

2

Fundamental principles of FPIC



This learning block unpacks the term FPIC and looks at the implication of the practice of seeking FPIC. It helps you facilitate a full understanding of the concepts involved. This learning block also focuses on the process of identifying and building the type of consent that should be sought. The results from this learning block must be integrated with the other training blocks as the sessions will not make sense in isolation. The impact of this section is based on the thorough deconstruction of the acronym. If you decide not to cover this learning block, you could face the risk of your participants 'hiding' behind the acronym without fully understanding what it really means.

9

Unpacking FPIC: What is ‘Free’?

Time:

1 hour
30 minutes



Methods:

- Mini role-play
- Questioning

Materials:

- Handout
- Printed role plays
- Big diagram of principles of FPIC

OBJECTIVES

At the end of the session participants:

- Can differentiate between freedom, coercion, manipulation, and intimidation in the context of FPIC for REDD+.
- Will have identified some of the challenges of ensuring ‘free’ consent in FPIC for REDD+ activities.
- Will have identified key mechanisms that can be put in place to ensure ‘free’dom in an FPIC process.

STEPS

1. Introduce the session by asking participants if they remember what the letters in the acronym stand for (F, P, I, C). Remind them that FPIC is not an approach but is a type of decision (consent) that needs to be made in free, prior, and informed conditions. Explain that we will take a closer look at each term comprising FPIC, starting with ‘free.’
2. Explain that in order to unpack the term ‘free’ the participants are going to develop a role-play.
3. Check if participants are familiar with role-playing and, if not, introduce the activity. Stress that they will be like an actor in a play and cannot be judged for what they are doing as a person, only as an actor. Explain that each group will play a different role as a project developer. Tell them they should reveal the scenario they are playing to the others.
4. Divide participants into three groups and explain separately to each what type of role they have to play as a project developer. Explain that they will have 10 minutes to prepare so they need to think clearly how they will depict the characteristics of the role in actions, body language and words so the other groups can guess their role. Hand over the card that

outlines the characteristics of that role. Make sure the participants stick to the role described on the card. Make sure the participants understand that even if the role is not conducive to their personality, they are required to act it out as if it was and that they should keep their story as simple as possible.

5. After ten minutes, invite one group to act out their play and encourage other participants to observe what type of role is being played. Explain that you will stop the play after five minutes by ringing a bell, as the play does not need to be finished to understand the role. After the plays are finished ask the following reflection questions:
 - *What characteristics did the project developer exhibit in this role-play?*
 - *What did they do that made you feel they had those characteristics? Give an example of their actions.*
 - *Have you seen an example of behavior like this in your own context? Why do you think it happens?*
 - *How did you feel playing this role? (to players)*
 - *Why do you think you felt like that? (to players)*
 - *What type of project developer do you think they were playing? (to non-players)*
6. If participants cannot guess what role the member of the group is acting out, reveal the role and read out the characteristics mentioned on the card.
7. Continue with the next two plays in the same way. If the role-plays do not clearly differentiate the roles, try to draw out the characteristics through reflection.
8. After all three plays have been completed ask the group to reflect on their experience by asking the following questions:
 - *What can we learn from those three role-plays? Do you think that all three types of behavior are always distinct?*
 - *Is that sort of behavior easy to identify? Why and when?*
 - *Do you think any of the role-plays fit the definition of 'free' in the context of FPIC?*
 - *What characteristics would you have seen in a role-play of 'free'?*
 - *How do you think we can explain 'free' based on the characteristics you have described?*
 - *Why do you think 'free' is part of the concept of giving consent in REDD+?*
 - *How does it link with indigenous peoples' right to self-determination?*
 - *What is it that they are 'free' to do in the context of REDD+?*
 - *What do you think are the challenges of ensuring 'free'?*
9. In the plenary session, write all three terms on a flip chart. Ask participants to think about how these terms could be translated in their own language. Explain that these terms are used to define what is not free in official texts on FPIC.
10. Explain that the most important issue is to understand the type of behaviors associated with these terms.

11. Bring the participants back into plenary. Explain that as we are unpacking the term FPIC we are going to link it with actions to ensure that principles of FPIC are in function. Present the diagram of concentric circles representing the principles of FPIC and explain we will gradually build this up session by session. As Free is the first principle, we will put that in the center (see exercise sheet).
12. In plenary, ask them to brainstorm with you what mechanisms or factors need to be considered to ensure 'free' in FPIC. Write their ideas down on a flip chart and post them next to the diagram now illustrating 'free' (see exercise).
13. Wrap up the session by emphasizing the importance of indigenous peoples to be free when giving consent to REDD+ activities. Further unpacking of the other principles will be continued in further sessions and we will build up the diagram further as we go along.

