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10 things to know about FPIC (v2.0)

WWF's Statements of Principles and Safeguards commit to upholding the right to FPIC in the context of WWF's activities. This primer is an introduction to the key points about FPIC.

Full guidance is elaborated in the 'FPIC Guidance for the WWF Network'.¹

Free, Prior and Informed Consent (FPIC) is the right of Indigenous Peoples to make their own decisions over their lands, territories, resources, traditional livelihoods and cultures. FPIC is not just an outcome, but also importantly, *a process* that enables the community to make their own decision on whether to consent, condition, or withdraw from proposed actions or developments that might impact them, including projects and activities by conservation organisations like WWF.

As a process, FPIC enables meaningful engagement between WWF and Indigenous Peoples about our proposed activities, including its impacts, and through which the proposed activities can be shaped in a way that is agreeable to the community, ensuring that no activities that could impact Indigenous Peoples take place unless the community has agreed to it.

The FPIC process is:

1. without coercion or manipulation;
2. sought sufficiently in advance of the onset of activities;
3. based on full and understandable information on the proposed intervention and its positive and negative impacts; and
4. respecting the community's internal collective decision-making processes and structures.

1. FPIC is a right and therefore a requirement - not just “good practice”

Free, Prior and Informed Consent (FPIC) is an established right of Indigenous Peoples that is articulated in international law. WWF’s [Statement of Principles: Indigenous Peoples](#) affirms our commitment to respect the right of Indigenous Peoples to FPIC. For WWF’s place-based activities, the Principles are implemented through the Environmental and Social Safeguards Framework (ESSF).

Specifically, the [Safeguard on Indigenous Peoples](#) requires that WWF respect the right to FPIC for place-based activities that may affect Indigenous Peoples and/or their rights, lands, territories, resources, traditional livelihoods and cultures. FPIC is therefore a requirement. It is not optional or simply a ‘good practice’ option to demonstrate our engagement with rights-holders.

While there is no single globally-recognised definition of Indigenous Peoples, for the purposes of the Safeguard on Indigenous Peoples, WWF is guided by the statement of coverage contained in International Labour Organization Convention 169 (ILO 169), which includes both Indigenous and tribal peoples. In certain countries, these peoples may or may not be formally identified as “Indigenous or tribal” and should be referred to using contextually appropriate terminology. The requirement of the Safeguard also covers peoples who have been extended the rights of Indigenous Peoples under national law and/or rulings by applicable regional human rights courts.

Indigenous Peoples are stewards of much of the planet’s remaining biodiversity. To secure a nature-positive world, it is vital that we recognise their knowledge, rights and leadership in shaping and achieving global commitments on biodiversity. Indigenous Peoples are “rights-holders” and [whenever their communities and/or their rights, lands, territories, resources, traditional livelihoods and cultures might be affected](#) - positively or negatively - by WWF’s place-based activities, WWF is required to engage the community and agree on an FPIC process to seek their input and consent. They have the right to grant, modify, condition, withhold, or withdraw their consent to any activity, or parts thereof, that might affect them - and WWF will respect their decision.

For all other communities, the WWF [Safeguard on Stakeholder Engagement](#) applies.

2. WWF’s responsibility

The [Safeguard on Indigenous Peoples](#) requires that WWF support Indigenous Peoples to exercise their right to decision-making whether to consent, condition, or refuse WWF’s place-based activities that might affect them, their lands, territories, resources, traditional livelihoods and cultures. In other words, it is our responsibility to ensure there is a fair and appropriate FPIC process that enables Indigenous Peoples to collectively assert their influence over the place-based activities that may affect them. Activities can only proceed once consent has been granted on this basis.

