solicited at design stage. This scenario is rare in IFAD portfolio. For instance, among about 70 projects designed between 2014 and 2015, around 6% of them would have required FPIC at design phase.

IFAD does not allocate funds for land acquisition and does not fund the construction of large infrastructure (e.g. large dams and roads), industrial plants and initiatives with high probability of causing physical resettlement or economic displacement. However, projects initiated by other institutions and co-funded by IFAD may finance such investments.

In those cases, and when communities are identifiable during project design phase, FPIC of the affected communities is a criteria for project approval and therefore must be conducted during project design, and completed before finalization of the project design report (PDR). The results should be submitted to the quality assurance (QA) review. When details on the location of the project are available at project design and communities that need to provide FPIC are known, the PDR would include (as an annex) the consent agreement by the communities on the project and specific component or activities requiring FPIC. What to do and how to conduct the FPIC process in IFAD-funded projects at design and implementation phases is illustrated in the next sections.

If project-specific details are not known at this stage (e.g. the exact location of the proposed irrigation system, rural road, titling of land), consent would be provided by the communities on the overall principle of the project and on the FPIC implementation plan and participatory approach adopted by the project for its implementation phase.

Seeking FPIC at the implementation phase. FPIC of rural local communities is solicited during this phase when:

- The project, or some of its component, is likely to affect land access and use rights of local communities, and/or
- The project area is home to indigenous and tribal peoples and ethnic minorities;
- Communities are not identifiable at project design stage;
- Specific investments in specific communities are not predefined during project design phase, but open to communities' demand during the project implementation period.

Typically, geographical targeting at design phase identifies the states, districts or regions, but not the specific villages or communities, which are normally identified during the implementation phase. In these cases, the PDR would include the FPIC implementation plan describing how the participatory and consultation process for seeking communities' consent would be conducted. The FPIC would be solicited during implementation, before a specific investment is decided in a given community.

Cost. The cost of the consultation processes leading to FPIC during project design phase is normally part of IFAD's project design budget. The FPIC process cannot be standardized, it is determined by the nature of the project and the local context. For example, this includes the number of communities to be consulted, their geographic distribution, effectiveness of governance systems and decision-making, social cohesion and level of agreement or disagreement within the community, and availability of expert independent facilitators. It is estimated that during design phase, the FPIC process can cost between 15 and 20 per cent of project design cost.⁵ Annex 2 provides an example of the FPIC consultation process drafted during a first project design mission, including estimated costs. For assessments and FPIC undertaken during project implementation, the associated costs need to be factored in the loan provision, including any additional costs to ensure capacity-building of project implementing agencies and communities.

How to seek and obtain FPIC

General guiding principles

Responsibility and institutional capacity for seeking FPIC

Borrowing governments are responsible for seeking FPIC. This principle is in accordance with IFAD general policies and procedures, which stipulate that the borrower or grant recipient is responsible for programme and project preparation, including social, environmental and climate assessments. In practice, projects are jointly designed and supervised by IFAD and the borrowing government. While formal responsibility remains with the government, IFAD provides support at design and joint review phases through country programme management teams (CPMTs) and consultants.

The first step for the government to adequately implement the requirements for FPIC is to identify the laws that regulate the rights to land and resources. The opportunities and barriers for FPIC vary considerably between regions, countries, local contexts and communities. While some countries, particularly in Latin America and parts of Asia have made progress in terms of demarcating and recognizing community lands, many still do not have legal recognition. This constitutes a major obstacle and risk for the adequate implementation of FPIC, but can be overcome through early consultations with concerned communities and inclusion in project design of the measures, approaches and resources for ensuring demarcation and recognition of territorial and communal land rights.

If the borrower or grant recipient is not familiar with the concept of FPIC or experienced in applying it, IFAD may need to engage in policy dialogue and provide technical advice and capacity-building. Therefore, IFAD must continue to build on its experience in using participatory approaches and customizing solutions to specific contexts to ensure FPIC.

Projects with cofinancing institutions. In co-funded projects initiated by other institutions, IFAD collaborates with the initiating cofinancier and agrees on a common approach to project design, project requirements and monitoring. Where FPIC requirements differ from policies/safeguard requirements of the cofinancier (e.g. consultation instead of consent or lack of FPIC requirements), IFAD works together with the cofinancier to agree on specific measures to ensure that IFAD requisites for FPIC are fully complied with. This does not mean that the cofinancing institution is required to comply with IFAD's conditions, but that IFAD conditions its own cofinancing to solicit FPIC from the concerned communities. Institutions seeking IFAD cofinancing in projects likely to affect land access and use rights of local and indigenous peoples' communities should be aware of IFAD's requirements on FPIC.⁶

In 2009, the African Commission on Human and Peoples' Rights (ACHPR) found that by forcibly removing the Endorois people from their ancestral lands around Lake Bogoria to create a game reserve, the government of Kenya violated the Endorois' right to property (Article 14), natural resources (Article 21), development (Article 22), religion (Article 8), and culture (Article 17). ACHPR noted in particular that the Endorois are "an indigenous community" and a "people," and that for "any development or investment projects that would have a major impact within the Endorois territory, the State has a duty not only to consult with the community, but also to obtain their free, prior, and informed consent, according to their customs and traditions."

Source: Oxfam America - Free, Prior and Informed Consent in Africa – An emerging standard for Extractive Industry Projects, by Emily Greenspan 2014

⁵ Average design cost for IFAD-funded projects is around US\$100,000.

⁶ See annex 5 for an example of requirements for FPIC by United Nations agencies and international financial institutions.

If the project is likely to affect land access and use rights of local communities, and consultations indicate that it is not possible to avoid, minimize, mitigate or compensate such impact and obtain FPIC, the borrower should consider changing the project design or cancelling the project proposal. If the project design is submitted to IFAD without changes it may be rejected at QA, Management or Executive Board level for non-compliance with IFAD policies.

Identifying representative institutions

In order to ensure legitimacy, it is crucial that FPIC be obtained from the representative institutions of local communities. Understanding how communities make decisions is the first important step in the FPIC process. The important criteria is that representation should be determined by the concerned peoples and communities themselves to avoid misrepresentation or manipulation. For instance, institutions claiming to represent indigenous peoples should be able to legitimize their claim and clarify the accountability mechanisms they have established with their constituents. There may also be a need to go beyond traditional institutions, for example to ensure participation of women in decision-making. In general, representative institutions must strive to adhere to the principles of inclusive consultation, participation and consent in their internal decision-making processes.

Which institutions to consult in a given FPIC process depends on the subject, scope and impact of the proposed project. In many situations, representation may be contested or there may be a range of complementary or competing institutions. In these situations, the project proponent must ensure that all institutions with a legitimate claim to representation are consulted and have the possibility to influence decision-making.

If the institutions consulted have diverging opinions on the proposed project, all possible efforts must be made to continue the dialogue and accommodate as many concerns and priorities as possible. The FPIC process at design and implementation phases is intended to ensure that the project does not negatively affect the future beneficiaries. Solutions should be found during the consultation on how to maximize benefits expected from local communities. In the rare cases where positions are ultimately incompatible and mutually exclusive, all views must be carefully documented and causes of dissent assessed to identify possible solutions. It may happen in extreme cases that communities cannot reach consent among themselves, which could imply that these communities may not be interested in joining the project. When communities are not willing to join the project, the latter, or a specific component or activity requiring FPIC, will need to be revised or dropped.

Some local or indigenous peoples' institutions may require additional technical capacity to ensure that their right to FPIC is respected. The role that facilitators⁷ play in FPIC is important, as the process itself is an empowering tool to build the capacities of local institutions and communities. Specific trainings on raising awareness on the right to consent and training tools have been developed in the last decade, particularly by indigenous peoples' organizations and non-governmental organizations (NGOs).

Many governments have only recently started to engage in consultations to obtain FPIC, and implementation mechanisms are often weak. The establishment of systematic mechanisms to ensure FPIC requires political will and investments in institutional capacity-building and staff training. While it is beyond IFAD's mandate to overcome these general challenges, support to governments to ensure FPIC in IFAD-funded projects contribute to build the necessary implementation capacity and provide example of a pragmatic and constructive approach to FPIC, embedded in the context of participatory self-driven development. It is advisable to include appropriate measures to strengthen the institutional capacity of the borrower to consult communities and obtain their FPIC in the project design process.

In Nicaragua, as a general practice, project design processes include visits to indigenous communities and interviews with leaders. The Adapting to Markets and Climate Change Project focuses on coffee and cocoa production. The project has developed targeting strategies for indigenous peoples and afro-descendants. The strategies are based on the distinct governance systems and strategies for administration of natural resources and production of indigenous and afro-descendant communities.

Consultation, participation and consent

Consultation is an important feature of any project design process. IFAD applies a participatory approach to ensure that local communities are included in project design. Experience shows that systematic inclusion of

⁷ See annex 3 for indicative terms of reference for FPIC facilitators.

local and indigenous peoples' communities, with appropriate attention to women and young people, does not require different methodologies, but is a question of making the entire 'IFAD machinery' work to ensure inclusion. A careful analysis of the context may lead to customized approaches, e.g. by making use of local languages or hiring local or indigenous staff as part of the design team.

Impact assessments at the beginning of the project design stage can identify important risks and benefits; these assessments need to include community participation and to communicate results. Experience also shows that a continuous consultation process is required during implementation as initial consultations with sample communities are not sufficient. For example, community plans, aspirations and customary practices for resource management are often not available in writing. Moreover, it takes time to overcome suspicion and generate the trust needed to establish genuine partnerships.

Consent to the project or to a project component or specific activity under a component, is the outcome of the collective decision-making process by the local communities. It is a recorded consent agreement between the project proponent and the concerned communities through their freely chosen representative bodies to engage in the FPIC process. Written consent may be required to satisfy the need for documentation. The form in which consent would be provided should be mutually agreed upon.

The consent agreement and record must document the outcome(s) of the process and terms and conditions agreed upon. Likewise, the same record should document any dissent to the overall project or project activities. The agreement must be independently verified as fair and true by the communities and follow the process agreed by them.

It is essential that the procedures and rules of the FPIC process be largely determined by the communities affected and those who have the right to give or withhold consent. The FPIC process must be in harmony with their own governance and internal collective processes for taking decisions.

Examples of common problems in the FPIC process include:

- Negotiating with leaders who are not legitimately chosen by the communities, or with people who may not necessarily represent the community or its best interests;
- Assuming that initial interest and consent to discuss a project means that the community is willing to provide consent;
- Failing to provide important information on impacts or accountability and responsibility associated with the project;
- Not allowing sufficient time for a community to discuss the development plan, obtain independent information and advice, and make decisions.

