

# FPIC and Forestry in Context: Past, Present and Future

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“Forest Stewardship & Free, Prior and Informed Consent (FPIC): Our  
Doorway to Prosperity”

"We're never ready for the next step that life puts in front of us. And I think it's because we're meant to learn. It's what humans are meant to do, and do best. We don't contribute our gifts because we're experts, we contribute our gift because we're learners." (Julie Diamond)

- 1 FPIC – an (overly?) simple definition
- 2 FPIC – part of a trajectory?
- 3 FPIC – lessons from near and far
- 4 FPIC – some ingredients for success

# A definition

“Negotiating FPIC is a process. It consists of informing the affected persons about planned activities and their impacts – both positive and negative – and verifying that the information provided has been understood, before explicit consent can be negotiated. If people refuse, their decision must be respected.” (Freeman et al. 2010)

# Definition from FSC glossary

“A legal condition whereby a person or community can be said to have given consent to an action prior to its commencement, based upon a clear appreciation and understanding of the facts, implications and future consequences of that action, and the possession of all relevant facts at the time when consent is given. FPIC includes the right to grant, modify, withhold or withdraw approval.”

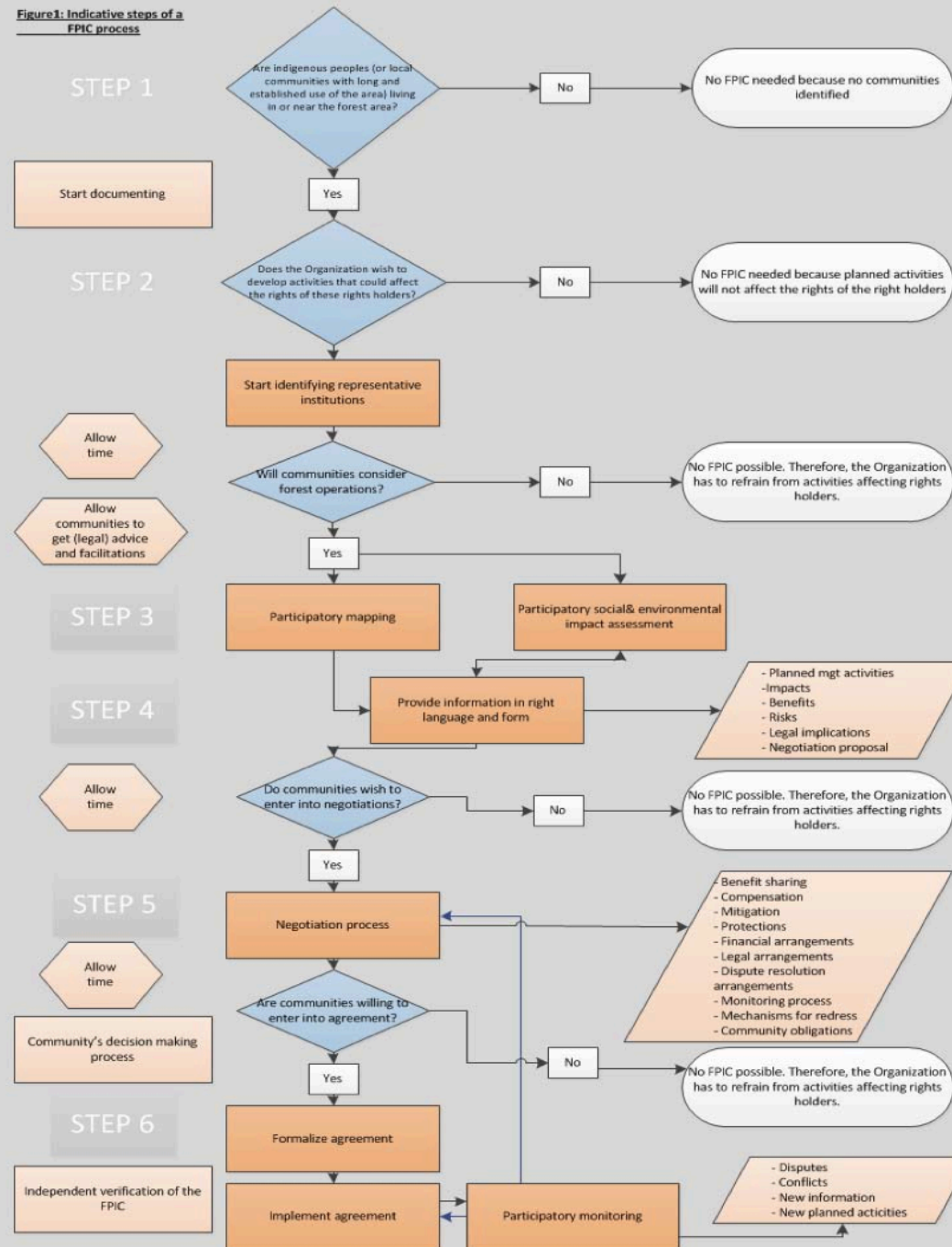
**Free** from coercion, intimidation, retaliation

