



HOW TO DO NOTE

Seeking, free, prior and informed consent in IFAD investment projects



Investing in rural people



How To Do Notes provide practical suggestions and guidelines to country programme managers, project design teams and implementing partners to help them design and implement programmes and projects. The notes include best practices and case studies that can be used as models in their particular thematic areas.

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

The How To Do Notes are "living" documents and will be updated periodically based on new experiences and feedback. Your comments or suggestions are most welcome.

The opinions expressed in this publication are those of the authors and do not necessarily represent those of the International Fund for Agricultural Development (IFAD). The designations employed and the presentation of material in this publication do not imply the expression of any opinion whatsoever on the part of IFAD concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries. The designations "developed" and "developing" countries are intended for statistical convenience and do not necessarily express a judgement about the stage reached in the development process by a particular country or area. This publication or any part thereof may be reproduced for non-commercial purposes without prior permission from IFAD, provided that the publication or extract therefrom reproduced is attributed to IFAD and the title of this publication is stated in any publication and that a copy thereof is sent to IFAD.

Originator

Mattia Prayer-Galletti

Lead Technical Specialist - Indigenous Peoples and Tribal Issues
Environment and Climate, Gender and Social Inclusion Division
E-mail: m.prayer@ifad.org

Acknowledgements

This revision version builds on the original How to do Note (September 2015) originated by Antonella Cordone, former Senior Technical Specialist, Indigenous Peoples and Tribal Issue and supported by Ms Birgitte Feiring, senior consultant on Indigenous Peoples' Issues.

October 2021

Cover photo:

Malaysia, ©IFAD

Acronyms

ACHPR	African Commission on Human and Peoples' Rights
BCIE	Central American Bank for Economic Integration
DRM	DESIGN REVIEW MEETING
ECOWAS	Economic Community of West African States
ESIA	Environmental and Social Impact Assessment
FAO	Food and Agriculture Organization of the United Nations
FPIC	free, prior and informed consent
GEF	Global Environment Facility
ILO	International Labour Organization
IPP	Indigenous Peoples' Plan
MEFCCA	Ministry of Family, Community, Cooperative and Associative Economy
M&E	MONITORING AND EVALUATION
Nercormp	North Eastern Region Community Resource Management Project
NGO	non-governmental organization
NICAVIDA	Nicaraguan dry corridor rural family sustainable development project
OSC	operational strategy and policy guidance committee
PDR	project design report
PDT	project design team
PIM	project implementation manual
PMU	project management unit
QAG	quality assurance group
REDD+	Reducing Emissions from Deforestation and Forest Degradation
SECAP	Social, Environmental and Climate Assessment Procedures (IFAD)
SNPCC	National System of Production, Consumption and Commerce
UNDG	United Nations Sustainable Development Group
UNEP	United Nations Environment Programme
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples

Contents

INTRODUCTION	5
KEY CONCEPTS	6
SEEKING FPIC: WHY, WHEN, WHO AND HOW?	7
WHY?	7
WHEN?	7
WHEN TO SEEK FPIC DURING THE PROJECT CYCLE?	8
WHO?	8
HOW TO SEEK FPIC ?	9
GENERAL GUIDING PRINCIPLES	9
SEEKING FPIC AT THE DESIGN STAGE	11
IFAD SOCIAL, ENVIRONMENTAL AND CLIMATE ASSESSMENT PROCEDURES (SECAP)	13
INITIATING THE FPIC PROCESS AT THE IMPLEMENTATION STAGE	13
DESIGN FOR SEEKING FPIC DURING IMPLEMENTATION PHASE	13
THE START-UP WORKSHOP	15
JOINT REVIEW MISSIONS	16
ADDRESSING COMPLAINTS ABOUT IFAD-FUNDED PROJECTS	16
ANNEX 1. FREQUENTLY ASKED QUESTIONS (FAQS)	17
ANNEX 2. INDICATIVE OUTLINE OF AN FPIC IMPLEMENTATION PLAN	19
ANNEX 3. INDICATIVE OUTLINE OF AN INDIGENOUS PEOPLES' PLAN (INCLUDING FPIC AGREEMENT)	21
ANNEX 4. SAMPLE TERMS OF REFERENCE FOR FACILITATORS SUPPORTING THE FPIC PROCESS IN IFAD-FUNDED PROJECTS	23
ANNEX 5. RECOMMENDATIONS ON FPIC IMPLEMENTATION	24
ANNEX 6. FPIC IN PROJECTS FINANCED THROUGH THE INDIGENOUS PEOPLES ASSISTANCE FACILITY (IPAF)	25
ANNEX 7. HOW FPIC IS IMPLEMENTED BY OTHER INTERNATIONAL ORGANIZATIONS	26
REGIONAL DEVELOPMENT CONTEXTS	27
REQUIREMENTS UNDER INSTITUTIONAL POLICIES OF OTHER DEVELOPMENT PARTNERS	28
ANNEX 8. CASES OF FPIC IN ACTION	31
ANNEX 9. PUBLICATIONS AND OTHER RESOURCES	38

Introduction

Free, prior and informed consent (FPIC) is an operational instrument that empowers local and indigenous peoples' communities, ensuring mutual respect and full and effective participation in decision-making on proposed investment and development programmes that may affect their rights, their access to lands, territories and resources, and their livelihoods. **FPIC** is an **iterative process**, solicited through consultations in good faith with the representative institutions endorsed by communities.¹

IFAD is the first international financial institution to adopt FPIC as an operational principle in its policy documents. In IFAD-funded projects and programmes, the borrowing entity or grant recipient is responsible for seeking and obtaining FPIC. IFAD-funded projects and programmes are people-centred and rarely finance large-scale infrastructures. For IFAD, therefore, FPIC is not so much a safeguard principle as much as a proactive approach to identify development pathways with local communities. FPIC is methodologically solicited through consultation and the participation of communities and local institutions at specific stages of the project cycle.

Given the diversity of situations and contexts, there is no simple or universal way to seek FPIC. As local communities vary greatly in their sociocultural aspects, history, institutions and approaches to development, the processes that they will agree to undertake will differ. Hence, the aim of this how-to-do note is to provide general recommendations that can guide borrowers, recipients and partners in the processes for seeking FPIC in IFAD-financed projects and programmes.

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

The requirement for FPIC is included in the following IFAD policies:

- **Policy on Improving Access to Land and Tenure Security (2008):** "Before supporting any development intervention that might affect the land access and use rights of communities, IFAD will ensure that their **free, prior and informed consent** has been solicited through inclusive consultations based on full disclosure of the intent and scope of the activities planned and their implications."
- **Policy on Engagement with Indigenous Peoples (2009):** "In working with Member States on projects targeting or affecting indigenous peoples, IFAD shall support the participation of indigenous peoples' communities in determining priorities and strategies for their own development. When appraising such projects proposed by Member States, in particular those that may affect the land and resources of indigenous peoples, the Fund shall examine whether the borrower or grant recipient consulted with the indigenous peoples to obtain their **free, prior and informed consent**. The Fund shall consider this consultation and consent as a criterion for project approval. In appraising such projects, the Fund shall verify whether they include measures to: (a) avoid potentially adverse effects on the indigenous peoples' communities; or (b) when avoidance is not feasible, minimize, mitigate or compensate for such effects."
- **Policy on Environment and Natural Resource Management (2011):** "Respecting the principle of **free, prior and informed consent**, IFAD will support indigenous peoples in enhancing the resilience of the ecosystems in which they live and in developing innovative adaptation measures and emerging opportunities for indigenous peoples' engagement in carbon sequestration and the provision of other environmental services."

¹ The right of indigenous peoples to give or withhold their consent to development initiatives that affect their livelihoods is aligned with the right to self-determination enshrined in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).

- **Framework for Operational Feedback from Stakeholders: Enhancing Transparency, Governance and Accountability (2019):** One of the objectives of the framework is to “*improve the quality and inclusiveness of stakeholder engagement and feedback processes. Existing approaches encompassing free, prior and informed consent (FPIC), participatory planning and [monitoring and evaluation] M&E, and inclusion of women and other marginalized groups will continue to be refined*”.

Key concepts

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

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

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

- The overall project (e.g. the construction of an irrigation system);
- A component and specific activity of a project (e.g. if a project has one component on irrigation and one on microfinance, consent would be needed for the component that affects the land and use rights of the communities).
- **Consultation** is an important feature throughout the entire project cycle. IFAD applies a participatory approach to ensure that local communities are engaged in project design through customized approaches, e.g. by making use of local languages or hiring local and/or indigenous experts as part of the design team. Impact assessments at the beginning of the project design stage can identify important risks and benefits; these assessments need to ensure community participation and to communicate results. Experience also shows that a **continuous consultation process** is required during implementation, as initial consultations with sample communities are not sufficient. For example, community plans, aspirations and customary practices for resource management are often not available in writing. Moreover, it takes time to generate the trust needed to establish genuine partnerships.

² United Nations Development Group (UNDG), Guidelines on Indigenous Peoples' Issues, 2009

Seeking FPIC: why, when, who and how?

Why?

Seeking FPIC brings several benefits:

- Improves the relevance and impact of development interventions;
- Enhances community ownership and enhances sustainability of the investments made;
- Strengthens partnership between local communities, government institutions and financing organizations;
- Prevents conflicts among resource users;
- Minimizes reputational, operational and fiduciary risks for the government and development partners;
- Promotes self-driven development.

