



Rights in Action

Free, Prior and Informed Consent (FPIC)
for Indigenous Peoples

Published by Asia Indigenous Peoples Pact (AIPP) with the support from:

IWGIA - International Work Group for Indigenous Affairs

Norad - Norwegian Agency for Development and Corporation

Danida - Danish International Development Agency

SDC - Swiss Agency for Development and Corporation

SIDA - Swedish International Development Corporation Agency

Copyright © AIPP 2013

Printed in Chiang Mai, Thailand, by AIPP Printing Press Co., Ltd.



Printing for Indigenous Human Rights
Defenders and a Clean Environment

Production : Digital Mixes

Editor: Alex Boyesen

Writer: Cobi Smith

Illustration and layout:

Tanaisawan Wannothai

Jatuporn Kawsamare

Somkid Jaisea

Programme team:

Joan Carling

Shree Kumar Maharjan

Lakpa Nuri Sherpa

Hean Bunhieng

Thingreiphi Lungharwo



Supported by the European Commission

The contents of this comic book may be reproduced and distributed for non-commercial purposes if prior notice is given to the copyright holders and the source and authors are duly acknowledged.



We need you to sign this document about the palm oil plantation.



This document is not in my language. You don't have our consent.



We have permission. It's best you do what we say.

You should hear what we have to say. We know our rights.



You should respect us and the forest!



You need permission from us, do you not know about the United Nations Declaration of the Rights of Indigenous Peoples?



You do not have our consent for your plantation. Please leave us in peace.



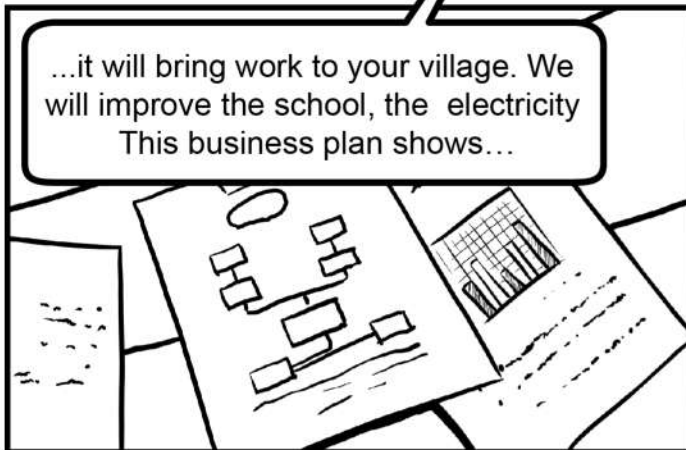
4 months later





Look, we want to build a plantation...

Our land is worth more than profits from palm oil. Is that how little you respect our forest? Schools and electricity should not be used as bribes.



...it will bring work to your village. We will improve the school, the electricity. This business plan shows...



Oh...I see. I just need to make a quick phone call.



They turned down everything, boss. They want to know about everything.



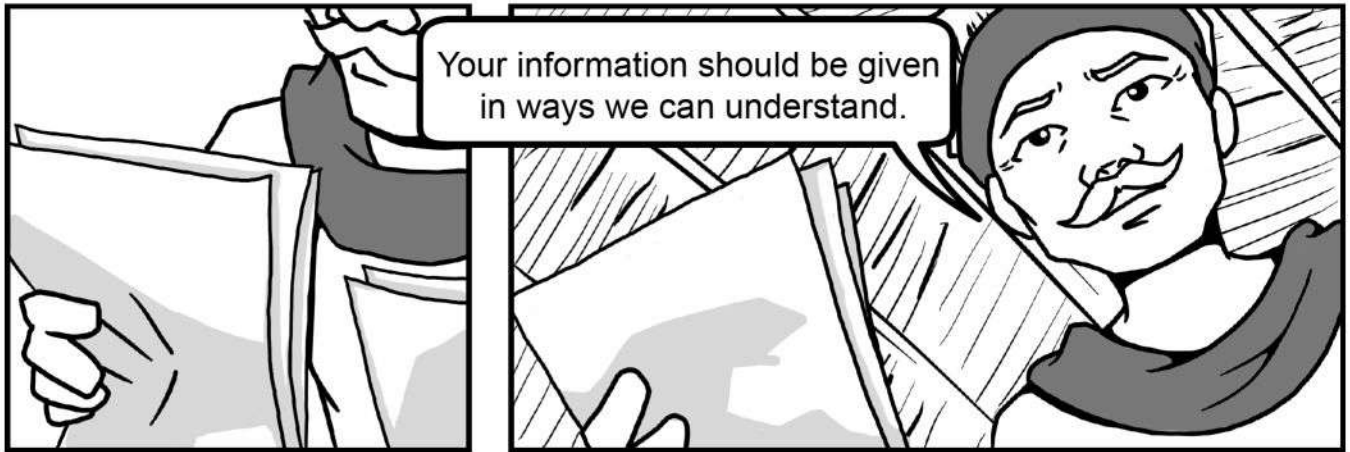
Okay. Where should we start?

