

3

## Supporting values of FPIC



This learning block highlights key values that support the fundamental principles of FPIC. Understanding the value and practice of participation can help achieve the principles of seeking free, prior, and informed consent. The inclusion of particular sessions from this learning block will be dependent on the background and awareness level of your participants. You need to think carefully about how these values can be reinforced and integrated through your training if you do not have time to focus on all the specific sessions. These sessions will enhance learning in relation to the principles and provide a practical lens on how to make them work.



# 13

## Introducing supporting values of FPIC

### Time:

30 minutes



### Methods:

Group discussion

### Materials:

1. Flip charts
2. Marker
3. Cards with the five supporting values and four principles

## OBJECTIVES

At the end of the session participants:

- Can explain the five supporting values of FPIC.
- Can identify the linkages between the four principles and the five values.

## STEPS

1. Explain that this session will briefly introduce a number of values that support the principles of free, prior, informed, and consent. Write the words for each principle on a separate circular card.
2. Present the five supporting values to the group on different colored circular cards (self-determination, understanding tenure, recognizing rights, participatory decision making, and effective communication). Do not go into too much detail about each supporting value, leaving that to the group discussion.
3. Divide the participants into groups. Give them each a set of circular cards with the principles and values. Ask them to position the principles in the center and then discuss where they think the values fit in relation to the supporting principles. The closer they position the card, the closer the relationship of the supporting value.
4. After they have positioned them, ask participants to use glue to stick them on and write the reasons for positioning each value in that way.
5. Ask each group to display their sheets with their values and principles in a gallery format and ask the groups to compare their outputs. Walk them through with the following questions:
  - *Do all the groups agree with each other on the relationships between the principles and values?*

- *Is it just the principles and values that are related or also the values themselves?*
  - *What are the implications if one or more of these values are not integrated well into the process of seeking FPIC?*
  - *Are these values well respected and understood now in your own contexts of FPIC? Which ones? Why?*
6. Wrap up the session by explaining that these supporting values are what will make the key principles of FPIC work in practice. Explain that each value can be explored further.

## TRAINER'S NOTES

This is purely an introductory session to make sure that participants can relate the values to the principles. It could also be used at the end of a course to reinforce linkages.

There are no correct answers to which values link clearly to which principles, but this session will provoke thinking and discussion, making sure that supporting values are seen in relation to FPIC and not as stand alone issues.

# 14

## Supporting value: Self-determination

### Time:

45 minutes



### Methods:

1. Visualization
2. Group discussions

### Materials:

1. Flip charts
2. Crayons, markers, pictures from magazines/newspapers

## OBJECTIVES

At the end of the session participants:

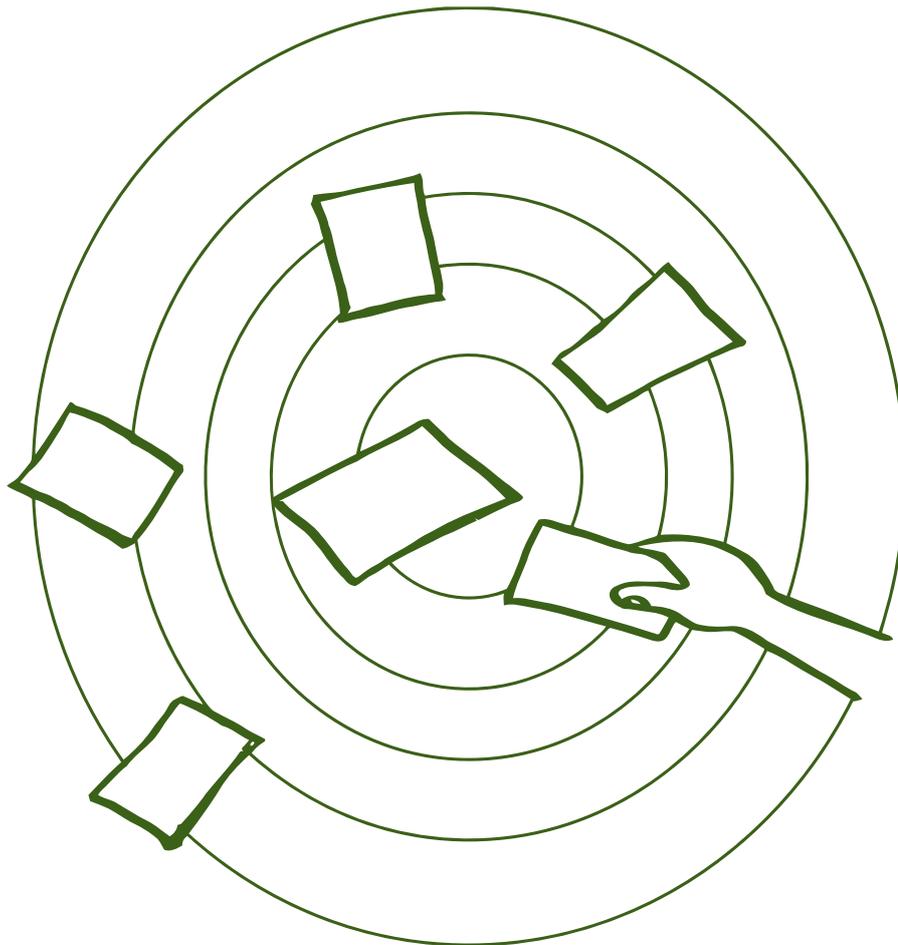
- Have identified and shared personal life decisions they have made, explained their significance, and linked these decisions to their own personal development.
- Recognize the value of self-determination to our personal life.
- Can explain the meaning of self-determination in the context of both indigenous and local people and FPIC for REDD+.

## STEPS

1. Explain that in this session you would like to focus on one supporting value – self-determination.
2. Ask the participants to discuss in pairs and be ready to explain in their own words what is self-determination (*the power or ability to make a decision for oneself without influence from outside, the right of a nation or people to determine its own form of government without influence from outside*) Write down their answers on a flip chart at the front of the room.
3. Explain that you would like to develop and hear participants' own stories of self-determination. Give each participant a large piece of flip chart paper. Ask them to draw four concentric circles, filling the sheet and using the space of each circle equally. Give your own example (see example).
4. Ask them first to reflect on one very influential decision they have made in their lives that has affected the direction of their life or their own personal development. People may have advised them or offered information, but ultimately they made the decision themselves.

5. Ask them to visualize this decision in pictures or symbols in the core circle in their diagram. Encourage them to fill the space and use colors or pictures from magazines or newspapers to help tell their story.
6. After they have spent five minutes completing this picture ask them to visualize who offered them advice and what type of advice in order for them to make such a decision.
7. After they are finished, ask them to draw the life changes that happened as a result of that decision both to them and the people close to them (if any).
8. In the outer circle they should write their name following the circle so it reads, e.g., 'Peter's Self-Determination'.
9. Ask them to now cut out the form of the outside boundary of their four circles and find three other people they would like to share it with.