Documenting consultation, participation and FPIC in IFAD-funded projects

There is no universal way of documenting consultation, participation and consent, which by nature are multifaceted and contextualized concepts. However, the main requirements for documenting the FPIC process are as follows:

- **Keep record of consultations undertaken:** how participants were selected and invited; what documentation/information they received beforehand and in which language; who participated; what was discussed; and what was agreed.
- **Keep record of participation:** when did representatives of indigenous peoples and local communities participate; how they were selected; what institutional roles or accountability links to constituents do they have; what commitments do they assume; and what agreements were made.
- **Document specific instances that express FPIC:** often FPIC is expressed as an agreement between the borrower (or the duly designated implementing agency) and the concerned local communities. These agreements should clearly articulate what has been agreed (issues, commitments, time frames, budgets, roles, responsibilities, etc.); who entered into the agreement (clearly identifying the individuals involved as well as their title and role); and what mechanisms have been set up to maintain dialogue and address disagreements.

The focus on FPIC promoted by IFAD today, provides an opportunity to systematically examine and document experiences and lessons learned through implementation. Annex 6 to this How to Do Note will be continuously updated to give examples of good and bad practices in FPIC processes. The Annex is intended as a living document supporting learning and gathering experiences. FPIC should be one of the important

project aspects captured, documented, shared and communicated in project completion reports, evaluation reports, etc.

IFAD and borrower countries will benefit from this knowledge management and it will also make an essential contribution to regional and global efforts to adequately implement provisions for FPIC.

Soliciting FPIC at design stage

Project components and activities that require FPIC from representative institutions of local and indigenous peoples' communities are identified early in the project design process, either in the Project Concept Note or during the first design mission.

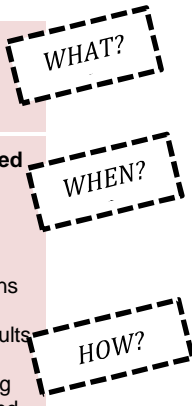
Project Concepts Notes indicate if FPIC is required and how it should be conducted (if detailed information on the project is available at this stage). Sufficient budget needs to be allocated to conduct consultation processes leading to FPIC.

If adequate details on the project are not available at the Concept Note stage, the first design mission should identify the requirement for FPIC, and project components and activities that require FPIC by the rural communities. The mission should then develop the FPIC implementation plan indicating the process and time schedule for soliciting FPIC from concerned communities before the project design is completed. (Annex 2 includes an example of the FPIC implementation plan drafted during a design mission for an IFAD-funded project).

What to do and how to solicit FPIC is detailed in table 3 below.⁸

Table 3: Seeking FPIC at design stage

Conduct sociocultural and land tenure assessment	Identify decision-making institutions and representatives	Conduct consultation leading to FPIC	Formalize consent agreement
From Concept Note through first design mission	During first design mission	From first design mission through appraisal	Before QA (to be annexed to the PDR)
<p>Identify:</p> <ul style="list-style-type: none"> • Customary laws, informal rules and organizing practices on land ownership • Institutions and governance systems • Types of livelihoods • Mutual support and solidarity mechanisms • Community stakeholders, land users and assess who has the right to give or withhold the consent <p>Assess:</p> <ul style="list-style-type: none"> • Consequences from the proposed project that may result in the change of the status of the lands, territories and resources 	<ul style="list-style-type: none"> • Conduct preliminary consultations with the community and explain the nature of the proposed project • Allow time for communities to discuss and decide on their representatives for the consultation process leading to FPIC • Clarify responsibilities of representatives • Agree on the process leading to FPIC • Identify signatory parties for the consent agreement 	<ul style="list-style-type: none"> • Share objective and scope of the project with the representatives identified by the communities and identify project component(s) requiring FPIC • Inform them on the actors financing and implementing the project and their respective responsibilities • Provide clear and transparent information on the benefits and risks of the project • Share the findings of the sociocultural, land tenure and environmental assessment • Formalize consent agreement 	<p>Include:</p> <ul style="list-style-type: none"> • Respective expectations • Proposed project duration, expected results and activities • Participatory monitoring and verification plan and procedures • Identification of grievances procedures and mechanisms • Terms of withdrawal of consent • Record of process through means and languages accessible to all stakeholders and parties involved



Document free, prior and informed consent process

- ✓ Keep record of consultations
- ✓ Keep record of participation
- ✓ Document specific instances that express FPIC

⁸ The guiding steps provided are valid for soliciting FPIC at the implementation phase, provided the FPIC plan is prepared during design.

If consent is withheld by the affected communities, the project proponent needs to assess the causes and conditions required by the communities to reach agreement and provide consent. In most cases, to obtain FPIC the consultation process may lead to activities being adjusted to align them to communities' rights and priorities. In other cases, the community withholding consent may not be interested in joining the project and an assessment will need to be made to determine whether the project or its components and activities can proceed with the communities that provided consent.

If consultations do not lead to the required consent for the project to be implemented, and no agreement is reached to avoid, minimize, mitigate or compensate the negative impact of the project, the dissent of local communities should be clearly documented. The borrowing government should consider changing the project design or not taking the project proposal forward. If the project design is submitted to IFAD without changes it may be rejected at QA, Management or Executive Board level for non-compliance with IFAD policies.

IFAD Social, Environmental and Climate Assessment Procedures (SECAP)

SECAP is a key mechanism to identify requirements for FPIC at the design stage. As an integral part of the design phase, the borrower or grants recipient undertakes an Environmental and Social Impact Assessment (ESIA) with support from IFAD.

The ESIA identifies:

- Project components with a potentially direct and significant impact on local communities and which require FPIC of national or subnational representative institutions of local communities during the design phase;
- Project activities with a potentially direct and significant impact on local and indigenous peoples' communities and which require FPIC of benefiting communities during the implementation phase (FPIC implementation plan would be annexed to the project design).

Table 4 below summarizes a step-by step approach to ensure FPIC through SECAP.

For further information on SECAP see:

<https://webapps.ifad.org/members/eb/113/docs/EB-2014-113-R-14-Rev-1.pdf>

The **Philippines** has legislation and institutions to ensure FPIC of indigenous communities. The **Integrated Natural Resources and Environmental Management Project** addresses unsustainable watershed management in four priority river basins and has a focus on indigenous peoples. An Indigenous Peoples Development Framework was prepared in a fully participatory manner, in close coordination and consultation with the National Commission on Indigenous Peoples, and is implemented in accordance with its Guidelines on FPIC.

Table 4: SECAP step-by-step FPIC approach

Application	SECAP steps as they relate to FPIC of local and indigenous peoples' communities
Environmental and Social Screening at concept or early formulation stage	Identify main environmental and social issues pertaining to local and/or indigenous peoples' communities. Consult representative institutions of potentially targeted or affected local and/or indigenous peoples' communities to assess compatibility of development objectives with community rights and aspirations. Document community concerns. Classify the project as Category A, B or C, depending on its potential impact on local and/or indigenous peoples' communities. These elements should be reflected in the SECAP Review Note.
Environmental and Social Impact Assessment (ESIA) Applies to all Category A and certain components of Category B projects	Consult with representative institutions of indigenous peoples and local communities to ensure their adequate participation in the ESIA. The ESIA can be designed with flexibility as: (a) a process which enables consultation, participation and consent during design and implementation; (b) a formal procedure for securing FPIC of affected indigenous peoples and local communities during project design; or (c) a study which identifies and evaluates impacts, recommends preventive and mitigating measures, and maximizes opportunities. The ESIA should: <ul style="list-style-type: none"> Identify impacts and devise measures to avoid potentially adverse effects or minimize, mitigate or compensate for such effects. Devise mechanisms to ensure consultation, participation and FPIC, as relevant, throughout the implementation phase. Indicate the need for borrowers/grant recipients to obtain FPIC of the concerned representative institutions of indigenous peoples and local communities with respect to project components that may potentially have a direct and significant impact on them.
ESIA review and incorporation of recommendations into project design	Review ESIA findings and recommendations, and discuss these with borrower/grant recipient and local communities. Ensure that recommendations are adequately addressed in the final PDR. Assess whether borrower/grant recipient obtained the FPIC of indigenous peoples and local communities for project components that potentially have a direct and significant impact on them. Verify whether the project includes measures to: (a) avoid potentially adverse effects; or (b) minimize, mitigate or compensate for such effects.
Loan negotiation	Include clauses/covenants/provisions specifying appropriate actions that the government commits to undertake.
Project completion	The ex-post ESIA will confirm that the FPIC has been successfully implemented.

The Environmental and Social Screening and ESIA processes classify projects as Category A, B or C depending on potential impact on local communities (table 5).

Table 5: Classification of projects based on potential impact on indigenous peoples and local communities

Category	Impact
A	Significant and direct impacts on indigenous peoples and local communities which may be sensitive, irreversible, diverse, comprehensive, broad, sector-wide or precedent-setting
B	Less significant and adverse impact. Few, if any impacts are irreversible and remedial measures can be easily designed
C	Negligible impacts

Quality enhancement (QE)

The QE process aims to enhance the quality of IFAD-funded projects. Key steps are:

- **Contributions to the draft PDR** by the in-country and in-house CPMTs, and continuous support to the CPMTs to enhance the quality of the PDR. This provides an opportunity for CPMT members and the Policy and Technical Advisory Division (PTA) to provide input and comments.

- **Peer review of draft PDR** by external experts, as necessary. This is an opportunity to have local and indigenous peoples' community experts provide their input and comments.
- **QE panel meeting**, focusing on outstanding issues of PDR design and providing advice for improvements at appraisal mission. This is a key moment to assess whether FPIC requirements have been analysed and addressed in the design phase. The PDR at this stage would include an annex describing the stage of the FPIC process.

Operational guidance for QE processes

- ✓ Use the QE process to assess FPIC requirements and to verify whether projects include measures to avoid potentially adverse effects or minimize, mitigate or compensate for such effects.
- ✓ Seek input from PTA (Desks on Land Tenure and Indigenous Peoples and Tribal Issues) and the Environment and Climate Division (ECD) on project and programme design.
- ✓ Involve experts on land tenure and indigenous peoples as peer reviewers of project design documentation.
- ✓ Use IFAD's guidance, checklist and procedures for alignment to IFAD Policies on Land Tenure, Engagement with Indigenous Peoples, Environment and Natural Resource Management in project design as part of the QE process.
- ✓ For review at QE panel meeting, include an annex in the PDR describing the FPIC process.

Outstanding issues arising from the QE panel are addressed during the appraisal mission, which refines the PDR. For projects where FPIC needs to be obtained at the design phase, the appraisal mission will determine whether the borrower government (with IFAD's support) has obtained the FPIC of the local communities and annex the outcome of the FPIC process to the PDR.

Assessing FPIC at quality assurance (QA)

The QA process aims to ensure the quality of design and provides key opportunities to assess whether FPIC requirements have been adequately addressed in project preparation and design.

The last step of the design process is the QA review, which clears the PDR for Management approval before submission to the IFAD Executive Board. The QA process is responsible for specifically assessing compliance with IFAD policies, and in this case whether FPIC has been duly obtained during the design phase and provisions for FPIC are contemplated in PDR design. For projects requiring FPIC at the design stage, the PDR would include an annex with the FPIC outcome and a summary describing the FPIC process. When FPIC is solicited during the implementation phase, the FPIC implementation plan is annexed to the PDR.