TRAINER'S NOTES

It is worth emphasizing that often coercion, manipulation, and intimidation may not always be obvious, and do not always originate with the project proponent. Specific individuals within the community may also put pressure on others to comply. Try and pull out examples from participants' own experience when you can, as this will help them clarify what is and what is not free.

As you unpack the principles of FPIC, use a visualization of the principles and write down on cards the key mechanisms to ensure that participants link the principles together, watching the 'unpacking' process unfold.



Coercion

The group has 10 minutes to prepare and five minutes to do the role-play. One member of your group will play a coercive project developer, while the others are indigenous peoples. The following characteristics of a coercive person may assist you in preparing for the role-play:

A coercive person is someone:

- Who forces the victim to act against his will.
- Can use physical or psychological force. (it can be through blackmail or by creating feelings of guilt)
- Uses their positional power and authority to get what they want.



Manipulation

The group has 10 minutes to prepare and five minutes to do the role-play. One member of your group will play a manipulating project developer, while the others are indigenous peoples. The following characteristics of a manipulative person may assist you in preparing for the role-play:

A manipulative person is somebody:

- Who is persuasive by providing gifts.
- Who uses authority to make people obey.
- Who says what people would like to hear, maybe taking advantage of their poverty.
- Uses tactics of 'divide and conquer' in the group or community.



Intimidation

The group has 10 minutes to prepare and five minutes to do the role-play. One member of your group will play an intimidating project developer, while the others are indigenous peoples. The following characteristics of an intimidating person may assist you in preparing for the role-play:

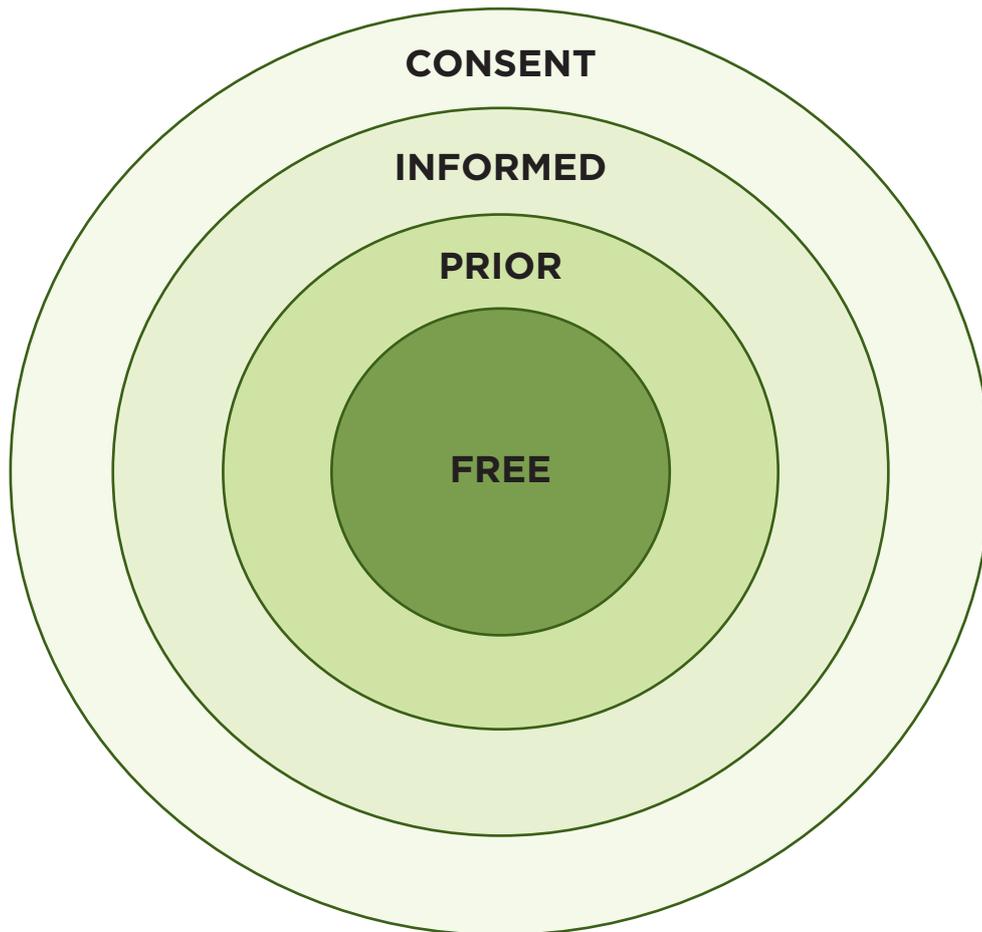
An intimidating person is somebody who:

- Uses threats to obtain something. The threats should make someone fear of their safety.
- May use body language or weapon to intimidate.

