

**Mission Report:  
Strengthening Draft  
National Free, Prior  
and Informed Consent  
Guidelines for REDD+  
in Papua New Guinea**

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UN-REDD PROGRAMME

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## Executive Summary

Papua New Guinea (PNG) has been a leading proponent of REDD+ at the international level, and was one of the original UN-REDD "pilot" countries. UN-REDD activities to date have focused on supporting effective stakeholder engagement, including through the development of guidelines for FPIC. A draft of the 'Guidance to Establishing *Free, Prior, and Informed Consent* for REDD+ Projects in Papua New Guinea' was produced in 2012 by the Office of Climate Change and Development (OCCD), the primary partner to the UN-REDD Programme. This guideline was prepared during an early stage on a national level, but has yet to be operationalized.

The main objective of the mission is to strengthen the draft FPIC guidelines and related supporting materials developed by OCCD for implementation of REDD+ Programmes in PNG. The mission team conducted a series of interviews and focus group discussions in three pre-selected field sites: April Salumei in East Sepik Province and Central Suau in Milne Bay Province under the administrative control of Papua New Guinea Forestry Authority (PNGFA); and Tavolo Village in East New Britain, a Payment for Environmental Services (PES) trial project of FORCERT (Forest Management & Product Certification Service), a local not-for-profit service company.

### Key Findings

The rapid assessment of the individual elements of free, prior, informed and consent across five categories: awareness raising; representation and participation; decision-making; documentation; grievances and disputes; revealed the following findings:

#### ***Awareness raising***

With the exception of Tavolo Village, there was limited understanding of what climate change and REDD+ mean. Illustrations given were mainly about forest protection, but there was general confusion in terms of how REDD+ activities may impact their livelihoods and daily practices. Furthermore, potential benefits associated with these activities were primarily confined to monetary gains from carbon trading, followed by the promises of development such as permanent housing, supply of water tanks, improved education and healthcare. In contrast, communities were unable to discuss potential risks that might materialise from these activities. As a result, they are increasingly frustrated over numerous consultations that have created high expectations with no tangible outputs in the foreseeable future.

#### ***Representation and participation***

The team observed several general types of representation with overlapping functions and varying degrees of effectiveness and legitimacy: traditional, Incorporated Land Group (ILG), Land Owner Companies (LOC), Village or Ward Development Committee (VDC) and Business Group or Public Company. However, the traditional structure of a chief overseeing a body of elders made up of clan leaders is not the norm throughout the country. There have also been problems with the ILG, notably, the registration of rightful landowners. The Land Groups Incorporation (Amendment) Act 2009 is therefore an attempt to rectify this loophole by necessitating birth certificates of ILG members in the registration process. In the same token, representation at the level of LOC is also problematic as it is

another step removed from the communities. Given that both the ILG and LOC are legal entities to negotiate and enter into REDD+ agreements with the government or project developers, the issue of misrepresentation has significant bearing on the design and implementation of benefit sharing mechanisms specifically, and the FPIC process generally.

While the VDC might be poised to be a probable point of entry, its capacity to function effectively has been questionable. Furthermore, traditional landowners often refer to the clan in most matters related to natural resources or land use, and not the VDC. Although a Business Group presents an alternative option for landowners to enter into agreements, it might require additional training and support to help its Board of Directors or equivalent body to plan, sustain and possibly expand its business operations. Collectively, ensuring legitimate representation, and full and effective participation by the affected traditional landowners in matters related to REDD+ and beyond remain a significant undertaking in PNG.

Meaningful representation of, and participation by women across these three field sites are largely uneven, mainly due to a lack of confidence, and competing demands for their time and energy. Although not significant, the social dictates of a patrilineal clan are also a contributing factor. However, there is a direct relationship between access to education and the quality of representation and participation.

#### ***Decision-making and documentation***

The traditional structure for decision-making is generally quite clear, and covers a multitude of issues including those related to natural resource and land use management. Where an ILG management committee or equivalent body exists, decisions from the various clans will be presented to this committee prior to village elders. At the clan level, discussions may take place separately among the men, women and youths before a collective decision is made. In all these levels, decisions are predominantly made based on consensus. Disagreements are not viewed favourably, generally resolved through more intense rounds of discussions.

The time allocated for a decision to be made is dependent on the significance of, and the ability to understand the subject matter. Decisions regarding resource and land use, grievances and disputes for example, may take longer as they affect the communities as a whole. With the exception of Tavolo village, communities are often not in a position to determine the length of time required to make an informed decision.

In three of the villages visited, any decisions, whether made internally or externally, are generally not recorded. Recollection of decisions made in the past is tied to memorable events such as road construction, or to a person such as the village Councillor or elder. The question related to consent given for REDD+ activities, however, is who and what the point of reference for their decision should be. This is particularly since the affected landowners will need to monitor and evaluate whether the REDD+ implementer is complying with the conditions in which the landowners gave their consent.

### ***Grievance and dispute mechanisms***

Customary practices to address land-related grievance and dispute within and between villages are clear and functioning, but limited in its ability to resolve land-related grievance or dispute with external parties. Achieving consensus between parties is the prevailing principle, and can be reached through, among others, restitution and compensation. Where customary practices are inadequate, the matter may be subsequently referred to the legal system, either the Village Court or Local Land Court at the District level who, as a first step of settlement, requests assistance from land mediators appointed by the Provincial Land Disputes Committee. When mediation proves to be unsuccessful, the land-related grievance or dispute is referred back to the Local Land Court. An appeal of a Local Land Court decision may be directed to the Provincial Land Court, with a further final appeal to the National Court.

Thus far, these customary practices have generally not been able to successfully resolve land-related grievance or dispute with external parties, whose arise is often attributed to a lack of integrated land-use planning, misrepresentation of landowners, lack of procedural fairness, competing interests and uneven power relations. Furthermore, cases referred to the legal system face a long and expensive process.

### **Key considerations**

Building on key findings, the following section highlights key considerations to be taken into account in the implementation of FPIC guidelines for REDD+ activities.

### ***Importance of a national framework for Social and Environmental Safeguards***

One recurring observation from the mission was the presence of multiple independent actors in all stages of the REDD+ process. There was general confusion among a majority of the communities as to who these actors are, what the long term objectives of their engagement with the communities are, and what differentiates these actors one from the other. In some instances, these interactions with a multitude of actors have led to consultation fatigue, coupled with a growing sense of frustration and anger as promises made have yet to materialise. One probable cause of this confusion is the lack of a consolidated and clear set of social and environmental safeguards for REDD+ implementers to refer to, and for OCCD as an implementing agency, to monitor against. It is therefore, imperative that an overarching national framework for social and environmental safeguards; a corresponding safeguard information system to monitor the implementation of these safeguards; and the actual safeguards themselves, be established and developed as soon as possible.

### ***Open and transparent due process***

By clearly laying out roles and responsibilities, as well as providing a step-by-step guide of how FPIC can be carried out, and making provisions to address potential grievances, users of the guidelines are aware what a due process constitutes. Moreover, in terms of who seeks consent, the current FPIC guidelines should be broadened beyond private project developers to include related government agencies at the national, regional and provincial levels as they are also key stakeholders in the REDD+ process.

Building and managing a relationship between those seeking consent, and those giving or withholding consent is not easy. However, those seeking consent can still cultivate trust with the community through collaborative, participatory and transparent approaches in the design, implementation, monitoring, and review of REDD+ activities. These approaches help to identify common interests which in turn, contribute to creating realistic expectations. The key here is that trust can easily be built between both parties if the process involved is transparent and conducted in a participatory manner.

### ***Managing expectations through appropriate awareness raising***

The key findings have reinforced the message that climate change and REDD+, particularly how these concepts and their interventions relate to land owners, are not easily understood by local communities. Awareness raising is often depicted as a panacea, but results can be mixed depending on how well the process is managed.

A well-planned awareness raising campaign, conducted in a socially and culturally appropriate manner, should be able to progressively strengthen the communities' ability to make an informed decision while simultaneously create realistic expectations as well as manage unrealistic expectations. While key messages need to be consistent, these products should build on one another, allowing time in between for the communities to understand the materials at their own pace, and be presented and discussed repeatedly if, and where necessary. In order to do that, the messages need to be objective by presenting both the risks and benefits of the REDD+ activity. Sometimes, neutral facilitators are better placed to raise awareness to prevent conflicts of interest. They can also act as a focal point for questions communities may have in relation to the awareness raising materials presented.

### ***Legitimate representation to make informed decisions through full and effective participation***

Considering that most REDD+ activities are likely to be implemented at the village level, identifying and ensuring legitimate representation for decision making, starting at the clan level, will be one of the more challenging aspects of implementing the FPIC guidelines. The ability to identify legitimate representation at the clan level has significant bearing on corresponding sub-national and national representation. In particular, when there are decisions related to changes in policies, laws, and regulations affecting landowners at provincial and national levels. As such, the current effort to implement the Land Groups Incorporation (Amendment) Act 2009 is laudable and encouraging. However, it remains at an early stage, and the ability to fully achieve its expected outcomes remains to be seen. What might be helpful is to make important information readily available: who these various implementing agencies are; how the verification is conducted at the village level; and what measures are in place to ensure verification is carried out in a standardised manner.

## **Next steps**

### ***Clarify and strengthen institutional framework for FPIC***

The Division of REDD+ and Mitigation in OCCD may wish to consider the upcoming work on Social and Environmental Safeguards (SES) by UN-REDD Programme as an opportune time to build, clarify or strengthen any existing institutional framework that will oversee REDD+ implementation. One of the main considerations during this process is to decide if a planning approach as opposed to a project-

based approach will be adopted, and if so, how and what that particular approach will consist of. A further consideration is how the results and experience from current REDD+ projects will feed into a jurisdictional approach that is subsequently linked to the national REDD+ objectives. In reality, it necessitates an interagency approach, although coordination among different agencies and across different levels, could be anchored by a lead agency such as OCCD, in close collaboration with PNG FA, guided by the Sub<sup>1</sup> Technical Working Group on SES, and supported by among others, the UN-REDD Programme.