Project approval and loan agreement

Following conclusion of the design process, the IFAD President issues a Report and Recommendation for review and approval by IFAD's Executive Board. In line with IFAD policies, the Executive Board considers consultation and consent of local communities and indigenous peoples' communities as a criteria for project approval.

With the project or programme financing agreement, IFAD agrees to extend a loan or grant to the borrower. The Executive Board approves the loan followed by the signing of the financing agreement. The loan agreement specifies the financial conditions for loan effectiveness, includes a description of project parties, roles, project completion date, and any specific provisions and conditions. The loan agreement specifies appropriate actions the borrower commits to undertake.

Operational guidance: project and programme approval and loan negotiation

- ✓ Consider consultation and consent as a criteria for approval of projects and programmes.
- ✓ Include borrower commitment in the loan agreement to ensure consultation, participation and consent of targeted communities during the project implementation phase.

Disclosure of documentation related to the FPIC process

The IFAD Policy on the Disclosure of Documents approved in 2010, is based on the principle of “presumption of full disclosure”.⁹ In line with SECAP, the sharing of FPIC and other relevant documents with programme and project stakeholders and interested parties is subject to this principle and the procedures as outlined in IFAD’s disclosure policy. The draft documents are disclosed in a timely manner prior to project appraisal at the QA stage, and in an accessible place in the project and programme area, and on the IFAD website in a form and language that stakeholders and other interested parties can understand, so they are informed and their feedback can be obtained.¹⁰

Soliciting FPIC at implementation stage

Design for seeking FPIC during implementation phase

When investments in specific communities and territories are not identifiable during the project design stage (such as in community-driven development projects), FPIC may have to be solicited during the implementation phase. In these circumstances, the PDR should include the **FPIC implementation plan** as part of the participatory and demand-driven approach guiding the implementation of the project. The project budget needs to provide allocations for conducting consultations leading the FPIC. The Project Implementation Manual should be updated with the details of the FPIC process agreed upon by the concerned communities.

An outline for the FPIC plan would include the following steps in the process and include timeline:

- Sociocultural and land tenure assessment¹¹ (as part of the IFAD standard poverty analysis, which needs to be deepened in certain aspects as described in Table 6 below);
- Identification of decision-making institutions and representatives to ensure full, effective and equal participation of stakeholders;
- Consultation processes leading to FPIC;
- Formalized consent agreement.

The FPIC implementation plan indicates:

- ✓ When and how the sociocultural and land tenure assessment will be undertaken;
- ✓ When and how consultations will be carried out to identify decision-making institutions;
- ✓ When and how consultations leading to FPIC will be carried out;
- ✓ By when the consent agreement will be formalized with the local communities.

⁹ See document <http://www.ifad.org/gbdocs/eb/100/e/EB-2010-100-R-3-Rev-1.pdf>

¹⁰ IFAD SECAP

¹¹ For further information see “How to do land tenure in IFAD project design” at http://www.ifad.org/knotes/land/Lt_howto.pdf

Table 6: Seeking FPIC at implementation stage

Prepare FPIC implementation plan	Implement FPIC plan	Formalize consent	Assess FPIC implementation
<p>During design phase before QA (annexed to PDR)</p> <p>The FPIC implementation plan should specify:</p> <ul style="list-style-type: none"> • How and when to conduct the socio-cultural and land tenure assessment • How and when to identify decision-making institutions and representatives • How and when to conduct consultation leading to FPIC • Involve experts in the design team • During project design missions consult with farmers and indigenous peoples' organizations and agree on the FPIC plan (use the FAFO and IPs Forum networks) 	<p>From start-up workshop and before any investment is made</p> <ul style="list-style-type: none"> • Confirm/revise FPIC implementation plan at start up workshop • Conduct/(review if available) socio-cultural and land tenure assessment • Identify decision-making institutions <ul style="list-style-type: none"> ✓ Conduct preliminary consultations with the community and explain the nature of the proposed project ✓ Allow time for communities to discuss and decide on their representatives for the consultation process leading to FPIC ✓ Clarify responsibilities of representatives ✓ Agree on the process leading to FPIC ✓ Identify signatory parties for the consent agreement • Conduct consultation leading to FPIC before any investment is made <ul style="list-style-type: none"> ✓ Share objective and scope of the project with the representatives identified by the communities and identify project component(s) requiring FPIC ✓ Inform them on the actors financing and implementing the project and their respective responsibilities ✓ Provide clear and transparent information on the benefits and risks of the project ✓ Share the findings of the socio-cultural, land tenure and environmental assessment ✓ Formalize Consent Agreement 	<p>Before any investment is made</p> <p>The format for a consent agreement to include:</p> <ul style="list-style-type: none"> • Respective expectations • Proposed project duration, expected results and activities • Participatory monitoring and verification plan and procedures • Identification of grievances procedures and mechanisms • Terms of withdrawal of consent • Record of process through means and languages accessible to all stakeholders and parties involved 	<p>Implementation support/joint review missions</p> <ul style="list-style-type: none"> • Engage experts in joint review missions • Assess FPIC process • Identify grievances and find solutions to address

WHAT?

WHEN?

HOW?

India: North Eastern Region Community Resource Management Project for Upland Areas (NERCORMP)

IFAD-funded projects with tribal peoples in India are demand-driven. FPIC of the tribal and local communities is embedded in all project designs, sought during the implementation phase and throughout the project cycle.

At implementation phase of the NERCORMP, before any investments started at village level, project staff at district level and facilitating NGOs conducted meetings with the traditional authority, the village head (nokma), and explained the principle and objectives of the project. The nokma convened a community meeting to inform the members about the proposed project, its objectives, implementation modalities and community institutions to be formed to implement the project and requested consensus of the villagers to join the project. At community level the decision was taken collectively. FPIC was validated through a formal agreement, the “social agreement”, which was signed between: (a) the legitimate authority at village level, the nokma; (b) the project implementing committee at village level – the natural resource management groups (NARMGs), which included all members of the community, with a 50 per cent women representation; (c) NGOs responsible for facilitating project implementation, and the government implementing agency at district level – the West Garo Hills Community Resource Management Society. This process was conducted in every village.

After receiving consent of the overall project through the social agreement, activities at village level were planned through the annual workplan and budget prepared by the NARMGs and submitted to the project management unit.

The case above is a good example of consultation and participation of indigenous peoples’ communities in community-driven development projects. FPIC is embedded throughout design and implementation as an essential element of an integrated process of community mobilization and participation aimed at self-driven development. As such, FPIC is not merely the right to say ‘yes or no’ to externally initiated actions, but intimately linked to the right of indigenous peoples to determine their own priorities for development, to fully participate in and shape development initiatives, and to avoid adverse impacts.

The start-up workshop

When a development project is about to be implemented, the government normally conducts a start-up workshop to reach common understanding of objectives and goals, and to assign clear roles and responsibilities among the entities involved in implementation. The start-up workshop provides the opportunity to discuss, as part of the implementation arrangements, the overall FPIC implementation plan included in the project design and to identify the details for the consultation plan leading to consent and capacity-building measures with concerned local and indigenous peoples’ community representatives.

The start-up workshop:

- ✓ Reviews the sociocultural and land tenure assessment prepared during the design phase, or arranges to have an assessment conducted if it is not available or insufficient to provide in-depth information and analysis
- ✓ Engages experts on local and indigenous peoples’ communities
- ✓ Assigns responsibilities for the FPIC implementation plan
- ✓ Assesses the need for building the capacities to implement the FPIC process
- ✓ Engages independent organizations and experts to conduct the FPIC process
- ✓ Assigns a specific role to local communities to manage resources and includes capacity-building measures, as necessary, at community level.

Joint review missions

IFAD undertakes joint review and implementation support during the implementation process. Joint review ensures compliance with loan agreements, including the commitment to ensure FPIC of targeted communities.

Joint review missions to projects requiring FPIC should dedicate adequate staff and time for consultations, and validate findings to assess the FPIC process. Missions, including midterm reviews, also present opportunities to discuss implementation issues, promote policy dialogue, and build and strengthen capacities of national implementation partners and policymakers for local communities and indigenous peoples. Selection of joint review mission teams and experts by country programme managers need to take into account the expertise required to assess the FPIC process. The team could be supported by organizations that are part of IFAD networks and partnerships (e.g. Farmers' Forum, Indigenous Peoples' Forum, Indigenous Peoples Assistance Facility), which would be identified with the support of PTA.

Through project joint review and implementation support, IFAD ensures that the FPIC implementation plan and agreement are being implemented and address issues related to indigenous peoples and local communities.

Practical guidance in project joint review and implementation support

- ✓ Engage team experts on indigenous peoples and local community in joint review and implementation support
- ✓ Assess that FPIC implementation plan and consent agreement reached with the communities are respected.
- ✓ Solicit inclusive feedback from men, women, youth and landless people.
- ✓ Identify grievances and verify in public community meetings, and/or triangulate the information as appropriate when issues are raised confidentially.
- ✓ Agree on means and timing to address grievances according to the grievance mechanisms established in the FPIC agreement.

Addressing complaints about IFAD-funded projects

IFAD has established a complaints procedure to receive and facilitate resolution of concerns and complaints with respect to alleged non-compliance with policies and the mandatory aspects of SECAP in IFAD-supported projects, including FPIC. The procedure allows complainants to have their concerns resolved in a fair and timely manner through an independent process. Although IFAD normally addresses potential risks primarily through its enhanced QE/QA processes and by means of project implementation support, it remains committed to: (a) working proactively with the affected parties to resolve complaints; (b) ensuring that the complaints procedure is responsive and operates effectively; and (c) maintaining records of all complaints and their resolutions.¹²

¹² IFAD SECAP

Annex 1: What to do and how to solicit FPIC

What to do	How to do it	When	
		FPIC at design phase	FPIC at implementation phase
<p>Conduct a sociocultural and land tenure assessment as part of IFAD's assessment of the country and rural development context to:</p> <ul style="list-style-type: none"> - Identify the community stakeholders, landowners and users in the project area, including neighbours (who is affected and who can gain more rights through careful design based on FPIC?), and assess who has the right to give or withhold consent - Identify customary laws, informal rules and organizing practices, and claims on land ownership, occupation and use - Identify types of livelihoods and resources communities depend upon - Identify institutions, governance systems and decision-making roles - Identify existing dimensions of traditional leadership (roles and status) and traditional mutual support and solidarity/reciprocity mechanisms - Identify social, economic, cultural and spiritual relation with land and territories - Assess possible consequences for local communities resulting from the change on the status of land, territories and resources emerging from the proposed project 	<ul style="list-style-type: none"> - Country programme manager (CPM) to engage the Desks on Land Tenure and Indigenous Peoples and Tribal Issues in PTA and ECD in CPMT - CPM/implementing agency to engage design/implementation team experts on local and indigenous peoples' communities and land tenure (including local and indigenous experts, use the Farmers' Forum and indigenous peoples' networks) - Design/implementation team to carry out preliminary consultations with the full and effective participation of communities, including focus groups (men, women, young people), interviews and questionnaires regarding relations among society groups (individuals, families, clans, tribes, neighbouring villages) - Design/implementation team to consult local governments and institutions (civil society, local and national indigenous peoples' institutions and organizations, NGOs), and international organizations present in the project area - Design/implementation team to share with stakeholders preliminary results of the assessment 	<p>From Concept Note and first design mission</p>	<p>At the beginning of implementation</p>
<p>Identify decision-making institutions and representatives to ensure full, effective and equal participation of stakeholders leading to FPIC</p> <p>(The sociocultural and land tenure assessment would identify local and community institutions)</p>	<p>Project proponent (government possibly through an independent facilitator)¹ supported by IFAD at design phase to:</p> <ul style="list-style-type: none"> - Consult the communities and explain the nature of the proposed project - Explain and agree on the plan for the inclusive consultation process leading to FPIC - Clarify responsibility of representatives - Allow time for communities to discuss and decide on their representatives - Formalize representations (formal representation can be documented through written documents, cultural ceremonies based on customary practices documented through videos) 	<p>During formulation and first design mission (informed by the sociocultural and land tenure assessment)</p>	<p>At the beginning of implementation (possibly coinciding with mission for preparation of sociocultural and land tenure assessment) during preliminary consultations with the communities</p>