When?

IFAD requires the application of FPIC in two scenarios:

1. When IFAD-funded projects are likely to have an impact on the land access and use rights of rural communities³

In projects that affect land access and use rights of communities, IFAD requires the application of the principle of FPIC to local communities in a broad sense. Hence, during project design and in application of the Social, Environmental and Climate Assessment Procedures (SECAP), design teams need to identify the local communities that would potentially be affected.

2. When IFAD-funded projects are targeting rural areas that are home to indigenous peoples.

In areas that are home to indigenous and tribal peoples⁴ and ethnic minorities, there is a general requirement for FPIC.

Although some countries do not recognize the generic term “indigenous peoples”, most countries have national or local terms to identify them in their particular context, such as adivasis, janajatis, mountain dwellers, hill tribes, ethnic minorities, scheduled tribes, adat communities, highland peoples, hunter-gatherers, pastoralists and aboriginals. Many countries have developed registers of indigenous peoples, but lack of data is still an obstacle in some regions.

³ More information in the SECAP standard 3 on cultural heritage and standard 7 on physical and economic resettlement

⁴ Certain Afro-descendants live in ethnically and culturally distinct collectives with a common identity, origin, history, and tradition. The Inter-American Commission of Human Rights relies on the concept of “tribal peoples” contained in Article 1(a) of International Labour Organization (ILO) Convention No. 169, which regards them as peoples that are not indigenous or native to the region they inhabit but that, like indigenous peoples, share certain conditions that distinguish them from other segments of the national community (see <http://www.oas.org/en/iachr/reports/pdfs/Panamazonia2019-en.pdf>).

Box 1. IFAD’s working definition of indigenous peoples is based on the following criteria (as mentioned in the IFAD [Policy on Engagement with Indigenous Peoples](#))

- Priority in time, with respect to occupation and use of a specific territory;
- The voluntary perpetuation of cultural distinctiveness, which may include aspects of language, social organization, religion and spiritual values, modes of production, laws and institutions;
- Self-identification, as well as recognition by other groups, or by state authorities, as a distinct collectivity; and
- An experience of subjugation, marginalization, dispossession, exclusion or discrimination.

Working paper on the concept of "indigenous peoples" of the Working Group on Indigenous Populations (Commission on Human Rights) (E/CN.4/Sub.2/AC.4/1996/2).

When to seek FPIC during the project cycle?

Based on the above two scenarios, FPIC needs to be sought either during project design or during project implementation, depending on when project activities and/or benefiting communities can be clearly identified.

Table 1. When to initiate the FPIC process in the project cycle

WHEN TO SEEK FPIC	SCENARIOS	HOW?
During Design Phase	When beneficiary communities are identified at design stage together with the specific investment/activities to be undertaken in each community	If local and indigenous peoples’ communities are identified during this stage, design an FPIC implementation plan, conduct consultations, identify and specify actions that have been agreed upon with the affected indigenous communities, and include FPIC agreements in the project design report (PDR) and Project Implementation Manual (PIM).
During Implementation Phase	When the communities and/or the specific investment/activities are not identifiable at project design phase	When investments in specific communities and territories are not identifiable during the project design stage, FPIC can only be sought during the implementation phase. In these circumstances, the Project Implementation Manual (PIM) prepared during project design should include the FPIC implementation plan.

Who?

Borrowing governments and/or private sector partners, and/or grant recipients through their implementation units are responsible for seeking FPIC. This principle is in accordance with IFAD general policies and procedures, which stipulate that the borrower/recipient/partner is responsible for programme and project preparation, including social, environmental and climate assessments. In practice, projects are jointly designed and supervised by IFAD and the borrower/recipient/partner. While formal responsibility remains with the borrower/recipient/partner, IFAD provides support at design and supervises the projects and joint review phases, with project delivery team (PDT) members revising the compliance with the SECAP requirements during missions.

To adequately prepare for and implement the requirements for FPIC there is need to identify the laws that regulate use and access rights to land and resources as well as to review the national legal framework of consultations and participation of indigenous peoples in development projects. The opportunities for, and barriers to, FPIC vary considerably between regions, countries, local contexts and communities. While some countries, particularly in Latin America and parts of Asia, have made progress in terms of demarcating and recognizing community lands, many still do not have legal recognition. This constitutes a major obstacle and risk for the process of seeking FPIC but can be overcome through early consultations with concerned communities and inclusion in project design of the measures, approaches and resources for ensuring demarcation and recognition of territorial and communal land rights.

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

In cofunded projects initiated by other institutions, IFAD collaborates with the initiating cofinancier and agrees on a common approach to project design, project requirements and monitoring. Where FPIC requirements differ from policies/safeguard requirements of the cofinancier (e.g. consultation instead of consent, lack of FPIC requirements), IFAD works together with the cofinancier to agree on specific measures to ensure that IFAD requisites for FPIC are fully complied with. This does not mean that the cofinancing institution is required to comply with IFAD's conditions, but that IFAD conditions its own cofinancing to solicit FPIC from the concerned communities. Institutions seeking IFAD cofinancing in projects likely to affect land access and use rights of local and indigenous peoples' communities should be aware of IFAD's requirements on FPIC.⁵

How to seek FPIC ?

General guiding principles

- **Identification of parties to the negotiation and decision makers**

In order to ensure legitimacy, it is crucial that FPIC be obtained from the representative institutions of local communities. Understanding how communities make decisions is an important step in the FPIC process. There may be a need to go beyond traditional institutions – for example, to ensure participation of women,⁶ youth and people with disabilities in decision-making. Representative institutions must strive to adhere to the principles of inclusive consultation, participation and consent in their internal decision-making processes.

- **Elaboration of the decision-making processes of the respective parties**

FPIC is not just a means to obtain consent to a particular project; it is also a process in itself, and one by which indigenous peoples and local communities are able to conduct their own independent and collective discussions and decision-making. They do so in a culturally appropriate way, on matters affecting their rights, lands, natural resources, territories, livelihoods, knowledge, social fabric, traditions, governance systems, and culture or heritage (tangible and intangible). An early agreement must be reached with the indigenous peoples/local communities on the modalities of the consultations, most likely in their territory, where they may feel more able to express themselves, and where they have the support of their community. This includes the right to privacy in negotiations and deliberations for them to discuss and decide freely.

⁵ See annex 7 for an example of requirements for FPIC by United Nations agencies and international financial institutions.

⁶ Visit <https://www.ifad.org/en/gender> to learn more on gender-transformative pathways.

- **The role of outside counsel and expertise, including a third-party mediator/negotiator**

Some local or indigenous peoples' institutions may require additional technical capacity to ensure that their right to FPIC is respected. Facilitators may play an important role in the FPIC process, as the process itself is an empowering tool to build the capacities of local institutions and communities. Specific trainings on raising awareness on the right to consent have been developed in the last decade, particularly by indigenous peoples' organizations and non-governmental organizations (NGOs) (More information can be found in annex 9).

- **Identification of and respect for community protocols**

It is fundamental to respect the traditional and customary protocols, including social norms, for both verbal and non-verbal communication. The latter can include body language, personal space and eye contact.

- **Sharing of information in a meaningful, accessible and culturally appropriate manner**

It is important to take into consideration information needs, communication channels and media (ranging from traditional/local media to information and communications technology, and communication activities. Consider the diverse levels of literacy, local languages and interest in the technical aspects of the project. Ensure that the process is as participatory as possible, and keep community members informed at every step.

- **Identification of other project activities or circumstances that might trigger additional consent processes**

It is key to recognize that through FPIC, projects seek full and effective participation of and engagement with indigenous peoples and local communities. The objective is not about reaching a yes or no, but to establish a process of mutual trust and reach an agreement on the project activities.

- **The format for documenting the agreement**

There is no universal way of documenting consultation, participation and consent. However, the main suggestions for documenting the FPIC process are as follows:

- **Keep records of consultations undertaken:** how participants were selected; their roles or accountability links to their communities; how they were invited; which consultations they participated in; what documentation/information they received beforehand and in which language; who participated; what was discussed.
- **Document FPIC agreements:** Often FPIC is expressed as an agreement between the designated project management unit and the concerned local communities. These agreements should clearly articulate: what has been agreed (e.g. issues, commitments, time frames, budgets, roles, responsibilities); who entered into the agreement (clearly identifying the individuals involved as well as their title and role); and what mechanisms have been set up to maintain dialogue and address disagreements.

Box 2. When communities withhold consent

If consent is withheld by the affected communities, the project proponent needs to assess the causes and conditions required by the communities to reach agreement and provide consent. In most cases, the consultation process of FPIC may lead to an adjustment of proposed project activities to communities' rights and priorities. In other cases, the community withholding consent may not be interested in joining the project. In this case, the dissent should be clearly documented and communicated to IFAD and the borrowing government.

