

# UNDERSTANDING FREE, PRIOR AND INFORMED CONSENT



**Free** means no pressure, intimidation or influence.



**Prior** means that the government, NGO or company should have community permission (consent) far ahead of beginning any project activities, that the community should have adequate time to discuss and understand the project before agreement is reached, and that a community's decision must be respected by all parties.



**Informed** means that all information relating to the proposed activity is provided to communities well in advance and that the information is objective, accurate and presented in a clear way that the community understands.



**Consent** means that projects can only go ahead if communities have agreed to an activity or project that concerns them. Communities also have the right to withhold their consent or to give conditional consent ensuring that their needs, priorities and concerns are met.

● Important information includes:

- the nature, size, duration and scope of any proposed project;
- the reasons for or purpose of the project;
- the location of areas that will be affected;
- the possible economic, social, cultural and environmental impacts on the community and their lands and resources, including potential risks and realistic benefits;
- personnel likely to be involved in the implementation of the project;
- the rights that the community has; and
- the procedures that the project may entail.

● Communities therefore have a right to benefit from independent counsel from lawyers, other experts and NGOs.

● Consultation and participation are important components of the consent-seeking process. Consultation and participation are important components of the consent-seeking process. Consultation must be undertaken in good faith, which, among other things, requires that community views are considered in the process, or fair reasons are provided as to why such consideration is not possible. All parties must establish a dialogue allowing them to identify good and workable solutions in an environment of mutual respect and full and equal participation, with adequate time to reach decisions. The whole community (men, women, youth and the elderly) must be able to participate in discussions and decisions, including representatives freely chosen through customary processes or other institutions.

✓ TIP

The FPIC process should ensure that IPLCs **understand** the tenure and use implications of agreeing to protected areas or community forest concessions on their lands. Otherwise, it is not an "informed" process.



**It is important to note that the outcome of a successful FPIC process is more than just a set of fairly implemented agreements** but also a relationship of trust and a firmly built foundation for the long-term success of the LUI.