### ***Restructure FPIC guidelines***

The revised FPIC guidelines need to provide coherent guidance to its intended users, including identifying who these users might be. When considering at what level FPIC is applied, it is important to differentiate who seeks and who gives consent at the national, provincial and village levels. The key is to identify who will legitimately represent the landowners at each of these levels, and where representation does not exist, how they will be selected in ways recognised by both the affected land owners and Government of PNG. Bearing in mind that most REDD+ activities are likely to be implemented at the village level, engagement needs to be carried out at the individual clan levels. In addition to national government agencies, provincial agencies also have the prerogative to make decisions related to natural resources management and land-use planning. As such, the guidelines should outline what steps are needed, and how they differ from steps taken at the national level.

Another important element is how the outcome of the process will be recorded and stored. Particular attention should be made to the accuracy of the records; methods in which feedback from affected communities is incorporated; how the records are disseminated; and how these communities can access the records.

### ***Initiate broad stakeholder consultations***

The revised FPIC guidelines will stand to benefit from a series of broad consultation processes. The purpose is to ensure the finalized guidelines is able to provide practical steps to implement FPIC while addressing challenges that may arise from such implementation. It is recommended that an ad-hoc expert workshop on FPIC convene with the main objective to review the initial draft of the revised guidelines. Following further revision based on input from these experts, the guidelines should be made publicly available for comments.

Concurrently, four regional workshops to develop national guidelines on SES are planned throughout the country, leading up to a national workshop tentatively scheduled for end of November 2013. Discussions regarding how to further strengthen the draft revised guidelines, guided by a similar set of questions presented to the expert body, should be an integral part of the workshop agenda. Where possible, representatives of the ad-hoc expert body should be invited to take part in each of these workshops.

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<sup>1</sup> Discussions are on-going as to whether the Sub Technical Working Group on SES will remain as such, or be upgraded to a Technical Working Group.

The input from these workshops as well as from public comments will be consolidated into finalised guidelines by the end of 2013.

### **Conclusion**

The Government of PNG has made encouraging efforts to include land owner communities in the process of getting ready for REDD+. Operating on a “learning-by-doing” principle, some efforts have been more successful than others, but all have generated useful lessons that can be distilled and adapted into future strategies and activities. There is evidence that greater clarity regarding an institutional structure for REDD+ based on a planning approach will be an important step to address many of the challenges highlighted in this mission report. There is also evidence that closer interagency coordination and communication will enhance the ability to manage these challenges.

The mission appreciates the support shown by the Government of PNG, OCCD, PNG FA, Department of Lands and Physical Planning, FORCERT, the Sub Technical Working Group on SES and UNDP Country Office. It is also grateful to the hospitality and openness shared by the communities in Yigai, Malu, Tavolo and Leleafa Villages. The mission hopes that this report, through strengthening the FPIC guidelines, will contribute towards enhancing social safeguards that will enable land owner communities to work hand-in-hand with the Government of PNG in managing their natural resources sustainably.



# 1 Background

Papua New Guinea (PNG) has one of the most significant areas of largely-intact tropical forest in the world, although these forests appear to be facing acute and imminent threats. Forests are also a vital resource for the local population particularly in the remote rural areas of PNG, providing food, fibre, building materials, as well as supporting a variety of wildlife and ecosystem services. The Papua New Guinea Forest Authority (PNGFA) estimates that approximately 60% of the total area of the country is covered by natural forests, of which 52% are considered production forests, and 48% are for conservation.

Recognising the critical role of indigenous peoples and forest dependent communities to the long-term sustainability and effectiveness of REDD+, the UN-REDD Programme has prioritised stakeholder engagement from its inception, with the goal of supporting the implementation of the UNFCCC Cancun safeguards for REDD+ that require: “Respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws, as well as noting that the United Nations General Assembly has adopted the United Nations Declaration on the Rights of Indigenous Peoples [UNDRIP]” and “The full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities.” A key component of effective stakeholder engagement and consultation is the principle of Free, Prior and Informed Consent (FPIC), which is set out in the UNDRIP.

FPIC is the collective right of indigenous peoples, and, where relevant, other forest-dependent communities, to participate in decision making and to give or withhold their consent to activities affecting their lands, territories and resources or rights in general. The UN-REDD Programme’s approach to FPIC is predicated upon international human rights instruments such as the UNDRIP which recognises the right to self-determination. It applies to actions that have the potential to impact the lands, territories, and resources upon which rights-holders depend for their cultural, spiritual and physical sustenance, well-being and survival. The Programme’s Guidelines on FPIC<sup>2</sup> states that UN-REDD Programme partner countries are required to seek FPIC from rights-holders which will be affected by the decision/policy/activity in question.

PNG has been a leading proponent of REDD+ at the international level, and was one of the original UN-REDD "pilot" countries. UN-REDD activities to date have focused on supporting effective stakeholder engagement, including through the development of guidelines for FPIC. A draft of the ‘Guidance to Establishing *Free, Prior, and Informed Consent* for REDD+ Projects in Papua New Guinea’(hereafter referred to as FPIC guidelines) was produced in 2012 by the Office of Climate Change and Development (OCCD), the primary partner to the UN-REDD Programme. This guideline was prepared during an early stage on a national level, but has yet to be operationalized.

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<sup>2</sup>Working Final January 2013

## 2 Terms of Reference

### 2.1 Objectives of the mission

The main objective of the mission is to strengthen the draft FPIC guidelines and related supporting materials developed by OCCD for implementation of REDD+ Programmes in PNG. Its specific objectives focus on a comparative analysis based on field visits to REDD+ demonstration and project sites that have undergone consultative and/or FPIC processes, and to prepare a detailed work plan to revise the draft FPIC guidelines. This mission contributes directly to outcome 5: Stakeholders engaged in PNG's REDD readiness process through activity 5.1: Framework for stakeholder engagement processes in place (UN-REDD National Programme Document 2011).

### 2.2 Terms of Reference

The mission is expected to

- a) Conduct a review of the draft FPIC guidelines based on current literature, including the UN-REDD Programme Guidelines on Free, Prior and Informed Consent;
- b) Conduct a comparative analysis based on field visits to REDD+ demonstration sites that have undergone consultative processes, and other existing sites that have undertaken FPIC;
- c) Consolidate findings from the field visits with a view to strengthen the draft guidelines and related supporting materials; and
- d) Develop a work plan to revise the draft guidelines to be presented to the Social and Environmental Safeguards (SES) Sub-working Group.

The corresponding outputs are

- a) Gap analysis of current draft FPIC guidelines condensed into a clear report with recommendations to strengthen the existing guidelines;
- b) Proposed outline of revised guidelines; and
- c) A work plan to revise the guidelines, outlining the steps to be taken and the resources required.

### 2.3 Methodology

In consultation with OCCD, PNG Forest Authority (PNG FA), and PNG's Forest Management and Product Certification Service (FORCERT), three field sites located in different parts of PNG were selected for this mission:

- a) Yigai and Malu villages in April Salumei, a REDD demonstration area located in Forest Management Agreement (FMA) areas in Ambunti District, East Sepik Province, and under direct administrative control by PNG FA;
- b) Tavolo Village in East New Britain, a Payment for Environmental Services (PES) trial project of FORCERT<sup>3</sup>, a local not-for-profit service company; and

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<sup>3</sup>FORCERT has recently signed a Memorandum of Understanding with OCCD to ensure the proposed PES system for PNG is incorporated into the Climate Change Policy and all relevant laws and regulations.

- c) Leleafa village in Central Suau, a REDD demonstration area, situated in Alotau District, Milne Bay Province, and under administrative control of PNG FA together with GIZ and Secretariat of the Pacific Community (SPC).

A brief description of these sites, the proposed schedule, and a list of mission team members are enclosed as Appendices 1, 2 and 3 respectively.

A list of semi-structured guiding questions (refer to Appendix 4), divided into five categories: awareness raising; representation and participation; decision-making; documentation; grievances and disputes; was designed to rapidly assess the individual elements of free, prior, informed and consent (refer to Appendix 5). It was prepared with the intention of encouraging communities to share their experiences with previous or on-going consultative processes, organizations or institutions that may or may not necessarily be related to climate change or REDD+. Lessons distilled from these responses would then be used to strengthen the draft FPIC guidelines.

The team adopted a mixture of focus group discussions, and one-to-one interviews with the communities. These discussions and interviews were primarily conducted in TokPisin<sup>4</sup>, led and translated by team members from OCCD, Department of Lands and Physical Planning, and the UN-REDD Programme. The list of indicative questions was adapted according to the specific situation in each village, and supplemented by further questions based on responses received. The exception was in Tavolo Village where team members observed a consultation process on benefit sharing mechanism (BSM) for PES led by FORCERT. There were, however, opportunities to interview selected communities about their experiences with the broader PES consultative processes.

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<sup>4</sup> One of the three official languages in PNG, and the one most commonly used at the community level in the Highlands, Momase and Island Region of PNG.

## 3 Key Findings

Due to the time constraint in each village, these key findings represent a snapshot of the field observations the team was able to document.