¹ Indicative terms of reference for facilitators are provided in annex 3

What to do	How to do it	When	
		FPIC at design phase	FPIC at implementation phase
	<ul style="list-style-type: none"> - Agree with the communities' representatives on the consultation process leading to FPIC - Agree on how consent will be reached and provided (requirements for making decisions: votes, signing of document, ritual ceremonies, videos) - Identify signatory parties for the consent agreement 		
<p>Conduct consultation leading to FPIC on the proposed project/specific component/activities</p> <p>Conduct participatory mapping as an instrument for the consultation process leading to FPIC, to assess ownership, occupation and use of land territories and resources</p>	<p>Project proponent (supported by IFAD at design phase) to:</p> <ul style="list-style-type: none"> - Share the objective and scope of the project with the communities' representatives selected by the communities - Clearly inform the communities' representatives on the actors financing and implementing the project and their respective responsibilities - Provide clear and transparent information on the benefits and risks of the project - Share the findings of the sociocultural, land tenure and environmental assessment - Allow for independent facilitators/advisors in the consultation process - Engage communities' representatives in the mapping activities - Share the objective and scope of the mapping exercise with the communities - Enable communities to engage independent parties/experts they select to support them in the mapping - Ensure inclusive participation – men, women, young people, representatives of different communities present on the same land and territory, and neighbouring villages – and provide for multiple maps by the different communities - Share the maps with all stakeholders and actors - Formalize ownership of the maps by the communities that have developed them 	<p>Starting from first design mission through the design phase before the PDR is submitted to QA</p>	<p>Starting at beginning of implementation and before any investment is made</p>
<p>Formalize the consent agreement (written or in other form if so requested by the community)</p> <p>Annex the FPIC agreement and documented process to the PDR</p>	<p>Project proponent (government possibly through an independent facilitator) supported by IFAD at design phase. The format for a consent agreement would include:</p> <ul style="list-style-type: none"> - Respective expectations - Proposed project duration, expected results and activities - Participatory monitoring and verification plan and procedures - Identification of grievances procedures and mechanisms - Terms of withdrawal of consent - Record of process through means and languages accessible to all stakeholders and parties involved 	<p>During appraisal design mission and before submission of PDR to QA</p>	<p>Timing agreed upon the consultation process and before any investment is made</p>

Annex 2: Example of a draft consultation process leading to FPIC, prepared as part of the first design mission for an IFAD-funded project

Draft consultation plan¹

Consultation process leading to free, prior and informed consent and beyond, including participation processes throughout the project stages for the IFAD-funded project in: DEVELOPMENT PROJECT – ..4 regions - A preliminary proposal

Background

IFAD was requested by the Ministry of Finance to prepare a new project for(country), addressing poverty alleviation, food security and sustainable development in hinterland areas. The new project would focus on the hinterland regions, those regions (4) not included in the ongoing project.

According to the report on indigenous peoples submitted by the Government of to the United Nations Permanent Forum on Indigenous Issues (UNPFII) in 2008, Indigenous peoples in amount to # per cent of the total population, which stands below They are commonly referred to as, and consist of ... peoples: The vast majority of indigenous peoples live in the hinterland region, where they make up about # per cent of the population.

The four regions are the country's hinterland regions with # per cent of the country's population. The identified target groups of the project are # per cent of the inhabitants of the four regions and some # persons, primarily indigenous peoples' communities. The dominant village communities are of ... origins.

The Act ..., is the primary domestic legislation in the country addressing indigenous peoples' issues. The Act provides generally for the recognition and protection of the collective rights of, the granting of land and the promotion of good governance within indigenous village and communities. Indigenous peoples have increased their legal entitlements to land over the recent decades. Recognized by the Ministry of ... are ... titled villages, governed by an elected village council headed by a "chief" and untitled communities, headed by an appointed community development council (CDC) headed by a chairperson elected from their number.

The following international instruments, voted and/or ratified by the country, are relevant to indigenous peoples' rights in the country:

- United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), 2007: voted in favour
- International Covenant on Civil and Political Rights (1966)
- International Covenant on Economic, Social and Cultural Rights (1966)
- International Convention on the Elimination of All Forms of Racial Discrimination (1965)
- Convention on the Rights of the Child (1989)
- American Declaration on the Rights and Duties of Man (1948)
- Instruments, including the Convention on Biological Diversity (1993), adopted at the United Nations Conference on Environment and Development
- Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005

Based on 30 years of experience, IFAD has learned that well designed and implemented consultation and participation processes lead to FPIC. In projects that seek to benefit indigenous peoples, consent is not only a right sanctioned by law, but also a condition for successful project outcome, since the viability of the project depends on its acceptance and ownership by the beneficiaries themselves. Consent is only real when arrived at in good faith and without coercion, prior to the start-up of project activities and based on the full knowledge by the beneficiaries of what it is they agree to. While in practice many projects may implicitly already meet this requirement due to IFAD's strong participatory approach, in its new Policy on Engagement with Indigenous Peoples, the Fund commits itself to comply with this standard in all its projects with indigenous peoples.

What has emerged during several consultations with indigenous peoples over the years, and their own assessment of selected IFAD-funded projects (in 2005), is that the strong participatory approach of IFAD-assisted projects is de facto implementing the FPIC and is among IFAD's best practices on projects with indigenous peoples. It often goes beyond mere consent, where participation and inclusion of communities takes the form of co-creation and co-management, and communities decide their own priorities in a demand-driven approach. The lessons learned from IFAD's experience is that capacity-building, self-driven development and ownership can be considerably enhanced by entrusting indigenous communities and their institutions with the direct management of resources and funds.

This was reflected in the operational instruments of the IFAD Policy of Engagement with Indigenous Peoples: "*Project implementation arrangements should facilitate a direct role by indigenous communities in managing resources. Where needed, projects should include capacity-building measures to enable indigenous peoples' organizations to assume effective control over the resources to be invested in their communities. Projects should contribute to the consolidation of indigenous peoples' organizations at local and territorial levels. Over time the priorities and demands of indigenous communities are bound to change, and project design should not only anticipate the adaptation of project operations to new circumstances, but actively support learning processes to ensure that such adaptations are well-grounded.*"²

¹ This draft plan was prepared during a project design mission for an IFAD-funded project. The details of the country are not provided as the project design has not been finalized.

² IFAD Policy on Engagement with Indigenous Peoples, Instruments, Procedures and Resources, 2009:15-16
http://www.ifad.org/english/indigenous/documents/ip_policy_e.pdf

In general, in designing and implementing projects, IFAD makes best use of the existing policies in the specific country and/or ratification of international instruments and conventions, and supports the government in implementing them, while also building the capacity of the people to take advantage of the existing instruments in place.

The consultation process for the IFAD-funded ... Project in the Country of ...

It is within the abovementioned perspective and in line with the IFAD Policy on Engagement with Indigenous Peoples and the United Nations Declaration on the Rights of Indigenous Peoples, and in line with the Constitutional provision of the Government of ... and the Act ..., that the following consultation process has been developed.

Preliminary formal and informal consultations with indigenous peoples and communities and their representatives were conducted in the pre-formulation and formulation missions IFAD undertook for the design of the new project for These preliminary consultations were aimed at providing the formulation team with a solid prior understanding of the sociocultural, economic and political dynamics within the target groups; the national legislation; land use concepts and management practices, the degree of autonomy and self-governance in managing resources, and the support needed by the communities to take full advantage of the development potential of their human and social capital and their natural resources.

Consultations conducted at this early stage also provided information on channels and methods for consultation and participation to be utilized throughout the project cycle, from design to implementation and monitoring and evaluation stages.

Design stage

1. Following the formulation mission that took place from, a summary of the draft design of the project will be shared with the indigenous peoples' communities and their representatives for those areas where the project will be implemented. The information on the overall design of the project has to reach the communities and their representatives well in advance (at least 3-4 weeks before the consultation workshop), in order for them to prepare for the consultation. Information on the project has to be written in a simple language to facilitate understanding of the main concepts, components and activities. The information accompanying the draft design shall also inform on the consultation workshop, date and venue, and include a tentative agenda clearly stating the objective of the consultation workshop.
2. A consultation workshop shall be held before the finalization of the project design, in order to include comments and recommendations deriving from the workshop.
3. The objective of the consultation workshop is to share prior information on the design of the project with the indigenous communities and their representatives and benefit from their feedback for the finalization of the project design. This is aimed not only for the communities and their representatives to provide FPIC, but to ensure that the objectives, activities, duration and timing of the project are well understood and agreed upon by the beneficiary communities. This is also aimed to start building trust and ownership of the project by the beneficiary communities.
4. Participation at the consultation workshop shall be through freely chosen representatives and customary or other institutions by the indigenous communities.
5. Given the governance system common among the indigenous peoples in this country, participants at the consultation workshop would, most likely, include the village chiefs or senior councillors, or chairpersons of CDCs of the communities that will be directly reached by the IFAD-funded projects, and members of the national ... (indigenous)...council. A representative for each of the four major indigenous organizations would also be invited to participate.
6. The consultation workshop shall be organized and funded by IFAD, the Government of and cofinancers with participation of their representatives. They would also indicate additional participants that could add value to the consultation workshop.
7. Depending on time and resources available, two options have been identified for the consultation workshop at design stage:
 - a. A consultation workshop to be held in the capital, including representatives from the different regions; (approximate cost US\$5,000 with about ten indigenous representatives participating from the different regions and representatives based in the capital);
 - b. Consultation workshops to be held at the regional level. Since the project will most likely be implemented gradually, covering initially two regions, two consultations workshops would be held in the two regions where the project will be first implemented. (approximate cost for consultations at the regional level between US\$3,000 and US\$5,000).In both cases, apart from representatives of the selected regions, a few representatives from the other regions would also be invited.
8. A tentative agenda for the consultation workshop at design stage is provided below.

