



# WHAT IS FREE, PRIOR AND INFORMED CONSENT (FPIC)?



**FPIC** is an essential tool used to protect the rights of communities that may be affected by projects or activities, especially those which change access to land or resources. Prior to starting a project, the FPIC process identifies affected communities and it ensures that all perspectives within those communities are equally represented and considered through inclusive decision-making.

The FPIC process seeks collective consent from Indigenous Peoples and Local Communities (IPLCs) and often accompanies a Community-Rights Based Approach (CRBA), by respecting the right for IPLCs to make their own choices to ensure that they are able to meet their social, cultural, and economic needs. This includes choices about how land and natural resources are used.

**FREE** refers to consent given voluntarily without any force, coercion, or manipulation. It is a process that is designed in partnership with the community from whom consent is being sought, without any expectations or timelines enforced.

«A CRBA shifts the focus from needs to rights. It empowers IPLCs to claim their rights and promotes the capacity building of those who are responsible for fulfilling those rights.»

**PRIOR** means that consent is sought before any activities start, at the early stage of project development. Prior implies that there is enough time given for IPLCs to access and understand all the necessary information about the proposed activity and its potential impacts.

All the elements of FPIC are connected and should not be treated as separate.

«Indigenous Peoples (IPs) are rights-holding people that often self-identify as indigenous, they may have historical ties to a specific territory, and they often experience marginalization or exclusion. Local communities are made up of rights-holding people living in a project area who often share a common identity or economic interests.»



**INFORMED** means that information provided to communities is accessible, transparent, and accurate. It should be delivered in the local language and in a format that is culturally appropriate. It also requires a continuous sharing of information throughout the consent process and throughout the lifetime of the project.

**CONSENT** refers to a collective decision made by the affected community. Consent must be reached through an agreed upon process that is culturally appropriate. It is a freely given decision that can be, “yes”, “no”, or “yes, with conditions”. Consent is not a one-time event and can be given or withheld in phases if the project details change or new information is obtained.

# WCS'S FPIC PROCESS

**STEP 1** - Identify the communities that will be affected by the proposed project or activity. Use diverse information sources to include all potential beneficiaries, those who are marginalized.

**1.1** Decide on site selection criteria and collect preliminary population information. Identify the IPLCs concerned and their representatives. Acknowledge that there may be more groups that will be identified later in the FPIC process.

**1.2** Plan discussions about the proposed project or activity with potentially affected communities. Work with your team to ensure that everyone understands general social safeguards, the project goals, and the FPIC process before meeting with IPLCs.



Videos, such as [this one](#), can be used to explain how the FPIC process work.

WCS-Congo's FPIC process was the first to be officially validated by Congo's government.

Do not assume all groups share the same views or opinions. It may be necessary to request separate meetings with different groups, such as youth, women or IPs. Be aware of special measures that might be required to create safe spaces for everyone to participate.

**STEP 2** - Conduct FPIC awareness-raising activities. Explain who or what your organization represents as well as the nature of the project. Clearly express that your organization is dedicated to the FPIC process.

**2.1** Research local laws and involve local authorities to identify what is legally binding in relation to FPIC in the country where the project takes place.

**2.2** Conduct awareness raising activities on the proposed project. Hold multiple meetings to explain the project goals and objectives while identifying potential positive and negative impacts to the community. **Describe the FPIC process and how it works.** Answer any questions regarding the project or FPIC process.

**2.3** Meet with IPLCs to determine their levels of interest in participating in the proposed project and in the FPIC process.

**2.4** Assess the capacity building needs of the IPLCs that have expressed interest in participating in the FPIC process. What types of assistance will they need to be able to fully participate and understand the process?

**2.5** Develop a participatory communication plan that maps out transparent, timely, and effective communication between you and the community that can take place throughout the FPIC process and the lifetime of the project.

Communication does not stop with the FPIC process. Regular meetings about the project should occur at a time and place that is convenient to the diverse needs of the affected IPLCs.





## WCS'S FPIC PROCESS

Many IPLCs have governance systems that operate with varying degrees of autonomy alongside the state or national government. Working within these systems is important in achieving a legitimate FPIC outcome.

