Introduction to Free, Prior, and Informed Consent (FPIC)

Free, Prior, and Informed Consent (FPIC) is an important concept and process that has multiple benefits for landscape and jurisdictional initiatives. FPIC is about acknowledging and respecting the inherent rights of Indigenous Peoples to self-determination and control over their lands and resources. It represents a shift towards more inclusive, equitable, and respectful approaches to land use planning and programme implementation—a recognition that true sustainability cannot be achieved without the full and willing participation of those most intimately connected to the landscape.

In the context of multi-stakeholder jurisdictional initiatives, FPIC processes present an opportunity to align diverse interests towards common sustainability goals. Landscape and jurisdictional initiatives, by their nature, require the collaboration of various actors including local communities, government entities, NGOs, and the private sector. FPIC ensures that Indigenous Peoples are not only informed and consulted in these efforts, but also actively consent (or not) to the agreed-upon actions over time. This approach fosters a shared sense of ownership and responsibility among stakeholders, enhancing the legitimacy and effectiveness of landscape initiatives and the durability of conservation, restoration and socio-economic activities.

While FPIC is a specific right for Indigenous Peoples (whether legally recognised as Indigenous Peoples by national governments or not), the principles and processes involved offer a robust approach which can have broader relevance for engaging effectively with local communities in the landscape. This primer provides an overview of FPIC and offers practical advice for effectively integrating FPIC into landscape and jurisdictional initiatives. The goal is to enable initiatives to apply FPIC in a way that enriches and strengthens the effectiveness of these collective efforts. The degree to which FPIC is necessarily applied in a landscape may vary, but the processes involved include important considerations for any landscape or jurisdictional initiative.

This primer is an introduction to FPIC for landscape initiatives; more in-depth resources are listed at the end of the document.
What is FPIC?

Free, Prior, and Informed Consent is a fundamental principle that safeguards the rights of Indigenous Peoples to give or withhold consent to projects or initiatives that may affect their lands, territories, resources, and daily lives. It is also good practice for collaboration with local communities. Embedded within international human rights law, FPIC serves as a critical process ensuring that all people, including those that have been historically marginalized, are engaged in a meaningful dialogue about land use and development initiatives that affect them. This principle emphasizes not only the right to an informed and voluntary decision-making process but also respect for the autonomy of communities to determine their own developmental paths.

FPIC processes are designed to ensure that Indigenous Peoples and local communities are fully informed and agree voluntarily to land use plans and actions before they are implemented, and to ongoing activities as they are being carried out. FPIC underscores the necessity of obtaining the consent of Indigenous Peoples in a manner that is free from coercion, given prior to the start of any project, informed by all relevant information, and based on a thorough understanding of the implications. Ideally, Indigenous Peoples are integral partners in the design and planning processes and in implementation of activities. This approach is important for fostering equitable partnerships and ensuring that community rights, traditions, and knowledge are respected and integrated into land use planning and execution.

Critically, FPIC is a process that extends beyond initial buy-in or sign-off, requiring regular dialogue, negotiation, and re-evaluation over the lifecycle of an initiative. This ongoing process is crucial because it recognizes that circumstances, understanding, and perspectives can evolve over time which can result both in consent being given and withdrawn at any stage. Initiatives that embrace FPIC as an ongoing commitment are better positioned to adapt to these changes, ensuring that the initiatives remain aligned with community needs and expectations. Regular and meaningful communication also ensures that communities are kept informed of progress, can voice concerns, and contribute insights, leading to better decision-making and more resilient outcomes. Sustained engagement fosters deeper trust and partnership between project implementers and communities, which is vital for addressing unforeseen challenges and leveraging new opportunities that arise during implementation.