Table 2. Seeking FPIC in IFAD’s project cycle

	PROJECT STAGE	SECAP PROCEDURES	FPIC PROCESS	
			WHAT?	WHO?
1	Concept (OSC)	Screening and categorization	<ul style="list-style-type: none"> • If possible, include in the SECAP review note indigenous communities and local communities that will need to follow FPIC process • Identify substantive rights and national legal framework related to FPIC 	→ IFAD PDT members
2	Design (DRM)	Assessment	<ul style="list-style-type: none"> • Prepare <u>FPIC implementation plan</u> and include in the project design report (PDR) and PIM • If FPIC can be sought during design, the <u>FPIC agreement</u> needs to be included in the PDR and PIM before submitted to QAG 	→ Governments that are in charge and responsible for conducting FPIC (budget should be allocated)
3	QAG desk review		Review FPIC implementation plan in PDR and PIM; or Review FPIC agreement in case FPIC could be sought during design	→ IFAD
4	Loan negotiation		Ensure that financing agreement includes FPIC provisions	
5	Board approval			
6	Implementation		Monitoring	<ul style="list-style-type: none"> • If FPIC was sought during design, review the implementation of agreements • In case FPIC needs to be sought during implementation: <ul style="list-style-type: none"> • At start-up: discuss and update FPIC implementation plan • Conduct the FPIC process and document consent agreement • Ensure FPIC process is developed by government and provide technical support • At mid-term review identify the level of implementation of the agreements reached during the FPIC process
7	Completion	Evaluation	• Assess effectiveness of FPIC process	→ IFAD

Participation and consultation, and knowledge management

Seeking FPIC at the design stage

Ideally, project components and activities that require FPIC should be identified early in the project design. Depending on the information available, either the Project Concept Note or the first design mission should indicate how the FPIC process should be conducted, from the initial consultations, sociocultural and land tenure assessment, and analysis of substantive rights and legal framework, to the consent agreement.

What to do and how to solicit FPIC are detailed in table 3.

Table 3. Initiating the FPIC process at the design stage

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

WHAT?

WHEN?

HOW?

IFAD Social, Environmental and Climate Assessment Procedures (SECAP)

SECAP 2020 sets out IFAD's commitments to, and responsibilities for, social inclusion and environmental and climate sustainability. It is primarily intended for borrowers/recipients and partners, PMUs and PDTs that would typically be responsible for developing and implementing IFAD-supported programmes and projects.

IFAD is committed to engage key stakeholders and mobilize their feedback in its supported projects.⁷ Furthermore, standard 4 of SECAP seeks to ensure that projects are designed and implemented in a way that fosters full respect for indigenous peoples' and Historically Underserved Local Communities⁸ human rights, livelihoods and cultural distinctiveness, in line with international standards. The standard is an acknowledgement of a history of discrimination and exclusion that has limited or prevented indigenous peoples from directing the course of their own development and well-being.

For further information on SECAP see:

<https://www.ifad.org/en/secap>

Initiating the FPIC process at the implementation stage

Design for seeking FPIC during implementation phase

When investments in specific communities and territories are not identifiable during the project design stage, FPIC can only be sought during the implementation phase. In these circumstances, the PIM prepared during project design should include the FPIC implementation plan (either integrated in the PIM or as an annex). Moreover, the project costs need to include appropriate allocations for experts, interpreters, general logistics of the process and consultations in conducting FPIC in all targeted communities.

The FPIC implementation plan should include (see annex 2 for suggested outline):

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

⁷ SECAP section 1.6 on consultation and participation and The Guidelines on Target Group Engagement, Feedback and Grievance Redress.

⁸ Historically Underserved Traditional Local Communities have identities and aspirations that are distinct from mainstream societies and often are disadvantaged by traditional models of development. They tend to be among the most economically marginalized and vulnerable segments of the population. Their economic, social, and legal status frequently limits their capacity to defend their rights to, and interests in, land, territories and natural and cultural resources, and may restrict their ability to participate in and benefit from development projects.

Table 4. Seeking FPIC at the implementation stage

Prepare FPIC implementation plan	Present to participants at the start-up workshop	Conduct consultations leading to FPIC	Formalize consent agreement	Assess FPIC implementation
<p>During design phase (annexed to design report)</p> <ul style="list-style-type: none"> ▪ The FPIC implementation plan should specify: ▪ How and when to conduct the sociocultural and land tenure assessment ▪ How and when to identify decision-making institutions and representatives ▪ How and when to conduct consultation leading to FPIC ▪ Involve experts in the design team ▪ During project design missions, consult with farmers and indigenous peoples' organizations and agree on the FPIC plan (use the Farmers' Forum and the Indigenous Peoples' Forum networks) ▪ Grievance mechanisms 	<p>At start-up workshop</p> <ul style="list-style-type: none"> ▪ Confirm/revise FPIC implementation plan at start up workshop ▪ Conduct/(review if available) sociocultural and land tenure assessment ▪ Identify decision-making institutions ▪ Conduct preliminary consultations with the community and explain the nature of the proposed project ▪ Allow time for communities to discuss and decide on their representatives for the consultation process leading to FPIC ▪ Clarify responsibilities of representatives ▪ Agree on the process leading to FPIC ▪ Identify signatory parties for the consent agreement 	<p>After start-up workshop</p> <ul style="list-style-type: none"> ▪ Share objectives and scope of the project with the representatives identified by the communities and identify project component(s) requiring FPIC ▪ Inform them on the actors financing and implementing the project and their respective responsibilities ▪ Provide clear and transparent information on the benefits and risks of the project ▪ Share the findings of the sociocultural, land tenure and environmental assessment 	<p>Before any investment is made</p> <ul style="list-style-type: none"> ▪ The format for a consent agreement to include: <ul style="list-style-type: none"> ▪ Respective expectations ▪ Proposed project duration, expected results and activities ▪ Participatory monitoring and verification plan and procedures ▪ Identification of grievances procedures and mechanisms ▪ Terms of withdrawal of consent ▪ Record of process through means and languages accessible to all stakeholders and parties involved 	<p>Implementation support/joint review/ mid-term review missions</p> <ul style="list-style-type: none"> ▪ Engage experts in joint review missions to analyse: (i) quality of project target group engagement and feedback; (ii) Implementation of FPIC processes; (iii) SECAP requirements for implementation; and (iv) to inform corrective/adaptive measures, and learn lessons for subsequent dissemination and uptake in other projects ▪ Engage with national agencies in charge of Indigenous peoples consultations

WHAT?

WHEN?

HOW?

Box 3. India: North Eastern Region Community Resource Management Project for Upland Areas (NERCORMP)

- IFAD-funded projects with tribal peoples in India are demand-driven. FPIC of the tribal and local communities is embedded in all project designs and sought during the implementation phase and throughout the project cycle.
- At the implementation phase of the NERCORMP, before any investments started at village level, project staff at district level and facilitating NGOs conducted meetings with the traditional authority and village head (*nokma*) and explained the principle and objectives of the project. The *nokma* convened a community meeting to inform the members about the proposed project – its objectives, implementation modalities and community institutions to be formed to implement the project – and requested consensus of the villagers to join the project. At community level, the decision was taken collectively. FPIC was validated through a formal agreement, the “social agreement”, which was signed between: (a) the legitimate authority at village level, the *nokma*; (b) the project implementing committee at village level – the natural resource management groups, which included all members of the community, with a 50 per cent representation by women; (c) and NGOs responsible for facilitating project implementation, (c) and the government implementing agency at district level – the West Garo Hills Community Resource Management Society. This process was conducted in every village.
- After consent of the overall project was received through the social agreement, activities at village level were planned through the annual work plan and budget prepared by the natural resource management groups and submitted to the PMU.
- This case is a good example of consultation and participation of indigenous peoples’ communities in community-driven development projects. FPIC is embedded throughout design and implementation as an essential element of an integrated process of community mobilization and participation aimed at self-driven development. As such, FPIC is not merely the right to say “yes or no” to externally initiated actions, but intimately linked to the right of indigenous peoples to determine their own priorities for development, to fully participate in and shape development initiatives, and to avoid adverse impacts.

The start-up workshop

When implementation of an IFAD-supported project is about to begin, the government normally conducts a start-up workshop to reach a common understanding of objectives and goals, and to assign clear roles and responsibilities among the entities involved in implementation. The start-up workshop provides the opportunity to share and discuss the overall FPIC implementation plan included in the project design, identify the steps leading to consent, and determine the capacity-building needs of local and indigenous peoples’ community representatives.

The start-up workshop:

- ✓ Assigns responsibilities for the FPIC implementation plan;
- ✓ Assesses the need for building the capacities to implement the FPIC process, including the need to engage local specialists or service providers.

Joint review missions

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

Joint review missions to projects requiring FPIC should dedicate adequate staff and time for consultations, and validate findings to assess the FPIC process. Missions, including mid-term reviews, also present opportunities to discuss implementation issues, promote policy dialogue, and build and strengthen capacities of national implementation partners and policymakers. The selection of joint review mission teams and experts by country programme managers needs to take into account the expertise required to assess the FPIC process. This expertise is available within the organizations IFAD is already partnering with (e.g. Farmers' Forum, Indigenous Peoples' Forum, Indigenous Peoples Assistance Facility).

Addressing complaints about IFAD-funded projects

Although IFAD normally addresses risks primarily through its enhanced quality enhancement/quality assurance process and by means of project implementation support, it remains committed to: (i) working with the affected parties to resolve complaints; (ii) ensuring that the complaints procedure and project-level grievance mechanism are easily accessible to affected persons, culturally appropriate, responsive and operate effectively; and (iii) maintaining records of all complaints and their outcomes.

For all projects, IFAD requires the borrower/recipient/partner to adopt an easily accessible grievance mechanism to receive and resolve concerns and complaints of people who may be unduly and adversely affected or potentially harmed by IFAD-supported projects that fail to meet the SECAP standards and related policies. Information about the existence and functioning of such mechanism should be readily available and be part of the overall community engagement strategy.