### Peter's Self-Determination



10. Give the groups 10 to 15 minutes to share their outputs.
11. Bring the group back into plenary and ask:
  - *How did you feel doing the exercise? Why?*
  - *Were there any patterns in which decisions you chose? Why?*
  - *Did the decision always lead to a positive outcome?*
  - *What role did others play in your decision-making process?*
  - *Do you think it was important that these decisions were made by yourself? Why?*
  - *What would have been the implications of someone else making the decision for you?*
  - *How does that relate to self-determination of communities?*
  - *What should you have decided differently if you could return back to that particular point of time?*
  - *Do you think self-determination should only apply to those who identify themselves as indigenous peoples? If yes, why? If no, why not?*
  - *Why do you think we see self-determination as a supporting value of FPIC?*
12. After the plenary session ask the group to place all their circles on one large sheet and paste them in a respectful creative form. Explain that this will remind them of their own right to self-determination and, in turn, the local communities right to self-determination which lies at the heart of FPIC.
13. Wrap up the session by explaining that self-determination is not just relevant for indigenous peoples, but to everybody. Indigenous peoples have had their right to self-determination recognized by international declarations, but the UN Declaration on the right to development also articulates this for all local people in relation to development projects.

## TRAINER'S NOTES

This session should be short, but encourages deep reflection. It has no handout as it is intended to draw on peoples' own experience in recognizing the value of self-determination and linking it to FPIC. It also links to the session on obligation mechanisms.

The more pictures and magazines and artistic materials you have available, the more likely the participants will engage creatively with this exercise.

# 15

## Supporting value: Understanding tenure

### Time:

1 hour

30 minutes



### Methods:

1. Buzz groups
2. Case study
3. Group discussion

### Materials:

1. Flip charts
2. Markers

## OBJECTIVES

At the end of the session participants:

- Can differentiate forms and levels of consent.
- Can relate 'understanding tenure' as a value to the key principles of FPIC.
- Explain the difference between a classical and customary tenure system.
- Can explain the implications if tenure is misunderstood among stakeholders in an area.

## STEPS

1. Start the session by explaining that this is one of the key values supporting the principles of FPIC. Ask the group what their understanding is of the term 'tenure'. Write their answers on a flip chart.
2. Build up the picture further by asking participants to explain the difference between formal, informal, and customary rights. How do these rights relate to the term tenure?
3. Ask the group to give examples of types of rights in relation to natural resources and land use (access, withdrawal, exclusion, exploitation), control or decision-making rights (manage, plant crops, graze animals) and alienation (rent out, sell, or transfer the rights to others) and give examples from their own experience.
4. Explain that this is one of the complexities of the FPIC process. Areas that may be proposed for REDD+ often do not fit into classic tenure systems where ownership is seen as encompassing all those bundles of rights over a resource such as land (see classic property rights systems in Handout). Ask the participants to give an example from their own context where a forest area does not fit such a model.

5. Give a short presentation on the tenure box, presenting the two main axes and explaining that this is a way of thinking about tenure in different forms.
6. Divide participants into groups. Each group will be given an exercise that uses the tenure box to explain a classic tenure system and one example of a community forestry tenure system.
7. Ask the participants to read the exercise individually and think about the questions. After ten minutes ask them to discuss in groups the answers to the questions.
8. After 20 minutes or when the group has finished the questions, ask them to share their answers. Go through the questions one by one, group by group.
9. Pull together the exercise by explaining that many forests are common property and therefore have pluralistic tenure systems at play, which can undermine a REDD+ project if not understood properly.
10. Ask the participants how they think this supporting value relates to the others (self-determination, recognizing rights, inclusive participation, effective communication).
11. Wrap up by emphasizing that a process to respect the right to FPIC requires understanding tenure. Lack of clear and proper understanding of tenure in a certain area can lead to conflict and unsustainable management of resources.

## TRAINER'S NOTES

Make sure that participants realize they need to use the same axis in the tenure boxes for the boxes to be comparable. The trainer will need to assess the group's basic understanding before deciding the level of detail presented on the tenure box before the exercise in groups.

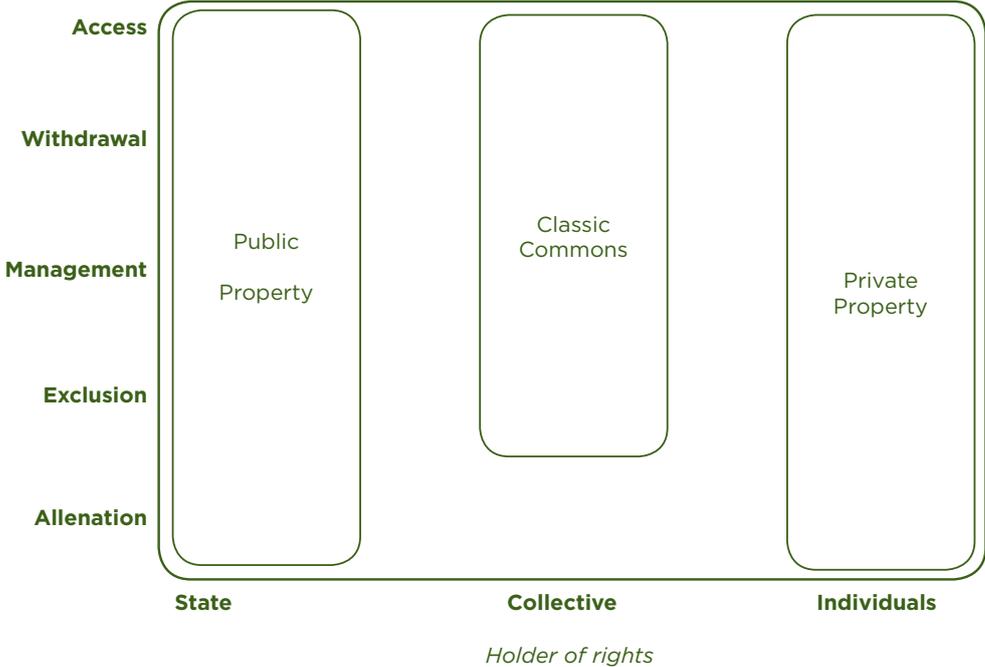
This is a critical supporting value and needs to be covered in any FPIC course. It is tied very closely to the other supporting values of recognizing rights holders and inclusive participation.

# Exercise

Study the tenure box<sup>11</sup> examples below and try to make one for your own country or REDD+ site by filling it in on the sheet. After you have completed it, share it and try to answer the set of questions with your group.

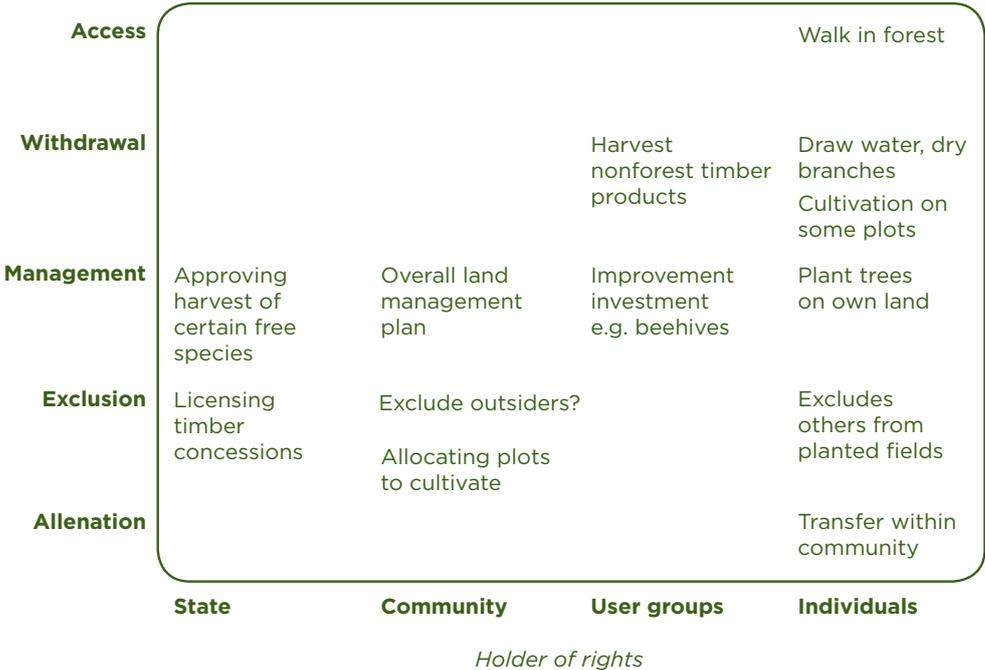
*Bundle of rights*

**Figure 1. Classic property rights systems**



*Bundle of rights*

**Figure 2. Communal forest tenure**



<sup>11</sup> Barry, D and Meinzen-Dick, R The invisible map; community tenure rights 2008