We have a way of working with people from the outside called free, prior and informed consent.



As the owners of this land, we will need information on all sides of any proposal that will change our lives. No threats or bribes, involve us from the start, give us any information we ask for...







What about the birds that eat the fruit? What will happen to them?



Respect is important.



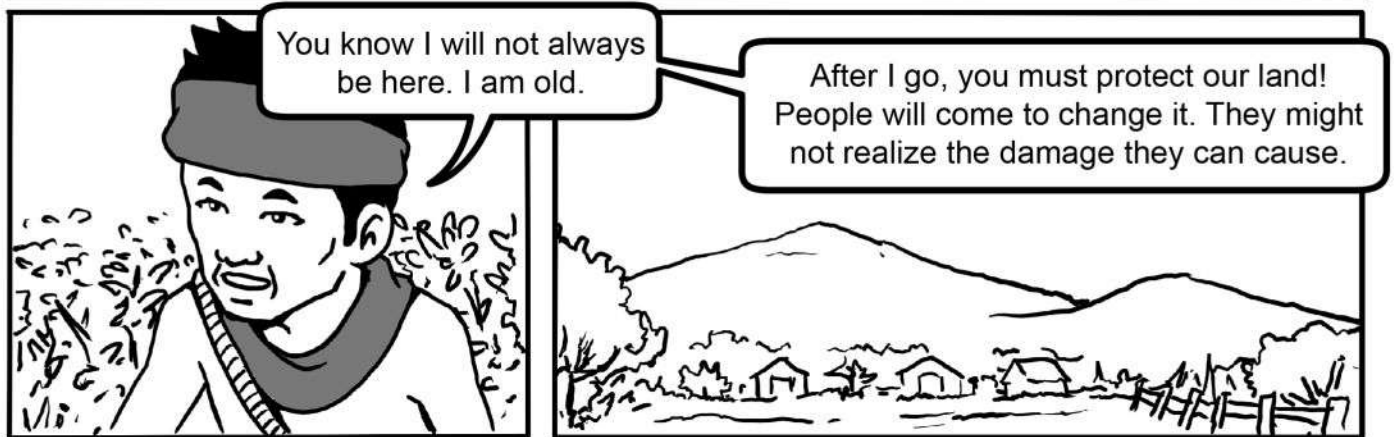
Prepare yourself and come back another day.