Furthermore, IFAD has in place specific Guidelines on Target Group Engagement, Feedback and Grievance Redress that provide clear pathways to design, set up and operationalize a project grievance redress mechanism. Grievance redress mechanisms provide communities with an avenue for reporting complaints about projects and achieving remedies efficiently and effectively. Grievance Redress and Target Group Engagement and Feedback mechanisms are complementary and should be mutually reinforcing.

The grievance redress mechanism should use existing formal and informal grievance mechanisms, strengthened or supplemented as needed with project-specific arrangements, and will respond to the expected risks and impacts of the project. For cofinanced projects, IFAD will agree on a common approach to receiving, resolving and reporting complaints.

In addition, IFAD has established a Complaints Procedure to receive and facilitate resolution of concerns and complaints with respect to alleged non-compliance of its environmental and social policies and the mandatory aspects of its SECAP in the context of the projects it supports. The procedure allows affected complainants to have their concerns resolved in a fair and timely manner through an independent process. IFAD may be contacted by e-mail at SECAPcomplaints@ifad.org, via its [website](#), or by post.⁹

Furthermore, the IFAD Policy on Engagement with Indigenous Peoples, approved by the Executive Board in September 2009, includes partnership with indigenous peoples as one of the key instruments to deploy its principles of engagement. IFAD has taken a series of initiatives to establish a systematic dialogue with indigenous peoples. The Forum is a platform for meaningful dialogue where Indigenous Peoples' representatives convey their concerns, requests and recommendations to improve the partnership with IFAD and the effectiveness of its engagement with Indigenous Peoples.

⁹ IFAD SECAP Complaints (PMD), Via Paolo di Dono 44, 00142 Rome, Italy.

ANNEX 1. Frequently Asked Questions (FAQs)

1. What are some common problems in the FPIC process?

- Negotiating with leaders who are not legitimately chosen by the communities, or with people who may not necessarily represent the community or its best interests;
- Not having a proper budget allocated in project costs;
- Taking consultations for a consent;
- Assuming that initial interest and consent to discuss a project means that the community is willing to provide consent;
- Failing to provide important information on risks and impacts or accountability and responsibility associated with the project;
- Not allowing sufficient time for a community to discuss the development plan, obtain independent information and advice, and make decisions;
- Weak recording/documentation of issues raised during FPIC discussion.

2. What happens if the local government does not have specific regulations regarding FPIC?

Many IFAD instruments include FPIC as a tool to ensure full and effective participation of indigenous and local communities. IFAD's Policy of Engagement with Indigenous Peoples as well as its Policy on Improving Access to Land and Tenure Security promotes the principle that IFAD will ensure that FPIC is solicited through inclusive consultations based on full disclosure. Many governments have only recently started to engage in consultations to obtain FPIC, and implementation mechanisms are often weak. The establishment of systematic mechanisms to ensure FPIC requires political will and investments in institutional capacity-building and staff training. While it is beyond IFAD's mandate to overcome these general challenges, it is still possible to provide support to ensure FPIC is sought in IFAD-funded projects. It is advisable to include appropriate measures to strengthen the institutional capacity of the borrower to consult communities and obtain their FPIC in the project design process. It is important to ensure the inclusion of resources to sustain the process. Furthermore, IFAD's Framework for Operational Feedback from Stakeholders, approved in 2019, has the objective to increase governments' and partners' commitment to engage key stakeholders, especially local and national representatives of IFAD's target groups, and respond to their feedback, showing an increased interest in creating effective channels of communication with stakeholders.

3. Where can one find information related to indigenous peoples' organizations that could support FPIC implementation in countries and regions?

The indigenous peoples' team at IFAD is ready to assist in finding information on indigenous peoples' organizations. Furthermore, some countries have government ministries which deal with indigenous peoples' issues and can be engaged in the process from the beginning. National or regional indigenous peoples' organizations, members of networks such as the International Land Coalition, or other partners are advised to be contacted. Country technical notes on indigenous peoples' issues have been produced at IFAD and can provide useful information related to networks and organizations that could support FPIC processes.

4. If a project is implementing participatory approaches targeting indigenous peoples, is FPIC still needed?

Most IFAD-funded projects are people-centred and are implemented on the basis of participatory planning processes. In these cases, the value of seeking FPIC is not in establishing a parallel process, but rather in ensuring that the project participatory process retains FPIC principles, i.e. ensuring the involvement of representatives of local and indigenous peoples' communities, properly documenting the process, and

respecting the principle of self-determination enshrined in the UNDRIP. Implementing FPIC is not about reaching a yes or no, but a process of mutual recognition that enhances participation and agency of indigenous peoples and local communities.

5. What should projects do when there is need for more time seek FPIC and reach consensus?

The whole process of seeking FPIC and in general of engaging with stakeholders requires time. Forward planning is recommended in order to ensure that the process and the dialogue are genuine and are implemented effectively. Context sensitivity is particularly important given the fragile situations IFAD engages in.

Annex 2. Indicative outline of an FPIC implementation plan

A. Executive summary

Including significant findings and recommended actions, if any.

B. Description of the project

General description of the project, the project area and components/activities that may lead to impacts on indigenous peoples and historically underserved local communities.

C. Description of indigenous peoples and historically underserved local communities if identified at this stage

Description of indigenous people(s) and their locations, including:

- (i) Description of the community or communities constituting the affected peoples (e.g. names, ethnicities, dialects, estimated numbers);
- (ii) Description of the resources, lands and territories to be affected and the affected peoples' connections/relationship with those resources, lands and territories; and
- (iii) Identification of any vulnerable groups within the affected peoples (e.g. uncontacted and voluntarily isolated peoples, women and girls, the disabled and elderly).

D. Summary of substantive rights and legal framework

Description of the substantive rights of indigenous peoples and historically underserved local communities and the applicable legal framework, including:

- (i) Analysis of applicable domestic and international laws affirming and protecting the rights of indigenous peoples and historically underserved local communities (include general assessment of government implementation of the same); and
- (ii) Analysis as to whether the project involves activities that are contingent on establishing legally recognized rights to lands, resources or territories that indigenous peoples and historically underserved local communities have traditionally owned, occupied or otherwise used or acquired. Where such contingency exists (see SECAP standard 4, paragraph 8), include:
 - (a) Identification of the steps and associated timetable for supporting legal recognition of such ownership, occupation or usage, with the support of the relevant authority. This should include the manner in which delimitation, demarcation and titling shall respect the customs, traditions, norms, values, land tenure systems and effective and meaningful participation of the affected peoples, with legal recognition granted to titles with the full FPIC of the affected peoples; and
 - (b) List of the activities that are prohibited until the delimitation, demarcation and titling are completed.

E. Specify procedures for screening, assessment and development of consultations once the project components, subprojects and/or activities have been fully defined. FPIC implementation plan will seek to identify types of anticipated potential adverse social and environmental impacts.

F. Participation, consultation and FPIC processes

Description of the mechanisms to conduct iterative consultation and consent processes throughout implementation of the project. Identify particular project activities and circumstances that require consultation and FPIC.

G. Appropriate benefits

Identification of the measures to be taken to ensure that indigenous peoples and historically underserved local communities receive equitable social and economic benefits that are culturally appropriate, including a description of the consultation and consent processes that led to the determined benefit-sharing arrangements.

H. Capacity support

Description of measures to support social, legal and technical capabilities of indigenous peoples and historically underserved local communities' organizations in the project area to enable them

to better represent the affected indigenous peoples and historically underserved local communities.

I. Grievance redress (see Guidelines on Target Group Engagement, Feedback and Grievance Redress)

If available, a description of the procedures to address grievances brought by the affected indigenous peoples and historically underserved local communities arising from project implementation, including the remedies available, how the grievance mechanisms take into account indigenous peoples and historically underserved local communities' customary laws and dispute resolution processes, as well as the capacity of indigenous peoples and historically underserved local communities under national laws to denounce violations and secure remedies for the same in domestic courts and administrative processes.

J. If available, monitoring, reporting and evaluation, including:

- (i) Mechanisms and benchmarks appropriate to the project for transparent, participatory monitoring (including independent experts), evaluating and reporting, including a description of how the affected indigenous peoples and historically underserved local communities are involved; and
- (ii) Definition of the mechanisms put in place to allow for periodic review and revision of the Indigenous Peoples Plan in the event that new project circumstances warrant modifications developed through consultation and consent processes with the affected indigenous peoples and historically underserved local communities.

K. Implementation arrangements

Description of arrangement responsibilities and mechanisms for seeking FPIC, as well as the role of independent, impartial entities to audit and conduct social and environmental assessments, as required.

L. Budget and financing

An appropriately costed plan, with itemized budget sufficient to satisfactorily undertake the activities described.