What would a tenure box for your CF or REDD+ sites look like? Think about using the same bundles of rights and holders of rights. After you have filled it with an example from your own country, answer the following questions in your group:

- *What are the key differences between the classical tenure box and your own tenure boxes?*
- *What are the implications for FPIC for REDD+?*
- *Why do you think understanding tenure is a key supporting value of the principles of FPIC?*

## Why is it important that tenure and tenure claims are understood and clarified in REDD+ and FPIC for REDD+?

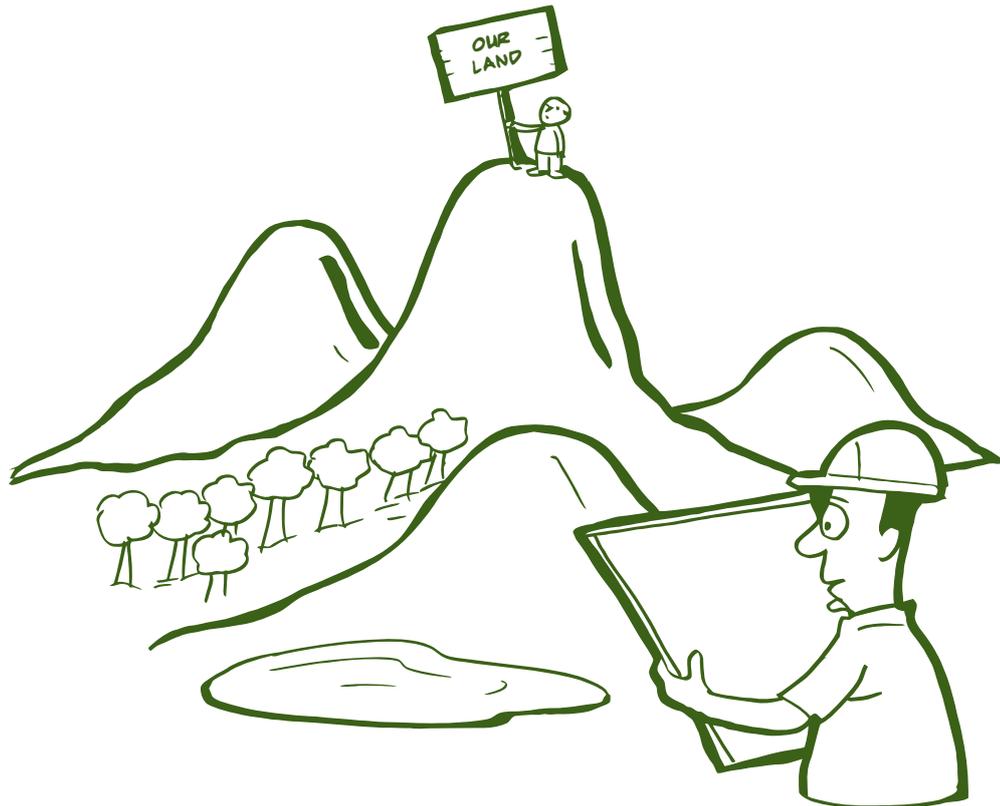
The extract below is taken from a recent FAO paper (165), 2011. It illustrates that tenure over the use of forests and related natural resources such as land and trees is not straightforward. This is not a new observation and has been discussed before the emergence of REDD+. Clarity of tenure is internationally recognized already as a potential constraint or challenge of REDD+. Without clarity and security of tenure, there is unlikely to be sustainable forest management. There are often overlapping claims in terms of rights. It will not be adequate in the context of REDD+ to understand patterns of formal rights and ownership. In many areas, indigenous people and forest-dependent communities have had customary rights over areas for centuries and have an invisible map of their own rights systems that have been the foundation on which the forests have been protected and managed. It is these rights holders from whom FPIC is required to ensure that they have given their permission and are not adversely affected by the initiative. This may involve more than one individual or could even be a group of individuals depending on their type of tenure. It may even involve neighboring communities. Overlapping claims to the resource may also have a negative effect in the long run if not clarified in the context of REDD+ and will also influence the quality of the FPIC process when relevant.

*“Tenure is a commonly misunderstood term. It is often equated with ownership, but this is misleading. Tenure is a generic term referring to a variety of arrangements that allocate rights to, and often set conditions on, those who hold land. Tenure regulates access to and use of resources. ‘Ownership’ refers to a particular type of tenure in which strong rights are allocated to the landholder. Tenure arrangements may involve exclusive access (when only one person or group has access), or different types of access for different groups of people at different times. In addition to inalienable title, there are many other forms of tenure. Tenure theorists describe tenure as a ‘bundle of rights’. Different tenure arrangements allocate different combinations of rights to the bundle, such as rights to use, manage, control, market products, inherit, sell, transfer, dispose of, lease, or mortgage. Some tenure systems include rights described as ‘usufructs’, which give people the right to use lands or forests but not the right to own or transfer them. Leases define the length of time for which rights may be enjoyed before being relinquished or renewed. Globally, there is a bewildering array of such combinations of rights, and*

### Examples of bundled rights

- Certain groups of people have rights of access to certain forest products from an area of forest, but not to other products. In some cases, individual trees in a common property forest are the exclusive property of an individual.
- Certain groups have access during specific seasons.
- Local people have legal rights to certain products from government forests.
- Legal owners of forestland have no legal rights to utilize their forest without separate approval.

*summaries are inevitably imprecise. Along with rights come responsibilities, as the rights to use resources rarely come without restrictions. For example, the right to use forests may bring the responsibility to ensure that the forests are used sustainably or that conservation values are protected. Tenure systems also vary in terms of which individuals or groups may enjoy some or a number of the bundled rights. An important practical implication of this notion of tenure as a bundle of rights is that tenure related to forest land is not necessarily the same as tenure related to particular trees. In many countries, individual trees or groves within a common or national forest may be regarded locally as belonging to a particular individual.”*



## How can the tenure box help?

The tenure box helps explain the complexity of tenure systems and the nature of legitimate pluralistic systems. It is rare that any system is of a classic tenure nature, but many laws and constitutions are written as if systems do follow classic tenure norms.

Using the tenure box can help explain and clarify existing invisible maps of tenure that will be the basis of initial discussions in relation to FPIC. It can be used to map out existing rights through discussions with various users and rights holders. Either this can be done through informal questioning first, with facilitators filling the box in later, or it can be adapted into the local language and used directly with the community.