Exercise

Principles of FPIC

Use the following diagram to unpack the principles and leave it on the training room wall.



What is Free?

'Free' means free from force, intimidation, coercion, manipulation or pressure by anyone (it can be a government, project developer, company, or any organization).

The rights holders therefore have the right to make a decision about a REDD+ activity with no coercion, intimidation or manipulation. 'Free' includes the absence of any threats or implied retaliation if the result of the decision is to say "no".

'Free' is also related to the principle of self-determination that gives communities the collective right to decide for themselves from the method of consultation and decision-making that is most appropriate to the final decision itself.



How can free consent be ensured?

- Consultations and negotiations take place at a mutually agreed location and time. This should be done in the absence of people who are considered to be coercive by either party.
- Project developers clearly express their commitment not to start any stage of a REDD+ project without the consent of the community.
- Rights holders should be informed that they have a right to say "no" and to negotiate conditions of any REDD+ project process.
- Rights holders are given enough time to consider provided information and carry out all decision-making processes thoroughly.
- External facilitators, or those assisting with the development of the proposed project, should be competent and neutral to the outcome of the consent process.
- An independent verification process confirms the process was free from undue influence.
- Where negotiations break down, there is access to third party assistance (legal or otherwise). The third party would provide extra sources of information, mediate resolutions, or strengthen rights-holders' position.
- Where consent is not given, the period before which it can be sought or given again is mutually agreed, as well as the conditions under which consensus can take place.

Therefore, as most commonly interpreted, the right to FPIC means that indigenous peoples and local communities reach a consensus and arrive at decisions according to their customary systems of decision-making with their free will and without being subjected to 'divide and conquer' tactics.

10

Unpacking FPIC: What is 'Prior'?

Time:

1 hour

30 minutes



Methods:

1. Consent scenarios
2. Plenary discussion
3. Big diagram of principles of FPIC

Materials:

1. Handout
2. Rope or something to represent a line
3. Cards with consent scenarios

OBJECTIVES

At the end of the session participants:

- Can explain the intention of the term 'Prior' in any consent process for FPIC in REDD+.
- Will have identified some of the challenges and implications for applying the term 'Prior' in the REDD+ project design and implementation process.

STEPS

1. Start the session by revisiting the course flow and the concept of unpacking the term FPIC. Explain that this session will focus on the meaning of 'Prior' and its implications for FPIC for REDD+.
2. Explain that you would like all the participants to stand up and push their chairs back so there is a large space to move around in. Draw a line on the floor in front of the participants making sure it uses the space available. Explain that the line is going to represent time and that you are going to introduce several decision-making scenarios, in response to which you would like them to decide at which point in time they think consent should be requested and stand on the line.
3. Copy the consent scenarios onto separate large cards for each multiple-choice option in print (see exercise).
4. Read out the first set of cards and place each card along the line according to its position on the time line. For example, in the case of borrowing a friend's car, do you seek consent a week before you want to borrow the car, when you have found the keys but not yet started the car, when you have started the car and are half way to your destination, or three days after you have arrived at your destination? Place those cards in that sequence along the timeline, walking the participants through the story.

5. Ask the participants to decide when they think the best time to ask for consent to borrow the car is and stand at the card that suits their point of view the best.
6. Once they have taken their places, ask participants who are standing at the same place to discuss why they are standing there, or if they are alone, to formulate their reasons. Then ask them to share with the rest of the group.
7. After you have completed the discussions, move on to the other scenarios and discuss in the same way.
8. After all the decision scenarios in the exercise are complete, bring the group back into plenary form and ask the following reflection questions:
 - *How did you feel doing the exercise? Why?*
 - *How did you decide where to stand? What criteria did you use?*
 - *Did you use the same criteria in all scenarios to help you decide?*
 - *How could these scenarios relate to seeking consent in a REDD+ context (activities, property rights, collective ownership and decision-making)?*
 - *How does this apply to the concept of asking or giving consent in a REDD+ project?*
 - *Based on this exercise, what do you think the term 'Prior' means in the context of FPIC? Why do you think it is required?*
 - *How can we assess if consent has been sought prior or not in a REDD+ project?*
 - *What are some of the challenges of ensuring 'Prior' consent? (note ideas down on flipchart)*
9. Start to wrap up the session by revisiting the Principles of FPIC chart that you started to develop with the group in the session on 'free'.
10. Ask participants to brainstorm on what mechanisms can ensure 'Prior' is met as a principle in FPIC.
11. Finalize the session by emphasizing that giving prior consent by local communities is not "a tick-the-box process, but it has to respect their rights," which must involve enough time to make decisions

TRAINER'S NOTES

You can make up your own decision-making scenarios that are appropriate to the group you are with. You can also do this in group discussions, but forcing participants to move around the room and personally reflect and make decisions as individuals brings some diversity in methodologies throughout the course.

