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The topic of presentation is

- Lecture 2: Social environment safeguard for FLR and application of FPIC in the context of REDD+



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Safeguards and Free, Prior, and Informed Consent (FPIC) in REDD+

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Acknowledgement

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Safeguards in REDD+

Safeguards in REDD+

According to Decision 1/16.CP (Appendix I), the following safeguards (also known as Cancun Safeguards) should be promoted and supported :

1. consistent with the objectives of **national forest programs** and relevant international conventions and agreements;
2. Transparent and effective **national forest governance structures**;
3. Respect for the **knowledge and rights of indigenous peoples** and members of local communities;
4. **full and effective participation** of relevant stakeholders, in particular indigenous peoples and local communities;
5. consistent with the **conservation of natural forests and biological diversity**, ensuring that REDD+ actions are not used for the conversion of natural forests, but to incentivize the protection and conservation of natural forests and their ecosystem services, and to enhance other **social and environmental benefits**.
6. Actions to address the **risks of reversals**;
7. Actions to reduce **displacement of emissions**.

Free, Prior and Informed Consent (FPIC)

What is FPIC

- FPIC is the recognition of the right to self-determination of the local people.
- FPIC provides a locally and culturally specific process to guarantee the rights of local people
- FPIC process is based on the fact that local people have the right to negotiate the conditions for any proposed project that will directly impact their lifestyle or livelihood, including their right to use the land and its resources.
- Local people can accept or reject a proposed project; and they can define the conditions and negotiate the terms to accept or reject the proposed project.
- Yet, as local people often lack the political power to voice their opinions and make themselves heard, FPIC provides opportunities and mechanisms to respect their fundamental rights to voice their opinion about a proposed project.

FPIC Components

Free

Prior

Informed

Consent

- 'Free' in FPIC means that the decisions made in the FPIC process should be free from coercion, i.e., free from any pressure, force, manipulation or intimidation by any party (from any individual, company, organization or government).
- A free decision is dependent on the choice of the individuals involved as well as the circumstances in question.
- Free in FPIC also means inclusion of all stakeholders that are likely to be affected by the decision, particularly representatives of vulnerable groups along with other stakeholders (e.g. representatives from local government and grassroots organizations) to ensure that the perspectives and interests of all these stakeholders are captured in the discussions and thus the consent is agreeable to each group.

FPIC Components

Free

Prior

Informed

Consent

- 'Prior' in FPIC refers to a situation in which consent has been sought sufficiently in advance of any project authorization and before any resources, such as finances, equipment or labor, are allocated to the project.
- 'Prior' also refers to the need to take into consideration the time required for the agreement that is sought. Local people need sufficient time to consider information and to undergo the agreed-upon decision-making process.
- Allowing enough time for local people to analyze and seek additional information is crucial. An agreement on the timeline of the decision-making process and milestones is another essential aspect of this step.
- For the project proponent, this process will enhance the chances of obtaining consent from local people. For local people, this is an opportunity to strongly advocate for their concerns and issues and ensure they are addressed.

FPIC Components

Free

Prior

Informed

Consent

- 'Informed' means that local people are given complete, correct and clear information in their preferred language(s). Relevant information can include the scope, objectives, duration, human and financial resources involved in the proposed project, the land area to be affected and the FPIC process to be followed.
- The information provided to local people needs to be unbiased, which means the information must be neutral, clear and complete, and the information sharing process ideally should be facilitated by a third party.
- The project developers or implementers must disclose all their interests in the beginning and in a transparent way; as new information is generated it should be shared with the local communities in a timely manner, meaning information sharing must be iterative, allowing the project proponent and local communities to negotiate in order to reach a consensus.

FPIC Components

Free

Prior

Informed

Consent

- Local people have the right to accept or reject a proposed project – that is they can give or withhold their consent. Local people have the right to enter into agreements for a proposed project or reject it at any stage of a project, according to their chosen decision-making process.
- Consent should be given or withheld by local people through their preferred decision-making process, with their preferred decision-making institutions.
- The full participation of local people, especially those who will be affected by the proposed project, is required to attain the consent and support of the local people.
- The form of consent and who gives it may vary depending on the project activity's stage and different sub-groups of local communities impacted by the different stages of project implementation.