Annex 3. Indicative outline of an indigenous peoples' plan (including FPIC agreement)

- A. Executive summary of the indigenous peoples' plan
Concise description of the critical facts, significant findings and recommended actions.
- B. Description of the project
General description of the project, the project area and components/activities that may lead to impacts on indigenous peoples and historically underserved local communities.
- C. Description of indigenous peoples and historically underserved local communities
Description of affected indigenous people(s) and their locations, including:
- (i) Description of the community or communities constituting the affected peoples (e.g. names, ethnicities, dialects, estimated numbers);
 - (i) Description of the resources, lands and territories to be affected and the affected peoples' connections/relationship with those resources, lands and territories; and
 - (ii) Identification of any vulnerable groups within the affected peoples (e.g. uncontacted and voluntarily isolated peoples, women and girls, the disabled and elderly).
- D. Summary of substantive rights and legal framework
Description of the substantive rights of indigenous peoples and historically underserved local communities and the applicable legal framework, including:
- (i) Analysis of applicable domestic and international laws affirming and protecting the rights of indigenous peoples and historically underserved local communities (include general assessment of government implementation of the same); and
 - (ii) Analysis as to whether the project involves activities that are contingent on establishing legally recognized rights to lands, resources or territories that indigenous peoples and historically underserved local communities have traditionally owned, occupied or otherwise used or acquired. Where such contingency exists (see SECAP standard 4, paragraph 8), include:
 - (a) Identification of the steps and associated timetable for supporting legal recognition of such ownership, occupation or usage, with the support of the relevant authority. This should include the manner in which delimitation, demarcation and titling shall respect the customs, traditions, norms, values, land tenure systems and effective and meaningful participation of the affected peoples, with legal recognition granted to titles with the full FPIC of the affected peoples; and
 - (b) List of the activities that are prohibited until the delimitation, demarcation and titling are completed.
- E. Summary of social and environmental assessment and mitigation measures, including:
- (i) Summary of the findings and recommendations of the required prior social and environmental impact studies, specifically those related to indigenous peoples and historically underserved local communities, their rights, lands, territories, resources, traditional livelihoods and cultural heritage. This should include the manner in which the affected indigenous peoples and historically underserved local communities participated in such studies and their views on the participation mechanisms, the findings and the recommendations.
 - (ii) Where potential risks to, and adverse impacts on, indigenous peoples and historically underserved local communities, their lands, resources and territories are identified, the plan should provide details and associated timelines for the planned measures to avoid, minimize, mitigate or compensate for these adverse effects. It should also identify special measures to promote and protect the rights and interests of the indigenous peoples and historically underserved local communities, including compliance with the affected peoples' internal norms and customs.

- F. Participation, consultation and FPIC processes, including;
- (i) Summary of results of the culturally appropriate consultation and FPIC processes undertaken with the affected peoples which led to the indigenous peoples and historically underserved local communities' support for the project.
 - (ii) Description of the mechanisms to conduct iterative consultation and consent processes throughout implementation of the project, and identification of particular project activities and circumstances that require consultation and FPIC.
- G. Appropriate benefits
- Identification of the measures to be taken to ensure that indigenous peoples and historically underserved local communities receive equitable social and economic benefits that are culturally appropriate, including a description of the consultation and consent processes that led to the determined benefit-sharing arrangements.
- H. Capacity support
- Description of measures to support social, legal and technical capabilities of indigenous peoples and historically underserved local communities' organizations in the project area to enable them to better represent the affected indigenous peoples and historically underserved local communities.
- I. Grievance redress
- Description of the procedures available to address grievances brought by the affected indigenous peoples and historically underserved local communities arising from project implementation, including the remedies available, how the grievance mechanisms take into account indigenous peoples and historically underserved local communities' customary laws and dispute resolution processes, as well as the capacity of indigenous peoples and historically underserved local communities under national laws to denounce violations and secure remedies for the same in domestic courts and administrative processes.
- J. Monitoring, reporting and evaluation, including:
- (i) Mechanisms and benchmarks appropriate to the project for transparent, participatory monitoring (including independent experts), evaluating and reporting, including a description of how the affected indigenous peoples and historically underserved local communities are involved.
 - (ii) Definition of the mechanisms put in place to allow for periodic review and revision of the IPP in the event that new project circumstances warrant modifications developed through consultation and consent processes with the affected indigenous peoples and historically underserved local communities.
- K. Institutional arrangements
- Description of the institutional arrangement responsibilities and mechanisms for carrying out the measures contained in the IPP, including mechanisms for participation of affected indigenous peoples and historically underserved local communities, as well as a description of the role of independent, impartial entities to audit and conduct social and environmental assessments, as required, and/or to conduct oversight of the project.
- L. Budget and financing
- An appropriately costed plan, with itemized budget sufficient to satisfactorily undertake the activities described.

Annex 4. Sample terms of reference for facilitators supporting the FPIC process in IFAD-funded projects

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

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

The minimum requirement for the facilitator is human-rights approach and knowledge of the cultural context where the facilitator will be operating, together with technical knowledge of the issues under consideration.

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

The facilitator, in cooperation with IFAD (FPIC at project design), borrower, recipients and partners and stakeholders will make the arrangements for the FPIC process to ensure that:

- Full and accurate information is communicated to the communities in a language (and visual medium) that is easily understandable by everyone, to communicate the scope of the consultation and the proposed project;
- A trusted relationship is established with the communities and a trusted and enabling environment created for decision-making;
- The decision-making process is determined by the community without any interference, coercion or pressure;
- The timeline to undertake the decision-making process is decided by the community and meetings/workshops agreed upon according to community availability;
- There is agreement on the language the community wishes to use, including for written materials;
- Respect is maintained for the customary laws and practices of the community;
- Information on the proposed project is provided in a transparent and accurate way, and positive and negative impact on the proposed project are clearly communicated, including potential short-term and long-term impacts, risks and benefits;
- Information is provided to all community members and is consistent with the community's governance system and decision-making bodies;
- Agreement is reached on the representatives the communities who will provide consent (and/or whether the consent will be provided collectively by the entire community);
- Agreement is reached on how consent will be provided (e.g. raising hands, voting, signing, delegating leaders);
- The entire process will be documented – including meetings, discussions, differing opinions and decisions (disaggregated by gender, ethnicity, position within the community, livelihoods systems, among others) – and that the record of the meetings and decisions is shared with the communities; and
- The FPIC implementation plan and indigenous peoples' plan are drafted with the information retrieved and are included in SECAP and project documentation for easy reference.

Annex 5. Recommendations on FPIC implementation

From Case studies in Latin America: *The processes of participation and consultation with indigenous peoples: A window of opportunity to go from being beneficiaries to protagonists of their own development*, by Denis Mairena

1. Due to the strong indications that the processes on participation and consultation are not adequately documented (systematized), it is recommended to hold regional workshops in which these experiences can be documented. Proper documentation could generate publications useful both for replication in other projects and as teaching materials in induction courses on indigenous peoples' rights that can be organized for professionals designing and executing projects.
2. Indigenous institutions at governments – for example, the Paraguayan Indigenous Institute; the Ministry of Culture (Peru); the Ministry of Culture (Bolivia); Delegate Procurator for Ethnic Affairs (Colombia) – must be duly incorporated into the project design processes or the definition of approach strategies to work with indigenous peoples.
3. The supervision missions to the projects should not be limited to the administrative and technical aspects of the project but should also reflect the evolution of the local context (social and political) and an analysis of its incidence and impact on the project beneficiaries.
4. The administrative and implementing structure of the projects must have the accompaniment and support of specialists for the task of implementing the due process of consultation and consent.
5. Ideally, the members of the team of specialists come from indigenous peoples in the area of influence of the project and speak local languages.
6. It is desirable that both the State officials who define the projects, as well as the technical staff of the Executing Units, are recipients of induction and training courses on the international and national framework on the rights of indigenous peoples and specifically on the due process of consultation and consent.
7. In the case of temporary project consultants, it should be people with verifiable experience in working with indigenous peoples.
8. The projects should contain a training component for the indigenous leadership, including women and young people with leadership potential, on the international and national legal framework on the rights of indigenous peoples. This is because there are many indigenous peoples who do not know that they are rights holders.
9. In order to carry out the proposed courses on the rights of indigenous peoples and specifically on participatory methodologies and consultation and consent processes, it is recommended that the promoter and financing entities of the projects consider formalizing an agreement with the Intercultural Indigenous University (UII). This would offer a virtual platform provided by the Fund for the Development of Indigenous Peoples of Latin America and the Caribbean, which has the body of indigenous professional teachers and whose courses are accredited by various universities in Latin America, such as such as the National Autonomous University of Mexico (Mexico), University of the Autonomous Regions of the Nicaraguan Caribbean Coast (Nicaragua), Carlos III University (Spain) and others.

Annex 6. FPIC in projects financed through the Indigenous Peoples Assistance Facility (IPAF)

The IPAF supports indigenous peoples to determine and develop priorities and strategies to fulfil the development needs of their communities. Through small grants, the IPAF supports the demand-driven initiatives of indigenous peoples' communities by funding projects that are designed and implemented by indigenous peoples' communities and their organizations, and that build on their culture, identity, knowledge and natural resources.

Not-for-profit/NGOs can apply to the IPAF if designated by the indigenous peoples' communities to act on their behalf. Evidence of FPIC by the indigenous peoples' communities needs to be enclosed in the application form submitted to the IPAF. Below is an example of the FPIC letter accompanying an application form submitted to the IPAF.¹⁰



GIC
Groupe d'Initiative Commune des Agriculteurs BAKA
engagés dans la production de vivres de BITSOUMAM

Certificat d'Inscription N° ES/GP/01/08/4318 du 08 Avril 2008
BP 503 Abong-Mbang Tél : (237) 99 90 17 49

ABEPAGVIB

LETTRE DE MANDATEMENT

Nous soussignés, Groupe d'Initiative Commune des Agriculteurs Baka Engagés dans la Production de Vivres de Bitsoumam (GIC/ABEPAGVIB), venons par la présente mandater Alternatives Durables pour le Développement (ADD), en vue de la recherche de financement pour le projet intitulé « *Projet de formation pratique et d'accompagnement des peuples autochtones Bakas sur les techniques d'agricultures durables et la transformation des produits agricoles et produits forestiers non ligneux* ».