**Prior** to the commencement of any activity, with adequate time accorded for full consideration

**Informed** about the project, in terms of its likely impacts, its costs and its benefits for the community

**Consent** in the sense of having a *real* choice, after due process and consideration

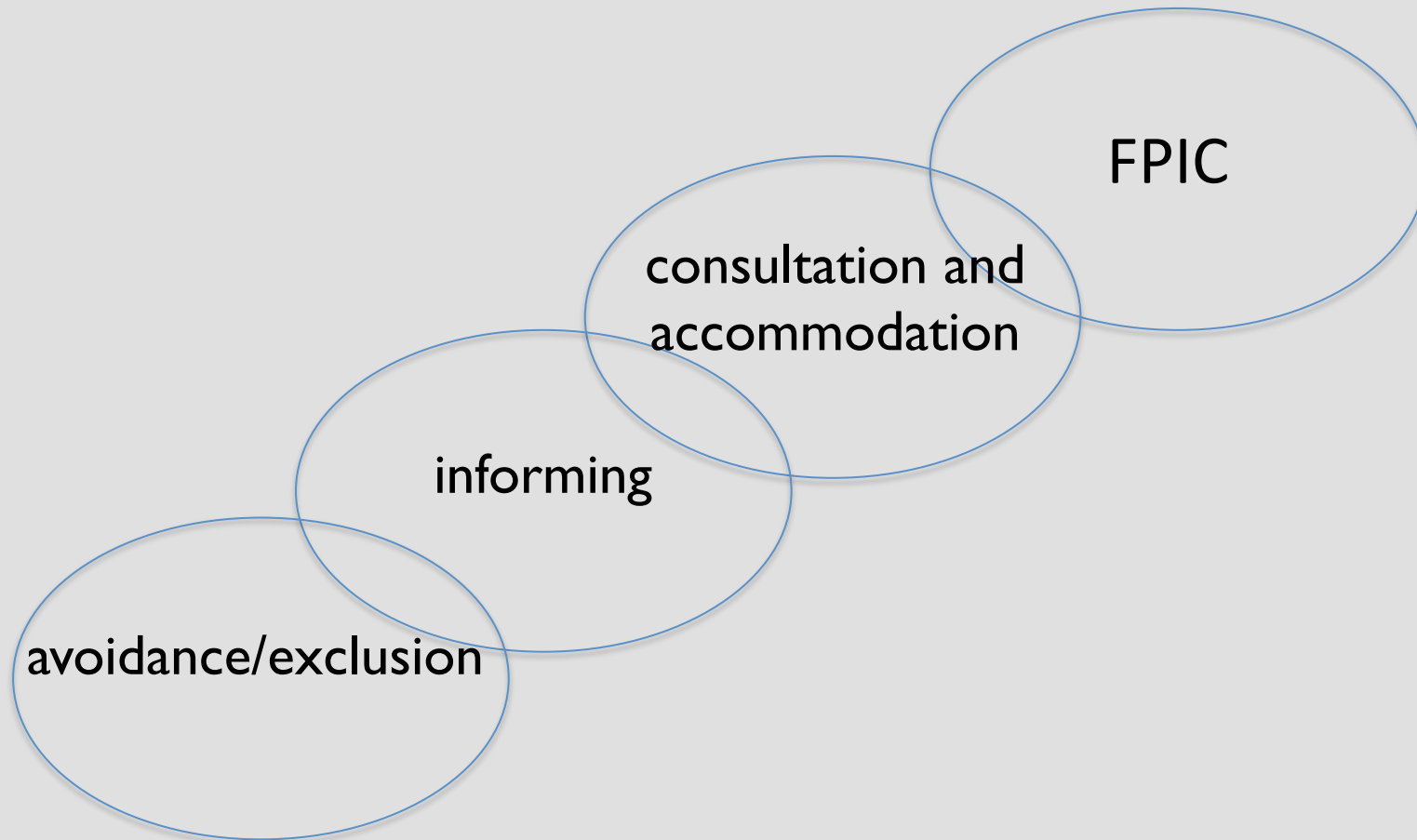
Figure1: Indicative steps of a FPIC process



# Steps of an FPIC process (FSC FPIC guidelines)

- Step 1 – Identify rights holders and their representative institutions
- Step 2 – Prepare for further engagement with identified communities
- Step 3 – Map rights, resources, lands and territories and assess impacts
- Step 4 – Inform affected indigenous rights holders
- Step 5 – Negotiate and let community decide on negotiated FPIC proposal
- Step 6 – Formalize, verify, implement and monitor the consent agreement

# FPIC – part of a trajectory?



# Lessons from near and far

"The gap between what is increasingly accepted to be a requirement of international law and actual practice is still very wide." (Colchester and Mackay 2004)

"There is growing consensus around the importance of the concept but less so on how to implement it." (Lebuis 2009)

"although the right to give or withhold consent has been recognized in the FSC system since its original P & C were published in 1994, there are not many documented examples of good practices of implementing this right." (FSC Guidelines for the Implementation of FPIC 2012)

# FPIC – some ingredients for success

- 1 – FPIC as an ongoing and flexible process
- 2 – Clarity between parties on what FPIC means
- 3 – A focus on relationship-building
- 4 – Sufficient time and resources
- 5 – Building an inclusive process
- 6 – Rigorous auditing
- 7 – Unpacking the issue of consent



# Sources

- Colchester, M. and MacKay, F 2004. *In Search of Middle Ground – Indigenous Peoples, Collective Representation and the Right to FPIC*, Forest Peoples Programme.
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- Mahanty, S. and McDermott, C.L. 2013. How does free, prior and informed consent impact social equity? *Land Use Policy*, volume 35.