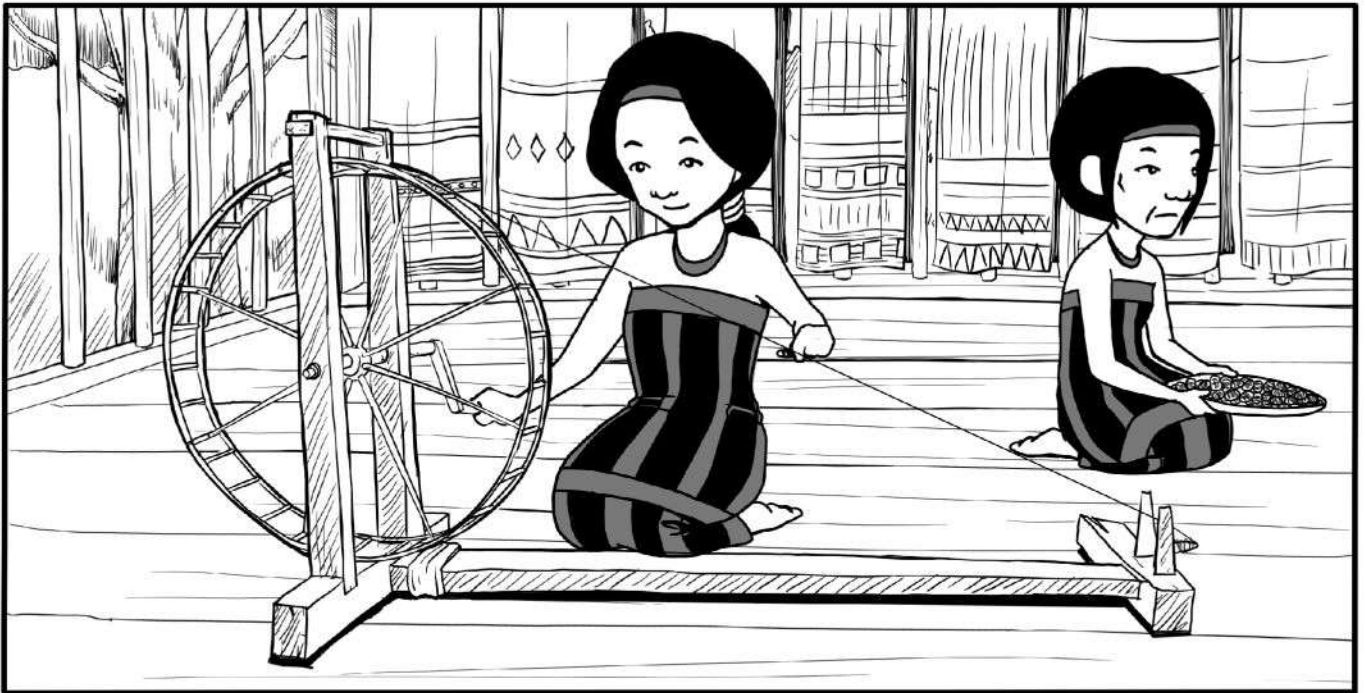
We respect the forest,
our world and each other.
You should too.



You can share food with
us before you leave.

Thank you.





Ah! Who is that?
What are you doing?



Hello! I'd like to film you
for my documentary.




Why do you want to
film us? What's it about?


You don't have permission
to film us! Please stop.



I mean no harm! I just want
to film you making cloth. Your
clothes are so colourful.




You surprised me. I don't like it when you film me




I'm sorry I surprised you.
I didn't mean any harm.


We understand. But you should have asked for permission.




This pattern is part of our cultural heritage.
It has a meaning you don't understand.



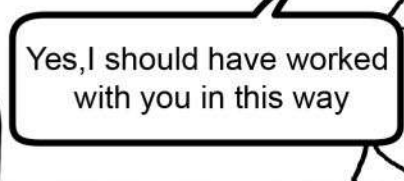
I would like to understand.
I would like to tell your story.




We have many stories but if you want to tell them you should consult with us first



Do you know about free, prior and informed consent?



Yes, I should have worked with you in this way



You are forgiven. I see you will be more careful now.





... and so, that is why we don't take the fruit from these five trees. It is still the tradition today, and so the birds come back.

I am so glad you told me about this.