Consent can be determined through consensus or majority, and always involves the participation and representation of all groups including men, women, IPs, youth, elderly, and disabled.

**STEP 3** Identify decision-making mechanisms and design the FPIC model in partnership with the community. The process for making decisions about the project will only be legitimate if it is co-designed with the community.

**3.1** Through consultation with the concerned IPLCs, identify the existing formal and informal decision-making processes in the community.

**3.2** Agree on appropriate decision-making mechanisms that the project or activity will follow. Be sure to involve the voices and opinions of all affected groups, including women, youth and elderly, and indigenous peoples.

**3.3** Collaborate with the community to design and agree on the consent process, and the process through which the community can withdraw their consent.

**STEP 4** - Collect additional background information for the FPIC process. By collecting and sharing this information you are providing the community with the details they need to make an informed decision.

**4.1** Using participatory mapping, document the economic, social and environmental situation of the IPLCs and make relevant projections as it relates to the proposed project.

**4.2** Complete participatory social and ecological impact assessments with communities.

**4.3** Co-develop quantitative and qualitative environmental and socio-economic progress indicators to measure the impact of the project. Make a plan to share these indicators with the community throughout the project.

**4.4** Through iterative meetings and focus groups, discuss the results of the impact assessment (4.2, 4.3) and participatory mapping with the communities.





Do not enforce a timeline on this process. Allow the community to meet amongst themselves to discuss project details and any concerns they may have.

**STEP 5** Adapt the proposed project or activity plan to reach agreement with the IPLCs. This step is critical in ensuring that you and the community have a mutual understanding of project goals and objectives prior to starting project activities.

**5.1** Amend the project document based on the information gathered in Steps 3 and 4. Present the document and information to the IPLCs for discussion, comments, and feedback. If necessary, hold several meetings with all groups to ensure that the community is well-informed of the project details.

**5.2** Review, adjust, and validate the elements of the proposed project or activity with the IPLCs. Document the needs identified by IPLCs that are to be included in the project.

**5.3** Begin the process of obtaining community consent to work with your organization on the project and specific activities. Document the obtaining of consent in a culturally appropriate way. If consent is not reached, review the needs or suggestions identified by the IPLCs in order to obtain consent and adjust the project activities accordingly.

## WCS'S FPIC PROCESS

The grievance redress mechanism (GRM) is a tool used to communicate with the community and to address any project-related concerns. Like the FPIC process, effective GRMs empower communities to exercise their rights.

**STEP 6** Develop and agree on a grievance redress mechanism (GRM). Having a GRM in place ensures that IPLCs have a way to submit grievances and communicate with your team. It also is a way to prevent potential issues by identifying concerns before they become too serious.

**6.1** In collaboration with the community, establish a culturally appropriate and accessible grievance tracking system to address project-related grievances. Make sure to include design input from all groups within the affected community, including men, women, youth, elderly, IPs, and any potentially marginalized groups.

**6.2** Assign staff specifically to the GRM and create a secure database to track and monitor grievances from submission to resolution. Make sure to include a fast-tracking resolution process for serious grievances, like human rights violations.

It may not always be appropriate to rely on signatures or video documentation to obtain consent. Make sure to discuss with the community about culturally acceptable and agreed upon options (See Step 3.3).

# WCS'S FPIC PROCESS

**STEP 7** - Conduct participatory monitoring and evaluation throughout the project period. The project manager should make sure that affected communities are regularly updated about the project's progress. Communities should be given frequent opportunities to ask questions about the project.

**7.1** Develop a participatory monitoring and evaluation (M&E) approach. The participation of IPLCs in the monitoring of the project should be guaranteed and the approach should be agreed upon by all parties.

