



MINISTRE DE L'ENVIRONNEMENT, DE LA PROTECTION
DE LA NATURE ET DU DEVELOPPEMENT DURABLE



Operational Guidelines for Obtaining Free, Prior and Informed Consent in REDD+ Initiatives in Cameroon

Including Principles, Criteria and Indicators





Securing the rights of indigenous peoples is securing a future for indigenous children

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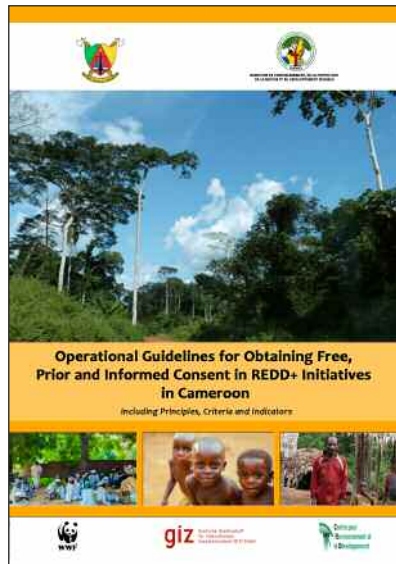
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Abréviations

ABAGUENI	Association des Baka de Djoum
ABAWONI	Association des Baka de Mintom
APED	Association pour la Promotion de l'Environnement et du Développement
ASBAK	Association des Baka de Lomié
BACUDA	Association Culturelle pour le Développement des Bagyéli/Bakola de l'Océan
CAD	Community Action for Development
CADER	Centre d'Appui au Développement Rural
Cam-Eco	Cameroon Ecology
CED	Centre for the Environment and Development
CEFAID	Centre pour l'Education, la Formation et L'Appui aux Initiatives de Développement au Cameroun
COP	Conference of the Parties
CIFOR	Centre for International Forestry Research
EU	European Union
FCPF	Forest Carbon Partnership Facility
FPIC	Free, Prior, and Informed Consent
FPP	Forest People Programme
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
IPLC	Indigenous Peoples and Local Communities
IUCN	International Union for the Conservation of Nature
MBOSCUDA	Mbororo Social and Cultural Development Association
MAPAPPY	Method for Participative Approaches to Pygmy Populations
MINAS	Ministry of Social Affairs
MINEPDED	Ministry of the Environment, Protection of Nature and Sustainable Development
NGO	Non-Governmental Organization
PRA	Participatory Rural Appraisal
REDD+	Reduced Emissions from deforestation and forest degradation, conservation, sustainable management of forests and enhancement of Carbon sink
RAPAC	Réseau des Aires Protégées d'Afrique Centrale-
RFA	Réseau de Foresterie Communautaires
RPP	REDD+ Readiness Preparation Proposal
SIDA	Swedish International Development Agency
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNFCCC	United Nations Framework Convention on Climate Change
WCS	Wildlife Conservation Society
WWF	World Wide Fund For Nature

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Preface



H.E. Hele Pierre,
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Since 2008, the government of Cameroon has been actively involved in efforts to reduce climate change and the effects of deforestation and forest degradation by engaging in activities to promote conservation, sustainable management of forests and the enhancement of forest carbon sinks (REDD+). The participation of Cameroon in the REDD+ mechanism, which underlines the importance of forests in stabilizing the world's climate and puts a value on carbon emissions, should enable compensation to be acquired by companies for their compliance, and therefore result in the reduction of carbon emissions from deforestation and forest degradation through conservation and sustainable management of forest ecosystems.

Following this commitment, Cameroon developed the 'RPP' document which was approved in February 2013 by the FCPF Participants Committee of the World Bank. In this light, the government of Cameroon has decided to make of REDD+ a development tool which will permit the country to attain the objectives set in the Growth and Employment Strategy Paper (DSCE). Also, Cameroon intends to make the REDD+ mechanism a participatory and inclusive process which strongly takes into account the concerns of different interested parties and those of the indigenous peoples in particular. It is within this context that the government has opted to seek Free, Prior and Informed Consent (FPIC) of these populations before and during the implementation of all REDD+ initiatives within the national territory.

This vision brought forth the desire to make a methodology and a set of directives available for all actors in order to consult with indigenous and local populations within the framework of seeking their FPIC to carry out REDD+ activities on their land. This document was elaborated in a participatory manner, by consulting and involving all stakeholders, particularly certain indigenous peoples of Cameroon: Mbororo, Baka, Bagyeli, Bakola and Bedzang who are located in the five different agro-ecological zones of the country.

Thanks should be given to all those who participated in the realization of this document and whose help enabled its publication. In particular, the Ministry for Social Affairs (MINAS), the World Wide Fund for Nature (WWF), the German Society for International Cooperation (GIZ) and the Centre for the Environment and Development (CED).

This document, which contains national directives, is the result of a cooperative effort between partners, experts, and interested parties, indigenous and local populations in Cameroon. Its aim is to determine the Cameroon standards for seeking FPIC during the consultation of populations in the framework of REDD+.