## Formal and informal tenure: a pluralistic system

*“Tenure can be formal or informal. Formal tenure is recognized by statutory law, by precedent (in English law), or by regulation. Informal tenure refers to locally recognized rights without formal State recognition. Customary or traditional tenure systems are often informal, although they can be legally recognized, as in most of Melanesia and Ghana. Informal tenure systems often operate in parallel with legal tenure. In such cases local people regard forests and forest products as belonging to specific people or groups, regardless of whether the rights have been recognized by the government or not. It is important to recognize that many forests worldwide have been informally used, managed and even owned under custom. Although informal tenure can be effective, there are risks of conflict and instable tenure if the system remains unrecognized by law. Where customary tenure is unrecognized, tenure reform must include its recognition. Many countries have plural legal systems in which several bodies of law operate in parallel and each may be a source of rights. Countries may have customary laws that regulate the affairs of indigenous peoples, ethnic minorities and other local residents. These laws may allocate rights to customary rights-holders according to often unwritten norms, which are well understood within the group but unclear to outsiders. Such customary laws may be recognized in constitutions and often operate in parallel with the statutory laws of the country’s legislature and the ordinances of its executive. Contradictions among these bodies of laws, and disputes resulting from overlapping jurisdictions, may be resolved by appeal to specialist courts.*

*Another layer of law is often introduced by countries’ ratification of international human rights treaties that protect the inherent rights of all individuals and specific groups of people. Recent years have seen the emergence of a range of international agreements and conventions that recognize the rights of indigenous peoples to own and control the lands, territories and other resources that they traditionally own, occupy or otherwise use. These agreements affirm that indigenous peoples derive rights from custom and not from any act of the State; they have recently been consolidated in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)”. FAO, 2011*

# 16

## Supporting value: Recognizing rights holders

### Time:

1 hour

30 minutes



### Methods:

1. Buzz groups
2. Case study
3. Group discussion

### Materials:

1. Copies of case study for each participant
2. Flip charts and markers

## OBJECTIVES

At the end of the session participants:

- Can explain the difference between a stakeholder and a rights holder (customary and formal) and their different roles in the context of FPIC for REDD+.
- Can differentiate a range of rights and different rights holders in relation to a proposed REDD+ site and implications for FPIC.
- Have analyzed the challenges and implications of informal and formal recognition of rights as part of an FPIC process in their own context.

## STEPS

1. Start the session by linking back to the key supporting values of FPIC for REDD+ (self-determination, understanding tenure and rights, and participatory decision-making).
2. Explain that this session will focus on another value: recognizing rights. Link back to the session on understanding tenure, if appropriate.
3. Ask participants if they know the difference between a stakeholder and a rights holder, focusing on the context of REDD+. Write the words 'stakeholder' and 'rights holder' on a flip chart and write their answers down as they mention them, carefully cross-checking understanding across group members. Summarize the key differences (see Handout).
4. Ask the group why it is critical to understand the differences between these two terms in the context of FPIC. Link indigenous people and forest-dependent communities to the term 'rights holders' and ask the group to provide examples of groups that might be a stakeholder but not necessarily a rights holder.

5. Explain that although a stakeholder analysis is important, in this session we will focus on examining rights holders in relation to FPIC for REDD+.
6. Ask the participants what is meant by the term 'recognition'. Ask them why they think recognition of rights is becoming a critical issue in the context of REDD+ and therefore FPIC.
7. Explain that the participants will use a case study to analyze further the implications of identifying and recognizing rights holders. Divide the participants into smaller groups and ask them to read the case study and answer the questions after discussing with their groups. Ask each group to record their answers on flip charts and prepare for sharing. Allow 30-40 minutes for the group work.
8. Bring the groups back into the plenary and ask them to look for similarities and differences across the flip charts. After unpacking the answers to each question from the case study, facilitate reflection using the following questions:
  - *Is this case typical of other situations that might be proposed in REDD + sites in your context? If yes, what are the implications? If no, what are the key differences?*
  - *What are the key challenges in identifying rights holders for the FPIC process? Why?*
  - *Why is this step sometimes skipped by project proponents?*
  - *What are the implications if all the rights holders (formal and informal) are not identified and recognized through the FPIC process?*
  - *What is the quality of current processes in participant's experience to assess and recognize rights holders? What could be done to ensure rights holders are identified and consulted thoroughly through the FPIC process?*
  - *What is the role of a project proponent in seeking recognition of rights?*
  - *What are the advantages of formal recognition of community rights in a REDD+ context?*
  - *What mechanisms could be put in place to assist with recognition, and what would be the role of the project proponent?*
9. Explain that a proposed REDD+ project should map and identify all tenure claims (formal and informal, and overlapping if such claims exist). In situations where community rights are not formally recognized, community members need to know that they do have a right to continue to seek formal recognition.
10. Ask participants to give an example of a national advocacy structure for community rights in their own contexts.
11. Wrap up by emphasizing that a process to respect the right to FPIC requires clarity on who holds what rights in the area of the proposed REDD+ project. This will define who has the right to be consulted and which rights holders can give or withhold consent.
12. Explain that tenure security is becoming one of the key requirements for any secure investment in forestry (including REDD+). As a result, while informal recognition of rights within the FPIC process is essential, obtaining formal recognition can assist in securing long-term investments.

13. Summarize the session by explaining what communities need to know in relation to their rights within an FPIC for REDD+ context. These are:
- Implications of participating in a process where their rights to land/resources are not legally recognized nationally, i.e., decisions may not be upheld or may be subject to recourse
  - Good faith negotiations need to clearly spell out the rights a project proponent can and will uphold
  - The importance of continuing to advocate for land/resource rights
  - How communities can identify national support structures (such as legal aid, civil society support)
  - Their right to consult with third parties not directly involved in the project

## TRAINER'S NOTES

It is important here to make the distinction between different levels of recognition. Informal recognition links closely to the value of inclusive participation and effective communication, in that the project is likely to fail if unrecognized rights holders are not respected in the FPIC process. Formal recognition goes one step further and can be facilitated through the regulatory framework and access to national advocacy structures.

## Kalimantan Forests and Climate Partnership

Australia has committed \$30 million over four years to the Kalimantan Forests and Climate Partnership (KFCP). Under the KFCP, Australia and Indonesia are working together to develop and implement a large-scale REDD+ demonstration activity in Central Kalimantan. It aims to exhibit a credible, equitable, and effective approach to reducing emissions from deforestation and forest degradation, including from the degradation of peat lands, which can inform a post-2012 global climate change agreement. With an overall funding target of \$100 million, the KFCP aims to raise the remaining funds through contributions from, or coordinated actions with, the private sector or other donor countries.

Forested peat lands contain much higher quantities of carbon than forests on mineral soils. Emissions from burning and degradation of peat land forests represent a significant proportion of global greenhouse gas emissions. Kalimantan contains a large proportion of Indonesia's peat lands. The KFCP is initially focusing on a degraded peat dome of more than 100,000 hectares in Central Kalimantan. Water flows outward from the dome into the surrounding peat swamps and rivers, so the hydrology dictates a 'whole of dome' (or whole-of-ecosystem) approach to managing and conserving the peat swamp forest.

In February 2011, representatives of the Dayak communities affected by the project sent a letter to the Australian Government. Some of the key issues raised include<sup>12</sup>:

**Lack of recognition of customary rights** - "Adat (customary law) has been in practice for a long time before the formation of the current regime and legal system. Its effectiveness and strength in ensuring the integrity and sustainability of the natural environment speaks for itself, judging from the healthy state of the environment and forest in Kalimantan until externally imposed commercial exploitation started to devastate, damage, and encroach on customary/indigenous land and forests." The letter continued, "To date the Government of Indonesia has yet to formally honor the land tenure and rights of the Dayak people. Therefore, the KFCP, by collaborating with the Indonesian Government, inevitably also condones this lack of consideration and hence the continued undermining of our customs and rights."