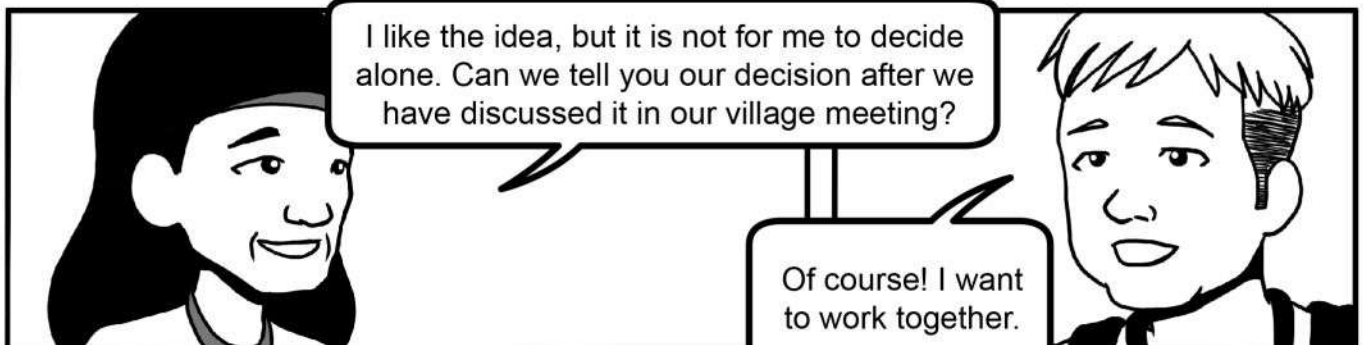
Now you see the forest with our eyes. This tradition is not only our cultural heritage, it supports forest life.



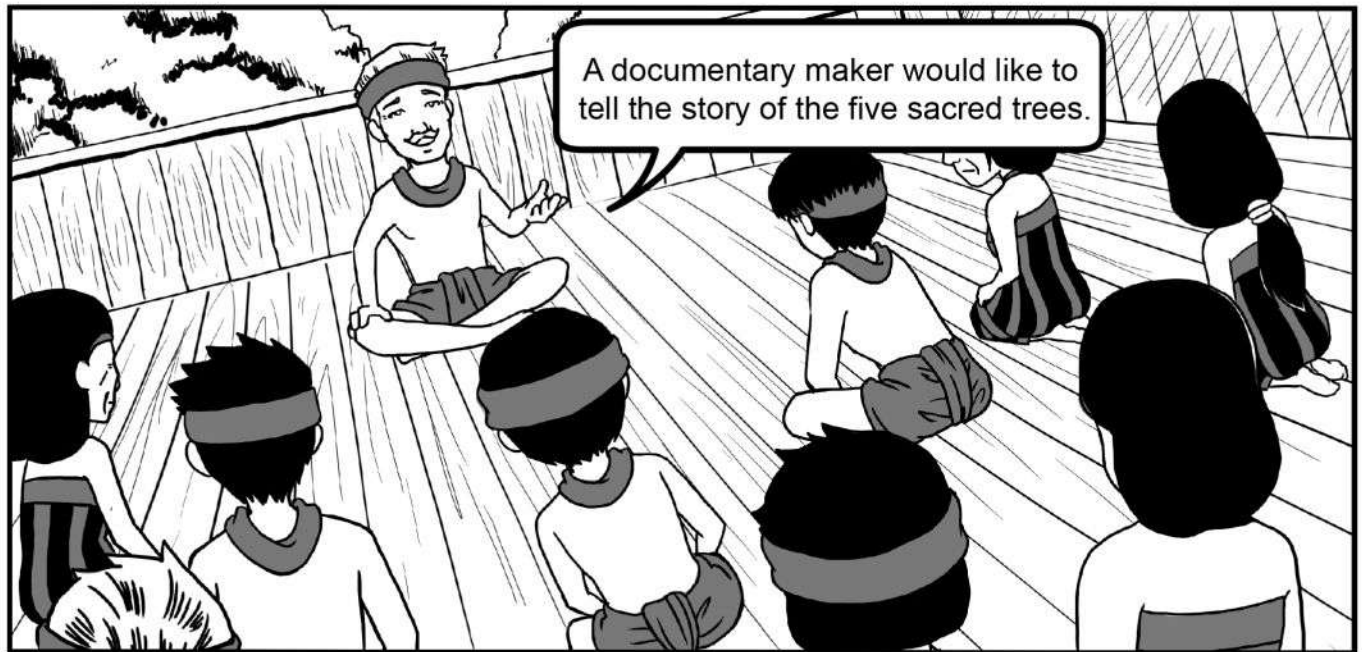
It's brilliant. If its OK with you I would like to come back in two months to film more about these sacred trees and the birds that eat their fruit.



I like the idea, but it is not for me to decide alone. Can we tell you our decision after we have discussed it in our village meeting?



Of course! I want to work together.



A documentary maker would like to tell the story of the five sacred trees.

Is that who filmed us making yarn?
It made me feel uncomfortable.