Exercise

Consent scenarios

You will read out each scenario. Re-write the choices on cards in large lettering and place them on the continuum when you are walking the participants through the story.



Your spouse is going on a work trip to Paris. He/she would like to get your consent to join him/her for the weekend while he/she is also there. Should he ask your consent;

1. One month in advance of the weekend that you will both leave for Paris
2. One week in advance of the weekend that you will both leave for Paris
3. Call you the night before he is due to leave saying that he has bought you a ticket already
4. Call you when he is already at the airport asking if you would like to go and just bring the clothes you are wearing



Your house-mate has gone away and left his car parked outside the house. The use of the car would make your life much easier as you need to go on a long trip north this weekend. The keys are on the table in the kitchen. You would like to borrow the car but feel you should seek his consent. Would you;

1. Call him and ask his permission to use the car ahead of your trip
2. Call him once you were already half way to your destination
3. Tell him after you had returned from the trip and he has returned from his
4. Use the car and say nothing



You are the joint owner of a piece of land with your sister's husband. You are desperate for money and need to sell it. A ready buyer appears and offers you a cash deal. You cannot contact your brother-in-law there and then. Would you:

1. Sell the land and take the cash immediately with a plan to call your brother-in-law
2. Tell the buyer that you must consult the other joint owner first and will inform him in a week of whether you will take his offer or not
3. Explain that your brother-in-law needs to be present during the discussions so you will inform him when and where you will meet again with your brother-in-law present and only make a decision when you are both comfortable

Why prior?

'Prior' is critical to allow space and thinking time for local people to fully analyze and seek more information on the issues at hand. This includes analyzing the risks and benefits of the proposal from different perspectives. The extent of time required for this depends on the scale and nature of the project being proposed, the level of risk, the level of impact and the existing decision-making structures and processes in place.

What is 'prior' in the context of REDD+?

'Prior' refers to meaningful, fully informed consent sought sufficiently in advance of any authorization or decision-making related to REDD+ activities or developments. This allows the communities sufficient time to gather information through indigenous means, including translations into traditional languages, and to locally analyze and discuss pertinent project activities.

This means that consent is initially to be sought at the project identification/concept stage. Consent from communities should also be sought when governments, both national and sub-national, are developing REDD+ programs.



Consent is sought and maintained at various agreed points in the REDD+ project development process prior to proceeding to the subsequent phase.

What mechanisms are needed to ensure that 'prior' is respected?

- Informed consent must be sought before the start of any project activity.
- Prior consent requires comprehensive procedures to ensure that indigenous and local peoples have sufficient time to understand and analyze the information they receive.
- Time-bound requirements for information dissemination should be compatible to the situation of indigenous and local peoples.
- Respect must be shown for time requirements of indigenous and local consultation/consensus processes.



WHAT ARE SOME OF THE CHALLENGES OF ENSURING 'PRIOR CONSENT'?

11

Unpacking FPIC: What is 'Informed'?

Time:

1 hour

15 minutes



Methods:

1. Mind-mapping
2. Plenary discussion

Materials:

1. Handout
2. REDD+ project description case study

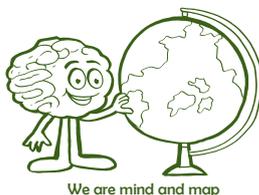
OBJECTIVES

At the end of the session participants:

- Can explain the term 'informed' and how it relates to FPIC in REDD+.
- Can recognize what information about REDD+ and the consent process should be provided to a community in order for consent to be given.
- Can identify who should be informed and when, and implications for different communication methods.

STEPS

1. Start the session by linking back to the visualization of the FPIC principles. Explain that this session will focus on 'informed'.
2. Ask the group why they think informed is a principle of FPIC. Write their answers down on a flip chart and make sure it can be referred to throughout the discussions. (helps local people make a clear decision, creates space to raise concerns, ensures balanced picture of risks and benefits, helps assess appropriate planning process)
3. Explain that in this session we would like to explore the principle of 'informed' consent through creating a mind map in groups.
4. Present the outline of a mind map and explain that the participants are free to create their own shapes and forms (see exercise), but that it must cover who should be informed, how, what and when.
5. Divide the participants into groups of 4-5 people.
6. Distribute flip chart and post-its and tell them they have thirty minutes. Go around each group explaining that they should ask each person to contribute a few post its each on who, how, what, and when, and



then cluster them and create their mind map. Remind them to challenge their assumptions in the creation of their map.