To understand WWF’s responsibility for FPIC, there are several key considerations:

- Where a country has legislation that provides for FPIC, WWF must adhere to these legal requirements.
- In countries where FPIC requirements are not specified or are only partially specified in the national law or subnational regulations, we first need to identify the primary duty-bearer(s) for the place-based activities in question. We must clearly establish the primary duty-bearer’s responsibility for FPIC, and only after that can we determine what WWF’s role would be in such a situation. For example, where WWF is supporting the creation, expansion or zoning of state protected and conserved areas, the respective government entity is the primary duty-bearer and it is therefore the state’s responsibility to seek FPIC. In such a case, and where deemed appropriate, WWF could play a supporting role by providing financial assistance and/or capacity building for state partners and communities.
- Where WWF is directly introducing place-based activities to an Indigenous community (e.g. livelihoods, enterprise development for women, wildlife monitoring in indigenous territories, etc.), then WWF is responsible for fulfilling the FPIC process, ensuring that the activities do not proceed without the consent



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of the community.

- WWF’s responsibility also extends to when our place-based activities are implemented by partners (e.g. government, other NGOs, subgrantees, subcontractors). All relevant agreements (e.g. MoU, contract, subgrant agreement) must use the legal clauses for the Statements of Principles and ESSF as these capture the requirement for FPIC for applicable activities. Responsibilities for financing, conducting and monitoring FPIC must be clearly assigned in our agreement with partners. WWF expects the partner to uphold the principles of FPIC and we must conduct due diligence to ensure this has been met. WWF reserves the right to withdraw support if FPIC principles have not been followed or the process has been inadequately conducted.

Importantly, WWF’s role in any FPIC process will depend on what is agreeable to the rights-holders. In some cases, it would be acceptable for WWF to lead or support the FPIC process; and there will be other situations where it would be appropriate for an independent third-party to conduct the FPIC process in partnership with the office. Having qualified internal expertise is critical for WWF to lead or support any FPIC process. However, irrespective of internal expertise, there are context-specific considerations where appointing a third-party to lead FPIC would be appropriate. This could be based on the wishes of the rights-holders and what is agreeable to them, the role and capacity of the primary duty-bearer in FPIC, and whether WWF, as the project proponent, is impartial or perceived as impartial. Other context-specific considerations can include historical legacy, level of trust, partnership or conflict in any given scenario.

In each scenario, the financial cost of conducting a FPIC process should be budgeted as a necessary part of project development and implementation.

3. Ask for help when you think FPIC is required

Carrying out an FPIC process in any given context requires specialist skills, knowledge and experience. WWF offices should seek expert advice before commencing FPIC. This can include contacting the Safeguards Helpdesk at WWF International (safeguardshelpdesk@wwfint.org) (for WWF-US registered offices, please contact safeguardshelpdesk@wwfus.org) who can point you to experts for advice. It is crucial that FPIC processes are carried out by qualified people who are accepted by all parties. Always double-check with qualified experts at the earliest stages of project concept whether any Indigenous Peoples, their lands, territories and resources (or any other rights-holders) might be within the project’s area of influence.

4. Last-minute is not prior

The FPIC process is initiated prior to the commencement of activities, that is: in advance of implementation. If we seek consent when WWF-supported activities that might affect Indigenous Peoples are already finalised and cannot be changed, about to start, or have already started, this runs counter to the purpose of FPIC and therefore does not respect the rights of Indigenous Peoples. Sufficient time must be allocated for the rights-holders to: understand and become informed of the proposed activities, hold their discussions and deliberations at community-level, provide feedback and suggestions, for WWF to adjust the activities to incorporate that input, and for rights-holders to make their decision whether to grant, condition, or refuse consent. Rights-holders need to be able to influence activity design and make their own decisions, rather than just being the recipients of plans and explanations. This needs time. The amount of time will vary as it will depend on the situation of the community, their traditional decision-making processes, and the complexity of the intervention and its impacts.

There may be cases where WWF has been working with an Indigenous community for a very long time and where there is mutually respectful partnership and trust. WWF will need to work with the community, building on the existing good stakeholder engagement practices, to formalise a documented FPIC process for the next phase of activities or any new projects.



