



Free, Prior and Informed Consent (FPIC)



OVERVIEW

The Government of Nepal (GON) ratified the ILO Convention No.169 and endorsed United Nations Declaration on the Rights of Indigenous People (UNDRIP) demonstrating its commitment to respecting the rights of Indigenous Peoples (IPs). Such commitments were accompanied by Indigenous Peoples advocacy to demand for consensual processes to respect IPs rights in landscapes that WWF also works in. WWF Nepal has been committed to work with indigenous peoples and local communities (IPLCs.) WWF's policy statement on Indigenous Peoples and Conservation outlines our commitments to recognizing and respecting the rights of Indigenous Peoples to self-determination and to their lands, territories, and natural resources. Furthermore, WWF recognizes that conservation and regeneration activities benefit from Indigenous Peoples being partners in their design and implementation. WWF recognizes the right of Indigenous Peoples to give, modify, withhold, or withdraw their free, prior, and informed consent (FPIC) to interventions, or parts thereof, that may affect their peoples, or their lands, territories, and natural resources. In line with this, WWF Nepal has always prioritized meaningful engagement of Indigenous Peoples in conservation and has recognized FPIC as an important principle since 2012 in its Strategic Plans. The Environmental and Social Management/Risk Mitigation Plan for Terai Arc landscape (2021) and Mountain landscape (2022) states FPIC from the indigenous communities/people as a mandatory requirement if they are expected to be affected by the program interventions.

Since 2019, WWF Nepal started engaging in dialogues with the National Foundation for Development of Indigenous Nationalities (NFDIN) and Nepal Federation of Indigenous Nationalities (NEFIN) to start nationwide consultations to draft the first ever guideline to implement FPIC. WWF Nepal signed an MOU with NFDIN in early 2023, strengthening commitment to work together to ensure the rights of IP communities. Later in June 2023, NFDIN launched "The FPIC of Indigenous Peoples- National Implementation Guideline 2023" with the support of WWF Nepal.

WHY FPIC?

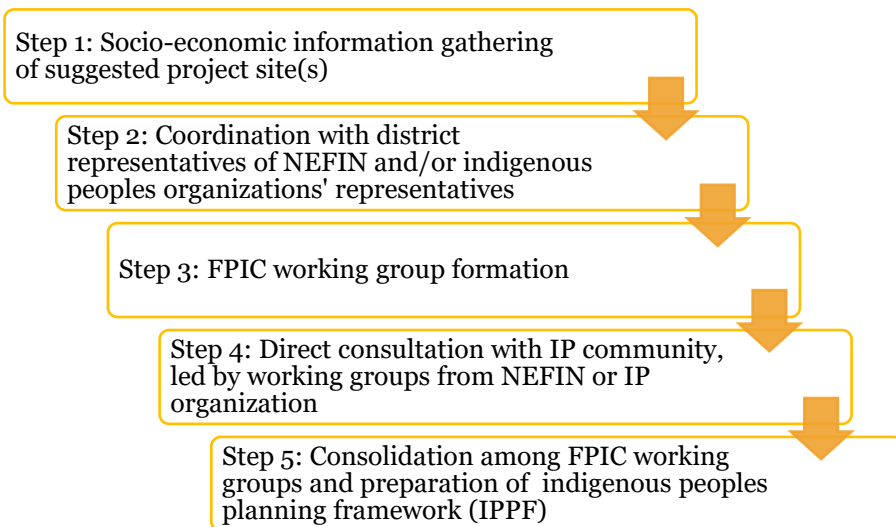
Principally, FPIC is a process of receiving and documenting collective consent of IP communities independently, after the provision of detailed, prior information on programs, risks, and benefit sharing, impacting their lives and livelihoods. Since WWF Nepal works with diverse indigenous communities with diverse identities and lived experiences to further Government of Nepal's conservation goals, it is imperative for WWF Nepal to respect and safeguard IP voices in conservation engagements throughout the landscape, abiding with the Independent Panel recommendations, WWF's Statement of Principles on Indigenous Peoples, WWF Nepal's Strategic Plan, Terai Arc Landscape and Mountain Environmental and Social Management/Risk Mitigation Plans.