7. After each group has made a map, ask them to display it. Ask all the groups to look at the maps and ask questions or give feedback. Share the feedback by asking each group to respond to the feedback.
8. After the groups have shared the mind maps ask the following questions:
 - What was similar and what was different across the maps and why?
 - Based on your experience, how far are communities informed now in REDD+ projects?
 - What type of information do they usually receive and what do they not?
 - Why do you think some project proponents do not disclose everything?
 - Why do some community members claim they were not informed even after the event?
 - What is the role of external social and environmental impact analysis in informing communities?
 - What are the challenges of keeping communities informed throughout the process?
 - What is the role of independent advice? Who should pay for the independent advice?
9. Bring the participants back into plenary and link back to the visualization of the principles. Ask the group what can be done to ensure communities are fully informed. Write the answers on the Principles of FPIC flip chart, almost completing the circles.
10. Wrap up the session by linking 'free', 'prior', and 'informed' and explaining that the next session will be on 'consent'. Emphasize that it is critical that communities are fully informed and that this will take time, clever communication, and sufficient capacity. It is not acceptable to withhold information from communities on the grounds they will not understand, as they also need to be told they can request information from independent advisors at any time. Pictures, ask them to paste them on a wall or board and tell them that you would now like them to develop a written statement of no more than 25 words, using every day words (not jargon) defining REDD+. This statement should be based on the ideas they have found in their own pictures. Give the groups no more than 15 minutes for this exercise.