Implementation stage

Consultations at regional/ district level will be held to refine the targeting and selection of villages and communities and to agree upon a set of general rules to be applied, including for instance criteria for community selection, sub-project selection, direct role by indigenous communities in managing resources, etc. Feedback on how communities' views have been incorporated in the draft design will be provided at this stage. It is suggested that a participatory agenda be developed for this consultation in the first consultation workshop.

As one of the primary activities of the project, communities would prepare their community development plans on activities, priorities and timing, supported by technical assistance. The plans would include indicators of well-being and means to measure result and sustainability of their proposed initiatives. Indicators to be developed directly by the communities in a manner that is relevant for them, accompanied by technical assistance. Communities would then set up independent bodies

for implementing their initiatives and managing resources that would eventually be transferred, and establish accountability and oversight instruments to ensure transparency in all initiatives related to the project.

Appropriate monitoring and evaluation (M&E)

*“M&E mechanisms should be participatory and adapted to capture indigenous peoples’ perceptions and perspectives. This can be achieved through independent M&E studies among indigenous peoples on their opinions and perceptions on the progress of plans and programmes. Participatory M&E should be part of normal project operations and should serve as a steering mechanism to identify problems and appropriate adaptive measures. Special care must be taken to facilitate easy and timely access to M&E results by communities themselves.”*⁸ Whenever possible, supervision and evaluation missions would include indigenous peoples’ experts.

The above identified consultation and participation process throughout the project life should also be considered as a capacity-building instrument for indigenous peoples’ communities and their institutions and representatives to strengthen their capacity to discuss development issues and enable them to effectively interact and negotiate with local and national governments, private companies and other interested parties and enable them to lead their own development processes.

The process is also aimed at increasing local and national consultative processes involving the diverse stakeholders and relevant national institutions working with and for indigenous peoples.



Objective of the consultation workshop is to share prior information on the design of IFAD-funded project with the indigenous communities and their representatives and benefit from their feedback for the finalization of the project design. This is aimed not only for the communities and their representatives to provide free, prior and Informed consent, but also to contribute to shape up the project design, and ensure that the objectives, activities, duration and timing of the project are well understood and agreed upon by the beneficiary communities, through their freely selected representatives. This is also aimed to start building a trustful relationship and ensure ownership of the project by the beneficiary communities. The workshop will also discuss and agree upon the consultation and participation process throughout the project life. This first consultation should be seen as the first step of a process that continues throughout the project cycle.

Opening Session

9:00 – 9:15

Chair:

Welcome remarks:

Introductory remarks: IFAD

Session 1

9:15 – 9:30 Adoption of the agenda and organization of work

9:30 – 10:00 Presentation of the draft design of IFAD-funded project and IFAD Policy on Engagement with Indigenous Peoples (could also be 2 different presentations)

10:00 – 11:00 Discussion

11:00 – 11:15 **Coffee break**

11:15 – 13:00 Working Groups at Regional Level, if the workshop is held in the Capital Working Groups at Sub-regional Level if the workshop is held in the regions

(The working groups will discuss priorities and opportunities at regional or sub regional level and agree upon consultation and participation process throughout the project life – Each working group will decide on its rapporteur to summarize the discussion in the plenary)

13:00 14:30 **Lunch**

14:30 15:00 Wrap up of the working groups

Session 2

Chair: (different from session 1)

15:00 – 16:00 Report from the Working Groups

16:00 – 16:30 Discussion

16:30 – 17:00 Adoption of the Recommendations

17:00 – 17:10 Closing remarks by

⁸ IFAD Policy on Engagement with Indigenous Peoples, 2009:16

Annex 3: Sample terms of reference for facilitators supporting the FPIC process in IFAD-funded projects

The selection of suitable facilitators for the FPIC process is critical to the success of the process. In the selection process, consideration should be given to the cultural context the facilitator will work in, to language skills, ethnicity, gender, experience in consultation and participatory processes, age (e.g. elders prefer to speak to older facilitators), technical knowledge of the proposed project and knowledge of IFAD policies and FPIC requirements.

The role of the facilitator is not to moderate or negotiate with the communities, it is to conduct consultations on the proposed project with the identified communities and effectively facilitate decision-making, based on the community governance and decision-making systems. In this process, the facilitator should support empowerment and capacity-building of the community to effectively review the proposed project and its impact in order to facilitate free and informed decision by the community.

Minimum requirement for the facilitator is rights sensitivity and knowledge of the cultural context they will operate, together with technical knowledge of the issues under consideration.

The facilitator must be neutral, trustworthy and mutually accountable to IFAD, the borrower government and the community.

The facilitator, in cooperation with IFAD (FPIC at project design), government and stakeholders will make the following arrangements for the FPIC process and ensure:

- Full, accurate information is communicated to the communities in a language that is easily understandable by everyone, including visual medium, to communicate the scope of the consultation and the proposed project;
- A trusted relationship is established with the communities and a trusted and enabling environment created for decision-making;
- Decision-making process is determined by the community without any interference, coercion or pressure;
- Timeline to undertake the decision-making process is decided by the community and meetings/workshops agreed according to community availability;
- Agree on the language the community wishes to use, including the language used for written materials;
- Respect for the customary laws and practices of the community;
- Information on the proposed project is provided in a transparent and accurate way. The positive and negative impact on the proposed project clearly communicated, including potential short-term and long-term impacts, risks and benefits;
- Information is provided to all community members and is consistent with the community's governance system and decision-making bodies;
- Agree on who are the representatives the communities select for providing consent, and/or the consent will be provided collectively by the entire community;
- Agree on how consent will be provided (e.g. raising hands, voting, signing, delegating leaders, etc.);
- Document the process, meetings, discussions, differing opinions (disaggregation by gender, ethnicity, position within the community, livelihoods systems: farmers, fisherfolk, pastoralists, etc.), decisions, maintain a record of the meetings and decisions and shares these with the communities for their records.

Annex 4: FPIC in projects financed through the Indigenous Peoples Assistance Facility (IPAF)

The IFAD Indigenous Peoples Assistance Facility (IPAF) supports indigenous peoples to determine and develop priorities and strategies to fulfil the development needs of their communities. Through small grants ranging from US\$20,000 to US\$50,000 and lasting up to two years, the IPAF supports the demand-driven initiatives of indigenous peoples' communities by funding small projects that are designed and implemented by indigenous peoples' communities and their organizations, and that build on their culture, identity, knowledge and natural resources.

Not-for-profit/NGOs can apply to IPAF if designated by the indigenous peoples' communities to act on their behalf. Evidence of FPIC by the indigenous peoples' communities needs to be enclosed in the application form submitted to the IPAF. Below is an example of the FPIC letter accompanying an application form submitted to the IPAF¹³.



13 Translation of letter:

We the undersigned, Common Initiative Group of Baka Subsistence Farmers in Bitsouam (GIC ABEPAGVIB), want to give mandate to Sustainable Alternatives for Development (ADD) to seeking funding for the project entitled "Support for the Bakas indigenous group in sustainable agriculture techniques and processing of agricultural products and non-timber forest products".

Since 2010, GIC ABEPAGVIB associated with all the Baka communities in the areas of Mindourou Doume and in the region of East Cameroon, have received support from ADD in various ways. The result, among other things, has been a greater involvement of the Bakas within community structures responsible for employment and monitoring revenue management from the use of forest and wildlife resources.

The request for funding that ADD intends to present to the Indigenous Peoples Assistance Facility, aims to meet our development needs N ° 2. A participatory workshop for analysis and prioritization of needs was held on April 26th – 29th 2011 for this purpose. We have carried out work in order to develop project planning.

Please give us your assistance through financing this project. This attestation has been issued to serve whom it may concern.

Bitsouam 9th August 2011.

The delegate
 ALOMBI MOUSSA Lazare

Annex 5: International framework

FPIC has evolved as a right of indigenous peoples, based on the right to self-determination within the United Nations Universal Declaration on Human Rights, which is applicable to all peoples, and not just to indigenous peoples.

Although requirements in international, regional and national standards for FPIC emerge as a right of indigenous peoples, there is a growing recognition that all communities should have an important role in making decisions about projects that affect them in a significant way. This also includes the ability to withhold consent and refuse to host projects that either negatively affect them, or do not provide adequate benefits to realize their development goals and priorities.

It is within the international environmental law that FPIC is being extended to include the category of local communities and reflected in recent policies and guidelines, such as the Voluntary Guidelines on the Responsible Governance of Tenure of Land of the Food and Agriculture Organization of the United Nations (FAO).

For non-indigenous communities, the case for FPIC is based on:

(a) the right to meaningful participation in environmental decision-making; (b) the right to control access to their lands and resources; (c) contemporary standards of public participation and legitimate governance; (d) basic principles of equity and justice; and (e) the United Nations Declaration on the Right to Development “Everyone has the right to development.”

For REDD+ (reduce emissions from deforestation and forest degradation) initiatives, for instance, beyond respect for FPIC for indigenous peoples, the safeguards also require REDD+ activities to be implemented with “the full and effective participation of... indigenous peoples and local communities.”¹ To fulfil this obligation, respect for their FPIC is necessary.

The Climate, Community & Biodiversity (CCB) Standards also require documentation of a process that respects the rights of indigenous peoples and local communities to FPIC if they may be affected by the project.

The Economic Community of West African States (ECOWAS) also provides for FPIC of local communities in its Directives on Harmonization of Guiding Principles and Policies in the Mining Sector. The ECOWAS Directives are binding to states. More information is provided below.

There are two main international instruments that define indigenous peoples’ rights:

The 2007 the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) constitutes the common framework for the United Nations system for indigenous peoples’ rights. Articles 41 and 42 require United Nations organs and agencies to contribute to the full realization of the provisions of the Declaration, including at the country level, and to establish ways and means of ensuring indigenous peoples’ participation.²

Convention No. 169 on indigenous and tribal peoples’ rights, adopted in 1989 by the International Labour Organization (ILO). It has been ratified and is legally binding in 22 countries.³ UNDRIP and Convention No. 169 are complementary and compatible, with similar provisions regarding consultation, participation and consent.

These two instruments define the following key principles:

- Indigenous peoples have rights to the lands, territories and resources that they have traditionally occupied, owned or used. This means that it is the traditional occupation and use which is the basis for establishing indigenous peoples’ land rights, and not the eventual official recognition or registration of that ownership.

Recognition of customary land rights in Africa is “often based on an understanding of customary forms of land use that is essentially sedentary in nature, which excludes nomadic, pastoralist and hunter-gatherer communities, which comprises most of the indigenous peoples in the region...”