Legal basis for FPIC

- The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)
- UN Declaration – the ‘Right to Development’.
- Convention concerning Indigenous and Tribal Peoples in Independent Countries (Article 6)
- The Convention on Biological Diversity (1992)
- UN-REDD Programme Guidelines on Free, Prior and Informed Consent

Why FPIC?

- FPIC is required for implementing projects without negatively affecting any group of local people.
- Many local communities and indigenous peoples depend on forest resources for collecting firewood, food, fodder, for cattle grazing, collecting medicinal plants, or for religious purposes.
- In addition to the general development projects covering many different types of land, there is increasing interest in forest-land for the development of new plantations, logging of timber or for protecting and maintaining long-term high quality forests.
- Any project that may impact traditional uses of local people need to be approved by the local people. The right to FPIC is most crucial when the statutory law and regulatory use of forests is weak or lacking. Therefore, FPIC needs to be applied to ensure a fair development process for all stakeholders.

Application of FPIC in REDD+ in Viet Nam

UN-REDD Programme Policy on applying FPIC

Who seeks consent:

- The National Implementing Partner is responsible for seeking consent

Who gives consent:

- Local communities and indigenous people that will be affected by the policy/ activity in question
- Other forest-dependent communities that have customary and/or legal rights to the territory and/or resources that will be affected by the policy/activity in question

The FPIC pilot process in 2010

Within the scope of UN-REDD Vietnam Programme, FPIC was piloted between January and June 2010 in two districts of Lam Ha and Di Linh of Lam Dong province, covering 78 villages in three phases:

- Phase 1: April 2010 (22 villages),
- Phase 2: May 2010 (31 villages),
- Phase 3: June 2010 (25 villages) .

The FPIC pilot process in 2010

- Step 0: Preparation
- Step 1: Consultation with local officials
- Step 2: Recruitment of local facilitators
- Step 3: Training of local facilitators
- Step 4: Awareness-raising
- Step 5: Village meeting
- Step 6: Recording decision
- Step 7: Facilitators report to UN-REDD Viet Nam
- Step 8: Verification and evaluation

Prior to the actual FPIC process beginning, some preparatory work was done, including:

- The preparation of a summary of the legal basis for local community engagement/FPIC in Vietnam;
- The preparation of communications materials;
- Advance consultation with provincial and district authorities on the proposed process.

The FPIC pilot process in 2010

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The UN-REDD Viet Nam Programme organized awareness-raising events for provincial, district, and commune leaders to ensure that the principles guiding the UN-REDD Programme and district-level activities were understood.

The FPIC pilot process in 2010

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The UN-REDD Viet Nam Programme recruited local facilitators to guide the consultation process in each village.

Key selection criteria for local facilitators:

- University or college graduate. Degree in natural resource management, forestry or related subjects was an asset
- Five years' experiences in the participatory communication approach
- Be enthusiastic and responsible, and ability to work independently and in a team
- Ability to communicate in K'Ho or Ma ethnic minority language was an asset
- Not currently employed as a state official

The FPIC pilot process in 2010

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The UN-REDD Viet Nam Programme organized a training event for the local facilitators to ensure that they were fully familiar with the anticipated results and activities of the program and the principles guiding consultations necessary to secure FPIC.

The FPIC pilot process in 2010

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Each facilitator was assigned to a number of villages where the ethnic minorities in whose language he/she was fluent resided.

Each facilitator (or facilitators for villages with more than one ethnic minority) made contact with the village head to organize an awareness-raising event at a location and at a time that was mutually acceptable to the village head. They also agreed with village head on the form and timing of events to engage the local villagers (for example, whether a single village meeting was appropriate, or whether a multi-stage process was required).

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A village meeting was organized at the time established in Step 4 – See an example of a meeting below:

3:10PM: Introduction about the meeting. Social event: singing by FPIC team members and the villagers

3:25PM: Introduction about climate change and forests

3:32PM: Game playing: Oxygen and carbon dioxide in our lives. Introduction about carbon dioxide, climate change, and role of forests

3:45PM: Introduction about the UN-REDD Viet Nam Programme

3:55PM: Summary of information presented

4:05PM: Questions and answers. Small group discussion on “What REDD was”; and “what REDD was good for”.