### 3.1 Awareness raising

In Yigai, Malu and Lelefa villages, there was limited understanding of what climate change and REDD+ mean. Illustrations given were mainly about forest protection, but there was general confusion in terms of how REDD+ activities may impact their livelihoods and daily practices. For instance, some communities expressed grave concerns that they would be denied access to their forests, or that they would perish once all the “air” [sic] has been traded. Furthermore, potential benefits associated with REDD+ activities were primarily confined to monetary gains from carbon trading, followed by the promises of development such as permanent housing, supply of water tanks, improved education and healthcare. In contrast, communities were unable to discuss potential risks that might materialise from these activities. As a result, they are increasingly frustrated over numerous consultations that have created high expectations with no tangible outputs in the foreseeable future.

There are several plausible explanations for the lack of comprehensive understanding. Firstly, awareness raising in some villages was implemented by different parties: government agencies, project developers and NGOs. It is unclear to the team how and what each of these parties had communicated to the villages. Secondly, the average literacy level is quite low. The concepts of climate change and its link to REDD+ are complex and require frequent explanation conducted through participatory approaches, and using multiple communication formats before they can be adequately understood. Most of the awareness materials, however, were presented in English and TokPisin, in the form of presentations and printed materials. Often times, these interactions were relatively short; at the maximum half a day per visit, and carried out over infrequent intervals. The communities also did not know who to refer to if they had further questions regarding the information they have received. Finally, the difficult terrain and lack of easy accessibility present logistical challenges in organising meetings where all the communities are present.

By comparison, Tavolo village demonstrated a better understanding of climate change, and more importantly, the risks and benefits associated with the trial PES system that seeks financing from REDD+. This can be attributed to the long-term relationship FORCERT has built with the village, starting with earlier works on Forest Stewardship Council’s certification for small-scale tree harvesting. Awareness raising efforts were carried out in stages, through various formats, often using pictures, and scheduled based on needs expressed by the communities themselves. Another reason is that the community has been kept informed of, and actively involved in all stages of the process, and is clear about its role and responsibilities, including preparatory work that the community itself needs to do. Throughout the process, the communities knew who to approach to seek clarification on the materials and information presented. The difference in Tavolo village is also largely related to the strong leadership of the Councillor, who not only organises events, but also actively networks with villages nearby and other NGOs working in the area. FORCERT also emphasises on the non-dependency and non-free handout

mentality where communities must take ownership of looking after their resources, and take the lead in organising themselves and managing their small business enterprise.

### 3.2 Representation and participation

The team observed several general types of representation with overlapping functions and varying degrees of effectiveness and legitimacy: traditional, Incorporated Land Group (ILG), Land Owner Companies (LOC), Village or Ward Development Committee (VDC) and Business Group or Public Company. Theoretically, when designated representatives are known among the communities, the division of roles and responsibilities is clear, and mutual interests well-articulated, these structures have the potential to galvanise the village into a collectively strong and efficient entity.

However, the traditional structure of a chief overseeing a body of elders made up of clan leaders is not the norm throughout the country. In most cases, this type of representation is getting scarcer and has gradually diminished with time. There have also been problems with the ILG<sup>5</sup>, notably, the registration of rightful landowners. The Land Groups Incorporation (Amendment) Act 2009 is therefore an attempt to rectify this loophole by necessitating birth certificates of ILG members in the registration process. Although efforts are on-going to re-register the ILGs, it is a time consuming task, hampered by the lack of birth certificates, and unlikely to be resolved in the immediate future. In the same token, representation at the level of LOC is also problematic as it is another step removed from the communities. Given that both the ILG and LOC are legal entities to negotiate and enter into REDD+ agreements with the government or project developers, the issue of misrepresentation has significant bearing on the design and implementation of benefit sharing mechanisms specifically, and the FPIC process generally.

While the VDC might be poised to be a probable point of entry, its capacity to function effectively has been questionable. Furthermore, traditional landowners often refer to the clan in most matters related to natural resources or land use, and not the VDC. Although a Business Group presents an alternative option for landowners to enter into agreements, it might require additional training and support to help its Board of Directors or equivalent body to plan, sustain and possibly expand its business operations. Collectively, ensuring legitimate representation, and full and effective participation by the affected traditional landowners in matters related to REDD+ and beyond remain a significant undertaking in PNG.

Meaningful representation of, and participation by women across these three field sites are largely uneven, mainly due to a lack of confidence, and competing demands for their time and energy. Although not significant, the social dictates of a patrilineal clan are also a contributing factor. “Inform”, “consult”,

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<sup>5</sup> Land tenure in PNG is divided into two categories, Alienated Land and Customary Land. The former takes up 3% of total land mass, is owned and administered by the State through leasehold and freehold interest. The latter consists of the remaining 97% and is owned by the Indigenous Peoples of PNG whose ownership rights and interest is regulated by their Customs. The establishment of an ILG as corporate entity by customary landowners allows them to liaise with the government and project developers in matters related to resource and land use management.

and “decision-making”, for example, are interpreted and applied differently between the genders. However, there is a direct relationship between access to education and the quality of representation and participation. As observed in Tavolo Village, access to education can also be interchanged with access to increased opportunities to enhance knowledge, abilities and skills among the women. Also women in Tavolo have been strongly encouraged to participate in all meetings and discussions for the FORCERT PES trial project from day one to date.

### 3.3 Decision-making and documentation

The traditional structure for decision-making is generally quite clear, from family unit to clan to village elders, and covers a multitude of issues including those related to natural resource and land use management. Where an ILG management committee or equivalent body exists, decisions from the various clans will be presented to this committee prior to village elders. However, as briefly elaborated in Section 3.2, the existence, effectiveness and legitimacy of these structures vary throughout the country. Notwithstanding these variations, generally, at the clan level, discussions may take place separately among the men, women and youths before a collective decision is made. In all these levels, decisions are predominantly made based on consensus<sup>6</sup>. Disagreements are not viewed favourably and are generally resolved through more intense rounds of discussions. In terms of intermarriages, while the views of these “external” members are welcomed, their views are not accounted for in the final decision.

The time allocated for a decision to be made is dependent on the significance of, and the ability to understand the subject matter. Decisions regarding resource and land use, grievances and disputes for example, may take longer as they affect the communities as a whole. Where lack of capacity is a factor, communities may opt to refer to educated clan members working in towns for further guidance. In villages with lower literacy level, this is less of a feasible option. With the exception of Tavolo village, communities are often not in a position to determine the length of time required to make an informed decision. In some cases, communities only had a few hours to make a decision before the project developer leaves.

In most of the villages, any decision, whether made internally or externally, are generally not recorded. Recollection of decisions made in the past is tied to memorable events such as road construction, or to a person such as the village Councillor or elder. Nonetheless, communities are aware that circumstances surrounding an earlier decision may change, and that they may need to potentially revise those decisions<sup>7</sup>. The question related to consent given for REDD+ activities, however, is who and what the point of reference for their decision should be. This is particularly since the affected landowners will need to monitor and evaluate whether the REDD+ implementer is complying with the conditions in which the landowners gave their consent. They could rely on records produced by the REDD+ implementer, provided those records are shared with the village, and further shared widely among the

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<sup>6</sup> In TokPisin, this is referred to as “wanbel”, one-belly, meaning all having the same feeling on an issue.

<sup>7</sup> The exception, however, was in Leleafa village where decisions related to excising land are considered final.

communities. In one extreme example, a village had signed an agreement with a project developer, but did not receive a copy, nor did they fully understand the contents of the agreement.

### **3.4 Grievance and dispute mechanisms**

Customary practices to address land-related grievance and dispute within and between villages are clear and functioning. Grievances or disputes at this level are usually less serious in nature, for example, boundary demarcation between families. The dispute or grievance is firstly discussed at the family unit level, failing which it is then brought to the attention of the clan leader who mediates for a resolution. Achieving consensus between parties is the prevailing principle, and can be reached through, among others, restitution and compensation. When all options for a resolution are exhausted at the village level, neighbouring villages may be brought in to mediate. Where customary practices are inadequate, the matter may be subsequently referred to the legal system, either the Village Court or Local Land Court at the District level who, as a first step of settlement, requests assistance from land mediators appointed by the Provincial Land Disputes Committee. When mediation proves to be unsuccessful, the land-related grievance or dispute is referred back to the Local Land Court. An appeal of a Local Land Court decision may be directed to the Provincial Land Court, with a further final appeal to the National Court<sup>8</sup>.

Thus far, these customary practices have generally not been able to successfully resolve land-related grievance or dispute with external parties, whose arise is often attributed to a lack of integrated land-use planning, misrepresentation of landowners, lack of procedural fairness, competing interests and uneven power relations. Furthermore, cases referred to the legal system face a long and expensive process.

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<sup>8</sup> Sources: Land Disputes Settlement Act 1975, and <http://www.magisterialservices.gov.pg/landcourt/Landcourt.pdf> (Accessed 18 July 2013)

## 4 Key Considerations

This section outlines key considerations in the implementation of the FPIC guidelines for REDD+ activities.

### 4.1 Importance of a national framework for Social and Environmental Safeguards

One recurring observation from the mission was the presence of multiple independent actors in all stages of the REDD+ process. There was general confusion among a majority of the communities as to who these actors are, what the long term objectives of their engagement with the communities are, and what differentiates these actors one from the other. In some instances, these interactions with a multitude of actors have led to consultation fatigue, coupled with a growing sense of frustration and anger as promises made have yet to materialise. One probable cause of this confusion is the lack of a consolidated and clear set of social and environmental safeguards for REDD+ implementers to refer to, and for OCCD as an implementing agency, to monitor against.