1. Legal frameworks, both international and regional, have served to embed the principles of FPIC in a wide array of conventions, agreements, and legal precedents. At the international level, these include seminal documents like the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) 2007; ILO Convention No. 169 Indigenous and Tribal Peoples Convention 1989; and the Convention on Biological Diversity (CBD), particularly through its Aichi Biodiversity Targets and the Nagoya Protocol on Access and Benefit-Sharing.
To implement FPIC in a meaningful way requires a fundamental shift in thinking about the role of stakeholders in a landscape or jurisdictional process. Rather than a set of stakeholders to consult at the outset of a project, FPIC is about building a collaborative relationship over time with project stakeholders, in which Indigenous Peoples and affected local communities are seen as equal partners in co-creating and implementing an agreed land use plan and related activities.

In addition to being the just thing to do, implementing FPIC can deliver a number of practical and valuable benefits:

1. **Enhances Legitimacy and Local Support**
   - **Building Trust:** By actively involving Indigenous Peoples and local communities in decision-making processes from the outset of a project, FPIC fosters ownership and trust in jurisdictional initiatives. This trust is crucial for the long-term success and sustainability of projects.
   - **Legitimacy:** Obtaining FPIC ensures that initiatives are recognized as legitimate and respectful of local rights and traditions, which is essential for gaining local support and cooperation.

2. **Mitigates Risks and Conflicts**
   - **Conflict Reduction:** Early and meaningful engagement with local communities helps to identify and address potential sources of conflict before they escalate, reducing project delays and opposition.
   - **Risk Management:** Understanding and respecting the rights and concerns of indigenous and local communities through FPIC can mitigate legal, reputational, and operational risks associated with jurisdictional initiatives and their different landscape projects.

3. **Improves Project Design and Outcomes**
   - **Local Knowledge Integration:** FPIC processes ensure the inclusion of indigenous and local knowledge in conservation and development initiatives, leading to more culturally appropriate and ecologically sustainable outcomes.
   - **Adaptive Management:** Engagement through FPIC provides a mechanism for continuous feedback, allowing projects to adapt and evolve in response to changing conditions and community needs, thereby improving project effectiveness and resilience.

4. **Supports Broader Social and Environmental Goals**
   - **Social Equity:** FPIC processes promote social equity by ensuring that the voices of Indigenous Peoples and local communities, and marginalized groups within those communities, are heard and considered in conservation and economic development decisions.
   - **Environmental Stewardship:** Projects within jurisdictional initiatives that incorporate FPIC are more likely to align with conservation goals and sustainable land use practices, as local communities often have a vested interest in the health and protection of their environments.

FPIC is not just a procedural requirement, it’s an inclusive approach with strategic benefits that enhances the effectiveness, sustainability, and equity of jurisdictional initiatives. By ensuring that landscape projects within jurisdictional initiatives are developed and implemented with the free, prior, and informed consent of those most affected, initiatives can achieve better environmental outcomes, foster stronger community relations, and build more resilient and inclusive governance structures.
Why are multi-stakeholder platforms suitable for FPIC?

The good news is that multi-stakeholder landscape and jurisdictional initiatives are already well-placed to implement effective FPIC processes. The following characteristics highlight the advantages that multi-stakeholder platforms have as vehicles for FPIC implementation:

1. Leveraging Diverse Perspectives
   • These platforms naturally bring together a wide range of perspectives and knowledge bases, from local indigenous wisdom to scientific research and market insights, enriching the planning and decision-making process.
   • The diversity of stakeholders in these platforms can foster a more holistic understanding of the landscape’s ecological and social dynamics, leading to more robust and sustainable initiatives.

2. Building Broad-Based Support and Legitimacy
   • Multi-stakeholder initiatives already bring together diverse voices to the dialogue and decision-making process, gaining broad-based support and enhancing the legitimacy of these initiatives, and thus the likelihood of their success.
   • The potential for these platforms to be truly participatory creates the opportunity for decisions to be made in a manner that respects the rights and aspirations of local communities.

3. Facilitating Transparency and Accountability
   • Multi-stakeholder platforms are ideally positioned to establish transparent processes for information sharing, decision-making, and monitoring of agreed-upon actions.
   • The structure of these initiatives allows for the creation of clear accountability mechanisms, ensuring that commitments made during FPIC processes are honoured.

