

# FPIC

# Free Prior Informed Consent



Association of Indigenous Villages Leaders in Suriname (VIDS)

## UN Declaration on the Rights of Indigenous Peoples (UNDRIP) on Free, Prior and Informed Consent (FPIC)

A Simplified Version

FPIC is the right of indigenous peoples to be fully informed and to reject or give their consent based on their own collective decision making process to any project or programmes and law that concerns them. With sufficient time, all important facts must be shared to the community where they can base their decision and agreement by the people is without force or manipulation by outside parties or the state.



Indigenous peoples have the right to their lands or territories and how to develop the resources according to their needs. – Article 32(i)

States shall consult and cooperate in good faith with the indigenous peoples concerned in order to obtain their FPIC before adopting and implementing legislative or administrative measures that may affect them. – Article 19



The indigenous peoples must have their interests and decisions expressed by their duly selected representative(s) who shall negotiate with the state regarding matters that have direct impact on the community particularly in relation to development. Through their representatives, they must be involved in all the processes of decision-making and implementation with the state. – Article 32(ii)



The state must at all times inform the indigenous peoples of any threat or risks to their lives and must ensure that no hazardous material is stored or disposed of in the lands without their knowledge and consent. – Article 29



The indigenous people must never be threatened or harassed, intimidated or forced by the state into giving their consent to any project targeted in their land. – Article 27



Indigenous peoples cannot be forced to move out of their lands. They have a right to know from the state, the reason for their relocation but in cases where land and resources have been taken by the state without their consent, or if they are to be relocated, the indigenous people have to demand just and proper compensation in the form of lands, territories and resources equal in quality and size, or their monetary equivalent. – Article 10, 28



Indigenous peoples have the right to be consulted and to participate in all decision-making processes regarding their land, territories and use of resources. – Article 18



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Produced by AIPP

Illustration and design by tiquagot

# Challenges

- LAW
  - Land rights are not legally recognized
  - Collectivity as meant by ITP does not exist in law
  - PROTECTION of Traditional Knowledge not regulated
  - Establishment of Protected Areas - Nature Protection Act of 1954
  - Framework Environment presented to House of Parliament
  - Review of Nature protection law

*\*ITP = Indigenous and Tribal Peoples*

# Implementation of FPIC

- **Practices re PA**

- Galibi and Bigi Poika: village leaders could not read & write; relocation; *'turtles have permit to stay, we people have nothing'*;
- West Suriname: house to house interviews; lack of information; through initiatives of village leaders increase awareness activities; firm position against establishment of PA; Result = no establishment but still a treat;
- Copi; IP requested support of Ministry of Regional Development to return to their land ; Ministry is willing because 60 Ha was made available for IP (outside the PA); IP **ALLOWED** to make use of PA

# Implementation of FPIC

- **Case studies on PA; Extractive Industries; research; studies incl. TK**
  1. Galibi: CBO, STIDUNAL, cooperated in consultation forum of GoS; results were nihil because of one sighted decision making & no implementations of decisions; structure does not exist anymore.
  2. West Suriname: During exploration phase of bauxite mining project IP learned through exchange with Canadian IP, Denè people, about FPIC and FPIC protocols; many workshops lead to development of protocol; Result: mentioning “recognition territory of IP of West Suriname” in preamble was reason for Companies not to sign attached agreement.

3. Para East: Based on lessons learned of West Suriname, villagers of region Para East requested Research-institute for resources to develop their own FPIC protocol BEFORE they would decide on cooperation and give permission for Multiple Landscape Assessment in their territory;

Result: Region developed FPIC protocol; high time pressure because of project duration causes limited involvement of broader community; building trust during process of implementation FPIC

4. Wayambo Region: Environment NGO consulted 6 communities re establishment "PA" in/near their territory. 3 consultation rounds took place in 3 year time by at least 2 different consultants.

Result: IP did not feel informed; confusion about differences between Land Rights and PA. No trust building and consent was not given.

Villagers stated that only after they have legal recognized land rights they are willing to speak about " PA"

# Implementation of FPIC

- **Case on FPIC process implemented by VIDS & Museum Leiden on research of manuscript (Penard)**

Kari'na and Lokono communities were informed re existence of > 100 year old manuscript in Museum in Leiden and consulted about proposed project collaboration; Board of VIDS was given permission to continue – agreement

Implementation phase Kari'na communities were consulted who were holders of Kari'na culture/language – to work with; presentation of results to Kari'na communities

Discussion ongoing re make (part of) manuscript accessible

# Currently in processes

- Case of Mata – Agrobiodiversity project – ABD project, “Conservation of agrobiodiversity and providing communities key crop planting material”

VIDS consultancy: Development/description of engagement process; incl. technical explanations project; recognition Rights of IP; agreement

*Traditional knowledge refers to the knowledge, innovations and practices of indigenous and local communities in the world. This knowledge is developed from experiences gained over several hundred years and adapted to the local culture, the environment, traditions, relationships and rituals. It is often transmitted orally from generation to generation and is considered as collective ownership of the whole community or the whole people.* [<https://www.cbd.int/traditional/intro.shtml>]

# Currently in process

## Subjects of agreement:

- a. the effective protection and respect for the rights and interests of indigenous and tribal peoples as well as the rights and interests of the parties to this agreement (party A and party B), which could be potentially affected by the activities within or as a result of this ABD Project;
- b. the agreements and conditions with regard to the implementation of the ABD Project;
- c. the creation of framework conditions for, as well as the actually reach, maximum, sustainable benefits from this ABD Project.



# Currently in process

- Implementation of decision of IAHRC on case Kari'na and Lokono in Marowijne

Return '*Wane Creek Protected Area*' to IP or if not possible (based on international standards) compensation in land and other resources.

Project with ALCOA's branch in Suriname –Suralco- consultation by VIDS and local communities re next steps; based on rehabilitation of land

**Implementation of FPIC – results in beneficiaries**

# Challenges 'process of implementation'

- Lack of land rights; companies extract themselves from responsibility;
- Process of capacity building and development of protocol takes time;
- FPIC is about INFORMATION & MEANINGFUL PARTICIPATION;
- FPIC is a process – building TRUST might be a result –
- FPIC is a collective right!
- FPIC protocols might be different per region;
- FPIC protocol is a living document;
- Needs attention to keep it alive on local level;
- Understanding that FPIC is used at different stages in project – flexibility of processes

# International process

- Development of TK indicators from perspectives of IP on:
  - status and trends of linguistic diversity and numbers of speakers of indigenous languages;
  - status and trends in land use change in the traditional territories of indigenous and local communities;
  - status and trends of the practice of traditional occupations.

Gran Tangi-Thank You-Merci Beaucoup-Dank U Wel

