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

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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.
We will not tolerate your attitude. We have lived here for generations...

...we manage this forest. It gives us shelter and food. We have our own language and laws. We are indigenous peoples with rights.

You should respect us and the forest!

Permission from who?

But I've got permission!

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

We have rights to our lands and everything on it. We decide how to manage our forest.

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

I am sorry about my colleague who came before. He behaved badly.

We would like to offer you this gift.

Your money is not worth as much as our forest! It is an insult to try and bribe us. Tell us what you really want.

I hope this helps us to talk.
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.

Look, we want to build a plantation...

...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...
...then we, as a community, will decide what we want to do, young and old, men and women.

You must respect our right to live how we want to live...

Our bond with this land was formed generations before the government you serve existed.

Yes, we know the plants and animals of this forest better than any government, do not take this lightly.

Yes, after we have discussed your proposal we will make a decision. If we say no, then that decision should be respected.

I understand.
Your information should be given in ways we can understand.

Bring a translator if you come back. This is not in our language.

You planned this project without us! You need to involve us before the start of any project...

...not tell us when you have finished the planning!

You should learn about life in the forest, if you plant palm oil what will happen to the fruits of the forest?
What about the birds that eat the fruit? What will happen to them?

Respect is important.

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

Prepare yourself and come back another day.

You can share food with us before you leave.

Thank you.
I wonder if that man will ever come back?

Maybe they will come back to plan with us. Maybe they will leave us in peace, that our home is safe is what's important to me.

You know I will not always be here. I am old.

After I go, you must protect our land! People will come to change it. They might not realize the damage they can cause.

Not everyone wants to destroy the forest, we will share it only with people who understand and care.

Don't worry we will always care about the forest. It's our home.

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

Ah! Who is that? What are you doing?

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

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

You don't have permission to film us! Please stop.
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 of 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.
See if you press this button, we see more detail on the leaves.

Wow!

Here come the birds!

This is great, I wonder if anyone has filmed these birds before?
How is your filming going?

It's great! We got the birds on camera this time!

You said you will enter this film into competitions. But can we also have copies?

Of course! We agreed this in writing. This is your property, I am just taking your message to the world.

That's great. I look forward to everyone seeing it.
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...
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 a mechanism and a process wherein indigenous peoples undertake their collective decision on matters that affect 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 that affect them.

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, not to consent or set conditions for consent is recognized and respected with proper and accurate documentation of the decision.
  - A consent decision resulting from the use of intimidation, manipulation and mis-information shall be considered invalid.
  - The inclusion of a gender perspective and participation of indigenous women are essential, as well as participation of children and youth as appropriate.
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)