The process for free, prior and informed consent, for example, is one among many social safeguards that countries who are signatory to the United Nations Framework on the Convention of Climate Change would need to put into place. Although PNG has FPIC guidelines, the current version neither state who will assume an oversight role for the guidelines, nor what the detailed roles and responsibilities are. Furthermore, the relationship between the leading agency and other agencies at the national and sub-national levels, how it will be managed, and how roles and responsibilities will be divided, need greater clarification and elaboration. OCCD in the preparation of the guidelines has stated that it will play a supporting role to government agencies, non-governmental bodies and landowner representatives or organisations in ensuring social safeguards are implemented. What constitutes a supporting role is undefined.

It is therefore, imperative that an overarching national framework for social and environmental safeguards; a corresponding safeguard information system to monitor the implementation of these safeguards; and the actual safeguards themselves, be established and developed as soon as possible.

### 4.2 Open and transparent due process

By clearly laying out roles and responsibilities, as well as providing a step-by-step guide of how FPIC can be carried out within an inclusive and participatory consultative process (refer to Appendix 6), and making provisions to address potential grievances, users of the guidelines are aware what a due process constitutes. Moreover, in terms of who seeks consent, the current FPIC guidelines should be broadened beyond private project developers to include related government agencies at the national, regional and provincial levels as they are also key stakeholders in the REDD+ process.

Whose consent should be sought, however, is dependent on which level REDD+ activities will take place. Often times with REDD+, activities will be implemented at the village level. As such, the affected land



owners must be a part of a broader consultative process where a fully informed decision leading to consent given or withheld is but one of a wider set of objectives which may include capacity building. Nonetheless, building and managing a relationship between those seeking consent, and those giving or withholding consent is not easy. The healthy relationship between Tavolo Village and FORCERT, for instance, was built on years of consistent interaction resulting in mutual respect and trust. It is, however, an exception rather than the norm as it involves long-term commitment and the pursuit of mutual interests.

In lieu of these contributing factors, those seeking consent can still cultivate trust with the community through collaborative, participatory and transparent approaches in the design, implementation, monitoring, and review of REDD+ activities. These approaches help to identify common interests which in turn, contribute to creating realistic expectations. The key here is that trust can easily be built between both parties if the process involved is transparent and conducted in a participatory manner.

### **4.3 Managing expectations through appropriate awareness raising**

The key findings have reinforced the message that climate change and REDD+, particularly how these concepts and their interventions relate to land owners, are not easily understood by local communities. Awareness raising is often depicted as a panacea, but results can be mixed depending on how well the process is managed. But how much awareness raising is enough and when does it become too much? The answer to those questions lie, to some extent, in the results of a capacity and information needs assessment of the community where REDD+ activity will occur. The capacity needs assessment is also a good exercise to enhance the overall knowledge, skills and abilities of implementing agencies, especially provincial level governments who, in addition to being key intermediaries between national agencies and the communities, are also key players.

A well-planned awareness raising campaign, conducted in a socially and culturally appropriate manner, should be able to progressively strengthen the communities' ability to make an informed decision while simultaneously create realistic expectations as well as manage unrealistic expectations. It needs to be very explicit in terms of its objectives and approaches, accounting for its intended audience, their literacy levels, as well as how the communities are organised and represented, in order to develop a suite of awareness raising products of different varieties and formats. While key messages need to be consistent, these products should build on one another, allowing time in between for the communities to understand the materials at their own pace, and be presented and discussed repeatedly if and where necessary. In order to do that, the messages need to be objective by presenting both the risks and benefits of the REDD+ activity. Multiple benefits such as protection of ecosystems, food security, enhanced livelihoods, clearer tenure rights, infrastructure gains, as opposed to monetary gains, should be given equal emphasis. Sometimes, neutral facilitators are better placed to raise awareness to prevent conflicts of interest. They can also act as a focal point for questions communities may have in relation to the awareness raising materials presented.

#### **4.4 Legitimate representation to make informed decisions through full and effective participation**

Considering that most REDD+ activities are likely to be implemented at the village level, identifying and ensuring legitimate representation for decision making, starting at the clan level, will be one of the more challenging aspects of implementing the FPIC guidelines. The ability to identify legitimate representation at the clan level has significant bearing on corresponding sub-national and national representation. In particular, when there are decisions related to changes in policies, laws, and regulations affecting landowners at provincial and national levels. As such, the current effort to implement the Land Groups Incorporation (Amendment) Act 2009 is laudable and encouraging. However, it remains at an early stage, and the ability to fully achieve its expected outcomes remains to be seen. What might be helpful is to make important information readily available: who these various implementing agencies are; how the verification is conducted at the village level; and what measures are in place to ensure verification is carried out in a standardised manner.

## 5 Recommendations

### 5.1 Clarify and strengthen institutional framework for FPIC

The Division of REDD+ and Mitigation in OCCD may wish to consider the upcoming work on SES by UN-REDD Programme as an opportune time to build, clarify or strengthen any existing institutional framework that will oversee REDD+ implementation. One of the main considerations during this process is to decide if a planning approach as opposed to a project-based approach will be adopted, and if so, how and what that particular approach will consist of, and when it will be implemented. A further consideration is how the results and experience from current REDD+ projects will feed into a jurisdictional approach that is subsequently linked to the national REDD+ objectives.

As key findings have indicated, and given the interdisciplinary nature of REDD+, a planning approach based on inclusive and participatory processes would be more preferable to ensure national REDD+ objectives are met without compromising the rights and security of landowners. A manifest of this approach would then be reflected in a framework that is cross-sectoral, integrating forestry issues with broader land use planning, including provisions to address potential grievances. As such, it necessitates an interagency approach, although coordination among different agencies and across different levels, could be anchored by a lead agency such as OCCD, in close collaboration with PNG FA, and the Department of Environment and Conservation, guided by the Sub<sup>9</sup> Technical Working Group on SES, and supported by, among others, the UN-REDD Programme.

### 5.2 Restructure FPIC guidelines

The revised FPIC guidelines need to provide coherent guidance to its intended users, including identifying who these users might be. Again, it is linked to a bigger question of how REDD+ will be implemented in PNG in the long term: a planning-based approach that takes into account national and jurisdictional objectives, or a project-based approach, and if it will be embedded in a broader national PES system. Once there is a clear answer to that question, the existing guidelines can be strengthened further by adopting the recommended sections below.

- Introduction – Objectives and intended users;
- Normative framework – National and international obligations;
- Define FPIC – Elements of FPIC;
- Policy framework – What the role of the Government of PNG is; when FPIC is required; at what level FPIC is applied; who seeks and who gives consent; and how the outcome of the process should be recorded;
- Operational framework – FPIC scoping review, implementation and evaluation;
- Grievance mechanisms – What provisions are in place to address potential grievances arising from implementation of PES or REDD+ activities.

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<sup>9</sup>Discussions are on-going as to whether the Sub Technical Working Group on SES will remain as such, or be upgraded to a Technical Working Group.

When considering at what level FPIC is applied, it is important to differentiate who seeks and who gives consent at the national, provincial and village levels. The key is to identify who will legitimately represent the landowners at each of these levels, and where representation does not exist, how they will be selected in ways recognised by both the affected land owners and Government of PNG. Bearing in mind that most REDD+ activities are likely to be implemented at the village level, engagement needs to be carried out at the individual clan levels. In addition to national government agencies, provincial agencies also have the prerogative to make decisions related to natural resources management and land-use planning. As such, the guidelines should outline what steps are needed, and how they differ from steps taken at the national level.

Another important element is how the outcome of the process will be recorded and stored. Particular attention should be made to the accuracy of the records; methods in which feedback from affected communities is incorporated; how the records are disseminated; and how these communities can access the records.

### **5.3 Initiate broad stakeholder consultations**

The revised FPIC guidelines will stand to benefit from a series of broad consultation processes. The purpose is to ensure the finalized guidelines is able to provide practical steps to implement FPIC while addressing challenges that may arise from such implementation. The Sub Technical Working Group on SES, with assistance from OCCD and the PNG UN-REDD Programme, should provide oversight for these processes as part of its TOR.

It is recommended that an ad-hoc expert body on FPIC be established with the main objective to review the initial draft of the revised guidelines. A body of not more than 12 individuals should consist of at least one representative from relevant national and regional governments, civil society organisations, academic institutions and private sector, and be selected based on, but not limited to, the following criteria:

- Good understanding of, and relevant work experience with natural resource, climate change and REDD+ in PNG;
- Experience working with FPIC;
- Familiarity with the policy context in PNG; and
- Wider experience in working with communities/community engagement in PNG.

Once a draft of the guidelines is ready, a workshop should be convened where these experts can provide their guidance through a series of structured questions. Following further revision based on input from these experts, the guidelines should be made publicly available for comments.

Concurrently, four regional workshops to develop national guidelines on SES are planned throughout the country, leading up to a national workshop tentatively scheduled for end of November 2013. Discussions regarding how to further strengthen the draft revised guidelines, guided by a similar set of questions

presented to the expert body, should be an integral part of the workshop agenda. Where possible, representatives of the ad-hoc expert body should be invited to take part in each of these workshops. The input from these workshops as well as from public comments will be consolidated into finalised guidelines by the end of 2013.