**Lack of recognition of the customary Dayak wisdom** - "Since the destruction of our peat land and forests from the failed mega-rice project, we have worked hard to restore areas close to our villages and in our traditional farms. We have many good examples of fire prevention strategy through careful planting of crops which are resilient to forest fire. We also have other traditional ways of fire management and conservation which have a proven track record of effectiveness. We have offered our assistance to KFCP staff based on our traditional wisdom and knowledge but to no avail. Instead, they prefer to pursue a strategy which we know will not work."

<sup>12</sup> A full copy of both letter and response can be found at [www http://www.forestpeoples.org/topics/redd-and-related-initiatives/publication/2011/letter-australian-delegation-central-kalimantan](http://www.forestpeoples.org/topics/redd-and-related-initiatives/publication/2011/letter-australian-delegation-central-kalimantan)

Absence of effective community consultation and engagement - "To date, community consultation and engagement has focused primarily on facilitating project activities and getting the project off the ground. This does not represent a process or an attempt to seek free, prior, and informed consent."

**Lack of understanding of what REDD+ or carbon is** - "Despite the supposedly extensive and comprehensive presentations and community meetings, most community members, including many who have taken part in the project activities on a paid basis, remained unclear about what REDD is and what carbon is and how their work or the project activities will contribute to emission reductions. As such, their participation is far from constituting free, prior and informed consent".

**Lack of inclusion of community input in the project and activity design** - "Consultations and presentation as well as community meetings have been biased and focus only on getting the community to accept and participate in activities through monetary payment. All of the activities were externally designed and already planned with no room for community members to provide feedback or to give advice, even when they have legitimate concerns and constructive input for the activities. Community participation and acceptance of the project are purely driven by the financial incentive involved, limiting the project's sustainability and local ownership post project".

The Australian government responded to the letter and addressed some of the key issues raised:

Excerpt from the Australian Government's response to the Dayak community's letter:

- Full and effective consultation with local communities has been the primary focus of initial activities under the KFCP. Physical interventions such as canal blocking and reforestation have only taken place following extensive community consultation. This will continue to be the case for future activities.
- Participation in KFCP by communities is voluntary and the KFCP is undertaking significant capacity building at the community level to promote a comprehensive understanding of REDD+ and the KFCP. Since the design phase in 2009, consultation and participation in the design of interventions have covered climate change, peat land ecology, REDD+, sustainable management of forests, livelihood improvements, community development, and other issues of interest to the communities, as well as the purpose and activities of KFCP.
- All interventions on community lands are planned with the participation of community members, including formal musyawarah desa (community consultation), and guided by government-endorsed village development plans.
- According to the provincial development planning agency, the seven villages in the KFCP area are among the very first in Central Kalimantan to be consulted, and were facilitated by KFCP.
- As KFCP is a demonstration activity, the design of interventions is ongoing and subject to evaluation and adjustments in accordance with community consultation. Ongoing training is provided to all KFCP staff and consultants to ensure community engagement in activity design and planning.

In mid 2011, community leaders from the area of the KFCP project issued a statement giving their support to the project. Clearly, the affected communities are divided in their response to the KFCP. Indonesian NGOs have noted that the challenge for the KFCP going forward will be to clearly inform all parts of the affected communities that the project respects their customary rights in land, respects their right to give or withhold their consent to proposed project developments, respects community institutions for discussion and decision-making, and will respond in a timely manner to requests made by the communities.

**Case study questions:**

- *What are the key issues emerging from this experience relevant to identifying rights holders?*
- *From the information that you have available here, identify the efforts that have been made to identify rights holders.*
- *If you were implementing this REDD+ project, what steps would you take in this situation?*
- *Which challenges encountered here are applicable in your situation? How are they being dealt with in relation to FPIC?*

## What is the difference between a stakeholder and a rights holder in the context of REDD+?

In the context of FPIC for REDD+ it is important to distinguish between a stakeholder and a rights holder, as this will help determine who has the right to FPIC in the REDD+ planning and implementation process. Often the two terms can be used interchangeably, but when seeking consent rather than facilitating broader consultation, it is critical to differentiate the two terms for yourself and for others when discussing the right to FPIC for REDD+.

A stakeholder is *broadly defined as a person, group, organization, or system with an interest who affects or can be affected by an organization's or project's actions, whereas a rights holder is an individual person or group of people within a social, legal or ethical entitlement to the area that are eligible to claim rights* (UNDP, 2011).

In other words, a rights holder can be a stakeholder in that anyone who holds any form of entitlement over the area will affect or be affected by a REDD+ initiative. However, as a rights holder they differ from a stakeholder in that their permission is required and their decision should be respected before any type of initiative is planned or goes ahead. It is important to understand the range of stakeholders and, within that context, rights holders, to enable the formulation of a quality strategy for engagement, consultation, and FPIC where required.

An example of a rights holder in some REDD+ sites are indigenous peoples. World Bank Operational Policy 4.1 highlights that all projects should screen the area for the presence of indigenous peoples and undertake FPIC. Indigenous peoples are identified by their self-identification and recognition of this identity by others; collective attachment to geographically distinct habitats or ancestral territories and to the natural resources in these habitats and territories; and the presence of distinct cultural, economic, social and political institutions and indigenous language.

## What is recognition?

Recognition is about acknowledgement. It is a form of respect. Recognition can take many forms; it can be informal, through an invitation to participate and the reception of ideas with genuine appreciation, or it can be more formal, through the issuing of a legal document – for example, a land certificate in the case of land rights.

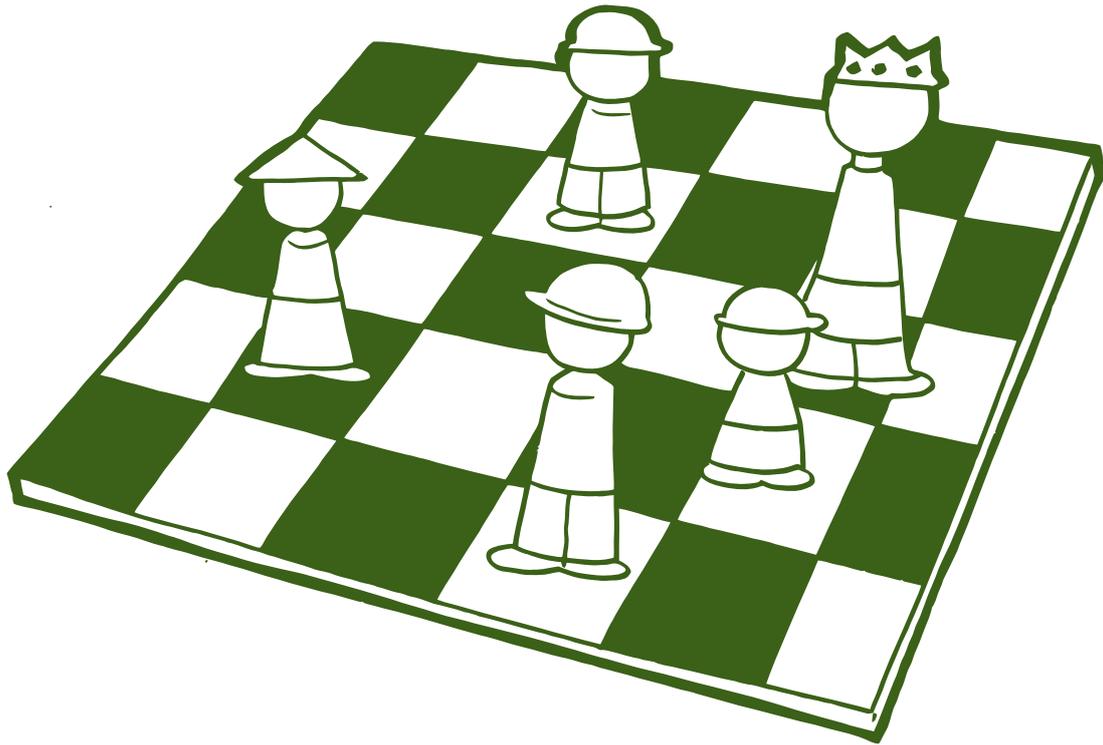
## What type of rights and rights holders need to be recognized in the FPIC process for REDD+?