Yes, but he knows he made a mistake in filming you then. After talking to us, he would like to make a film about the sacred trees. How do you feel about that?

We can say no if we,
as a community, do not
agree to be filmed.



If it happens you'll be part
of it. But we must decide
together, it affects all of us.



But I want to help make
a film! I want it to happen!



If it makes my son happy, and if we will only be filmed with permission, then let it happen.



We don't need to rush our decision. We should discuss how a documentary could be useful for us. We can ask more questions, get more information.



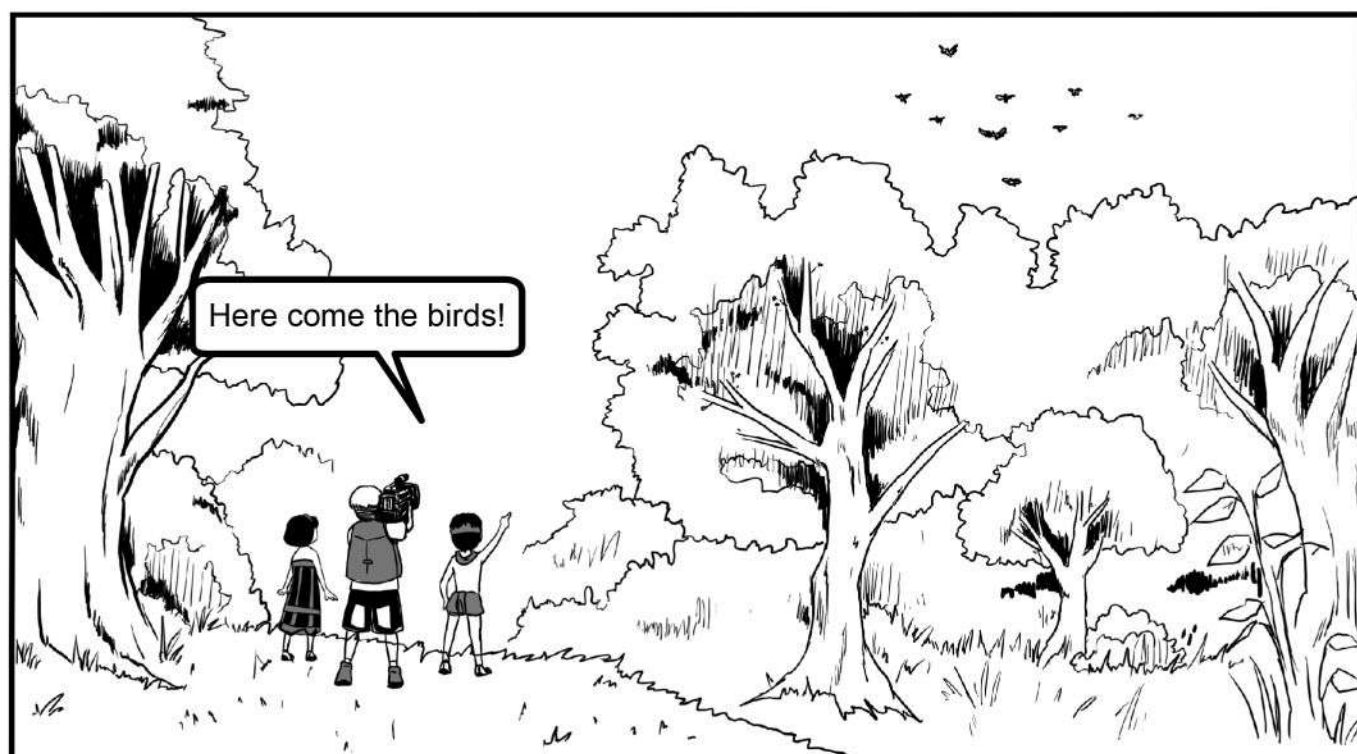
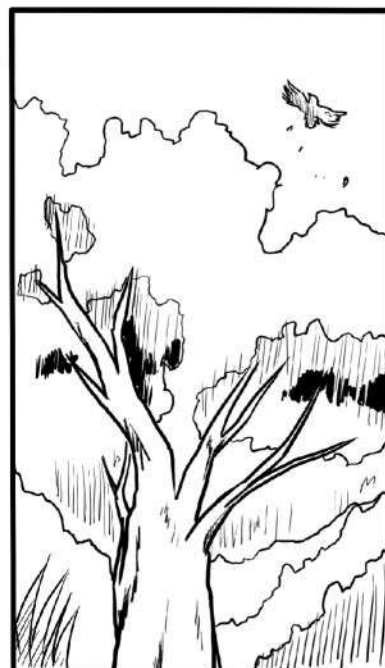
Yes, I'll go to the city to write an email with questions!