(ILO and ACHPR, 2009 p 102)

¹ Guidelines on Stakeholder Engagement in REDD+ Readiness, 20 April 2012

² The UNDRIP was initially voted by 144 states (against Australia, Canada, New Zealand and USA); these four countries have now endorsed the UNDRIP

³ Argentina, Bolivia (Plurinational State of), Brazil, Central African Republic, Chile, Colombia, Costa Rica, Denmark, Dominica, Ecuador, Fiji, Guatemala, Honduras, Mexico, Nepal, Netherlands, Nicaragua, Norway, Paraguay, Peru, Spain, Bolivarian Republic of Venezuela

- Indigenous peoples do not only have rights to the land they directly cultivate or inhabit, but to the broader territory which they occupy or otherwise use, including natural resources and the right to own, use, develop and control these resources.
- Indigenous peoples' land rights comprise both individual and collective aspects. Most indigenous peoples have customary ways of recognizing individual land and resource rights within the collectively held territory.
- Based on traditional occupation, some indigenous communities have rights to lands and resources not exclusively occupied or used by them, for example grazing lands and forests which may be used on a rotational or seasonal basis.
- Indigenous peoples should never be removed from their lands or territories. Necessary relocation should take place only with their FPIC.
- Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by them in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
- Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

The United Nations Special Rapporteur on the Rights of Indigenous Peoples has clarified that “the strength or importance of the objective of achieving consent varies according to the circumstances and the indigenous interests involved. A significant, direct impact on indigenous peoples’ lives or territories establishes a strong presumption that the proposed measure should not go forward without indigenous peoples’ consent. In certain contexts, that presumption may harden into a prohibition of the measure or project in the absence of indigenous consent.”⁴ This would, for example, harden the requirement for consent in the context of projects affecting indigenous peoples’ lands, territories or resources, including any displacement and involuntary resettlement. In the context of significant direct impact of projects that are not driven by the communities themselves, the requirement for FPIC serves as a fundamental safeguard to ensure that indigenous peoples’ rights and interests are not violated.

In the outcome document of the World Conference on Indigenous Peoples,⁵ states reaffirmed their support to UNDRIP and their commitments “... made in this respect to consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them, in accordance with the applicable principles of the Declaration.”

Regional development contexts

Legal, policy and operational frameworks relating to FPIC vary considerably within regions.

In Africa, over recent years, FPIC is emerging as a best practice, particularly as a safeguard for the rights of all communities affected by extractive industry projects. There are encouraging trends and there is growing recognition of indigenous peoples, particularly hunter-gatherers. There is still reluctance to recognize pastoralists, traditional farming and fishing communities as such. This is the consequence of insufficient legal and policy recognition, including rights to lands and to FPIC. There is also a lack of specific data, which hampers the possibility of devising adequate development responses. Most indigenous institutions at regional, national and subnational levels have limited capacity and their representation at community level is often disputed.

⁴ UN Document A/HRC/12/34 Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development: Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, James Anaya, 2009

⁵ See http://www.un.org/en/ga/search/view_doc.asp?symbol=A/69/L.1

The African Commission on Human and Peoples' Rights (ACHPR) has undertaken groundbreaking work to contextualize the term "indigenous peoples" to the African context. In the region, the concept is mainly applied to pastoralists and hunter-gatherer communities who share the following characteristics:⁶

- Their cultures and ways of life differ considerably from those of the dominant society;
- Their cultures are under threat, in some cases on the verge of extinction;
- The survival of their particular way of life depends on access and rights to their traditional land and resources;
- They often live in inaccessible, geographically isolated regions;
- They suffer from political and social marginalization and are subject to domination and exploitation within national political and economic structures.

The Economic Community of West African States (ECOWAS), is a regional group of 15 West African Countries. In 2009 the ECOWAS Commission developed the ECOWAS Directives on Harmonization of Guiding Principles and Policies in the Mining Sector (ECOWAS Directive) which sets out the guiding principles for harmonizing mining regulatory regimes across member states. The Directives are binding on member states and for this reason this is among the most significant FPIC policy requirement in Africa. States do, however, have discretion in determining how the objectives of ECOWAS Directives will be met.

The ECOWAS Directive calls for FPIC when communities will be affected by mineral or hydrocarbon projects. Specifically, the Directive states "Companies shall obtain free, prior and informed consent of local communities before exploration begins and prior to each subsequent phase of mining and post-mining operations."

It adds that companies are to "maintain consultations and negotiations on important decisions affecting local communities throughout the mining cycle." Importantly, the ECOWAS Directive applies FPIC throughout the project cycle and does not limit its application to indigenous communities. Moreover, the Directive's definition of "mineral" includes not only industrial minerals but also petroleum, so the application is relevant for both mining and petroleum development. The ECOWAS Directive also requires states to provide capacity- building support to communities when necessary "Member states shall provide the necessary capacity to local communities in their engagement with mining rights holders in negotiations and in settling mining disputes."

Latin America is the region that has made the most policy and institutional progress to cater for the development of indigenous peoples and afro-descendants. Disaggregated data on poverty and human development is often available. Fifteen countries in Latin America have ratified ILO Convention No. 169, implying legally binding obligations regarding consultation and consent. However, many countries face difficulties in implementing these obligations. This has generated conflicts in the context of natural resource exploitation, dams, infrastructure and other large-scale projects, initiated without FPIC. Moreover, it has led to a somewhat narrow and legalistic interpretation of FPIC in which positions are polarized, thereby overlooking positive experiences generated in the context of participatory development.

In Asia and the Pacific, most countries have national denominations for indigenous peoples, but many governments are still reluctant to recognize the term and its connotations under international law. The 1997 Philippine Indigenous Peoples' Rights Act, which recognizes FPIC, and the 2007 ratification of ILO Convention No. 169 by Nepal constitute breakthroughs, although implementation remains somewhat weak. The political and institutional strength of indigenous peoples' organizations vary considerably across the region, but there are national and regional networks that effectively provide support to members and facilitate access to decision-making processes at national and international levels.

Requirements under institutional policies of other development partners

Many multilateral agencies and development banks have made explicit commitments to indigenous peoples' rights, which may open opportunities or have implications for IFAD in the context of co-funded projects.

The United Nations system at large is required to contribute to the full realization of the provisions of UNDRIP, including at the country level. This requirement has resulted in the adoption of Guidelines on Indigenous Peoples' Issues by the United Nations Development Group (UNDG). In addition, individual United Nations agencies and initiatives such as FAO, Global Environment Facility (GEF), United Nations Environment

⁶ See http://www.achpr.org/files/special-mechanisms/indigenous-populations/expert_report_on_indigenous_communities.pdf

Programme (UNEP), United Nations Development Programme (UNDP) and United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (UN-REDD Programme) have developed institutional policies on support to indigenous peoples. Hence, United Nations collaboration to advance the implementation of FPIC may be an opportunity for IFAD in a number of countries.

Articles 41 and 42 of UNDRIP provide for the organs and specialized agencies of the United Nations system and other intergovernmental organizations to contribute to the full realization of the provisions of UNDRIP through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established; and for the United Nations, its bodies, including the Permanent Forum on Indigenous Issues and specialized agencies, including at the country level, and states to promote respect for and full application of the provisions of the Declaration and follow up to its effectiveness.

ILO Convention No. 169 on indigenous and tribal peoples' rights is a legally binding international instrument open to ratification, which deals specifically with the rights of indigenous and tribal peoples. To date, it has been ratified by 22 countries. Once a country ratifies the Convention, it has one year to align legislation, policies and programmes to the Convention before it becomes legally binding. Countries that have ratified the Convention are subject to supervision of its implementation. See <http://www.ilo.org/indigenous/Conventions/no169/lang--en/index.htm>

- The **World Bank Operational Policy 4.10** on indigenous peoples does not embrace the concept of FPIC but requires “*free and informed consultation leading to broad community support.*” The Policy is currently under review. The review process has identified FPIC as one of the major themes to be addressed.
- The 2012 performance standards of the World Bank’s **International Finance Corporation (IFC)** include requirements for FPIC, and by extension inclusion for the Equator Banks.
- The safeguards of the **Asian Development Bank** require consent of indigenous peoples in a number of project activities.
- The operational policy of the **Inter-American Development Bank** aims at promoting indigenous self-governance and provide safeguards against adverse impacts.
- The **African Development Bank** is the only multilateral development bank that has not yet adopted a specific safeguard policy on indigenous peoples.

Several influential institutions, such as multilateral banks and multi-stakeholders have developed instruments to obtain FPIC:

- The European Bank of Reconstruction and Development and the Inter-American Development Bank have recently adopted loan policies that require the FPIC of indigenous peoples;
- The 2012 IFC Environmental and Social Performance Standards include a requirement of FPIC for projects affecting indigenous peoples. This represents an advancement from the prior requirement of free, prior and informed *consultation*.
- Multi-stakeholder codes of conduct such as the round table on Sustainable Palm Oil and the Forest Stewardship Council refer to FPIC.
- In 2013, the members of the International Council on Mining and Metals adopted a commitment to seek FPIC for projects expected to have significant impacts on indigenous peoples.
- The 2013 Equator Principles, which are social and environmental lending policies adopted by a significant number of commercial banks and applied to certain loans and advisory services, also require FPIC for some projects.
- United Nations Global Compact Principles 1 and 2, and the United Nations Guiding Principles on Business and Human Rights are relevant for companies seeking to respect the rights of indigenous peoples. Principle 1 calls upon companies to respect and support the protection of internationally proclaimed human rights. Principle 2 calls upon companies to ensure that they are not complicit in human rights abuses.⁷

⁷ United Nations Global Compact: Indigenous Peoples' Rights and the Role of Free, Prior and Informed Consent. See https://www.unglobalcompact.org/docs/issues_doc/human_rights/Human_Rights_Working_Group/FPIC_Indigenous_Peoples_GPN.pdf

Annex 6: Cases of FPIC in action

Experiences of communities' negotiations and protocols

Country:	Panama
Community:	Guna indigenous peoples
Project/activity:	UN-REDD Programme

Background

There are seven groups of indigenous peoples in Panama: the Buglé, Bri-Bri, Emberá, Gunas, Nasos, Ngäbes and Wounaan, representing about 12 per cent of total population (417,559 inhabitants in 2010). When their territories were demarcated, the legal form they were given was the *comarca* and, within this, their own territory and political and administrative structure were recognized.

Five *comarcas* have been established by law: San Blas or Kuna Yala in 1953; Emberá-Wounaan, 1983; Kuna-Madungandi, 1996; Ngöbe-Buglé, 1997; Kuna-Wargandi, 2000. The Naso-Tjerdi territory still remains to be legalized. There are communities that live outside of the *comarcas*, such as the Emberá and Wounaan of Darién, and the Ngäbe and Buglé in Chiriquí and Bocas, and they are still seeking the legalization of their lands.

The indigenous peoples are organized into 12 representative organizations (10 congresses and two councils) affiliated to the National Coordinating Body of Indigenous Peoples in Panama (*Coordinadora Nacional de los Pueblos Indígenas de Panamá* / COONAPIP).

The Department for Indigenous Affairs, Indigenous and Anthropology Institute, National Council for Indigenous Development and Indigenous Policy Authority have been set up, attached to the Ministry of Government and Justice, and the Ministry of the Presidency. Despite efforts made by the government to establish institutions to meet the fundamental needs of indigenous peoples, results have not satisfied the indigenous peoples, essentially due to a lack of FPIC when projects on indigenous territories are carried out.