The process of FPIC historically is associated with indigenous people. In the REDD+ discourse, it has been extended to include ‘forest-dependent people’ (RECOFTC, 2011) and in some texts ‘local communities’. Questions have been raised as to the legal basis of recognizing informal rights or tenure systems. Many national constitutions and legal frameworks do not yet recognize customary tenure and rights systems over forests. Forest reform in some countries has started to transfer such rights into formal tenure systems. Despite the current situation internationally, it has been recognized that groups of people who have customary rights over forest areas must be recognized and respected to ensure sustainable forest management. This is now emerging in the REDD+ discourse, too, whereby references to UNDRIP insist that such systems are recognized in REDD+ planning and implementation through FPIC. For several years, this has also been recognized through Forest Stewardship Council (FSC) international standards and systems for sustainable forest management. Many practitioners working with indigenous peoples and forest-dependent communities see REDD+ as an opportunity to further secure local people’s rights over forest areas. This is now seen not only in the context of self-determined indigenous peoples, but also with people who have long held customary rights over their forest area.

## What are the current challenges for recognizing rights holders?

The current challenges for identifying rights holders are listed below. You can also add some of your own from your own REDD+ context.

- Making sure that those people attached to informal customary rights systems over forests and forest products are identified and respected as ‘rights holders’ by REDD+ project proponents. There may be some opposition to this.
- Distinguishing between informal rights holders and broader stakeholder groups in order to secure their right to FPIC for REDD+, as opposed to inclusion in a general consultation process where they may or may not have the right to veto the decision.
- Using appropriate tools and skills to understand the complexity of the rights system in the area concerned is critical. Rights mapping tools can be useful, but are often concerned only with spatial boundaries as opposed to the bundles of rights across groups within a community.
- Ensuring that marginalized groups within communities are included in the mapping of rights holders so that they are not excluded from the FPIC process where relevant.
- Add your own.....



In terms of formal recognition of rights, indigenous peoples and communities need to know:

- The implications of participating in a process where their rights to land/resources are not legally recognized nationally, i.e., decisions may not be upheld or subject to recourse
- That good faith negotiations need to clearly spell out the rights a project proponent can and will uphold
- The importance of continuing to advocate for land/resource rights
- How communities can identify national support structures (such as legal aid, civil society support)
- Their right to consult with third parties not directly involved in the project

# 17

## Supporting value: Participatory decision-making

### Time:

1 hour

30 minutes



### Methods:

1. Brainstorming
2. Group discussions

### Materials:

1. Flipchart with continuum of participation
2. Flipchart with four values of participation

## OBJECTIVES

At the end of the session participants:

- Can differentiate between the levels of decision-making in a process to seek FPIC.
- Can identify different levels of participation in decision-making within a community and relate it to their own context.
- Can describe the four core values of participation in relation to a participatory decision within a community and seeking FPIC.
- Have identified key strategies to improve effective participation at the community level in a process to seek FPIC for REDD+.

## STEPS

1. Introduce the session by linking back to the key supporting values of FPIC. Explain that in this session we will focus on participatory decision-making.
2. Ask the group what the different levels of decision-making are in a process to seek FPIC. Explain that you mean who is involved in different types of decisions (*decisions within the community, decisions between the community members, decisions within elite and leaders within a community and decisions between the community and the proponent*). Present the circles of levels of decision-making in FPIC.
3. Present the continuum of participation as articulated in the handout using cards on a line on the wall. Ask the group the following reflection questions:
  - *Where does the idea of FPIC fit on this continuum?*
  - *Who is the most powerful stakeholder in the case of FPIC?*

- *Do you think it is possible to have a situation where the REDD+ project proponent is part of a participatory decision to move forward with the project? Under what conditions could this happen?*
  - *Does this continuum also apply to decisions within a community?*
  - *If so, who would be categorized as the most powerful stakeholder within a community?*
  - *Why is it important to be able to distinguish between these levels when designing a process to seek FPIC?*
  - *What are the implications for a REDD+ project if the decision to give or withhold consent is dominated by the most powerful?*
4. Explain that in this session you would like to focus on the value of participatory decision-making within the community and how to make it happen. In other words, where all forest users and landless are engaged in the decision on whether or not to give or withhold consent.
  5. Run a quick brainstorm on why we need participation in decision-making (*shared responsibility, representation of interests in final decision, sustainability etc*).
  6. Present the four values (full participation, mutual understanding, inclusive solutions, and shared responsibility) of participatory decision-making and relate it to their answers and the context of FPIC for REDD+.
  7. Answer any questions the participants have, always relating back to the idea of giving or withholding consent for REDD+.
  8. Divide the participants into groups of three and ask them to imagine they need to facilitate a participatory decision in relation to FPIC for a REDD+ project at the community level. Ask them to brainstorm on what would help participation and what would block or hinder it. Ask them to analyze their findings and identify their top three strategies to ensure inclusive participation that reflects the four values introduced earlier.
  9. After 30 minutes, ask each group to display their charts and ask all of them to view others' flip charts. Ask the following questions to the group in plenary:
    - *What helps facilitate participation at community level?*
    - *What blocks participation at community level?*
    - *What strategies do we have in common?*
    - *What strategies are different?*
    - *Whose responsibility is it to ensure inclusive and representative decision-making at community level in a process to seek FPIC?*
    - *Why should the proponent care about the level of participation at community level?*
    - *What support could the proponent provide?*
  10. After reflection, revisit the levels of decision-making within an FPIC process and emphasize that this session is about ensuring participatory decision-making within a community. Explain that FPIC is designed to shift the power balance from outsiders to community in a decision about REDD+. The power to say "yes" or "no" in the context of FPIC remains with the rights holders, the community.

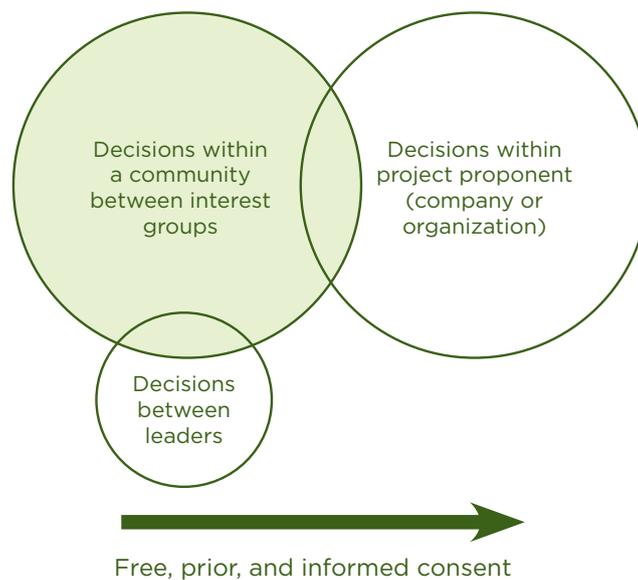
## TRAINER'S NOTES

It is likely that participants will become confused between levels and values. It is important to check from the beginning of the session that they have understood the difference between the decision to give consent at the community level and between the proponent and the community, as these will likely be different processes.