The table below outlines the proposed work plan.

| Activities                                     | Output                             | Action by             | May |   | June |   |   |   | July |   |   |   | August |   |   |   | September |   |   |   | October |   |   |   | November |   |   |   | December |   |   |   |
|------------------------------------------------|------------------------------------|-----------------------|-----|---|------|---|---|---|------|---|---|---|--------|---|---|---|-----------|---|---|---|---------|---|---|---|----------|---|---|---|----------|---|---|---|
|                                                |                                    |                       | 3   | 4 | 1    | 2 | 3 | 4 | 1    | 2 | 3 | 4 | 1      | 2 | 3 | 4 | 1         | 2 | 3 | 4 | 1       | 2 | 3 | 4 | 1        | 2 | 3 | 4 | 1        | 2 | 3 | 4 |
| Compile findings from field visits             | Field Report                       | Danny, Celina         | ■   | ■ | ■    |   |   |   |      |   |   |   |        |   |   |   |           |   |   |   |         |   |   |   |          |   |   |   |          |   |   |   |
| Meeting with SES Sub WG                        | Finalized Workplan                 | Danny, Celina         | ■   |   |      |   |   |   |      |   |   |   |        |   |   |   |           |   |   |   |         |   |   |   |          |   |   |   |          |   |   |   |
| Revise the Guidelines                          |                                    | Danny                 |     | ■ | ■    | ■ | ■ |   |      |   |   |   |        |   |   |   |           |   |   |   |         |   |   |   |          |   |   |   |          |   |   |   |
| Comment on Guidelines                          |                                    | Celina                |     |   |      |   | ■ | ■ | ■    | ■ |   |   |        |   |   |   |           |   |   |   |         |   |   |   |          |   |   |   |          |   |   |   |
| Consolidate comments                           | Revised Guidelines Draft Version 1 | Danny                 |     |   |      |   |   |   |      | ■ | ■ | ■ |        |   |   |   |           |   |   |   |         |   |   |   |          |   |   |   |          |   |   |   |
| Preparation for FPIC Expert Workshop           |                                    | Danny, Arthur, Celina |     |   |      |   |   |   |      | ■ | ■ | ■ |        |   |   |   |           |   |   |   |         |   |   |   |          |   |   |   |          |   |   |   |
| FPIC Expert Workshop                           |                                    | Danny, Arthur         |     |   |      |   |   |   |      |   |   |   | ■      |   |   |   |           |   |   |   |         |   |   |   |          |   |   |   |          |   |   |   |
| Consolidate comments from FPIC Expert Workshop | Expert Workshop Report             | Danny                 |     |   |      |   |   |   |      |   |   |   |        | ■ | ■ | ■ |           |   |   |   |         |   |   |   |          |   |   |   |          |   |   |   |
| Guidelines for public comments                 | Revised Guidelines Draft Version 2 | Danny, Celina         |     |   |      |   |   |   |      |   |   |   |        |   |   |   | ■         | ■ | ■ | ■ | ■       | ■ | ■ | ■ | ■        | ■ | ■ |   |          |   |   |   |
| Preparation for 4 SES regional workshops       |                                    | Arthur                |     |   |      |   |   |   |      |   |   |   |        |   |   |   | ■         | ■ | ■ | ■ |         |   |   |   |          |   |   |   |          |   |   |   |
| SES Regional Workshops                         | Consolidated FPIC comments         | Danny                 |     |   |      |   |   |   |      |   |   |   |        |   |   |   |           |   |   | ■ | ■       | ■ | ■ |   |          |   |   |   |          |   |   |   |
| Preparation for SES National Workshop          |                                    | Danny, Arthur, Celina |     |   |      |   |   |   |      |   |   |   |        |   |   |   |           |   |   |   | ■       | ■ | ■ |   |          |   |   |   |          |   |   |   |
| SES National Workshop                          |                                    | Danny, Celina, Arthur |     |   |      |   |   |   |      |   |   |   |        |   |   |   |           |   |   |   |         |   |   |   |          | ■ |   |   |          |   |   |   |
| Consolidate comments from national workshop    | Finalized National FPIC Guidelines | Danny, Celina         |     |   |      |   |   |   |      |   |   |   |        |   |   |   |           |   |   |   |         |   |   |   |          |   | ■ | ■ | ■        | ■ |   |   |

## 6 Conclusion

The Government of PNG has made encouraging efforts to include landowner communities in the process of getting ready for REDD+. Operating on a “learning-by-doing” principle, some efforts have been more successful than others, but all have generated useful lessons that can be distilled and adapted into future strategies and activities. There is evidence that greater clarity regarding an institutional structure for REDD+ based on a planning approach will be an important step to address many of the challenges highlighted in this mission report. There is also evidence that closer interagency coordination and communication will enhance the ability to manage these challenges.

The mission appreciates the support shown by the Government of PNG, OCCD, PNG FA, Department of Lands and Physical Planning, FORCERT, the Sub Technical Working Group on SES and UNDP Country Office. It is also grateful to the hospitality and openness shared by the communities in Yigai, Malu, Tavolo and Leleafa Villages. The mission hopes that this report, through strengthening the FPIC guidelines, will contribute towards enhancing social safeguards that will enable land owner communities to work hand-in-hand with the Government of PNG in managing their natural resources sustainably.

## Appendix 1: Description of Field Sites

### APRIL SALUMEI<sup>10</sup>

**Project Name** : April Salumei Forest Management Agreement (FMA) Area  
**Term of FMA** : 50 years (1996-2046)  
**Project Location:** Ambunti, East Sepik Province

#### **Acquisition of April Salumei FMA Area**

The April Salumei timber area is located in Ambunti District, East Sepik Province. The FMA area has a total of about 521,500ha and was acquired under the Forestry Act, 1991 (as amended) as a FMA area on 20<sup>th</sup> December 1996 by the State through the PNG Forest Authority (PNGFA) with the intention of having the area developed for timber utilization and production. However, this intention was not realized due largely to the fact that about 177,000ha of the FMA area was converted to a Wildlife Management Area (WMA) in 1997, making the area not viable for a large scale timber operation.

Furthermore, the area has been classified as having high biodiversity and has a fragile ecosystem in relation to a large scale logging operations. This was compounded with on-going court battles between the Department of Environment and Conservation (DEC) and a faction of resource owners over the FMA/WMA conversion issue and a National Forest Board (NFB) resolution to develop the area under a low impact logging arrangement. The court issues regarding the WMA are with the resource owners and are yet to be progressed in court. There is a likely event that this court matter may be set aside or dismissed.

Since 1996 there has been no major development in the FMA area until the issues of climate change and the concept of REDD was introduced, which provides an opportunity to process the April Salumei FMA area under a low impact and environmentally friendly arrangement.

#### **How April Salumei FMA area became a REDD Pilot and its Progress todate**

In 2008, with the support of the then Prime Minister, Grand Chief Sir Michael Somare, the former Office of Climate Change and Environment Sustainability (OCCES) in partnership with Earth Sky initiated a REDD pilot within the FMA area, calling it “April Salumei Sustainable Forest Project” (ASSFP). A first Project Design Document (PDD) was completed by South Pole Carbon Asset Management (SPCAM) in 2009, however, the project was abandoned due to the abolishment of Office of Climate Change and Environment Sustainability (OCCES) by the National Executive Council (NEC) and the withdrawal of SPCAM. Despite this incidents, Rainforest Management Ltd (RML) a company linked to Earth Sky Ltd continued to conduct landowner consultations and awareness on REDD in the FMA area, and also completed a second PDD. This was then submitted to the Climate Community and Biodiversity

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<sup>10</sup> Prepared by PNG FA.



Standards (CCBS) in October 2010. It was during 2010 the RML consulted the PNGFA through the Managing Director, Mr. Kanawi Pouru. Mr. Pouru advised the RML that since they were working in a FMA area, they were required to adhere to the Forestry Act 1991 (As amended) and report to the PNGFA which also includes the NFB.

In realizing the change in the mindset of the resources owners were now on the REDD concept and that large scale logging in the FMA area was not feasible, the National Forest Board made a decision in October 2010 to have the FMA area developed under a REDD+ demonstration pilot and requested the PNGFA Managing Director to conduct a landowners awareness and a development option study (DOS).

The ASSFP underwent validation against Climate Community Biodiversity (CCB) standards in June 2011, achieving Gold status in recognition of biodiversity in the FMA area. A certification date was issued on the 13<sup>th</sup> June, 2011 and will expire on the 12<sup>th</sup> June, 2016.

Furthermore in July and August 2011, National Forest Service (NFS) officers visited the 130 Incorporated Land Group (ILGs) that signed the FMA to inform them of the NFB decision and to seek their mutual consensus. The meeting revealed that 92% of the ILGs agreed that the FMA area be developed as a REDD demonstration pilot.

In September and October 2012, NFS and Office of Climate Change and Development (OCCD) officers conducted a development option study (DOS) in the area to verify and confirm the resource owners' views. The DOS report is yet to be submitted to the NFB for its deliberation and directive to the NFS for appropriate actions.

### **View of the National Forest Service (NFS)**

The NFS is aware of the resource owners needs for basic social services and economic benefits to enhance their livelihoods and minimize poverty. It has been ascertained that the development of their timber sources in the FMA area is not a feasible option and encourage this REDD concept with this forest carbon pilot providing an opportunity to improve the people's livelihood while managing their forest resources on a sustainable basis.

Currently as ascertained there is no legislative provisions regarding the development of forest carbon pilots or projects. The Forestry Act – 1991 (as amended) cannot be applied in its entirety to develop a forest carbon or REDD pilots, given that the NFS is aware that the forest carbon developer (RML) has support from both resource owners and government. However, is required to adhere to the forestry legislation to complete the acquisition and allocation process.

The area to be developed for forest carbon is within the FMA area, hence the PNGFA has the legal authority to allocate the FMA area to a successful developer. However, the process of developing a REDD or any project concerning the development of forest carbon as a tradable commodity is yet to be

included in the Forestry Act – 1991 (as amended) and to give effect to the policy statement in the National Forest Development Guidelines (NFDG).

Finally, considering that the April-Salumei FMA area is at its advance stage of forest carbon development as a pilot. The NFS will be engaging the Lowering Emissions from Asia Forests (LEAF) project funded by USAid to assist, fund and review the forest legislation to also include the acquisition and allocation of forest areas for forest carbon development and the trading of forest carbon as a commodity in the market place.