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An FPIC process should be initiated early in the design phase and involve the rights-holders in a co-creation process. Efforts should be made to inform donors and partners of the need for FPIC processes to be an integral part of project development. If that is not possible, the FPIC process needs to be completed during project inception, before implementation of the proposed activities. Remember that it may be necessary to substantially adjust the project design to accommodate rights-holders' views and the outcomes of the FPIC process. All of these require time, funding to sustain the ongoing nature of FPIC activities, and flexibility from WWF, our implementing partners and donors. In the case of an ongoing activity where due diligence shows that the FPIC process had not been followed, WWF should actively support, using our leverage where possible, Indigenous Peoples to exercise their rights and participate in decision making processes. WWF reserves its right to withdraw support if the rights of Indigenous Peoples continue to be disrespected.

5. It's about building a relationship with open communication, trust and respect

An FPIC process is about safeguarding the right of Indigenous Peoples to decide for themselves and exert their right to self-determination. A meaningful FPIC process requires building trust with the community where respect, humbleness and goodwill on the part of WWF are key elements. This includes ensuring two-way communication and dialogue throughout the project cycle, and where concerns from the community are taken seriously. For consent to be considered as freely given and informed, it means that we would have gained the rights-holders' trust through free and inclusive consultations under the FPIC process: by rights-holders having access to objective, transparent, and understandable information about the activity and its impacts, having their questions answered, having access to independent third-party expertise and advice where required, and being able to take their decision without feeling pressured. Importantly, we must prepare our donors and implementing partners - especially government partners - to embrace the FPIC process as an integral part of project development, and to incorporate FPIC outcomes as an indispensable part of implementation. There should be clear agreement with our donors and implementing partners from the outset on the principles and processes that must be adhered to for FPIC to be meaningfully upheld.

6. Iterative and context-specific process

The FPIC process is iterative (i.e. involving repeated rounds of dialogue). It requires adaptive management and must be conducted in a manner that is culturally appropriate for the rights-holders. WWF needs to provide full information and conduct the process in the local languages as appropriate, according to local practices of convocation of the rights-holders. The FPIC process needs to be designed and agreed with the rights-holders at the very start. The process should be based on how they are self-organised, and designed in a way that allows them to reach a collective decision. This would include choosing a location that the community considers suitable for this purpose. There is no "universal recipe" or fixed steps that would suit all situations and contexts.

7. An inclusive process and collective decision

FPIC is a collective right of Indigenous Peoples and the decision to grant, condition, or withhold consent cannot be taken by a community leader alone, without broader consultation with the community. As a first step, WWF should build our understanding of the Indigenous community's process for decision-making. While consent is a collective decision, it rarely means that every member of the community agrees. Some communities have a community protocol that specifies how they wish to be engaged and how decision-making is convened. In respecting Indigenous Peoples' decision-making processes and being sensitive to their cultural context, it is also important that the interests of women, youth, the elderly, people with disabilities and minority groups are represented in the FPIC process, just like in any [stakeholder engagement process](#). This might sometimes require negotiation with traditional authorities to broaden representation, and which would need to be carefully considered so that we do not overstep and impose our way on communities - expert advice should be sought on



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how to approach such situations. What is important is that, in the first place, the rights of the different subgroups within the community are respected and protected and any risk of violation of these rights is addressed either in activity design or implementation. Secondly, the decision to give, condition, modify, withhold, or withdraw consent must be taken through an inclusive process and by decision-making structures that are considered legitimate and acceptable by the whole community.

8. Consent must be given freely, and it can be withheld, withdrawn, conditional or modified

Indigenous Peoples have the right to give or withhold consent at any time in the process, add conditions, or request modifications to the activity as a condition for their consent. This is what makes a FPIC process different from a regular consultation process, because consent is more than a ‘yes’ or ‘no’ decision that is made once. Consent is the community asserting their rights and control over the design and ongoing implementation of an activity that will affect their people or their lands, territories, resources, traditional livelihoods and cultures. From the start of the FPIC process we must remind the community that they have the right to say ‘no’ to our activity - they have no obligation to say ‘yes’, they can request changes, set conditions, refuse to engage in or withdraw from the process, and can refuse to give consent. Their decision-making must be self-directed, and free from coercion, bias, conditions, bribery or rewards. We must inform the community that WWF has committed to respect FPIC.

We must also inform the community that they have the right to modify or withdraw that consent at any point in the process. Consent that is modified or withdrawn can reflect the community’s concerns about the activity, may be prompted by concerns about changes in the context, or is associated with a grievance. Whenever consent has been refused, withheld or is modified or withdrawn, the activity in question cannot proceed.