In this light, WWF Nepal has been conducting participatory community consultations with indigenous people and local communities. These include the facilitation of Public Hearing and Public Audit processes by subgrantees to share program details and receive feedback from local communities, including indigenous people. However, although Nepal has endorsed the UNDRIP, recognizing FPIC as the right of IP communities and as a mandatory process, there is also an absence of clear pathways to facilitate this process. Due to the absence of formal national mechanisms, WWF Nepal's meaningful consultations with indigenous peoples were not included

in any official process for documenting their consent. In bridging this gap, WWF Nepal fostered partnerships with NFDIN to create and endorse a national FPIC implementation guideline, to ensure that the collective voices of indigenous peoples were respected and integrated in the project development and implementation phases at WWF Nepal.

OUR APPROACH

WWF Nepal has adopted The Free, Prior and Informed Consent (FPIC) of Indigenous Peoples-National Implementation Guideline 2023 to facilitate FPIC processes in its project sites. FPIC has been a mandatory step to receive collective consent from IP communities directly and indirectly impacted by the projects. WWF Nepal obtained FPIC using the draft FPIC Implementation Guideline in IUCN KfW project in 2022. As per the guideline, WWF Nepal has followed the following steps in facilitating FPIC for collective consent of IP communities and integrated mitigation engagements in conservation project design, ensuring IP rights are respected and safeguarded.



LEARNING

Some of the challenges in rolling out FPIC National Implementation Guideline 2023 has been regarding the comprehensive facilitation processes, gaps in communication due to language barriers, and adoption of mitigation measures as stated in the Indigenous Peoples Planning Framework (IPPF). Furthermore, ensuring FPIC facilitation process is independent and entirely IP-led without the engagement of technical leads and duty bearers was difficult. This may have been due to the knowledge gaps in the sharing of technical information on the project in simple and comprehensible local language(s). During facilitation process, FPIC facilitators were not able to incorporate all the potential risks and mitigation measures as discussed with IP communities and document them in the IPPF due to insufficient funding of mitigation activities. There were also challenges in identifying the core stakeholders, as other local communities with their own lived experiences shared the landscapes alongside Indigenous people.

WAY FORWARD

Based on lessons learned, WWF Nepal has identified following strategies to strengthen the implementation of FPIC and ensure the rights of Indigenous People:

- ✚ Develop a simplified FPIC document to make it widely comprehensible at community level.
- ✚ Translate the simplified FPIC document in languages spoken by IP communities.
- ✚ Allocate funds to conduct FPIC and fund mitigation activities.
- ✚ Provide training and build capacities of local IP organizations and IP leaders as FPIC facilitators in WWF Nepal's working sites.
- ✚ Conduct FPIC by trained facilitators to ensure comprehensive IPPF documentation and information sharing on both positive and potential negative outcomes.
- ✚ Track the status of the mitigation activities identified in IPPF and ensure their integration in the program/project's interventions.

Timeline

2007 - 2016

The Government of Nepal ratifies ILO-169 and endorses United Nations Declaration on the Rights of Indigenous Peoples, ensuring FPIC as IP rights. WWF's Indigenous People Policy (2008) recognizes FPIC as a right of indigenous peoples. WWF Nepal's Strategic Plan of (2012 – 2016) prioritizes FPIC of indigenous people in framing and designing its intervention in the landscapes.

2017

WWF Nepal Livelihoods and Social Safeguards strategic plan (2017-2021) recognizes FPIC as one of the interventions for addressing issues related to social safeguards.

2018

Internal FPIC guideline preparation discussions begin at WWF Nepal

2019

Initial draft of FPIC guidelines is developed after a series of provincial and national level workshops in partnership with Nepal Federation of Indigenous Nationalities (NEFIN) and National Foundation for Indigenous Nationalities (NFDIN).

2021

Environmental and Social Management/Risk Mitigation Plan for TAL is prepared. It states that FPIC from the indigenous communities/ people as a mandatory requirement if they are expected to be affected by the program interventions.

2022

Environmental and Social Management/Risk Mitigation Plan for Mountain landscape prepared. WWF Nepal piloted FPIC using the draft FPIC Implementation Guideline in IUCN KfW project. NFDIN finalized and endorsed FPIC Guideline.

2023

WWF signed MOU with NFDIN. FPIC of Indigenous Peoples, National Implementation Guideline 2023 Launched. WWF Nepal made FPIC a mandatory process to receive collective consent from IP communities directly and indirectly impacted by the projects.