## CENTRAL SUAU<sup>11</sup>

Central Suau, located in Alotau District in Milne Bay Province comprises 64,000 ha of land. An initial land cover analysis was conducted by Scott Alexander Stanley ( A consultant engaged by GIZ and SPC), which indicated that 60% of the area is in pristine primary forest, with an extensive mangrove area representing 5% (3,030 ha) of the total area found mostly in Mullins Bay. A traditional system of shifting cultivation is practiced by the people of the villages and more than 120 incorporated land groups (ILG's), and has had a surprising impact on the area, with 28% (approximately 18,000 ha) of it under cultivation. Another 3,000 ha are classed as secondary forest, degraded primary forest or fallow gardens.

A breakdown of land cover types in Central Suau is tabulated below:

| Land Cover Types                    | Area (ha)     | Percentage  |
|-------------------------------------|---------------|-------------|
| PrimaryForest                       | 38,706        | 60.3%       |
| Degraded Primary or SecondaryForest | 3,042         | 4.7%        |
| Mangrove                            | 3,030         | 4.7%        |
| Agriculture                         | 18,222        | 28.4%       |
| Grass                               | 13            | 0.0%        |
| Rock                                | 2             | 0.0%        |
| Sand                                | 8             | 0.0%        |
| Unclassified (clouds)               | 1,217         | 1.9%        |
|                                     |               |             |
| <b>Grand Total</b>                  | <b>64,238</b> | <b>100%</b> |

The PNG Forest Authority through the Milne Bay Provincial Forest Plan (MBPFP) and the 1996 National Forest Plan identified Central Suau as an area for development under a 35 year natural forest concession (selective logging). Clans own the forest of Central Suau like most of PNG, and the PNGFA is obligated to follow a 34-step process of gaining the timber rights from these clans before the timber permit is granted for the forest concession. As part of the approval process, the clans must first demonstrate legal ownership of these forests through a process termed as Incorporated Land Groups (ILG's). The PNGFA has so far conducted reconnaissance survey over the forest area and a timber inventory in Central Suau.

Both of the aforementioned activities are administratively time consuming and require substantial financial resources which clearly demonstrate that the State's intention was to move forward with developing an industrial scale timber concession.

In 2010, with renewed commitment toward developing REDD demonstration sites, the plans for Central Suau were changed to a REDD demonstration site. Nevertheless, in interviews with communities, every

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<sup>11</sup> Prepared by PNG FA.

single one responded indicating their desire to improve their livelihoods and provide better educational opportunities for their children, and while they didn't want their forest destroyed, these communities would have allowed a timber concessionaire to operate as long as they gained substantial financial benefits.

After necessary approval from the National Forest Board (NFB), National Executive Council (NEC) and the Milne Bay Provincial Forest Management Committee (MBPFMC), Milne Bay Province was selected as the REDD Pilot site by the MBPFMC, Suau Local Level Government (SLLG) and the 28 villages and forest communities within the SLLG area.

During 2011 and 2012, the PNGFA has conducted 2x Climate Change and REDD Awareness, 2x Biomass Surveys and 1x REDD Feasibility Study.

Currently in 2013, the PNGFA with the Milne Bay Provincial Administration staff are conducting a Climate Change and REDD Awareness, a Adaptation and Vulnerability Assessment and a Incorporated Land Group (ILG) Social Mapping using the new ILG Legislation (Birth Registration and Sketch Map of Clan Boundaries).

Possibly at the end of 2013 or in 2014, the PNGFA will be conducting a Development Option Study (DOS) to ascertain the landowners' views on the development option the people of Central Suau would like to undertake in Central Suau. This will set in motion the development aspiration of the people.

Finally, please note that a REDD Feasibility Study report for Central Suau REDD+ Pilot will be presented at our meeting on Sunday 5<sup>th</sup> May, 2013.

## **FORCERT PES TRIAL PROJECT<sup>12</sup>**

### **Introduction**

The FORCERT Payment for Environmental Services (PES) project on New Britain Island in Papua New Guinea (PNG), allows local communities to sustainably manage their land and forest, resisting serious forest degradation by industrial logging and forest conversion to oil palm plantations.

At present the income the communities FORCERT works with make from Forest Stewardship Council (FSC) certified small-scale tree harvesting and other forms of sustainable land use, like small-scale coconut and cacao plantations, is too small to be able to compete with the income from large scale logging or oil palm plantations. Managing their tropical rainforests for local and global environmental services, means the prospect of an additional, long term, regular income from sustainable forest management. This extra income supports the sustainable land use of the village communities and provides them with sufficient overall income to realise their village development plans.

For this reason in 2010 FORCERT started a PES trial project, aiming to develop payment for environmental services as a management option for FSC certified forests of village communities in PNG. The project has started off with a first group of five remote village communities, together safeguarding an area of 20,000 hectares of tropical rainforest. It is planned to have all 23 communities FORCERT currently works with included in the PES project, which would see more than 40,000 hectares of rainforest protected.

As in the long run PES is likely to be organised and managed at a national level, but can only become a success with full community involvement, the FORCERT-PES project covers both national and community level work. At the national level FORCERT has facilitated the development of a *Proposed PES system for PNG* by a group of PNG experts (attached). At the community level the practical implementation of the main ideas and concepts of this system is being organised and tested.

FORCERT and Mama Graun Conservation Trust Fund (MGCTF) signed a MOU and an Agreement to establish and manage the “PES Advised Fund for PNG Communities”. Through this national level Fund, MGCTF will manage all PES income from the various financing sources, and disburse the funds directly from the national level to the community level.

Although the PES system is set up to cover all possible forms of Environmental Services for which financing may be obtained, at present carbon sequestration & storage is clearly the most potential ES, especially for tropical forests through the Reduced Emissions from Deforestation & forest Degradation (REDD) initiatives.

### **About FORCERT**

FORCERT is a local not-for-profit service company, supporting village communities in their sustainable forest management. Interested communities are assisted to do their own sustainable land use and village development planning. These village communities, often consisting of a number of clans, organise themselves in a business group or cooperative to run their forest management company. This

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<sup>12</sup> Prepared by FORCERT.

village enterprise then signs a contract with FORCERT and commits itself to work in accordance with FSC & Fair Trade standards.

## **Participation and FPIC in the FORCERT-PES project**

### **PES trial community selection**

FORCERT asked 8 out of the 23 communities it currently works with, if they would be interested to be part of the FORCERT-PES project. These 8 communities were selected on the basis of their history as members of the FORCERT Group Certification Service Network(GCSN). Community awareness meetings were held, in which climate change was discussed with the community and explained, the concept and workings of REDD and PES, and how the FORCERT-PES project fits into the overall climate change picture. It was made very clear to the communities that the PES project is merely a trial to develop PES as an additional income earning option for communities in PNG, with no guarantees whatsoever that actual financial benefits would be delivered in the near future, nor any idea of the level of potential benefits that would be available for each community. Especially in the PNG context where in the years after PNG put REDD on the international agenda, there has been a hype on carbon credits and carbon trading and the billions of Kina's that this would bring to communities involved, it is of the essence to avoid misunderstanding and unrealistic expectations on delivery of potential benefits with community members. From the responses to the awareness and the consequent discussions at the meetings, all communities showed a clear understanding of the scope and expected results of the PES project and all 8 communities agreed to become a part of the trial.

Out of these 8, 5 communities were asked to become the first group (instance) for the planned FORCERT VCS Grouped Project. Community meetings were held to explain what this meant, and how the VCS certification will fit into the overall FORCERT GCSN. Also the communities are regularly updated on climate change related international and national level developments, and what the link of the PES project work and its relevance to it is.

### **Community ownership & participation**

The participating local communities are the majority shareholders of FORCERT, and are fully informed of and involved in every stage of the PES project development. The FORCERT PES project is the only natural resource management project in PNG that has taken the discussions on benefit sharing down to the community level, explaining and discussing every aspect of the projects benefit sharing mechanism in PNG's common language TokPisin (Pidgin English). As literacy and education levels are often low, appropriate pictures are used to be able to tell easy understandable "stories" about the monetary and non-monetary benefits of project for the community, and as much as possible every time try to lower expectations. Also communities are allowed ample time for further discussions in their clan groups, and women and youth groups in their own local language. After community consensus is reached, each community sets their own specific rules to manage the benefits of the project, additional to the overall general benefit sharing rules as agreed by all participating communities.

As explained above financing for PES will be managed in the PES Advised Fund for PNG Communities, and disbursements to communities will be made directly from this Fund to the participating communities by MGCTF. There will be annual reporting by MGCTF and FORCERT to all participating communities on income & expenses of the PES Advised Fund for PNG Communities, done at general community meetings through “money story”, i.e. a tool for financial reporting using picture style presentations.

### **Gender equality**

The FORCERT PES project follows the FORCERT guidelines on community engagement, empowerment and involvement of men, women and youth. These guidelines strive to involve all community members and pay specific attention to women’s and youth involvement, as potential marginalised groups in the communities. For the involvement of women the PES project has the unique practice of having gender balance in the community forest carbon inventory teams (50% female – 50% male).

FORCERT has clear requirements for its village eco-enterprise members on the involvement of women, a/o at least one women signatory for the community group business account, the treasurer has to be a women, and there have to be at least two women representatives on the business management committee or board of directors.

### **Benefit sharing mechanism development**

In the *Proposed PES system for PNG* suggestions are made for benefit sharing and actual service payment mechanisms. It is thought that especially for these aspects of the proposed system, the devil will be in the details. Therefore FORCERT is testing out the practicilities of PES benefit sharing at the community level through a trial environmental service payment to its first group of 5 PES trial communities.