4:30PM: Introduction about the need to vote for UN-REDD. Request participants to vote for UN-REDD in the village

4:35PM: introduction about UN-REDD Programme intended activities at the local level

4:42PM: Participants voted by secret balloting

4:45PM: Presentation of gifts to participants

4:50PM: Announcement of voting results

4:52PM: Group photo and end of the meeting.

The FPIC pilot process in 2010

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Having reached consensus, the villagers prepared a document, using a template prepared by the UN-REDD Programme, indicating either their consent or non-consent; or otherwise indicate their decision.

The FPIC pilot process in 2010

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The document recording consent or non-consent of each village was provided to the UN-REDD Viet Nam Programme by the facilitator, who prepared and submitted a report summarizing the consultations, highlighting any concerns as to whether there was evidence of coercion or pressure having been brought to bear on the villagers.

The FPIC pilot process in 2010

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Independent verification of the FPIC process conducted by RECOFTC – the Center for People and Forests, an international organization with specialization in the area of forest–community interactions.

The FPIC pilot process in 2010

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The FPIC pilot process in 2010

Who gave consent?

- Consent was sought from (i) local ethnic minority people, (ii) migrant ethnic minority people, and (iii) migrant Kinh people, who lived in the village at the time of FPIC

What was consent given for?

The intention was to seek consent for the implementation of UN-REDD pilot in the respective village. To make it simple for villagers to understand, the message was

“Would you give consent to protection of the local forests and benefit from it?”

Key findings from FPIC verification and evaluation process

Preparation of FPIC

FPIC Facilitation Team:

- Good ethnic and gender balance, high representation of local ethnic groups
- Generally youthful and well-qualified, but limited experience and local knowledge
- Interview skills could be improved – more feedback could be encouraged

The ethnic composition of the facilitators largely reflected the ethnic structure of the FPIC villages: of the 24 facilitators, eight were K'Ho (local ethnic minorities), one was Tay (migrant ethnic minority), and the remainder (15) was Kinh.

The FPIC facilitation team had a relatively even gender balance: 11 out of 24 (46%) were women. The sub (village) teams generally had good balance of 2-2; only one sub-team had three men and one woman.

Ages of team members ranged from 23 to 51, with a mean of 31 and a median of 28. Over 62% of the team (15 out of 24) was between 20 and 29, five members (20.8%) were between 30 and 39 and only four (16.7%) were over 40 years of age.

FPIC process in the field

Initiation of the process:

- Efficient scheduling and planning, but mainly led by UN-REDD Programme
- Timing of meetings determined by villages leaders according to availability of local people
- Language needs of main ethnic groups were met but there were potential problems for minor ethnic groups.



FPIC process ...