Depuis 2010, GIC/ABEPAGVIB associé à l'ensemble de la communauté Baka des arrondissements de Mindourou et Doumé dans la région de l'Est Cameroun, avons reçu d'ADD des soutiens divers. Il en résulte, entre autres, une implication accrue des Bakas au sein des structures communautaires en charge de l'emploi et du suivi de la gestion des revenus issus de l'exploitation des ressources forestières et fauniques.

La requête de financement qu'ADD compte présenter au Mécanisme d'assistance pour les peuples autochtones, vise à répondre à notre besoin de développement N°2. Un atelier participatif d'analyse et de priorisation des besoins a été organisé du 26 au 29 Avril 2011 à cet effet. Il a fait l'objet de travaux au bout desquels une planification des projets a été élaborée.

Nous vous prions de nous accorder votre assistance à travers le financement du projet. En foi de quoi la présente Lettre de Mandatement est établie pour servir et valoir ce que de droit.

Fait à Bitsoumam le 09 août 2011.

Le Délégué



ALOMBI MOUSSA Lazare

¹⁰ **Translation of letter:**

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

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

The request for funding that ADD intends to present to the Indigenous Peoples Assistance Facility aims to meet our development needs N° 2. A participatory workshop for analysis and prioritization of needs was held on 26-29 April 2011 for this purpose. We have carried out work in order to develop project planning. Please give us your assistance through financing this project. This attestation has been issued to serve whom it may concern.

Bitsoumam, 9 August 2011.

The delegate
ALOMBI MOUSSA Lazare

Annex 7. How FPIC is implemented by other international organizations

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

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

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

For non-indigenous communities, the case for FPIC is based on: (a) the right to meaningful participation in environmental decision-making; (b) the right to control access to their lands and resources; (c) contemporary standards of public participation and legitimate governance; (d) basic principles of equity and justice; and (e) the United Nations Declaration on the Right to Development "Everyone has the right to development".

For REDD+ (reduce emissions from deforestation and forest degradation) initiatives, for instance, beyond respect for FPIC for indigenous peoples, the safeguards also require REDD+ activities to be implemented with "the full and effective participation of... indigenous peoples and local communities."¹¹ To fulfil this obligation, respect for their FPIC is necessary.

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

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

1. Since 2007, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) has constituted the common framework for the United Nations system for indigenous peoples' rights. Articles 41 and 42 require United Nations organs and agencies to contribute to the full realization of the provisions of the Declaration, including at the country level, and to establish ways and means of ensuring indigenous peoples' participation.¹²
2. Convention No. 169 on indigenous and tribal peoples' rights was adopted in 1989 by the International Labour Organization (ILO) and has been ratified and is legally binding in 23 countries.¹³

These two instruments define the following key principles:

- Indigenous peoples have rights to the lands, territories and resources that they have traditionally occupied, owned or used. This means that it is the traditional occupation and use which is the basis for establishing indigenous peoples' land rights, and not the eventual official recognition or registration of that ownership.
- Indigenous peoples do not only have rights to the land they directly cultivate or inhabit, but to the broader territory which they occupy or otherwise use, including natural resources and the right to own, use, develop and control these resources.

¹¹ Guidelines on Stakeholder Engagement in REDD+ Readiness, 20 April 2012.

¹² The UNDRIP was initially voted by 144 states (against Australia, Canada, New Zealand and USA); these four countries have now endorsed the UNDRIP.

¹³ Argentina, Bolivia (Plurinational State of), Brazil, Central African Republic, Chile, Colombia, Costa Rica, Denmark, Dominica, Ecuador, Fiji, Guatemala, Honduras, Luxembourg, Mexico, Nepal, Netherlands, Nicaragua, Norway, Paraguay, Peru, Spain, and Bolivarian Republic of Venezuela.

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

The United Nations Special Rapporteur on the Rights of Indigenous Peoples has highlighted that indigenous consultation and consent represent important safeguards for the substantive rights of indigenous peoples recognized in international human rights instruments. These substantive rights include: rights of participation and self-determination; rights to property, culture, religion and nondiscrimination in relation to lands, territories and natural resources, including sacred places and objects; rights to health and physical well-being in relation to a clean and healthy environment; and the right of indigenous peoples to set and pursue their own priorities for development. Therefore, the starting point for analysing consultation and consent is evaluation of the substantive rights of indigenous peoples that would be at stake – for example, in the context of development or investment plans or other measures.

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

Regional development contexts

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

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

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

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

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

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

The ECOWAS Directive calls for FPIC when communities will be affected by mineral or hydrocarbon projects. Specifically, the ECOWAS Directive states, "Companies shall obtain free, prior and informed consent of local communities before exploration begins and prior to each subsequent phase of mining and post-mining operations." It adds that companies are to "maintain consultations and negotiations on important decisions affecting local communities throughout the mining cycle". Importantly, the ECOWAS Directive applies FPIC throughout the project cycle and does not limit its application to indigenous communities. Moreover, its definition of "mineral" includes not only industrial minerals but also petroleum, so the application is relevant for both mining and petroleum development. The ECOWAS Directive also requires states to provide capacity-building support to communities when necessary. It states, "Member states shall provide the necessary capacity to local communities in their engagement with mining rights holders in negotiations and in settling mining disputes."

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

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

Requirements under institutional policies of other development partners

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

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

projects. The United Nations system at large is required to contribute to the full realization of the provisions of UNDRIP, including at the country level. This requirement has resulted in the adoption of Guidelines on Indigenous Peoples' Issues by UNDG. In addition, individual United Nations agencies and initiatives such as FAO, Global Environment Facility (GEF), United Nations Environment Programme (UNEP), United Nations Development Programme (UNDP) and United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (UN-REDD Programme) have developed institutional policies on support to indigenous peoples. Hence, United Nations collaboration to advance the implementation of FPIC may be an opportunity for IFAD in a number of countries.

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

ILO Convention No. 169 on indigenous and tribal peoples' rights is a legally binding international instrument open to ratification, which deals specifically with the rights of indigenous and tribal peoples. To date, it has been ratified by 23 countries. Once a country ratifies the Convention, it has one year to align legislation, policies and programmes to the Convention before it becomes legally binding. Countries that have ratified the Convention are subject to supervision of its implementation. For more information on the Indigenous and Tribal Peoples Convention, 1989 (No. 169) see:

https://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO:11300:P11300_INSTRUMENT_ID:312314.

- The **World Bank** Environmental and Social Standard number 7 refers to Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities and foresees that Borrower of the bank will obtain the FPIC of the affected Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities in circumstances in which the project will: (a) have adverse impacts on land and natural resources subject to traditional ownership or under customary use or occupation; (b) cause relocation; or (c) have significant impacts on cultural heritage, which is material to the identity and/or cultural, ceremonial or spiritual aspects of those affected.
- The safeguards of the **Asian Development Bank** require consent of indigenous peoples in a number of project activities.
- The operational policy of the **Inter-American Development Bank** aims to promote indigenous self-governance and provide safeguards against adverse impacts.
- The **African Development Bank** is the only multilateral development bank that has not yet adopted a specific safeguard policy on indigenous peoples.
- The **GEF** has adopted FPIC standard for GEF-financed projects for which FPIC is required by virtue of the relevant state's ratification of ILO Convention 169, and where it is required by domestic legislation or other applicable international obligations.
- The **Green Climate Fund** Indigenous Peoples Policy centres around a rigorous FPIC process describing the requirements for key measures to be undertaken to achieve the objectives and principles of the Policy, including the criteria for effective engagement of indigenous peoples, specific circumstances requiring FPIC, and specific elements to be included in the relevant grievance mechanisms.

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

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

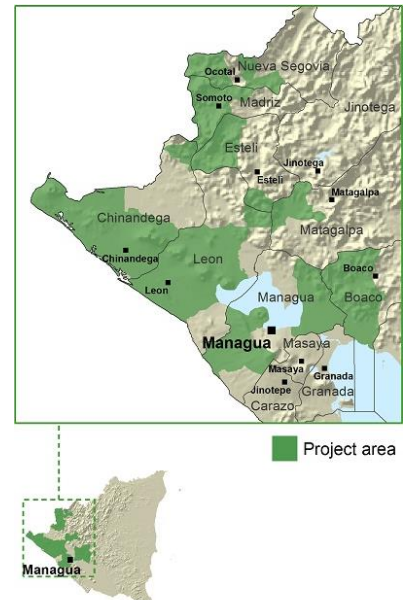
⁷ United Nations Global Compact: Indigenous Peoples' Rights and the Role of Free, Prior and Informed Consent. See https://www.unglobalcompact.org/docs/issues_doc/human_rights/Human_Rights_Working_Group/FPIC_Indigenous_Peoples_GPN.pdf.