## Supporting value: Participatory decision-making

### What are the different levels of decision making in a process to seek FPIC?

It is important to differentiate between decisions made within the community and those made between the community and external actors.



### How does participatory decision-making support the key principles of free, prior, and informed consent?

A key supporting value of FPIC is inclusivity in decision-making, in other words meaningful participatory decisions where different interest groups have an opportunity to raise ideas, interests, and concerns. This will promote shared ownership and accountability of the decision and is more likely to be beneficial to project implementation than a decision taken by just a few.

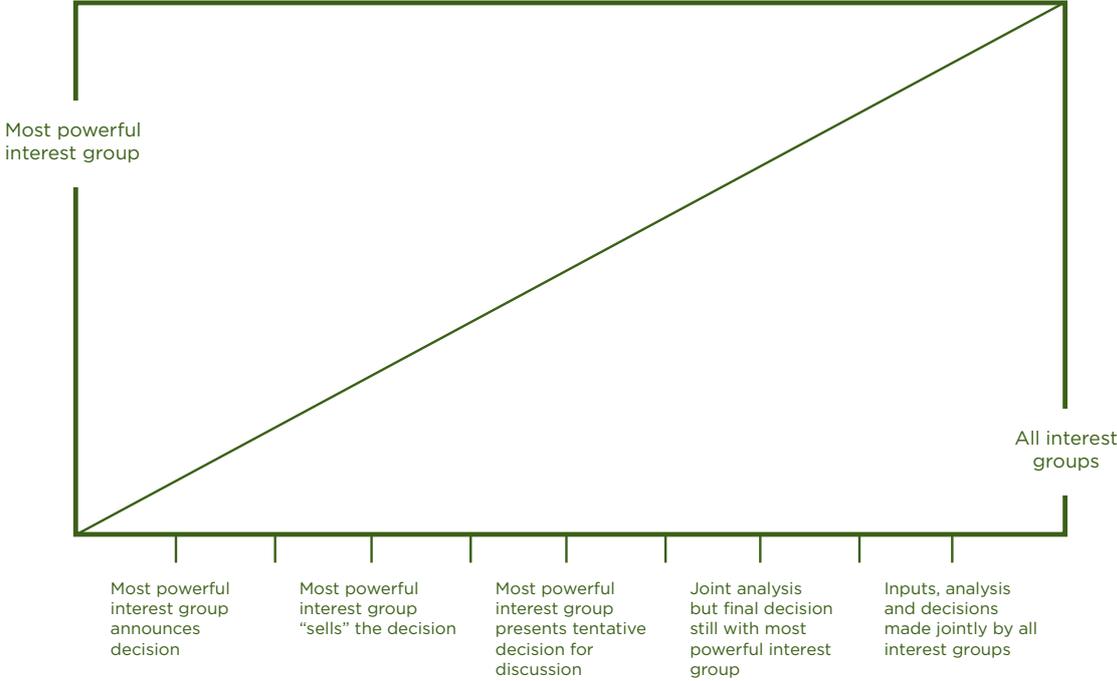
FPIC itself gives the privilege to the community or rights holder to maintain the right to say yes or no themselves. However, among the community, some people or rights holders may be more powerful than others and may be used to making decisions without consulting others. FPIC applies to all rights holders and those whose well being will be affected by the REDD+ project, especially those with regular use rights to the forest and/or land affected. So it is essential that the process is not biased toward the more powerful in the village. Participatory Decision Making (PDM) implies that people have to be informed to make an appropriate decision or raise issues pertinent to their interest. You may need to have specific strategies to break down barriers to participation of specific groups and build on factors that attract people to participate in decisions relevant to FPIC and the REDD+ project. Meetings may not always be the most appropriate format to get such groups to participate.

**Handout**

# Who has control over the decisions?

## Different levels of participation in decision-making

The term 'participatory decision-making' covers a wide range of levels of involvement. It is important to be able to differentiate between the different levels of participation in decision-making, as they require different facilitation approaches, skills, and techniques. It will not always be feasible or necessary to aim for the right hand side of the continuum below. Which level of participatory decision-making to aim for will depend on factors such as purpose of the initiative, complexity of and stakes in the issue, urgency of the issue, and available human and financial resources.



# Values of participatory decision-making

These core values are only generated when interest groups take active part in the decision making

<p><b>Mutual understanding</b></p> <p>In order for a group with different interests to reach a sustainable agreement, the members need to understand and accept the reasoning behind others' needs and goals. The basic sense of acceptance and understanding allows people to develop innovative ideas that incorporate everyone's point of view.</p>	<p><b>Full participation</b></p> <p>During participatory processes, all interested parties are encouraged to be actively involved and speak their minds. This builds stakeholder strength in several ways: interest groups become more courageous in raising difficult issues; they learn how to share their needs and opinions; and in the process, they learn to discover and acknowledge the diversity of the opinions and backgrounds of all stakeholders involved.</p>
<p><b>Inclusive solutions</b></p> <p>Inclusive solutions are wise solutions. Their wisdom emerges from integration of everyone's perspectives and needs. These are solutions with an expanded range and vision to take advantage of the truth held not only by the powerful and influential, but also the truth held by the marginalized and the weak.</p>	<p><b>Shared responsibility</b></p> <p>During participatory processes, interest groups feel a strong sense of responsibility for creating and developing sustainable agreements. They recognize that they must be willing and able to implement the proposals they develop, so they make every effort to give and receive inputs before final decisions are made. This contrasts sharply with the conventional assumption that everyone will be held accountable for the consequences of decisions made by a few key people.</p>

# 18

## Supporting value: Effective communication

### Time:

1 hour  
30 minutes



### Methods:

1. Empathy mapping
2. Group work and sharing

### Materials:

1. Flip charts, markers and post-its
2. Group work and sharing

## OBJECTIVES

At the end of the session participants:

- Can explain the role of effective communication in relation to the principles of FPIC.
- Have developed and shared an empathy map for a community member known to them, based on their own experience of a REDD+ initiative.
- Have related key areas of information to appropriate communication strategies.
- Can explain the role and importance of a communication and capacity building strategy as part of the process of seeking and maintaining FPIC.