4. Enhancing Adaptive Management and Learning
   • The collaborative nature of jurisdictional initiatives supports adaptive management, allowing stakeholders to respond to new information, feedback, and changing circumstances over time.
   • The adaptability of successful jurisdictional initiatives is crucial for maintaining FPIC in dynamic environmental and social contexts, ensuring that partnership and consent is sustained over time.
What does FPIC look like in practice?

Implementing FPIC can seem overwhelming and onerous, particularly in the context of historically under-funded multi-stakeholder landscape platforms. However, given the alignment between multi-stakeholder platforms and FPIC processes, it is possible to implement a meaningful process efficiently at a project level by keeping the following practices in mind, even in scenarios where time and resources are limited.

The checklists that follow are intended to support specific best practices and can be revisited periodically over the lifetime of a project to ensure continuous alignment with FPIC principles. Regularly assessing your FPIC process against these points can help to ensure that the initiative remains responsive to the needs and rights of Indigenous Peoples and local communities over time. When done well, these practices can themselves be highlighted as successes and can support continuous improvement. This speaks to the value of including indicators and data collection on FPIC activities and processes within any landscape or jurisdictional monitoring framework.

1. Early and Inclusive Stakeholder Engagement
   - Begin by identifying and engaging all relevant stakeholders early in the design and planning process, ensuring that Indigenous Peoples and affected local communities are not only identified but engaged as equal and active participants of the project implementation discussions from the outset.
   - Utilise participatory mapping and other inclusive tools to ensure that all voices, especially those of traditionally marginalized groups, are heard in the development of these initiatives.

2. Transparent and Tailored Information Sharing
   - Develop and disseminate information about the initiative’s goals, potential impacts, and benefits in formats and languages accessible to all stakeholders.
   - Transparently disclose the financial benefits or potential financial resources (if a grant, for example), which are available or anticipated.
   - Ensure that information is tailored to the different needs and levels of understanding of each stakeholder group, facilitating informed participation.
   - Ensure all stakeholders have regular access to information and updates.

1. Checklist:
   - Have all potentially affected Indigenous Peoples and affected local communities been identified?
   - Have the legal and customary rights, priorities, and interests of each stakeholder been mapped? This is particularly relevant in understanding the status of land tenure and rights to access to land.
   - Has a priority list of stakeholders been created based on the degree of impact the project may have on their lands and lives?
   - Are there plans in place to engage with prioritised stakeholders regularly?

2. Checklist:
   - Is there a strategy for sharing relevant project information in a manner that is transparent, accessible and understandable to community members (e.g., local languages, appropriate formats), and which is regularly updated as conditions change over time?
   - Are information-sharing materials (e.g., flyers, posters) prepared in culturally sensitive and linguistically appropriate ways?
   - Have feedback mechanisms been established to ensure that information sharing is effective and meets the needs of the communities?
   - Are regular updates on implementation of activities and adjustments being provided to all stakeholders?
3. Continuous and Informed Dialogue and Consultation

- Establish a continuous and iterative dialogue mechanism that allows for the exchange of ideas, concerns, and feedback among stakeholders throughout the planning and implementation phases.

- Ensure that indigenous and local communities have the capacity, or are provided independent support, to enable fair and informed dialogue and negotiation.

- Transparently discuss and negotiate allocation of the initiative’s anticipated financial and other benefits in the short-, medium- and long-term.

- Use facilitated workshops, public forums, and regular meetings (in appropriate languages) as platforms for dialogue, ensuring transparency and building trust.

4. Consensus-Building, Action Plans and Agreements

- Engage stakeholders in a consensus-building process to develop coordinated plans of action that respect and incorporate the rights and knowledge of indigenous and local communities and contribute to jurisdictional-scale sustainability goals.