Where consent that was initially granted is withdrawn, there could be situations where it would be acceptable for WWF to respectfully enquire whether the community is still open to have a dialogue with us so that we can understand their concerns and jointly problem-solve a way forward. If the community is agreeable to re-engage in dialogue and these discussions lead to adjustments being agreed for the activity, this can result in consent being granted again and the revised activity can now proceed.

9. Always document the process, not only the consent agreement

It is important to document the whole FPIC process and not only the consent agreement. We are responsible for making sure that there is clear documentation of who attended the conversations, what information was shared, by whom and how, how decisions were made, and what was agreed. Where the FPIC process for WWF’s activities is conducted by partners, WWF must carry out due diligence to ensure this documentation is taking place.

Documentation can consist of written texts, audio, or video recordings, depending on the local, cultural context, and with limitations that protect the privacy of community members (especially when recording video). The arrangements for documentation - including the option for a third-party to do the documentation, processes for sharing our documentation in the local language with the rights-holders, joint review and validation, conditions for confidentiality, external disclosure, and who has access to documentation - must be agreed with the rights-holders at the outset of the FPIC process. Importantly, the rights-holders should document the process for their own record.

10. FPIC must be maintained throughout the activity cycle

FPIC is not a one-off event or document. Once consent has been given in order to start implementation, we need to take steps to maintain consent throughout all stages of the project cycle, including when the implications of expected outputs are sufficiently understood over the course of implementation, or in the event of unexpected changes (e.g. to the scope of activities or context). This means ensuring continuous communication and checking



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that consent continues to be upheld, which includes processes for rights-holders to provide feedback and for WWF to respond in a timely manner. Ultimately, it is our responsibility to monitor that commitments made in the consent agreement are being met, including for WWF activities that are implemented by our partners. Monitoring and evaluation should happen in a participatory way with rights-holders - ideally, the activity is supportive of community capacity building and empowerment so they are able to independently monitor the impact of activities on their community, and feel that they can safely send feedback to us. We should always be prepared to review or renegotiate, and adjust accordingly, including when a grievance has been raised, and when consent has been unexpectedly modified or withdrawn

Always conduct due diligence from early on to find out if FPIC is required

The ESSF has a Safeguards Screening Tool (SST) that guides WWF teams through a structured due diligence analysis to identify groups who may be affected by our activities. Below is a brief sample of due diligence questions that can guide teams:

1. Are there Indigenous Peoples and/or their lands, territories, natural and cultural resources and traditional livelihoods within the project/activity's area of influence? While there is no single globally-recognised definition of Indigenous Peoples, WWF is guided by the statement of coverage contained in International Labour Organization Convention 169 (ILO 169), which includes both Indigenous and tribal peoples. In certain countries, these peoples may or may not be formally identified as "Indigenous or tribal" and should be referred to using contextually appropriate terminology.
2. Are there laws that require FPIC for any specific groups? If yes, are these groups, the areas, natural or cultural resources that they rely on within the project/activity's area of influence?

If answering 'yes' to either or all of the above, then prepare for an FPIC process by asking:

3. Does national law recognise the right to FPIC, and if so, does the scope cover my project/activity and is there a prescribed legal process for FPIC in this case?
4. Is the relevant duty-bearer (e.g. government authority, community institution, private sector proponent) aware of their responsibility to fulfil FPIC obligations, and do they have the capacity to convene a FPIC process?
5. Are our donor(s) and implementing partner(s) aware of WWF's commitment to uphold FPIC requirements, and are they prepared to integrate FPIC as an integral part of project development and implementation?

Details will be elaborated in the 'FPIC Guidance for the WWF Network'¹. If you have questions or are unsure, contact the Safeguards Helpdesk who can point you to experts for advice. **Always be precautionary** and proactively seek input from competent organisations and experts (e.g. indigenous organisations, UN bodies, human rights organisations, other qualified NGOs, etc.) to help identify Indigenous Peoples who may be affected by our work.

¹ In preparation.



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