The case of Reducing Emissions from Deforestation and Forest Degradation (REDD)

Indigenous leaders established coordination mechanisms to deal with their issues in a unified manner through their organizations. Under the leadership of Gilberto Arias, from the General Guna Congress, the authorities of the seven indigenous peoples of Panama were brought together for REDD negotiations, given that most of the country's forests are located precisely in the territories home to them. COONAPIP was strengthened to become the representative authority of the indigenous peoples and established its own fundamental law, in which the bases of FPIC are included.

Following an independent investigation and evaluation, the UN-REDD National Programme was suspended in March 2013, in response to allegations from COONAPIP that the rights of indigenous peoples had not been respected as part of programme activities. In 2013-2014, the National Environmental Authority (ANAM) and COONAPIP were engaged in extensive consultations to resolve issues and develop an Environmental Agenda between Indigenous Peoples and ANAM, which included a revised result framework of the UN-REDD National Joint Programme. The general assembly of COONAPIP, which took place on 29 November 2013 in Playa Muerto, in the Darien province of Panama, approved the Environmental Agenda jointly developed between ANAM and COONAPIP.

FPIC: the Guna way

The equivalent of FPIC in Guna language is: "idaggaggwa, odurdaggaggwa, isliggwa arbaed igar", with the following meaning: "In order for work to be successful, there must be consultations between the parties, adaptable management of information and transparency". This concept is expressed in the Guna Fundamental Law, under a body created to secure this practice, called the Guna Yala Research and Development Institute (GYRDI), an academic, technical and non-profit entity for the development of the Guna Yala region. It is an organization under the authority of and belonging to the Guna General Congress, as the highest political administrative organization for deliberation and decision-making in the region. The aim of the GYRDI is to encourage, facilitate and promote the comprehensive development of the Guna Yala region in territorial, cultural and socio-economic terms. It also acts as an advisory body for the conservation and protection of the natural environment, giving guidance to the communities and monitoring the different projects being carried out in the region.

What happens in practice?

Any project, of any nature, which comes from a national or international entity must be approved by GYRDI, through its steering committee. Once the proposal has been reviewed, the chairman and executive director of the Institute take it to the general assembly of the General Congress of Guna Culture (local authorities of their 49 communities). The proposal is then taken to the ordinary assembly, which is the highest authority of the Guna people, and the nature of the proposal is openly discussed. Finally, the proposal or project can be accepted, rejected, improved or passed on to the next ordinary congress which assess it in depth for subsequent effective decision-making. Usually when this happens, copies of the proposal are made and distributed amongst the 49 communities for them to have the opportunity to openly debate it in their respective communities. Observations made by male and female community members are taken to the general assembly. Therefore, what is decided by the majority will be the final decision. This is how free, prior and informed consent (FPIC) works within Guna autonomy when dealing with a new project.

Following extensive negotiations with indigenous peoples, the UN-REDD Programme Policy Board congratulated Panama on its progress towards resolving the differences with COONAPIP and announced the approval of a no-cost extension of Panama's National UN-REDD Programme until June 2015. The extension was approved together with a review of the new results framework of the programme and with the full agreement of COONAPIP, who co-presented on a panel with ANAM at the Eleventh Meeting of the UN-REDD Programme Policy Board, which took place from 9-10 December in Geneva.

Candido Mezua, President of COONAPIP emphasized that REDD+ had to be conducted with full respect for the rights of indigenous peoples, asking for the support of United Nations agencies to ensure that rights such as FPIC are respected and appropriate grievance mechanisms are made available for indigenous peoples. He further underscored the guidance received from UN-REDD Policy Board members, and highlighted the centrality of indigenous peoples' rights in the revised National Programme. He also observed that the process has improved the complexities and nuances of REDD+ and offered COONAPIP's contribution to national REDD+ efforts.

The UN-REDD Programme Policy Board, comprised of representatives of partner countries, indigenous peoples and civil society, donor countries and United Nations agencies, was appreciative of progress made in Panama and of the joint efforts of COONAPIP, ANAM and the UN-REDD Programme to resolve the conflict. Members noted that the experiences in Panama provided valuable lessons for other REDD+ countries and highlighted the importance of strong stakeholder engagement processes.

References: International Work Group for Indigenous Affairs (IWGIA), The Indigenous World 2015; UN-REDD Programme at http://www.un-redd.org/UNREDD_Launches_Panama_NP_Evaluation_EN/tabid/106063/Default.aspx

Country:	India
Community:	Dongria Kondh tribal people
Area/province:	State of Odisha
Project/activity:	Mining

Background

The Dongria Kondh people live in Niyamgiri hills of Odisha State. Their hills are considered sacred, and people are dependent on them for their economic, physical and cultural survival. They rotate cultivation on the hill slopes, and hunt and collect forest products in the area for their food and livelihoods. They also rely on the hills for their water, wood and medicinal plants.

The Dongria Kondh communities were faced with activities by Vedanta Resources Plc, a United Kingdom-registered mining company. The Dongria people assessed how the mine plans would have a direct impact on their local water sources, their usage of water, wood and other natural resources in the hills, their traditional livelihoods and their very survival as a community. Also the impact from the influx of outsiders, machinery, transportation and other arrangements, accompany the mining.

Indian law recognizes the right of individuals to be consulted about projects that may impact them, which is reinforced by a number of international human rights instruments, including the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the International Convention on the Elimination of All Forms of Racial Discrimination and ILO Convention 107 on Indigenous and Tribal Populations – all of which India is a party to.

The case

Residents from the villages of Lakpaddar, Jharapa, Patangapadar, Dangamati, Khambesi and Bandali, in Rayagada District, (immediately after the Forests Rights Act came into effect in 2008), learned that they could make claims for the forest lands which they had been using. They began filing claims, including those in close proximity to the forest land sought for the mining project, but found that the local authorities were not registering them.

The Dongria Kondh communities' claims to these lands were first legitimized in 2010, when the Orissa government recognized the claims of individual residents to forest lands around the area proposed to be diverted for bauxite mining, in Kalahandi district. Nevertheless, these claims were taken up for re-evaluation after a few months and the government does not appear to have recognized the claims of communities, such as of the residents of Lakpaddar to the forest lands in Rayagada district which are also for mining. Also, the local authorities' procedures for recognizing these claims remain unclear, leading to delays in the recognition of such claims to forest lands.

In addition, the Dongria Kondh leaders learned from news reports in mid-2010 that a "new development plan" for them was to be put forward by OMC-Vedanta (meaning the Lanjigarh Project Development Area Foundation's plans for the development of the Dongria Kondh villages). Community members claimed of not being formally informed nor consulted by the government nor the company about plans on their lands and territories.

In August 2009, following a complaint filed against Vedanta by Survival International, India's National Human Rights Commission wrote to the government of Orissa demanding a full report into its joint venture mining project with Vedanta. In April 2013, India's Supreme Court upheld the ban on mining in the Niyamgiri hill range and ruled that the rights of the Dongria Kondh communities must be taken into account in deciding whether the mining project may go ahead.

In August 2013, all 12 tribal villages voted against Vedanta's project in the Niyamgiri Hills. In January 2014, the Ministry for Environment, Forest and climate change decided to stop the mining project.

Vedanta has abandoned the project to mine bauxite until it can win over local communities opposed to its plan.

Articles providing information for "Latest developments"

<http://www.business-humanrights.org/en/vedanta-resources-lawsuit-re-dongria-kondh-in-orissa>

<http://www.bloomberg.com/news/articles/2014-01-12/india-blocks-vedanta-odisha-mining-plan-after-villagers-oppose>

<http://www.profit.ndtv.com/news/corporates/article-vedanta-shelves-odisha-bauxite-plan-pending-local-approval-387872>

FPIC in sugar cane plantation cases from Oxfam report

The two cases provided below are abstracts from Oxfam briefing note *Sugar Rush: Land rights and the supply chains of the biggest food and beverage companies*, J. Thorpe.¹

Country:	Cambodia
Area/district:	Sre Ambel district

The case

In 2006, two concessions (Economic Land Concession (ELC) for agro-industry) for 9,700 and 9,400 hectares (ha) were granted by the Ministry of Agriculture, Forestry and Fisheries to two companies. Following the concession agreement, land clearance began for a sugar plantation of 18,057.32 ha by these two companies, both of which are 70 per cent owned by Thai sugar giant Khon Kaen Sugar Co Ltd (KSL). As a consequence of the land clearing, nearly 500 families from three villages (Chikor, Chhuk, and Trapeng Kendal) lost land in the clearing operations, according to the community's legal representatives at the Community Legal Education Center (CLEC). Families who had once made a decent living out of their land are struggling to survive without their former income from farming rice, fruit, corn and cashew nuts. They also claim that livestock straying onto plantation land have been shot or confiscated. Many families reported that they can no longer send their children to school.

¹ The opinions expressed in the three cases presented as abstracts of Oxfam briefing note are those of the authors and do not necessarily represent those of the International Fund for Agricultural Development (IFAD). The designations employed and the presentation of material in the above cases do not imply the expression of any opinion whatsoever on the part of IFAD concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

FPIC

Oxfam reports that community members claimed that they were not consulted about the concessions, and that during protests they were threatened and had their movements curtailed. While some families have accepted compensation, 1,365 ha of land are still disputed by 200 families. Representatives of the plantation claim that they paid compensation (which they also regard as “consultation”), and insist that the company pays the Cambodian government US\$20,000 per year. The company met the community in March 2013 and informed that KSL would return the disputed land. Nevertheless, since the meeting, KSL did not pursue discussions with the Cambodian government to resolve the situation. The government states that the ELCs were granted in accordance with the legal framework and that only 13 families were not compensated due to their inability to provide documentation or legal papers to prove they owned the land.

Results

KSL has reportedly supplied London-based Tate & Lyle Sugars from its plantations in Sre Ambel. Tate & Lyle Sugars was incorporated in July 2010 and acquired the European sugar business of Tate & Lyle plc in September 2010. It is owned by American Sugar Holdings, the world’s largest vertically integrated cane sugar refiner. The company states that it has no existing contract with KSL. It also maintains that it has undertaken a comprehensive due diligence process and full independent audit, and concludes that KSL acquired its stake in the land legitimately

Besides the case and the complaint that families have filed against Tate & Lyle Sugars in the United Kingdom High Court and through the grievance mechanism of Bonsucro (an industry initiative that aims to reduce the negative impacts of sugar production), what the affected families have achieved is the suspension of the company from its membership of Bonsucro.

Country:	Brazil
Area/district:	Mato Grosso do Sul, Ponta Porã municipality, Jatayvary

The case

The expansion of agribusiness, which has converted the land to soy, cattle, corn and sugar cane farms has affected indigenous peoples and the Quilombolas. In Ponta Porã, a municipality in the south of the state, two new sugar mills started up in 2008, including Monte Verde – now owned by global commodity trader Bunge. As a result, a number of farms started producing sugar cane to supply the mills, including in Jatayvary, an area claimed by indigenous communities. Bunge’s Monte Verde mill currently buys sugar cane from five farms located in Jatayvary.