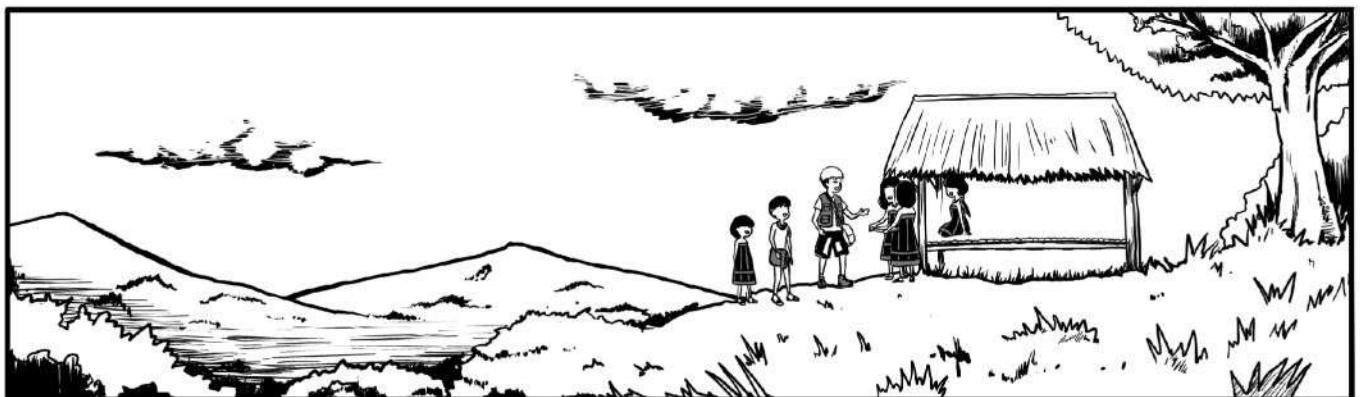
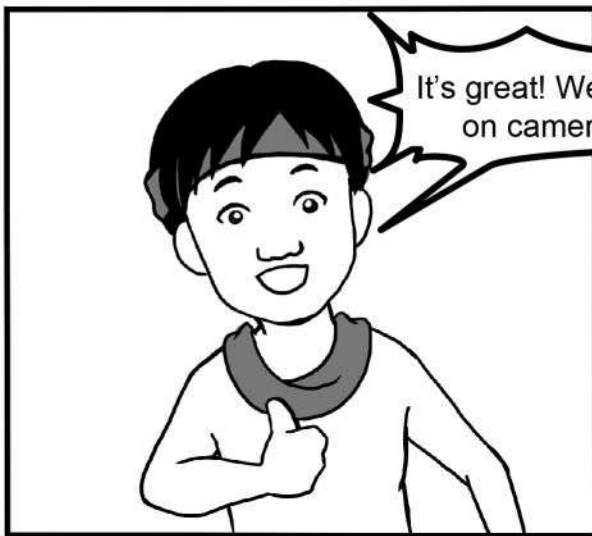
If the community thinks it is a good idea then you can write as our representative.



We know you want to be involved.









I'm sorry to bother you again,
my boss wanted me to come back.
They still want to develop this region...



...maybe we can find something appropriate,
like ecotourism? Do you have information
about your traditional knowledge?

Yes! We do! We're making a video
about our knowledge of the forest.

So...you are seeking our free,
prior and informed consent?
Now you understand the
United Nations Declaration on
the Rights of Indigenous Peoples?



If you respect our rights to our
land, our relationship with the
forest, then we can talk.



So let's start where we should,
at the beginning...