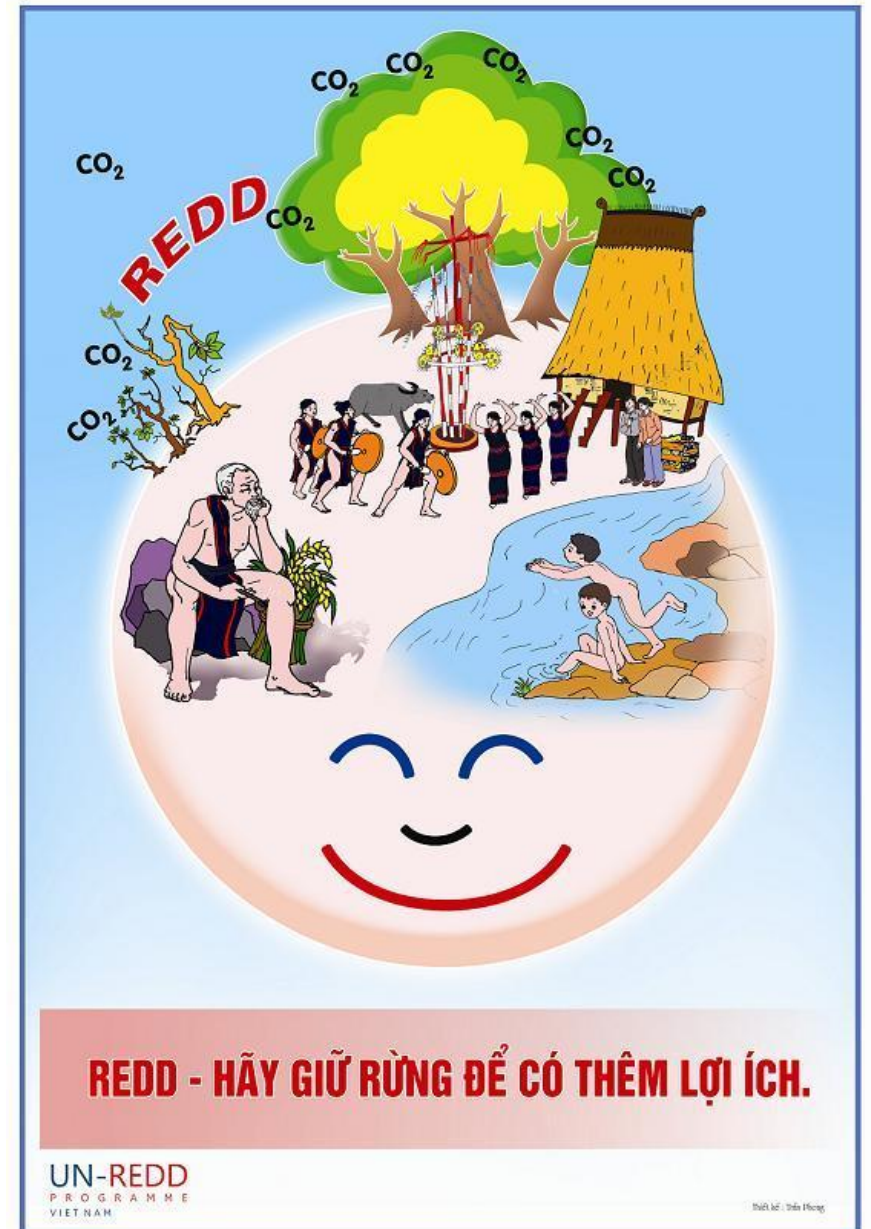
Decision-making processes:

- Local people unfamiliar with 'providing consent'
- Hard to know the influence of authorities and village leaders on the outcome, but more time for internal discussions would have reduced this potential influence
- Local people did not determine how much time they needed to give their consent
- Three phase process to allow for review, learning and improvements in later phases

FPIC process ...

Information and Communication Strategy:

- Effective and locally-appropriate: Two languages and variety of tools and approaches
- From Phase 2 onwards facilitation teams went directly to households
- Good visual awareness raising tools used but would benefit from further explanation



FPIC process ...

Transparency and 'good faith' indicators

- No indication of withholding or misleading information
- Good info on opportunities, less on risks as there was concern that villagers would have difficulty understanding risks
- Limited availability of secondary sources of information and advice

Verification of consent

Verification of the outcome

- Independently verified in all sample villages
- About 38 percent of households did not participate or were not aware of process. This would not have changed the outcome
- 3 individuals withheld consent – but reasons not recorded and therefore unknown



Verification of consent

Interpretation of the outcome

- Consent was given to a forest protection strategy, not specifically to UN-REDD Programme
- Very few 'voters' under 30 years of age, so positions may change as younger people gain influence
- Poorer households less likely to participate in meetings, so outcome reflects opinion of better-off
- Impossible to know importance of these issues without time allowed for internal discussions

Summary

- With no prior experience of FPIC in the country, the process was very encouraging
- Progressive improvement from phases 1 to 3
- The speed of implementing the FPIC process was a concern as there was very little time for internal discussions among local communities
- Although various means of communication were used, some information could not be provided, particularly potential risks and costs associated with the program.
- There was lack of mechanism, independent of the FPIC team, to review any complaint made by local people.

A few pictures from a FPIC meeting in the village



Registration of participants to the village meeting

FPIC facilitator explaining on climate change and REDD+ to local people



Villagers in small group discussion



Secret ballot on consent or no consent to the implementation of UN-REDD Programme in the village



Group photo after the meeting



Thank you

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