## STEPS

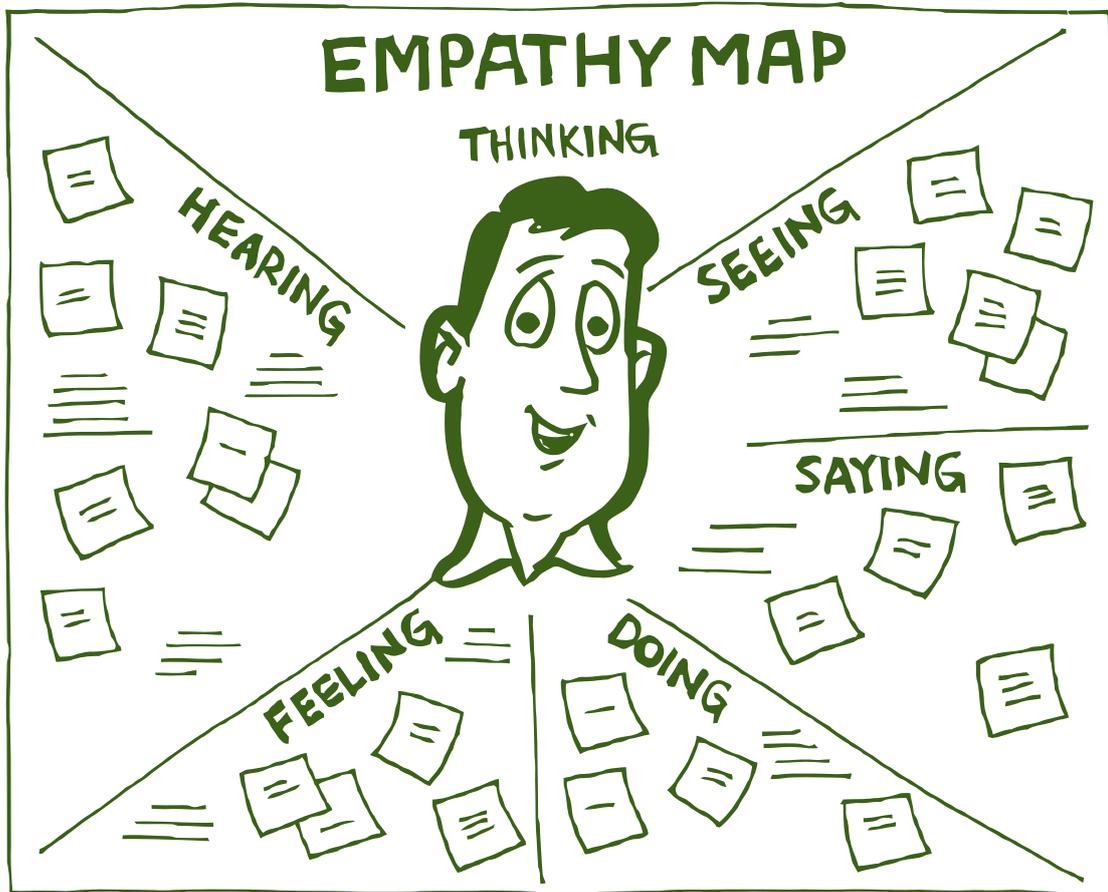
1. This is the last supporting value of the principles of FPIC: effective communication. Explain that this session will focus on how effective communication can facilitate the process of seeking consent.
2. Ask participants to discuss briefly in pairs what they think effective communication is in relation to FPIC for REDD+ and its implications. Recall an answer from each of the pairs and write them down on the flip chart or cards that everyone can see.
3. Ask participants to recall why they think effective communication links to the principles of FPIC. Write their answers on a flip chart.
4. Distribute a flip chart to each participant and explain to him or her that you would like them to work individually for some time reflecting on their own experiences and personal interactions with local people in the context of REDD+.

5. Using a flipchart that you have made before the session, gradually build up the process of creating an empathy map. First ask the individuals to think about one key person they have met at community level (forest user or village leader) where they have been involved with a REDD+ project. Ask them to draw the face of that person, as far as they can. Stress that you are not looking for artistic skills but you are trying to help them create a relationship between that person and the current REDD+ project by trying to put yourself in their shoes.
6. After they have all drawn the face of the person with whom they want to connect, reproduce the other sections of the map (see exercise sheet). Ask them to do the same and spend a few minutes on each section (hearing, seeing, thinking, saying, doing, and feeling). They should describe their impression of this person's experience of REDD+, moving through the categories from hearing, seeing, thinking, saying, doing, and feeling step by step. Give each participant 20 minutes.
7. After they have developed their empathy map, ask them to form small groups and share with the other members. Encourage them to discuss the similarities and differences as well as the range of people they selected.
8. Ask each group to display their maps on the wall and then report back on their key similarities and key differences.
9. After completing the feedback from each group, ask the whole group the following reflection questions:
  - *How did you feel doing the exercise?*
  - *What made it easy? What made it difficult?*
  - *How does seeing/hearing/feeling something from another person's point of view help us in designing and implementing a project? What patterns can we see emerging across the empathy maps?*
  - *What are the implications of our analysis for effective communication in the context of REDD+?*
10. Facilitate the reflection by explaining that building an empathy map was a tool to help us think from the community's perspective, but that our assumptions would still need to be cross-checked.
11. Ask the participants how many of them have been involved in formulating or delivering effective communication strategies in the past. Ask them their indicators of effectiveness. Explain that many REDD+ projects have associated communication strategies or awareness campaigns, but many local people are still unaware of the project.
12. Ask the members to return to their original discussion groups, bearing in mind the discussion and the empathy maps across the room. Ask them to answer two key questions:
  - *What are the key barriers to communication in a local REDD+ site/project (based on your empathy map)?*

- *What would be the most effective communication strategies to overcome these barriers?*
13. After 30 minutes, ask each group to display their outputs next to their empathy maps. Ask each group to read the displays of the other groups and ask clarifying questions where necessary.
  14. Bring the groups back into plenary and ask them what the role of a communication strategy would be in preparing for rights holder engagement. Write down the words why, who, what, how, and when on a flip chart and ask them how these words relate to a strategy. Use examples relating to development of a communication strategy for REDD+ in a particular community.
  15. After discussing the framework for a strategy, ask participants who should prepare that strategy and what the role of the target community would be.
  16. Wrap up the session by explaining that this session was not intended to equip them to be able to develop a communication strategy, as this is a specialist area, but rather to be able to recognize the need and importance of a strategy within the FPIC process.

## Exercise

# Preparing an Empathy Map



Choose one person of any gender or age who you have interacted with at community level in the context of a REDD+ project. Draw his or her face in the middle and then complete the map hearing REDD+ from their point of view as far as possible. Then follow with how he or she sees, hears, thinks, says, does, and feels about REDD+ and or your project.

In groups, share your map and discuss:

- *What is similar? Why?*
- *What is different? Why?*
- *What do the people you have chosen want in terms of their forest/REDD+?*
- *What forces are motivating this person?*
- *How would these different factors influence a communication strategy?*



### Why is effective communication required in a process to seek FPIC?

Effective communication is required in any process to seek FPIC in order to ensure that people are free and informed when making their decisions. 'Effective' in this sense may mean anything from ensuring information reaches all the interest groups, to facilitating dialogue between interests groups, to ensuring that people are aware of benefits, risks, potential impacts, and latest developments. Information may need to be translated into appropriate languages and media, with appropriate tools selected for optimum outreach in the communities concerned.

### Why develop a communication strategy?

Ensuring free flow of information and clear messages externally and internally for implementation of REDD+ within a community engaged in the REDD+ process will be critical throughout project implementation and is therefore extremely important to include as part of the roadmap for FPIC. A clear strategy will help focus on the most important interactions and highlight key issues related to the REDD+ project.

## Who should develop the strategy and what is the role of the community?

The strategy will need to be developed by experts with the cooperation of the proponent and the inputs of the rights holders.

## What should the communication strategy outline?

The strategy framework	Key issues
<b>Why</b>	Highlight the key objectives and rationale for the strategy in the context of a REDD+ site/and or community
<b>Who</b>	Identify key priority interaction groups, including specifying and differentiating categories of rights holders; user groups; gender
<b>What</b>	Communicate key messages in relation to information requirements for any decision in REDD+ design and implementation Plan campaigns for appropriate target audiences
<b>How</b>	Craft communication strategies from outside to inside and internally within the community Include participatory indicators and monitoring plan Utilize simple and culturally sensitive communication tools
<b>When</b>	Lay out annual plan of activities
<b>Notes</b>	Communication goes beyond products and events; needs to focus on ongoing processes and interactions between priority groups