- Produce signed agreements with Indigenous Peoples that reflect their rights, priorities and consent and that are based on willing, transparent and informed negotiations.

- Ensure that consent, whether given or withheld, and negotiated benefit-sharing agreements, are respected and reflected in the final plans and actions.

3. Checklist:

- Have key project staff been trained on the principles and importance of FPIC, and have community engagement experts been hired or contracted?

- Have efforts been made to raise awareness among Indigenous Peoples about their rights under FPIC and under international and national human rights law?

- Do communities have the capacity to willingly engage in dialogue or have they been provided with independent technical and/or legal support to do so?

- Is there a plan for ongoing engagement and communication with the community across the lifespan of the landscape project?

- Are there clear, accessible channels for communities to ask questions, provide ongoing feedback, seek clarification and/or raise concerns about the project?

- Are community suggestions and concerns regularly solicited and addressed in project updates and adaptations?

4. Checklist:

- Are there documented and signed agreements that reflect Indigenous Peoples’ rights, priorities and consent, and based on willing, transparent and informed negotiations supported by communities’ chosen technical and/or legal representation?

- Is there a system for documenting all consultations, feedback received, and agreements made with communities?

- Are all agreements and other relevant documents accessible for review by community members and other stakeholders?
5. Effective Monitoring of FPIC Implementation

- Integrate indicators related to FPIC processes into the landscape monitoring plan, such as the frequency and quality of stakeholder engagement, adherence to agreements, and the overall satisfaction of indigenous and local communities with the process.

- Set up independent monitoring teams or committees that include community members or their representatives, to ensure transparency and objectivity.

- Implement a regular reporting system where updates on the progress of the project and the status of FPIC implementation are shared with all stakeholders.

- Schedule periodic participatory reviews of the FPIC process and establish clear and accessible mechanisms for communities to provide feedback on the initiative’s impact and the FPIC process itself.

- Ensure that there are procedures in place to address grievances or disputes related to FPIC violations promptly and effectively.

5. Checklist:

- Have monitoring mechanisms been established that are agreed upon by all stakeholders, including community representatives?

- Is there a clear and agreed-upon set of indicators for monitoring the quality and effectiveness of FPIC processes?

- Are regular reports on FPIC implementation being produced and distributed to all stakeholders?

- Are there scheduled periodic reviews of the FPIC process to evaluate its effectiveness and make adjustments as necessary?

- Is there an accessible feedback mechanism in place for communities to express their views on the project and the FPIC process?

- Are there procedures for addressing grievances related to FPIC implementation? Are these procedures known and accessible to all community members?
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Resources

This primer lays out the foundational steps for considering how to engage Indigenous Peoples and local communities as meaningful partners in the development and implementation of landscape projects within jurisdictional approaches. These are first steps but will set initiatives on the right path and will create the conditions for deeper engagement and collaboration as the initiative matures and capacity allows.

Underlying each of these steps are more elaborate structures and processes. The detailed design of an FPIC process might have different components depending on the type and scale of landscape initiative and its embedded projects. For example, FPIC processes may involve more in-depth theory of change and context analysis workshops; grievance mechanism design; participatory monitoring, evaluation and learning (MEL); or adaptive management practices, among other processes. There are a number of existing resources that can support a deeper understanding of what implementation of FPIC can look like in practice, including the following:

- United Nations Declaration on the Rights of Indigenous Peoples 2007
- Proforest & Landesa. Respecting Rights of Indigenous Peoples and Local Communities in Landscape Initiatives 2023
- ILO Understanding the Indigenous and Tribal Peoples Convention 2013
- UNDP Supplemental Guidance: Frequently Asked Questions (FAQs) on Applying Free Prior Informed Consent (FPIC) 2022
- UN FAO FPIC Toolkit and E-learning
- UN OHCHR Free, Prior and Informed Consent of Indigenous Peoples 2013
- UN Stakeholder Engagement & the 2030 Agenda: A Practical Guide 2020

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