Legal framework

Despite suffering violence, being moved off the land for four years in the mid-1990s and facing intimidation by farmers on their return (known by peoples’ testimonies, recorded by Oxfam), in 2004, indigenous communities succeeded in having Jatayvary recognized as indigenous land by the relevant federal agency, FUNAI. This started a four-step administrative process of land demarcation. In 2011, the second step was completed when 8,800 ha of land was “declared” by the Minister of Justice, setting the boundaries and recognizing the Guarani-Kaiowá’s rights (indigenous community).

FPIC

No FPIC was ever sought from the local communities, and given that the demarcation process was underway, Bunge was requested by a federal prosecutor to stop sourcing sugar cane from Jatayvary. The company has insisted that it will only consider breaking its contracts once the land is fully demarcated, and officially signed by the President. Bunge also asserts that the sourcing contracts were entered into by the previous owners of the Monte Verde mill and should be honoured. Although the company indicated that it would not renew contracts as they expired in 2013, it has subsequently indicated that it would be 2014 before the contracts run out.

Results

Living so close to the sugar plantations has brought devastating social and environmental impacts for 60 families. These include exposure to pesticides and to smoke from the burning of sugar cane straw, pollution of waterways, and pollution and risks from the intense vehicle traffic that transports sugar cane (which has resulted in the death of one community member).

Country:	Philippines
Community:	Subanen indigenous peoples
Area/province:	Zamboanga peninsula
Project/activity:	Mining applications
Local government/organization:	National Commission on Indigenous Peoples (NCIP), international and national companies including Rio Tinto, TVI Resources Development Inc. (TVIRD), Ferrum 168, Geotechniques and Mines Inc. (GAMI) and Frank Real Inc.

According to the Subanen indigenous peoples, FPIC processes have been violated several times or proved faulty due to deception facilitated by the National Commission on Indigenous Peoples (NCIP). Weaknesses in FPIC processes have been related to both inadequate systems and implementation failures.

Process

In 2009, a consortium of indigenous peoples provided a detailed outline of their concerns over the operationalization of FPIC in the Philippines in a shadow report submitted to the United Nations Committee on the Elimination of Racial Discrimination (CERD). Despite recommendation by CERD, NCIP continued to face accusations of failure to adequately protect indigenous rights. To improve the situation of indigenous communities, the current government moved NCIP back under the Office of the President, “to ensure concerted efforts in formulating and implementing policies, programmes and projects geared towards the protection and promotion of the rights and welfare of indigenous cultural communities/indigenous peoples.” The administration also allocated additional budget for NCIP to set up a quasi-judicial court.

Result

NCIP released new rules for FPIC implementation in 2012. The Subanen indigenous peoples asserted their own conceptions of FPIC to ensure that future processes comply with and protect their rights, including their right to self-determination. They formulated their own guidelines for a culturally appropriate FPIC process (contained in the “Subanen Manifesto”).

Context of FPIC (agreement)

The rules of the agreement through FPIC, aimed to clarify provisions that are most prone to abuse, misrepresentation, graft and corruption. In addition, the rules require the participation of indigenous leaders on the field research team and the FPIC team must explain the memorandum of agreement to the community “in a language they speak and understand”:

- Stipulate clearly that indigenous peoples have the right to develop a resolution of consent or a resolution of non-consent
- Provide for “field-based investigations” which consist of research on-the-ground to determine the project overlap with and/or impact to indigenous lands and identify the indigenous peoples who will either grant or withhold their FPIC
- Provide for the creation of an FPIC team in each province
- Provide for multiple applications of FPIC throughout the life of the project
- Call for the implementation of two community assemblies
- Require a validation assembly once agreement has been reached among communities
- Denote excluded areas
- Prohibit several acts that might lead to abuse of the process during the time in which an FPIC application is pending.

References: *AIPP Training Manual for Indigenous Peoples on FPIC. Module 4: National Policy and Experiences in FPIC implementation*

Free Prior and Informed Consent in the Philippines, Regulations and Realities, Oxfam America Briefing Paper, September 2013

Country:	Colombia
Community:	Embera Chami indigenous peoples
Area/province:	Resguardo of Canamono Lomapretia
Project/activity:	Mining
Local government, mining companies	
FPIC:	No FPIC was sought from indigenous peoples

The case

(a) Repression of the indigenous communities associated with the state taking possession of their lands for extractive and infrastructure projects, although the area home to indigenous peoples' communities had been recognized as autonomous; and (b) the strategic focus of the government on the "mining locomotive", which will drive the economy forward but will weaken the territorial rights and special jurisdiction of indigenous peoples (reform of the Mining Code).

Process

Precautionary measures have been issued by the Inter-American Commission on Human Rights as a result of displacement threats to communities, while the Colombia Constitutional Court issued an order recognizing 34 indigenous peoples as being in grave threat of extinction, as a result of military and paramilitary activities and encroachment of development projects into their territories. The mandatory prior consultation and consent requirement under ILO Convention 169 has not been complied with in the issuance of mining concessions covering indigenous territories. The legal step of requesting their annulment on these grounds is still outstanding due to the potential risk to the lives of those pursuing such an action.

Result

The reform of the Mining Code was declared unconstitutional by the Constitutional Court due to a lack of prior consultation with indigenous peoples in relation to its drafting. In communities where indigenous peoples were strongly organized, companies have been unable to enter the areas without their consent. However, the lack of prior consultations with the impacted peoples and denial of their decision-making rights has resulted in escalating levels of conflict. Nevertheless, in order to secure their way of life in the face of external threats, the community developed its own normative framework, including the development of an FPIC protocol governing mining in the Resguardo territory.

Context of Resguardo FPIC protocol

Under the consultation and consent protocol, all administrative acts, including the issuance of concessions and environmental certificates, require prior consultation through traditional authorities. Therefore, prior to actually commencing mining operations, up to six consultations may be required. In order to exercise their right to consultation the communities are willing to be consulted on large scale mining. However, they inform companies that it is a waste of their time and money to attempt to pursue mining in their territory, as they have made a predetermined decision to withhold consent to large-scale mining or mining involving the use of cyanide or mercury. Any external oversight of their decision-making processes is considered disrespectful of the communities' autonomy. Consequently, as part of the communities' consultation and consent protocols, decisions are taken without government or company representatives being present in the community. The normative framework also provides that if the community members are not happy with the decision of their leaders, a general assembly of the community is held to make a final decision. If there is any evidence of manipulation of the process or of leaders, through financial or other means, the consultation process is considered void and consent deemed to be withheld.

Reference: PIPLinks, *Making Free Prior & Informed Consent a Reality*, C. Doyle and J. Cariño, 2013

Annex 7: Publications and other resources

African Commission on Human and People's Rights (ACHPR)

Report of the African Commission's Working Group of Experts on Indigenous Populations Communities, Adopted by The African Commission on Human and Peoples' Rights at its 28th ordinary session, 2005

Asia Indigenous Peoples Pact (AIPP)

Training Manual for Indigenous Peoples on Free, Prior and Informed Consent, 2014
Development for whom? Safeguard Policies and Projects of International Financial Institutions Affecting Indigenous Peoples in Asia, 2014

Convention on Biological Diversity (CBD)

Akwé: Kon Guidelines, 2004

Committee on World Food Security/Food and Agriculture Organization of the United Nations (CFS/FAO)

Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, 2012. See <http://www.fao.org/nr/tenure/voluntary-guidelines/en/>

FAO

Respecting free, prior and informed consent – Practical guidance for governments, companies, NGOs, indigenous peoples and local communities in relation to land acquisition, 2014

FAO/United Nations Development Programme (UNDP)/United Nations Environment Programme (UNEP)

UN-REDD Programme – Guidelines on Free, Prior and Informed Consent, 2013

Forest Peoples Programme (FPP)

FPP Series on "Free, prior and informed consent (FPIC)", available at: <http://www.forestpeoples.org/tags/fpp-series-free-prior-and-informed-consent-fpic>

IFAD

Country Technical Notes on Indigenous Peoples' Issues for 31 countries, available at: <http://www.ifad.org/english/indigenous/pub/index.htm>

Supervision and implementation support of projects and programmes funded from IFAD loans and grants, 2007
Policy on Improving Access to Land and Tenure Security, 2008. See <http://www.ifad.org/pub/policy/land/e.pdf>
Policy on Engagement with Indigenous Peoples, 2009. See http://www.ifad.org/english/indigenous/documents/ip_policy_e.pdf
Country-level policy engagement: opportunity and necessity, 2013

International Land Coalition (ILC)

Indigenous Peoples' Rights to Lands, Territories and Resources, 2013. See http://newsite.landcoalition.org/sites/default/files/publication/1517/IndigenousPeoplesSynthesis_0.pdf

International Labour Organization (ILO)

Convention 169 at <http://www.ilo.org/indigenous/Conventions/no169/lang--en/index.htm>
Understanding the Indigenous and Tribal Peoples Convention, 1989 (No. 169). Handbook for ILO Tripartite Constituents, 2013

International Work Group for Indigenous Affairs (IWGIA)

The Indigenous World 2015

Oxfam

Guide to Free Prior and Informed Consent, 2010
Free, Prior and Informed Consent in Africa: An emerging standard for extractive industry projects, 2014
The right to decide: Company Commitments and Community Consent, 2013

Indigenous Peoples Links (PIPLinks)

Making Free Prior & Informed Consent a Reality – Indigenous Peoples and the Extractive Sector, C. Doyle and J. Cariño, 2013

RECOFTC – The Center for People and Forests

Free, Prior and Informed Consent in REDD+ Initiatives, K. Edwards, R. Triraganon, C. Silori, and J. Stephenson, 2012

United Nations

Doc. A/HRC/12/34 Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development – Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, James Anaya, 2009

United Nations Development Group (UNDG)

Guidelines on Indigenous Peoples' Issues, 2009. See http://www.ohchr.org/Documents/Publications/UNDG_training_16EN.pdf

United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

See http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

United Nations Permanent Forum on Indigenous Issues (UNPFII)

See <http://undesadspd.org/indigenouspeoples.aspx>

United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (UN-REDD Programme)

Update: the Panama Government, through its National Environmental Authority (ANAM), and Indigenous Peoples, through the National Co-ordinating Entity of Indigenous Peoples in Panama (COONAPIP), Agree to Re-open UN-REDD National Programme

General resources

IFAD materials and resources on indigenous peoples: <http://www.ifad.org/english/indigenous/>

ILO training toolbox on indigenous peoples' rights: <http://www.pro169.org>

Office of the High Commissioner for Human Rights: <http://www2.ohchr.org/english/issues/indigenous/>

UNPFII: <http://undesadspd.org/indigenouspeoples.aspx>


United Nations Special Rapporteur on the Rights of Indigenous Peoples, Professor James Anaya: <http://www.unsr.jamesanaya.org>





International Fund for Agricultural Development
Via Paolo di Dono, 44 - 00142 Rome, Italy
Tel: +39 06 54591 - Fax: +39 06 5043463
E-mail: ifad@ifad.org


www.ifad.org


www.ruralpovertyportal.org

 ifad-un.blogspot.com

 www.facebook.com/ifad

 instagram.com/ifadnews

 www.twitter.com/ifadnews

 www.youtube.com/user/ifadTV