AIPP at a glance

The Asia Indigenous Peoples Pact (AIPP) is a regional organization founded in 1988 by indigenous peoples' movements. It is strengthening the solidarity, cooperation and empowerment of indigenous peoples in Asia in promoting, asserting and defending indigenous peoples' rights and human rights, sustainable development and environment protection. AIPP has 47 members from 14 countries in Asia including national alliances, women, youth and grassroots organizations. It has a strong governance structure that is accountable to its members.

Indigenous peoples in Asia are fully exercising their rights, distinct cultures and identities, are living with dignity, and enhancing their sustainable management systems on lands, territories and resources for their own future and development in an environment of peace, justice and equality.

Our Mission:

AIPP strengthens the solidarity, cooperation and capacities of indigenous peoples in Asia to promote and protect their rights, cultures and identities, and their sustainable resource management systems for their development and self-determination.

Our Goals:

To empower Indigenous peoples in Asia to promote and defend their human rights and fundamental freedoms and claim legal recognition to their identities, collective rights under UNDRIP and other international human rights instruments.

To build the broadest solidarity and cooperation of indigenous peoples in Asia to strengthen indigenous movements.

To promote and protect the integrity of the environment and enhance the sustainable resource management systems of indigenous peoples including their traditional knowledge, food security and biodiversity by having full control over their land, territories and resources.

To attain full and effective participation of indigenous peoples, particularly indigenous women and youth at all levels of decision-making.

To strengthen solidarity and cooperation with other social movements towards achieving equality, peace, democracy and justice.

AIPP Programmes: • Human rights • Regional Capacity Building • Environment • Indigenous Women • Research and Communication Development • Indigenous Youth

AIPP is accredited as an NGO in special consultative status with the UN Economic and Social Council (ECOSOC) and as observer organization of the United Nations Framework Convention on Climate Change (UNFCCC) the Convention on Biological Diversity and the World Intellectual Property Organization (WIPO)

ADDITIONAL INFORMATION ON Free Prior and Informed Consent - (FPIC)

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), contains the following articles relating to Free Prior and Informed Consent (FPIC). The UNDRIP sets the minimum standard for the recognition and respect of the rights of indigenous peoples as part of international human rights instruments that states have the moral obligation to observe and implement

Article 10: Indigenous peoples cannot be forcibly removed from their lands and territories and relocated without FPIC.

Article 11: Redress shall be given to indigenous peoples whose cultural, intellectual, religious and spiritual property are taken without their FPIC

Article 19: FPIC must be obtained before adopting or implementing legislative/ administrative measures affecting indigenous peoples

Article 28: Indigenous peoples have the right to redress for lands, territories, resources, which were confiscated, taken, occupied, used or damaged without their FPIC

Article 29: No storage or disposal of hazardous materials in indigenous peoples' lands without FPIC

Article 32: FPIC should be obtained prior to approval of any project affecting their lands, territories and resources, particularly exploitation of mineral, water and other resources.

Free, Prior and Informed Consent (FPIC)

FPIC is mechanism and a process wherein indigenous peoples undertake their collective decision on matters that affects them, as an exercise of their right to their land, territories and resources, their right to self-determination and to cultural integrity.

FPIC is an iterative process that should be undertaken in good faith to ensure mutual respect and meaningful participation of indigenous peoples in decision- making on matters affecting them. It requires the conduct of a series of consultations, dialogues, exchanges, and interactions between indigenous peoples and those requiring their consent and agreement for the entire cycle of a project from planning, implementation and monitoring. Thus, FPIC should ensure the full and effective participation of indigenous peoples in all project-related processes.

The FPIC process requires that indigenous peoples:

- Are provided with accurate and complete information regarding the proposed policy, program or project affecting them in a language and manner they understand
- Are consulted in accordance with their customary decision-making processes
- Are given the freedom, time and space to conduct their internal and collective decision-making process without interference
- Indigenous peoples' collective decision to consent or not to consent is recognized and respected with proper and accurate documentation of the decision.

Thus, a consent decision resulting from the use of intimidation, manipulation and mis-information shall be considered invalid. Further, the inclusion of a gender perspective and participation of indigenous women are essential, as well as participation of children and youth as appropriate.