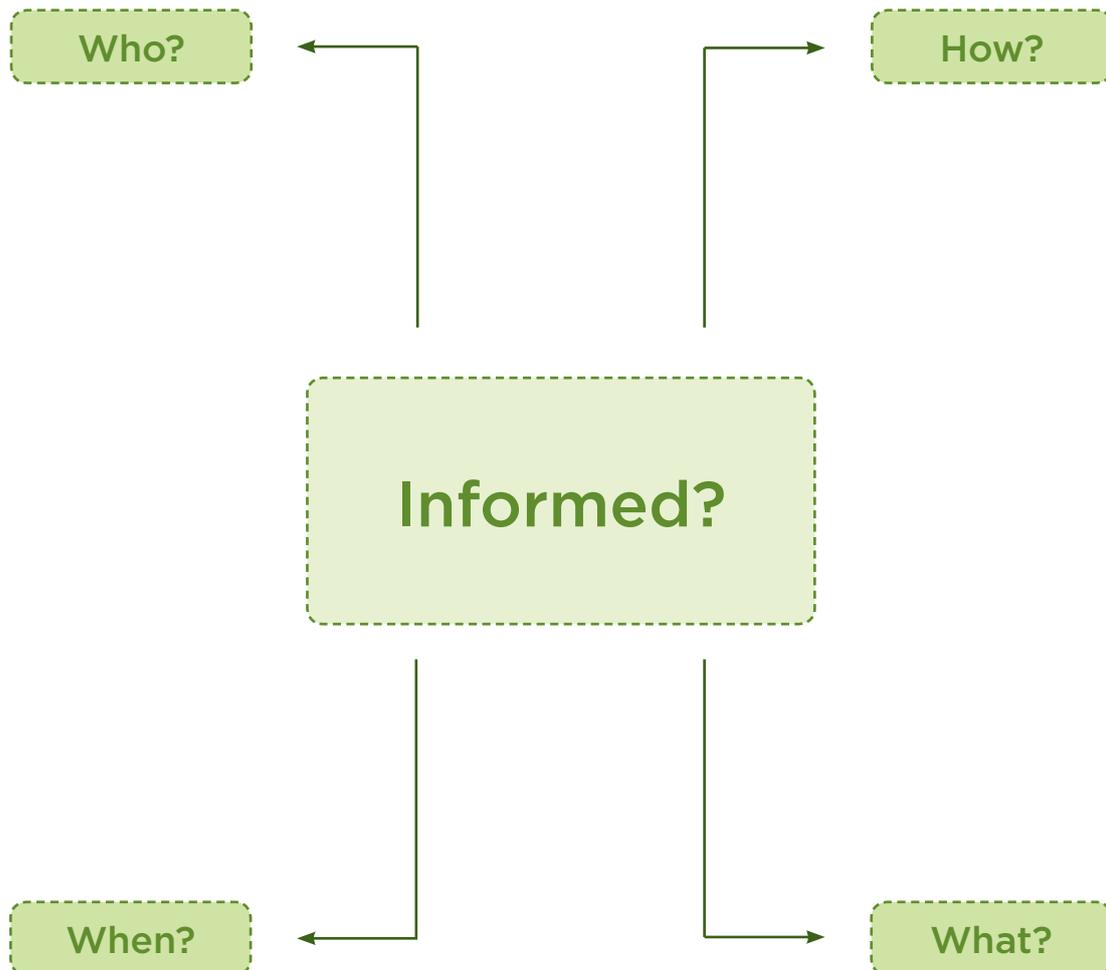
TRAINER'S NOTES

Note that information on community rights and understanding of the consent process itself should also be included in this process. Participants often ignore this. If some groups become unfocused in this exercise and list too much information, refer back to 'why' it is necessary that people are informed, as the 'what' should relate to the 'why'.

Be aware that this is the only place where you will raise the issue of communities' access to independent advice, an extremely important element of FPIC. Make sure you raise this as an issue in this session even if the participants themselves do not raise it.

Exercise

Unpacking FPIC: What is 'Informed'?



What is 'Informed'?

'Informed' means full disclosure, and having all the information available reflecting all stakeholder views and positions in appropriate languages and formats that recognize the unique and diverse indigenous and local governing structures, laws, cultures, and customs. This includes the active participation of community members, elders, women, spiritual leaders, subsistence practitioners, and traditional knowledge holders. Adequate time and resources to consider balanced information about potential risks and benefits, including interpretation of highly technical and legal language, is required, so 'informed' is very much linked to 'free' and 'prior'.

In addition, informed consent can be said to have been given based upon a clear appreciation and understanding of the facts, implications, and future consequences of an action. In order to give informed consent, the individual concerned must have adequate reasoning faculties and be in possession of all relevant facts at the time the consent is given.

Who is informed and how?

The people who should be informed are those whose livelihoods and well being could be influenced or affected by an external project, including women, youth, and vulnerable groups. These people should be informed about all aspects of the project development, i.e. from its inception through design and implementation. The information should be disseminated in the following manner:

- All of the information should be available in local language or a simple means of communication. It should be transmitted in a manner consistent with the community learning culture and needs (including time, location, and support). Meetings should be conducted in the local language.
- Face to face meetings using participatory and innovative methods should be used to maximize the effectiveness of communication for informed consent.
- Information should be disseminated as widely as possible by project proponents. Do not assume that transmission of information through leaders or elders will reach all levels of the community.
- Have adequate resources (financial, human, and time) to disseminate information to facilitate proper understanding.
- Understanding of technical information and agreements reaching rights holders should be assessed and strengthened where necessary.
- The effectiveness of communication methods should be continually assessed and periodically verified independently.

What information should a community have in order for consent to be given?

The fundamental aspect of FPIC is, of course, the full provision of adequate information in forms and languages that allow affected peoples to make informed choices and decisions. Discussions of this criterion should emphasize the obligations of the developer or proponent of change to provide all the necessary information about their plans including the likely costs and benefits, impacts and mitigation plans, legal implications, compensation schemes, and proposed payments for any transfer of rights.

Given the above, there are basically two broad types of information that should be made available for indigenous and local peoples to give informed consent for REDD+ project design and implementation. These types are as included below:

1. Information about the right to consent

- Information about the right to consent (FPIC) should be widely disseminated at the local level and understood (answering the when, to what/stages, and how?).
- Reveal that REDD+ proponents would be willing to stop project activities at certain points along the way.
- The process used to facilitate consent as well as details of the agreement and ways people can access it (print, audio, video, etc) must be publicly disclosed.
- Information on legal services and community costs of engaging such services should be provided by the project proponents.

2. Information about REDD+ projects

- Information about potential positive and negative impacts should be identified, including direct costs as well as opportunity costs of the project.
- All proposed alternatives to the project and likely outcomes of different scenarios should be included.
- Legal rights, both of the community and project developers (proponents), regarding aspects of the proposed project should always be updated as they evolve.
- Right holders should be engaged in all stages of project development, especially the social and environmental Impact Assessment.
- Community people should be able to participate in monitoring aspects of the project so that they are provided with information on an ongoing basis.