This is especially important now that FORCERT has signed a MoU with the PNG Government, through its Office for Climate Change and Development on the recognition of FORCERT’s PES trial project work, and collaboration on including the main ideas and concepts of the Proposed PES system for PNG into the PNG Climate Change Policy and all relevant laws and regulations.

Through the FORCERT-PES project, the discussion on a Benefit Sharing Mechanism (BSM) for natural resource use, generally formulated in the Proposed PES system for PNG, has now been taken down to the community level, something never done before in PNG. Because of the PNG Government recognition of the FORCERT PES work, communities know that for the very first time in PNG history their ideas and wishes will be presented to and considered by the National Government, something that of course excites and inspires them very much. So instead of having to just agree to a suggested BSM, the FORCERT-PES trial communities are contributing to the discussion on a draft BSM part of a proposed

national PES system for PNG, but they are aware that not all their ideas and suggestions may end up being included.

As proper FPIC processes with communities need sufficient time, and especially where potential benefits are concerned, the PES BSM is still a work in progress, although its main components and general functioning have already received general consensus at all stakeholder levels.

At present general presentation and discussion meetings on the proposed PES BSM have been held with all 5 trial communities, and more detailed presentations and discussion workshops have been held with 2 of the 5 selected communities. These 2 communities are now further discussing all aspects of the draft BSM among themselves in smaller groups (e.g. on a clan by clan basis, and with separate women and youth groups) and will present their ideas back to the FORCERT-PES staff once they have completed their discussions.

An essential part of the development of a sound PES BSM is testing it by applying it all the way to the community level through a trial environmental service payment. This will include testing the organisational model for financial management of PES funds at the national level, the determined benefit sharing coefficients or service payment eligibility criteria, and the system of disbursing service payments. By doing an actual trial payment all aspects of the PES system will be tested on every detail and their actual functioning and practical implications will become clear.



## Appendix 2: Proposed Visiting Schedule

| Date       | Time              | Meeting                                                                                                                                                                                                                                                                                                   | Location                              |
|------------|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| Sun 5 May  | 8.00AM            | <b>Arrival</b>                                                                                                                                                                                                                                                                                            | Port Moresby                          |
|            | afternoon         | Meeting with PMU, OCCD & PNGFA                                                                                                                                                                                                                                                                            | TBA                                   |
| Mon 6 May  | 10.00AM           | Depart PoM for Wewak, East Sepik                                                                                                                                                                                                                                                                          | Wewak/Ambunti,<br>East Sepik Province |
|            | 12.15PM           | Arrival Wewak                                                                                                                                                                                                                                                                                             |                                       |
|            | 1.30PM            | Courtesy Visit - East Sepik Provincial Administration                                                                                                                                                                                                                                                     |                                       |
|            | 14.30PM           | Travel to Ambunti                                                                                                                                                                                                                                                                                         |                                       |
| Tue 7 May  | Whole day         | Field visit Pilot 2 – April-Salumei <ul style="list-style-type: none"> <li>• Meeting with village committee</li> <li>• Introduction and discussion &amp; confirmation of programme</li> <li>• Meeting with community</li> <li>• Presentation of the performed FPIC activities in the community</li> </ul> | Wewak/Ambunti,<br>East Sepik Province |
| Wed 8 May  | 8.00AM to 12.00PM | Field visit Pilot 2 – April-Salumei                                                                                                                                                                                                                                                                       |                                       |
|            | 1.00PM            | Return to Wewak town                                                                                                                                                                                                                                                                                      |                                       |
| Thu 9 May  | 11.00AM           | Return to PoM                                                                                                                                                                                                                                                                                             | Port Moresby                          |
| Fri 10 May | 1.30PM            | Depart POM for Hoskins                                                                                                                                                                                                                                                                                    | Port Moresby                          |
|            | 2.40PM            | Arrival Hoskins Airport                                                                                                                                                                                                                                                                                   | Kimbe                                 |
|            | 3.30PM            | Courtesy Visit - West New Britain Provincial Administration                                                                                                                                                                                                                                               | Kimbe                                 |
|            | Afternoon         | Overnight WalindiPlantation Lodge                                                                                                                                                                                                                                                                         | Kimbe                                 |
| Sat 11 May | 8.00AM            | Travel to Field site : Walindi to Tavolo village                                                                                                                                                                                                                                                          | Pilot 2 - Tavolo<br>Village           |
|            | 2.00PM            | Arrival Tavolo Village                                                                                                                                                                                                                                                                                    |                                       |
|            | 4.00PM – 6.00PM   | Meeting with village committee<br>Introduction and discussion & confirmation of programme                                                                                                                                                                                                                 |                                       |
| Sun 12 May | Whole Day         | Field visit Pilot 2 – Tavolo <ul style="list-style-type: none"> <li>• Meeting with community</li> <li>• Presentation of the results of Community on BDS</li> </ul>                                                                                                                                        | Kimbe                                 |
| Mon 13 May |                   | Early morning travel from Tavolo Village back directly to Hoskins airport                                                                                                                                                                                                                                 |                                       |
|            | 4.40PM            | Return to PoM                                                                                                                                                                                                                                                                                             |                                       |
|            | 5.50PM            | Arrival Jacksons Airport, PoM                                                                                                                                                                                                                                                                             |                                       |
| Tue 14 May | 12.00PM           | Depart POM for Milne Bay (Gurney Airport)                                                                                                                                                                                                                                                                 | Port Moresby                          |
|            | 12.50PM           | Arrival Gurney Airport                                                                                                                                                                                                                                                                                    | Alotau, Milne Bay<br>Province         |
|            | 1.30PM            | Courtesy visit - Milne Bay Provincial Administration                                                                                                                                                                                                                                                      |                                       |
|            | Afternoon         | Overnight Masuarina Lodge                                                                                                                                                                                                                                                                                 |                                       |
| Wed 8 May  | Whole Day         | Field visit Pilot 3 – Central Suau <ul style="list-style-type: none"> <li>• Meeting with village committee</li> <li>• Introduction and discussion &amp; confirmation of programme</li> <li>• Meeting with community</li> <li>• Presentation of the performed FPIC activities in the community</li> </ul>  | Alotau, Milne Bay<br>Province         |
| Thu 16 May | 8.00AM            | Early morning travel from Village back directly to Gurney Airport                                                                                                                                                                                                                                         |                                       |
|            | 10.50AM           | Departure Gurney Airport                                                                                                                                                                                                                                                                                  |                                       |
|            | 11.40AM           | Arrival Jacksons Airport, PoM                                                                                                                                                                                                                                                                             |                                       |
|            |                   |                                                                                                                                                                                                                                                                                                           | Port Moresby                          |

|            |           |                                                                                                                    |  |
|------------|-----------|--------------------------------------------------------------------------------------------------------------------|--|
|            | Afternoon | Conduct a comparative analysis based on field visits to demonstration sites for the draft national FPIC guidelines |  |
|            |           | Consolidate findings from the field visits                                                                         |  |
|            |           | Develop a work plan for the revised draft national FPIC Guidelines                                                 |  |
| Fri 17 May | 9.00AM    | Develop a work plan for the revised draft national FPIC guidelines                                                 |  |
|            | 11.30AM   | Discussion with OCCD staff on revised FPIC Guidelines                                                              |  |
|            | 2.00PM    | Debriefing meeting all stakeholders (OCCD, SES Sub-Working Group)                                                  |  |
|            | 4.00PM    | Debriefing and discussion UN-REDD                                                                                  |  |
| Sat 18 May |           | <b>Departure</b>                                                                                                   |  |

## Appendix 3: List of Mission Team Members

| Location                                  | Team Member                 | Organisation                              |
|-------------------------------------------|-----------------------------|-------------------------------------------|
| <b>April-Salumei, East Sepik Province</b> | Danny Nekitel (Team Leader) | OCCD                                      |
|                                           | Arthur Neher                | UN-REDD Programme PNG                     |
|                                           | Celina Yong                 | UN-REDD Programme APRC                    |
|                                           | Douglas Mawe                | PNG FA                                    |
|                                           | Welenie Yaki                | Department of Lands and Physical Planning |
| <b>East New Britain Province</b>          | Danny Nekitel (Team Leader) | OCCD                                      |
|                                           | Arthur Neher                | UN-REDD Programme PNG                     |
|                                           | Celina Yong                 | UN-REDD Programme APRC                    |
|                                           | Lydia Bobola                | UN-REDD Programme PNG                     |
|                                           | Peter Dam                   | FORCERT                                   |
|                                           | Welenie Yaki                | Department of Lands and Physical Planning |
| <b>Central Suau, Milne Bay Province</b>   | Danny Nekitel (Team Leader) | OCCD                                      |
|                                           | Arthur Neher                | UN-REDD Programme PNG                     |
|                                           | Celina Yong                 | UN-REDD Programme APRC                    |
|                                           | Goodwill Amos               | PNG FA                                    |
|                                           | Welenie Yaki                | Department of Lands and Physical Planning |

## Appendix 4: Semi-structured Guiding Questions

### Draft: Semi-structured Guiding Questions for Communities during Field Visits to April-Salumei and Central Suau

The list of guiding questions below aims to explore the elements of free, prior, informed and consent through existing processes, organizations and institutions pre-determined by the communities. It is not meant to be exhaustive.

#### Setting the Scene:

- Team Leader introduces the team and explains the purposes of the visit to the community.
- I understand your village (name of the village) is involved in this initiative (name the initiative based on what PNGFA has informed them), then begin the conversation.