Annex 8. Cases of FPIC in action

Examples of implementing the participatory Gender, Youth and Indigenous Peoples Strategy

Nicaragua

Project Nicaraguan Dry Corridor Rural Family Sustainable Development (NICAVIDA)
Duration 2016–2023
Cofinanciers (international) Central American Bank for Economic Integration (BCIE) US\$15 million
Cofinanciers (domestic) National Government US\$5.97 million; Beneficiaries US\$6.98 million
IFAD financing US\$20.5 million



NICAVIDA contributes to rural families' and indigenous peoples' resilience by promoting the links between economic diversification, productive transformation, environmental protection and family nutrition. The project aims to ensure small farmers' access to nutritious food and an adequate diet, and increase their capacity for natural resource management and adaptation to climate change. It seeks to promote the equitable participation of women and men, youth and adults, indigenous and non-indigenous, in the preparation and implementation of family plans, territorial plans and business plans.

The plans are designed to stimulate economic empowerment, and guarantee production processes and food security for the families benefiting from the project. A roadmap in the format of a Gender, Youth and Indigenous Peoples Strategy was developed to create equal conditions for all actors, under participatory practices of social inclusion. In the strategy, a clear and logical route for action was defined. A joint mechanism made up of technical and administrative teams of the PMU, Specialized Units, and project stakeholders, Ministry of Family, Community, Cooperative and Associative Economy (MEFCCA) and of allied institutions that are members of the National System of Production, Consumption and Commerce (SNPCC), agreed to collective responsibility for implementing the strategy.

At the level of the project management unit (PMU)

The PMU, with the leadership of NICAVIDA-MEFCCA Project Management, has assumed responsibility for the implementation of the strategy. They have involved the coordinators of the project components – the specialists on Gender, Youth and Indigenous Peoples, Environment, Training, Nutrition and Small Businesses – and the Specialized Planning, Administration and Procurement Units.

A training programme has been developed so that all actors knew and complied with the strategic lines in the national, departmental, territorial and local spaces. Measurement and monitoring criteria have been established for the integration of the Gender, Youth and Indigenous Peoples Strategy, based on Family Plans, Territorial Plans and Business Plans.

This collective group have ensured that the Gender, Youth and Indigenous Peoples Strategy is aligned with, and incorporated in, the preparation of the following materials at the PMU level: Annual Operational Work Plans; the quarterly and monthly plans; the terms of reference of the planned consultancies; procedure manuals; quarterly and annual technical progress reports and evaluations; all kinds of technical work guides; all communication and dissemination material (brochures or triptychs, banners, posters); the methodological designs of the trainings; and the event protocols. All of these elements have been budgeted for in the overall project budget (linked to the strategy implementation).

The dissemination and communication strategy has made it possible to prepare, reproduce and disseminate in digital and printed form the technical manuals, guides, brochures, life stories, banners,

posters. This has been important because it reflects the approach used in the project to communicate results of the strategy.

At the co-implementation level

The strategy has also ensured the coherence in the implementation at the central level and at local level in the different agreements signed between the PMU and institutions of the SNPCC.

At the level of the MEFCCA delegations

The technical and administrative teams of the departmental delegations of the MEFCCA and the network of promoters have the responsibility of ensuring that the strategy is incorporated in their respective territories and preparing information disaggregated by sex, age and ethnic group.

At the level of families and territories

The project beneficiary families were accompanied through their family, community and business organizations to participate in and manage their access to the goods and services of the project. The facilitation from the project guarantees the logistical and material conditions at the local level, so that the actions of the strategy can be implemented.

Thanks to the strategy, the beneficiaries were supported to establish social networks, particularly gender and youth networks, of both indigenous and non-indigenous peoples. Their capacities and skills were strengthened in order to allow for self-driven monitoring, analysis and assessment of progress in terms of the gender equity indicators included in the project.

The follow-up and M&E of the implementation of the strategy

The follow-up and M&E of the implementation of the strategy is the direct responsibility of the project coordinator, in conjunction with the gender, youth and indigenous peoples specialist, the M&E technician of the PMU, as well as the gender liaisons of the eight departments where the project is executed.

Project staff prepare the monthly and quarterly reports with gender, generational and ethnic approaches and analysis. This guarantees that the methodological tools, instruments and mechanisms for the implementation of the strategy are adequately applied. It evaluates the advancement towards social equity and establishes information systems, including databases that contain the mainstreaming of gender, generational and ethnic aspects.

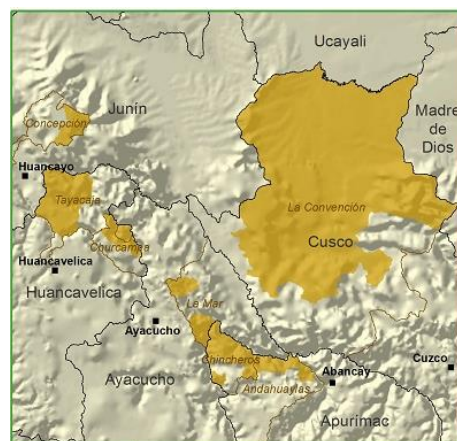


Assembly of participants of the NICAVIDA project in the city of León, Nicaragua.

Source: Nicaraguan Dry Corridor Rural Family Sustainable Development Project– NICAVIDA. 2019. Included in “Case Studies in Latin America, The processes of participation and consultation with indigenous peoples: A window of opportunity to go from being beneficiaries to protagonists of their own development”, by Dennis Mairena.

Peru

Project Public Services Improvements for Sustainable Territorial Development in the Apurímac, Ene and Mantaro River Basins (PDTs - Sustainable Development Territorial Project)
Duration 2016–2022
Cofinanciers (domestic) National Government US\$38.76 million;
Beneficiaries US\$7.25 million
IFAD financing US\$28.5 million



■ Project area



From the project design, the various indigenous peoples in the geographically targeted region were identified. This identification exercise was validated on the basis of consultations and verifications carried out with the district municipality authorities of Megantoni and Echarate, as well as with the Indigenous Federation. This made it possible to endorse the available data to the Ministry of Culture of Peru, which is the institution designated to attend to indigenous affairs. Subsequently, the PDTs, in recognition of and respect for the local authorities, coordinated and defined the following steps for seeking FPIC:

1. **Contact with the community leaders**, through written and verbal means;
2. **On-site meeting with the community Board of Directors**. In the on-site meeting, the project was presented to them, accompanied by written material on project objectives, expected results, products, activities, available budget, and responsibilities of all people involved.
3. **Board of Directors discussion**. Before going to the Communal Assembly, the Board of Directors debated and reflected on the pros and cons of the proposal. Time was also devoted to jointly defining a calendar of meetings and specific activities, depending on the time availability of each of the members of the Board of Directors. Among other issues, it was agreed to work in the local language, both for the Assembly and to prepare and publish written material.
4. **Communal Assembly meeting to present the project**. In the Communal Assembly the details of the implementation of the project were presented; aims, objectives, scope, results and activities, project horizon and participatory mechanisms for monitoring and control of execution.
5. **Communal Assembly working groups**. The Assembly was organized into working groups, where participants deliberated, discussed, shared opinions and proposed ideas.
6. **Analysis of scope**. Taking into account the contributions and positions that emerged from the Community Assembly, the directors analyzed the scope of the information provided by the assembly.
7. **Document preparation**. Once the leaders released the results of their analysis, the following documents were prepared:
 - Act of commitment to participate in the methodology of interfamily competition, based on priorities of the Life Plan they had designed;
 - Act of Internal Evaluation and Authorization of Joint Work with the PDTs;
 - Act of consent and consultation for joint work with the PDTs.

Throughout this process, a facilitator/advisor provided advice, support and information to the community Board of Directors in order to facilitate the understanding of the entire proposal. This advisor is a person who knows the local language and the social, political, environmental and economic context.

For the implementation of the project, an internal committee was set up, which has enabled local organizations to develop their investment plan proposals, make quotes, hire technical assistance, carry out investments and report on them. The result of this involvement is a great development in the management capacities, both of the communal bodies and the PMU, which is clearly reflected in the definition of new post-project investments by them.



The *Plan de Vida comunal* (Life Plan) draws on indigenous knowledge used in traditional medicine to develop gardens that grow medicinal plants.
©Esmir Enriquez Salcedo

The participation of the beneficiaries was extended to local planning spaces to participate in the formulation of the Concerted Territorial Development Plans. This process lasted one semester, applying a participatory methodology, i.e. using talking maps, workshops, exchange sessions, and other participatory and interactive methods.

Despite challenges to incorporate participants from the communities with strong traditional roots, the mechanisms of participation and allocation of resources proved to function as a catalyst for their inclusion.

It has been confirmed by the project that the planning, execution, control and monitoring capacities are not exclusive to the strongest organizations; rather the small enterprises of women are the ones that have demonstrated capacity to meet the set standards.

One risk identified is the issue of sustainability, since it seems that there is a certain level of dependence on the technical assistants hired and on the support provided by the project. To address this challenge, it has been agreed that the project will support associations and communities in the preparation of “exit and sustainability plans”.

Source: Public Services Improvement for Sust. Territorial Development in the Apurimac, Ene, and Mantaro River Basins. Included in “Case studies in Latin America, The processes of participation and consultation with indigenous peoples: A window of opportunity to go from being beneficiaries to protagonists of their own development”, by Dennis Mairena.