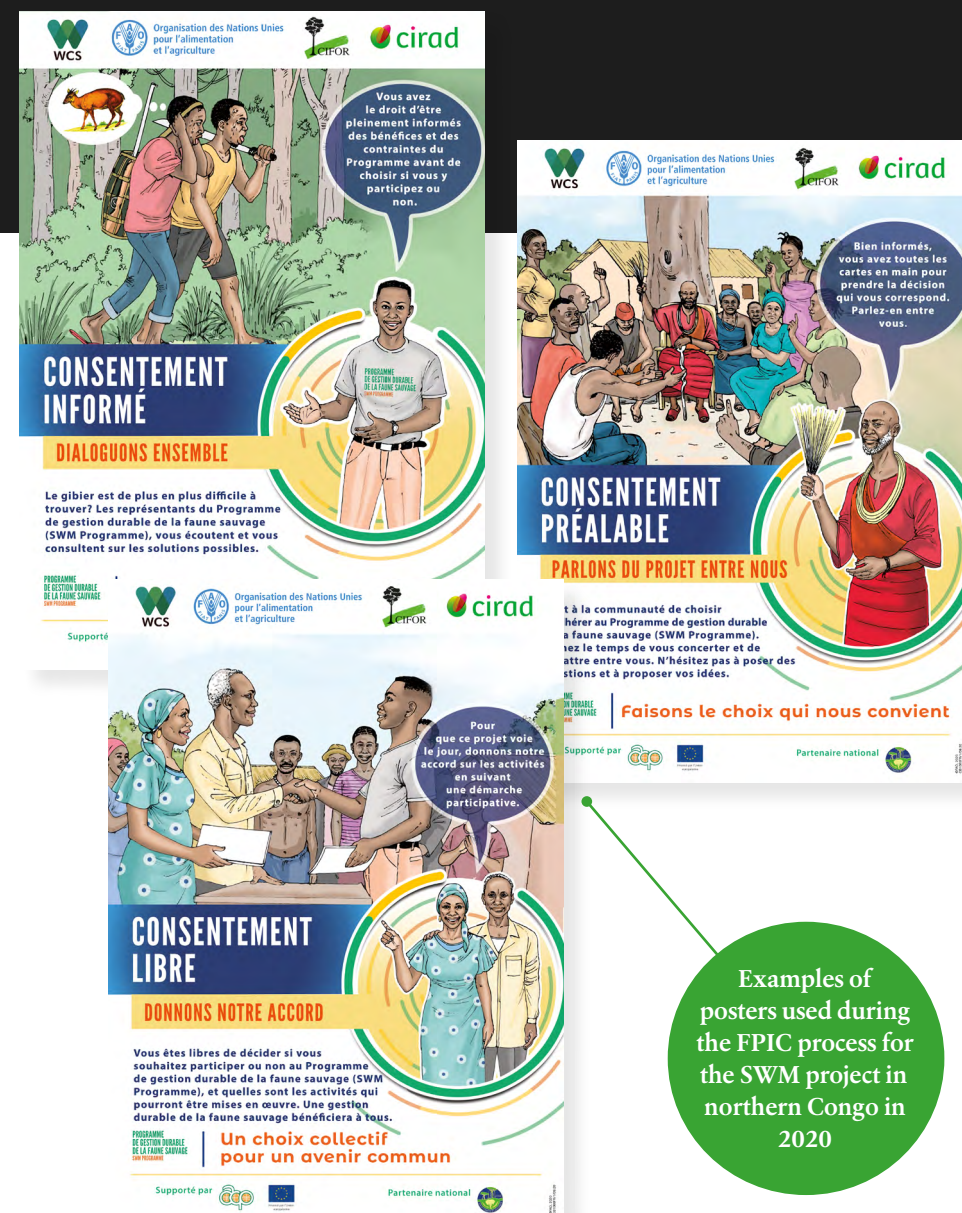
**7.2** Carry out participatory monitoring and evaluation while implementing the project. Address grievances and make adjustments, if necessary.

**7.3** Agree on regular review meetings with the community and other stakeholders. Document all meetings, concerns, and communications.

**STEP 8** - Review project achievements and lessons learned. During the FPIC process and after it is completed, it is beneficial to document any lessons learned. This can help guide and improve the future actions of your organization, and decrease potential risks.

**8.1** Document any lessons learned throughout the FPIC process. Include both strengths and weaknesses.

**8.2** Share project achievements with all stakeholders and describe any opportunities for improvement.



Examples of posters used during the FPIC process for the SWM project in northern Congo in 2020

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