Large-scale developments usually require social and environmental impact assessments by law and provide a good opportunity, when carried out in a participatory manner, to ensure information gathered in assessments has the right baselines and to look into issues of importance to local communities. What too often gets left out of such discussion is the importance of information sharing being a two way process. Communities' own systems of land tenure and land management, their cultural and religious links with the land, the presence of sacred sites, and areas of cultural importance all need to be brought to the fore both in community decision-making and in impact assessments

What are the implications for communication methods?

One of the most difficult facets of FPIC is the question of information. Obviously, local people cannot give their consent to forest operations unless they are well informed about the project. But this begs the important question of exactly how well informed people need to be in order to make a free decision about consent. This entails several subsidiary questions:

- How is the community defined, and does everyone need to be informed to the same degree?
- What level of detail and sophistication is reasonable to expect?
- How will the people know if they have enough information to make an informed decision?
- Who should arbitrate in these matters?
- Who should check if the community's collective understanding has been achieved to the agreed level?

Underlying these questions is the obvious point that giving out information does not guarantee understanding. Research has shown that although REDD+ project proponents across the region believe they have carried out thorough awareness-raising, the population usually shows little or no comprehension of the content. The barriers to effective communication in this context are political, social, cultural, and educational. They are easier to diagnose than they are to overcome. But until this is done, free and informed consent can rarely be achieved.

What is the right of local communities to independent advice in the consent-seeking process?

Communities need to know their right to seek independent expert advice on legal, social, economic, and environmental issues. Knowing this right could significantly help in the process of deciding whether to give consent or not. The project proponents, governments, and private investors are obliged to provide funding and support for accessing that advice. It is becoming apparent that this aspect will be contentious in some countries, but it is essential in order to level the playing field. Some initiatives to set up trust funds that can be accessed by communities involved in a process to give FPIC to pay for independent advice are currently under discussion.

12

Unpacking FPIC: What is 'Consent'?

Time:

1 hour
30 minutes



Methods:

Plenary discussion

Materials:

1. Role play
2. Group discussion

OBJECTIVES

At the end of the session participants:

- Can differentiate forms and levels of consent.
- Have identified implications for seeking consent in the context of FPIC for REDD+.
- Can relate the unpacked terms (free, prior, informed, and consent) to each other and explain their implications for REDD+.

STEPS

1. Start the session by revisiting the Principles of FPIC chart. Link back to the initial session on 'why consent?' at the very start of the course.
2. Ask participants to recall in pairs, in their own words, what the term consent means and why it is essential. Ask each pair to give their words and make sure everyone has understood the term consent (permission, approval, agreement to a specific proposal, decision to go ahead with what is proposed) and why it is critical (everybody has a right to say no to a development, respect, protect livelihoods, they are the 'owners').
3. Explain that in this session we will explore the term consent in the context of FPIC for REDD+ through a short role-play. Divide the participants into three groups.
4. Give each group a role-play scenario and ask them to design a play of no longer than five minutes and not to share it with other groups.
5. Let each group enact their role-play, then facilitate reflection by using the following questions:
 - *What happened in each role-play? How did the players feel?*
 - *What were the differences between how consent*

- *was reached in each role-play?*
 - *What was the different form of consent in each role-play?*
 - *In your experience, which of these forms of consent is common in REDD+ or NRM projects? Why?*
 - *Which role-play illustrated the form of consent you think is most appropriate in FPIC for REDD+? Why?*
 - *How does the form consent should take relate to principles for self-determination? Should consent for REDD+ always be written?*
 - *Who should decide the most appropriate form of consent?*
6. Bring the groups back into plenary and revisit the principles on the FPIC sheet which has already unpacked free, prior, informed. Ask the group to brainstorm what has to be done to ensure the form of consent is agreeable to communities and to avoid common pitfalls. Write these on cards and complete the diagram. Revisit the whole diagram and ask the group:
- *How do the different principles link to each other?*
 - *What would be the implication if one of the principles is missed?*
 - *Is it possible to assess if all the principles have been met? How?*
 - *When would this be done in the project cycle?*
 - *How far are you seeing all these principles being met in your experience so far of REDD+?*
 - *What could be some of the consequences?*
7. Summarize the session by emphasizing that consent in REDD+ projects can only be obtained from indigenous peoples and local communities when consultations and negotiations are undertaken freely (without intimidation, coercion or manipulation to participate), prior to decisions being made, and when they are fully informed of the issues to be discussed and negotiated.

TRAINER'S NOTES

The first part of this session on 'what and why' of consent may already be clear to some participants, as it is also included in the session 'why consent'. However, in all cases it is worth revisiting to make sure the whole group has not lost track of what consent is and why it is required.