Video of the project: <https://youtu.be/WsLaB7CS1AY>

India

Project Fostering Climate-resilient Upland Farming Systems in the North East (Mizoram and Nagaland States)

Duration 2017–2024

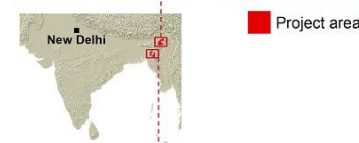
Cofinanciers National Government US\$28.47 million;

Local Government US\$3.44 million;

Other Local US\$53.78 million;

Beneficiaries US\$ 6.27 million

IFAD financing US\$76.55 million



Nagaland and Mizoram are two of the eight states in the North Eastern Region of India, a biodiversity hotspot where climate change adaptation is of critical importance for the largely rural population. Virtually all households in both these states are members of tribal ethnic groups. With a hilly terrain, low population density, shallow soils and high rainfall, farmers have adopted a shifting cultivation system known as jhum. This largely self-sufficient system has adequately met the various needs of rural communities, including food, fibre and energy, but is now being disrupted due to shortening jhum cycles as a result of increasing population, focus on high-value crops for cash income, soil fertility degradation and top-soil erosion on account of decreased fallow cycles. Changing climate patterns are further exacerbating these disruptive trends.

In Nagaland, the jhum system covers 60 per cent of the area under food grain cultivation, and about half of rural households are engaged in jhum cultivation, with about 100,000 hectares of forest being cleared for cultivation each year. In Mizoram, about 60 per cent of the people are engaged in agriculture, with jhum being the main land use, and 20,000 hectares are being cleared each year for jhum cultivation. In both states, rice is the main staple food, and upland paddy is the main jhum crop, grown mixed with other crops. Jhum land and forest fallows also meet most community firewood and timber needs, and are also sources of wild foods and medicinal plants, as well as catchment areas of local streams.

Jhum is a way of farming poor upland soils by utilizing fertility accumulated in the forest fallow period. The practice of burning controls weeds and disease pathogens. Almost no external inputs are used, and the system is naturally organic. The mixed cropping with traditional varieties supports traditional food habits linked to distinctive local cultures. On the other hand, jhum is widely held to be a destructive farming system, causing severe soil erosion, atmospheric pollution, damage to soil biology and loss of biodiversity. The system is increasingly becoming unsustainable as jhum cycles are becoming shorter, with less time to restore soil fertility and biodiversity. Jhuming is labour-intensive, with no potential for mechanization, and most of the work is undertaken by women. With low crop yields, not much is produced per day worked, and production usually does not meet household food needs or generate much needed cash income.

The Fostering Climate-resilient Upland Farming Systems project was designed to:

- Provide farmers with better jhum cultivation practices that will be more productive and more sustainable, thus creating an ecological balance, enhancing resilience to climate change, and raising farmers' incomes;
- Assist jhumia households to adopt alternative farming systems, particularly settled farming; and
- Support improved market access and value chain development as farmers move to more market-oriented production.

As jhum cultivation and the traditional foods that it produces are the cornerstones of the tribal cultural heritage and identity in Mizoram and Nagaland, and the project is focused on making this system more productive and sustainable, there was a clear need to implement FPIC. The project trained PMU staff, who in turn trained district-level staff, to explain the project concept, project components and step-wise implementation modalities, including the process of village-level microplan preparation. The project conducted a workshop at the district level by inviting all the chairpersons of Village Councils and secretaries of Jhum Resource Management Committees in the project area to orient them on project goals and activities, and to discuss the impacts of the project. Subsequently, a meeting of the Village Assembly was held to deliberate on the village's interest to participate in the project, with view to comply with FPIC requirements. Based on the willingness of the community, the project implementation would proceed.



Community Assembly at At Khongsa Block, Kiphire District

In the process of seeking FPIC, the members of the Project Implementation Team were assigned to conduct consultative meetings with the representatives of the village. The team members were grouped into four smaller teams and each team was assigned to cover two districts each. However, in view of the poor transport service in the state and in order to facilitate better participation of the villagers, instead of meeting at the district, the meetings were held at the block level (district sub-division) by inviting the villagers under the block.

From every village, the following 10 representatives were invited to be part of the discussion:

- Village Council Chairman
- Village Development Board Secretary
- Two elders representing the landowners
- Two youth representatives (one male, one female)
- Two women representatives
- Two farmers (one female, one male).

In addition to the villagers, the administrative officer, officers of the Agriculture Department, support staff of the area, and the Project Support Specialist were engaged.

During the consultative meetings, the details of the project objectives and activities were explained to the villagers and discussions were held to clarify any concerns they might have regarding the project, problems in the field and the block in general, and suggestions for improving the project. Written information about the project with clear objectives and activities was given to the participants, who held general meetings at the village level and explained and shared the project information and discussed among the community their willingness to be engaged in the project. The villages then shared their deliberations and submitted the minutes signed by the recognized leader of the community.

Sources: Project design completion report; Project implementation manual; and Final Report on FPIC Consultative Meeting with Villages for Fostering Climate-resilient Farming Systems in Northeast – Nagaland.

Annex 9. Publications and other resources

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

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

Asia Indigenous Peoples Pact (AIPP)

Training Manual for Indigenous Peoples on Free, Prior and Informed Consent, 2014

Development for whom? Safeguard Policies and Projects of International Financial Institutions Affecting Indigenous Peoples in Asia, 2014

Handbook: extractive industries and free, prior and informed consent of indigenous, 2019 <https://aippnet.org/asia-indigenous-peoples-pact-aipps-handbook-extractive-industries-free-prior-informed-consent-indigenous/>

Convention on Biological Diversity (CBD)

Akwé: Kon Guidelines, 2004

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

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

FAO

E-learning- Free, Prior and Informed Consent (FPIC). An indigenous peoples' right and a good practice for local communities, 2016, <https://elearning.fao.org/course/view.php?id=500>

Free, Prior and Informed Consent (FPIC) Manual, 2017, <http://www.fao.org/3/a-i6190e.pdf>

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

Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication, 2015, <http://www.fao.org/documents/card/en/c/14356EN>

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

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

Forest Peoples Programme (FPP)

[FPP Series on "Free, prior and informed consent \(FPIC\)", 2021, https://www.forestpeoples.org/en/guiding-principles/free-prior-and-informed-consent-fpic](#)

IFAD

Country Technical Notes on Indigenous Peoples' Issues for 31 countries, 2012

<https://www.ifad.org/en/web/knowledge/tools?mode=search&keywords=country%20technical%20notes>

Policy on Improving Access to Land and Tenure Security, 2008, <https://www.ifad.org/en/document-detail/asset/39500436>

Policy on Engagement with Indigenous Peoples, 2009, <https://www.ifad.org/en/document-detail/asset/39432502>

IFAD materials and resources on indigenous peoples, 2021 <https://www.ifad.org/en/indigenous-peoples>

The Green Climate Fund (GCF)

Operational guidelines: Indigenous Peoples Policy, <https://www.greenclimate.fund/sites/default/files/document/ipp-operational-guidelines.pdf>

The Global Environmental Facility (GEF)

Principles and Guidelines for Engagement with Indigenous Peoples, 2012 https://www.thegef.org/sites/default/files/council-meeting-documents/C.42.Inf_.03.Rev_.1_Principles_and_Guideline_for_Engagement_with_Indigenous_Peoples.Sept_10%2C_2012_4.pdf

International Land Coalition (ILC)

Indigenous Peoples' Rights to Lands, Territories and Resources, 2013

http://newsite.landcoalition.org/sites/default/files/publication/1517/IndigenousPeoplesSynthesis_0.pdf

International Labour Organization (ILO)

Convention 169 at <http://www.ilo.org/indigenous/Conventions/no169/lang-en/index.htm>

Understanding the Indigenous and Tribal Peoples Convention, 1989 (No. 169).

Handbook for ILO Tripartite Constituents, 2013

Understanding the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169): A tool for judges and legal practitioners https://www.ilo.org/gender/Informationresources/Publications/WCMS_774745/lang-en/index.htm

ILO training toolbox on indigenous peoples' rights, <https://www.ilo.org/global/topics/indigenous-tribal/toolbox/lang-en/index.htm>

International Work Group for Indigenous Affairs (IWGIA)

The Indigenous World yearly publication <https://www.iwgia.org/en/resources/indigenous-world>

Indigenous Peoples Links (PIPLinks)

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

Office of the High Commissioner for Human Rights (OHCHR)

Free, Prior and Informed Consent of Indigenous Peoples, 2013
<https://www.ohchr.org/Documents/Issues/ipeoples/freepriorandinformedconsent.pdf>
More information at <https://www.ohchr.org/EN/pages/home.aspx>

Oxfam

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

RECOFTC – The Center for People and Forests

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

United Nations

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

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

See <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>

United Nations Development Group (UNDG)

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

United Nations Special Rapporteur on the Rights of Indigenous Peoples, Francisco Cali Tzay:

<https://www.ohchr.org/en/issues/ipeoples/srindigenouspeoples/pages/sripeoplesindex.aspx#:~:text=Francisco%20Cali%20Tzay%20was%20appointed.role%20on%201%20May%202020>

United Nations Permanent Forum on Indigenous Issues (UNPFII)

See <https://www.un.org/development/desa/indigenouspeoples/unpfii-sessions-2.html>

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

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



International Fund for Agricultural Development

Via Paolo di Dono, 44 - 00142 Rome, Italy

Tel: +39 06 54591 - Fax: +39 06 5043463

E-mail: ifad@ifad.org

www.ifad.org

www.ruralpovertyportal.org

 ifad-un.blogspot.com

 www.facebook.com/ifad

 www.twitter.com/ifadnews

 www.youtube.com/user/ifadTV