#### *Category: Awareness-raising*

- Your village is involved in this project/initiative, did you receive any information about [insert relevant topic here]?
- Please explain in your own words what you understood the information to be about.
- Please explain in your own words how this 'information' affects your village, your family and you.
- What types of information did you receive? E.g., activities, background etc.
- How were these information presented to you, in terms of format and language? E.g., workshop, briefing, pamphlet, video etc.
- How frequently was this information presented to you?
- What is the level of literacy in the community?
- Did you understand the information presented? If not, why not? Were you provided with opportunities to clarify or seek further information? If such requests were made, how were they addressed? By whom?
- How much time was allocated for you to understand and analyse the information?
- What could have been done to help you understand the information better?

#### *Category: Representation and participation*

- How is the community organized?
- Who or what is the highest governing structure within the community?
- How are the views of men, women, youth and vulnerable groups within the community taken into consideration?
- Is gender an issue in the community? If so, how is it addressed?
- Is illiteracy a major concern for the community? If not, what are some challenges to full representation and participation by the community?
- How can the community fully participate in the activity?

- Does the community have any educated elites (e.g, professionals, technical people, teachers, etc.) residing in towns and cities across the country? If so, how are they involved?
- Are there people from other villages/communities residing in your community through inter-marriages? If yes, how are they involved?

*Category: Decision-making*

- How are decisions made in the community? E.g., consensus, majority, voting etc.
- How much time was allocated for you to make your decisions? Were you able to determine the length of time required for internal consultations, if needed?
- What are the roles of men, women, youth and vulnerable groups in the decision-making process?
- Once a decision is made, can you change your mind if circumstances change? If yes, how? Were provisions made to revisit this decision, if required? If yes, what were the provisions? How were the provisions made?
- Please explain in your own words what you think is good and bad from the 'activity'.
- 
- What do you find difficult when you have to make decisions as a village?
- What do you like about making decisions as a village?
- Were there any outside influences or force exerted on community decision-making?
- What is the level of literacy in community decision-making?
- What is the level of understanding in community decision-making?
- Are members of other communities residing in your community through inter-marriage involved in decision-making? If yes, how do they influence decision-making?

*Category: Documentation*

- How are decisions made by the communities recorded?
- Are these decisions recorded in a language form easily understood by the community?
- If such records exist, are they accessible to interested parties?
- Is illiteracy a cause of no proper documentation of community records? If not, what are some constraints to proper documentation and record by the community?

*Category: Grievances and Disputes*

- When you have a disagreement within the village, how do you deal with it? How often are these disagreements resolved?
- What about when you have a disagreement with another village? Or someone from outside the village? Where do you go, or who do you go to to solve the disagreements?
- How are disagreements and objections addressed within the community? Is there a local or traditional dispute resolution method applicable in the community? If yes, how effective is this method in solving disputes in the community?
- What are the provisions if these disagreements and objections are not able to be resolved within the community?

## Appendix 5: Defining the Elements of FPIC

### Defining the Elements of FPIC<sup>13</sup>

The below definitions build on the elements of a common understanding of free, prior and informed consent endorsed by the UNPFII at its Fourth Session in 2005.

#### Free

Free refers to a consent given voluntarily and absent of "coercion, intimidation or manipulation". Free refers to a process that is self-directed by the community from whom consent is being sought, unencumbered by coercion, expectations or timelines that are externally imposed:

- Stakeholders determine process, timeline and decision-making structure;
- Information is transparently and objectively offered at stakeholders' request;
- Process is free from coercion, bias, conditions, bribery or rewards;
- Meetings and decisions take place at locations and times and in languages and formats determined by the stakeholders; and
- All community members are free to participate regardless of gender, age or standing.

#### Prior

Prior means "consent is sought sufficiently in advance of any authorization or commencement of activities". Prior refers to a period of time in advance of an activity or process when consent should be sought, as well as the period between when consent is sought and when consent is given or withheld. Prior means at the "early stages of a development or investment plan, not only when the need arises to obtain approval from the community".

- Prior implies that time is provided to understand, access, and analyze information on the proposed activity. The amount of time required will depend on the decision-making processes of the rights-holders;
- Information must be provided before activities can be initiated, at the beginning or initiation of an activity, process or phase of implementation, including conceptualization, design, proposal, information, execution, and following evaluation; and
- The decision-making timeline established by the rights-holders must be respected, as it reflects the time needed to understand, analyze, and evaluate the activities under consideration in accordance with their own customs.

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<sup>13</sup>UN-REDD Programme Guidelines on Free, Prior and Informed Consent, Working Final January 2013

## **Informed**

Informed refers mainly to the nature of the engagement and type of information that should be provided prior to seeking consent and also as part of the on-going consent process.

Information should:

- Be accessible, clear, consistent, accurate, constant, and transparent;
- Be delivered in appropriate language and culturally appropriate format (including radio, video, graphics, documentaries, photos, oral presentations);
- Be objective, covering both the positive and negative potential of REDD+ activities and consequences of giving or withholding consent;
- Be complete, covering the spectrum of potential social, financial, political, cultural, environmental impacts, including scientific information with access to original sources in appropriate language;
- Be delivered in a manner that strengthens and does not erode indigenous or local cultures;
- Be delivered by culturally appropriate personnel, in culturally appropriate locations, and include capacity building of indigenous or local trainers;
- Be delivered with sufficient time to be understood and verified;
- Reach the most remote, rural communities, women and the marginalized; and
- Be provided on an on-going and continuous basis throughout the FPIC process.

## **Consent**

Consent refers to the collective decision made by the rights-holders and reached through the customary decision-making process of the affected peoples or communities. Consent must be sought and granted or withheld according to the unique formal or informal political-administrative dynamic of each community.

Consent is:

- A freely given decision that may be a “Yes” or a “No,” including the option to reconsider if the proposed activities change or if new information relevant to the proposed activities emerges;
- A collective decision determined by the affected peoples (e.g. consensus, majority, etc.) in accordance with their own customs and traditions;
- The expression of rights (to self-determination, lands, resources and territories, culture); and
- Given or withheld in phases, over specific periods of time for distinct stages or phases of REDD+. It is not a one-off process.

While the objective of consultation processes shall be to reach an agreement (consent) between the relevant parties, this does not mean that all FPIC processes will lead to the consent and approval by the rights-holders in question. At the core of the right to choose to engage, negotiate and decide to grant or withhold consent, is the acknowledgement that under certain circumstances, it must be accepted that

the project will not proceed and/or that engagement must be ceased if the affected peoples decide that they do not want to commence or continue with negotiations or if they decide to withhold their consent to the project.



## Appendix 6: Operational Framework for Seeking FPIC

Below is an outline of steps that should be undertaken by partner countries when seeking FPIC in a community or territory<sup>14</sup>.

**a. Partner Countries, in collaboration with relevant rights-holders, and taking into account the duties and obligations under international law, will undertake an FPIC Scoping Review, including the following components:**

- A description of the proposed policy or activity;
- A description of the rights-holders, their governance structures and how they wish to be engaged, including the institutions and individuals that are empowered to represent them;
- A description of the legal status of the land, territory and resources concerned, including a description of the geographical area under formal, informal and/or customary use by the rights-holders (including whether women have access to formal, informal and/or customary use of lands and resources), including maps and methodology used to establish the maps;
- An assessment of the social, environmental, and cultural impacts of the proposed policy/ activity on the rights-holders, including the specific impacts that have required the Partner Country to seek FPIC and how these impacts will be mitigated; and
- Resources allocated for seeking FPIC.

Special attention should be made by partner countries to support community efforts to describe many of these items in their own terms, including traditional uses of natural resources and community-based property rights.

Consultations on the FPIC Scoping Review should be undertaken until it has been mutually agreed upon.

**b. Once the FPIC Scoping Review has been mutually agreed upon, the partner country, in consultation with the rights-holders, should develop an FPIC Proposal that outlines the proposed process to seek FPIC, including the following components:**

- Capacity and information needs of the National Implementing Partner and/or rights-holders that need to be addressed before the FPIC process can take place;
- A designation of whether the process will require a facilitator, and if so, who it should be;
- Where and how the consultations will take place;
- A timeline for the proposed consultation process to seek FPIC;
- The appropriate language and media for information sharing and distribution;

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<sup>14</sup> UN-REDD Programme Guidelines on Free, Prior and Informed Consent, Working Final January 2013

- How decisions will be taken by the community in accordance with their traditions and customs, and whether special measures have to be adopted to ensure the participation of women and other vulnerable groups within the community;
- The geographical territory and communities that the decision will cover;
- How FPIC will be given, recognized and recorded;
- The role of others in the process (if any), including local government officials, UN agencies, institutions, donors, independent observers (strongly recommended) and other stakeholders;
- Methods of verifying the process, including, where relevant, participatory monitoring arrangements;
- Terms and frequency of review of the agreement(s) to ensure that conditions are being upheld; and,
- Process for voicing complaints and seeking recourse on the FPIC process and proposed policy or activity.

Mechanisms for ongoing dialogue, participation, decision-making and consent throughout the various phases of the activity or project should be established and identified clearly between the State and affected peoples and communities, including how those processes will be maintained throughout, for example, the development, assessment, planning, implementation, oversight, monitoring, dispute resolution, and closure stages of the project. Such processes can avoid misunderstandings in the future.

As long as the rights-holders in question maintain their interest in negotiating (as there is no legal requirement that they negotiate), the consultations on the FPIC Proposal should be undertaken until it has been mutually agreed upon. The FPIC Scoping Review and FPIC Proposal should be combined into one document and signed (or agreed upon in a culturally appropriate manner) by all relevant parties. Once this document has been signed/agreed upon, the FPIC process can proceed as outlined in the Proposal.

**c. An independent evaluation should be undertaken** by an institution, to be mutually agreed by all relevant rights-holders, to verify that the process was aligned with the definition of each of the terms of the FPIC Process outlined in Appendix 5 above.