Unpacking FPIC: What is 'Consent'?



Role-Play 1: The handshake with a few!

Develop a short role-play that depicts a REDD + project proponent seeking and reaching consent with a few influential elite villagers. The indicator that consent has been reached is only through a verbal agreement and a handshake.

Think about:

- An outline of the story (remember you only have five minutes)
- Who will play the roles of the influential villagers and project proponent
- At what point in the story they will shake hands; what they will have agreed on



Role-Play 2: Decision-making by representative consensus

Develop a short role-play that depicts a REDD+ project proponent seeking and reaching consent through consensus with clear representatives from the community. The indicator that consent has been reached is verbal agreement by all. This should then be recorded in some way.

Think about:

- An outline of the story (remember you only have five minutes)
- Who will play the roles of the influential villagers and project proponent
- At what point in the story will they reach consent, what they will have agreed on, and how you will organize the action that shows they have reached consent



Role-Play 3: A one man show

Develop a short role-play that depicts a REDD+ project proponent seeking and reaching consent with an autocratic village head man. The indicator that they have reached consent is the village head man signing a document full of legal and REDD+ jargon provided by the proponent.

Think about:

- An outline of the story (remember you only have five minutes)
- Who will play the roles of the influential villagers and project proponent
- At what point in the story they will reach consent, what they will have agreed on, and how you will organize the action that shows they have reached consent



What is 'Consent'?

Consent is the community making a clear and full agreement to or approval of the proposed REDD+ activity or project development. It requires that the people involved in the project allow indigenous peoples and local communities to say “yes” or “no” to the project at any stage, according to the decision-making process of their own choice. It is important to be aware that consent is not necessarily a participatory decision. The participatory decision is made within the community and then negotiated with or presented to the proponent.

What needs to be done to ensure consent is reached as opposed to just being consulted?

As consent is a contract between two or more parties, it follows that the parties should share a mutual understanding of what that means. Thus, consent for respecting the right to FPIC in REDD+ projects should include the following principles:

- Neither engagement nor consultation to inform is the same as consent. These two are only the necessary means to obtain consent. Engagement or consultation is a discussion among participants who have an agreed topic that does not necessarily require either to be bound to any outcome from the process. Consent, on the other hand, can be legally binding.
- The process and form of consent must be agreed and respected by the community and the project proponent. It does not necessarily involve signing a document, but it must be recorded in a manner that both parties could refer back to it in the future.
- Rights holders should develop their preferred process and institutions for REDD+ decisions while promoting minimum standards for inclusive representation.
- Capacity building may be required to make decisions with far-reaching consequences for the entire community.

What level of consent is required?

It is not enough to get agreement from a few village leaders or elites. Full participation by all those in the community who will be affected by the proposal is required for full consent. This will require an extensive effort in informing and ensuring all sub groups of the communities concerned are consulted and engaged in the decision-making process. This may require some external facilitation by a third party, as it may not be appropriate or possible for the proponent themselves to provide this service.

How are the principles of FPIC inter-related

To respect the community right to FPIC in REDD+ projects, consent should be given without force, prior to approval of any specific activity of the project, and after the community has been informed about all aspects of the project as well as their right to FPIC. Consent with one of the principles of FPIC missing would only result in conflict and mutual recrimination.

Thus, the principles of FPIC are inter-related and should be considered holistically as one distinct decision-making mechanism specifically designed to ensure respect for the collective rights of indigenous peoples and local communities in REDD+ projects. The first three elements (Free, Prior, and Informed) qualify and set the conditions for a consent decision. Violations to any of these principles invalidate a consent decision.

However, FPIC is likely to complicate any REDD+ project in a few key ways. FPIC's likely consequences for REDD+ project processes include:

- Some project developers might try to divide communities into 'for' and 'against' groups. This can undermine the ability of a community to make a collective decision on the project and can lead to tensions in a community.
- It is possible that communities will be affected by a project in varying degrees. If this is the case, it is important to try to develop a common approach with other communities so that the worst-affected communities have a strong voice.
- It is important that all members of a community are involved in negotiating benefits and not just a few leaders or 'elites' who may be interested in maximizing their own personal benefits at the expense of the whole community.
- Even where national laws protect community rights to FPIC, things can still go wrong. For example, problems can arise due to corruption, poor or no enforcement, or lack of independence of government agencies responsible for ensuring that FPIC occurs as required by the law. Some project developers might attempt to get community 'consent' by corrupting landowners and their representatives and forcing them to sign documents.
- Some project developers might attempt to get community consent by establishing their own community decision-making structures designed to obtain a "yes" result through an inauthentic process.