This innovative document is the first of its kind, in Cameroon, to provide guidance on seeking Free, Prior and Informed Consent from populations during consultations. The document will be first and foremost of use to promoters of REDD+ initiatives and projects and could, in the long term, be applied to other types of natural resource management activities or structured projects. The FPIC guide also confirms the willingness of the government to include local populations in the development of the REDD+ mechanism and send a strong message to the international community that efforts to reduce greenhouse gases in Cameroon will benefit indigenous and local populations as well as improving their livelihoods and access to natural resources.

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Summary

This document provides practical guidelines on how to obtain Free, Prior and Informed Consent (FPIC) of indigenous and local communities during the development and implementation of REDD+ processes and initiatives (projects, programmes and activities) in Cameroon. It draws on: (i) an extensive literature review on existing FPIC standards around the world, (ii) a national FPIC methodology workshop, and (iii) several field consultation meetings in Cameroon covering the five agro-ecological zones and focusing on local communities and the five indigenous communities (Baka, Bakola, Mbororo, Benzang and Bagyeli). Ten guiding steps to undertake FPIC under the REDD+ process of Cameroon include:

1. Establishment of a technical team for FPIC implementation
2. Analysis of the physical, socio-economic and legal context
3. Development of an information and communication strategy
4. Taking appointments
5. Information and sensitization meetings
6. Negotiating with stakeholders
7. Formalizing agreements between parties
8. Developing a roadmap
9. Monitoring
10. Verification and evaluation

In addition, four principles with clear criteria, indicators and specific guidance for obtaining the different components of FPIC are outlined as follows:

Principle 1:

Absence of force, pressure, unwanted obligation, manipulation and intimidation

Principle 2:

Provision of information regarding REDD+ activities sufficiently in advance

Principle 3:

Disclosure of the full information about the REDD+ activity

Principle 4:

Community agreement or approval of proposed REDD+ activity.

This guide is however subject to revision and will require an update after three years of use and acquisition of new knowledge and experience on seeking FPIC within the REDD+ process of Cameroon. These revisions will enable the document to be adapted according to the evolving legal framework and the national regulations, but its fundamental principles will remain unchanged. This manual could, if needed, be used in the implementation of diverse activities affecting the land of the indigenous and local populations in Cameroon.

Definition of Key Terms

REDD+ Initiatives: Cover both REDD+ pilot projects and programmes.

REDD+ Process: The national process of elaborating and implementing the National REDD+ Strategy which is conducted by the administration through MINEPDED. It covers the three REDD+ phases; the preparation phase, the investment phase and the implementation phase.

Community: The term community covers all concerned populations without distinguishing between sociological groups, gender or social composition, whose land is covered either entirely or partly by the development zone of the REDD+ process or initiative be it in a village, town or city.

Principles: refers to the obligatory standards imposed on promoters of REDD+ initiatives, in order to obtain Free, Prior and Informed Consent from local and indigenous populations.

Criteria: refers to specific aspects used to assess the extent that an FPIC principle is taken into account.

Indicator: the element of proof that demonstrates or verifies that the criteria have been fulfilled.

Directives: it is a major orientation to be considered by promoters of REDD+ initiatives and auditors to ensure a proper implementation of the FPIC process.

Indigenous communities: This refers to the Baka, Bagyeli, Bakola, Bedzang and Mbororo communities in Cameroon whose territory is covered partially or entirely by the development zone of the REDD+ process or initiative taking place in villages, towns or cities.

Local communities: The term “local communities” refers to those populations not considered as “indigenous” (i.e. not Baka, Bagyeli, Bakola, Bedzang or Mbororo) of whose territory is covered partially or entirely by the development zone of the REDD+ process or initiative, whether they are located in a village, town or city.

Mixed communities: The term mixed communities reflects those communities comprising of indigenous and local groups whose territory is covered partially or entirely by the development zone of the REDD+ process or initiative, whether they are located in a village, town or city.

Sociological component: This term refers to groups of women, young people, elderly people, handicapped people, farmers, fishermen, traditional healers, hunters, Mbororos, Pygmys, Bantou, etc.

Rights holders: Rights holders are people who are assimilated into communities (local and indigenous) and have the right to customary property in the zone affected by the initiative as well as all physical or moral persons holding an official property right within the same zone.

Promoter of Initiative: this refers to the organization undertaking the REDD+ initiative which bears full responsibility. The initiative promoter can be an indigenous group, a local association, a private sector company, an administration, a non-governmental organization, a financial institution, a foundation, a development agency etc.

Introduction

Context

The Government of Cameroon has been actively involved in the global effort to reduce deforestation and forest degradation and to promote conservation, sustainable management of forests and the enhancement of forest carbon sinks (REDD+) since 2005. REDD+ activities, depending on how they are developed and implemented, either have a positive or negative impact on indigenous and local communities who strongly depend on forests for their livelihood. REDD+ has attracted much interest internationally and locally in terms of its potential to improve the economic, social and cultural rights of the indigenous and local communities (IPLC). On the other hand, REDD+ has raised many concerns about its potentially negative impacts which may include :

- unfavourable land tenure,
- reduced forest-based livelihood opportunities,
- inequitable sharing of benefits from REDD+ activities,
- ineffective participation of IPLC in REDD+ activities and
- A lack of a specific legal regime
- The general lack of free, prior and informed consent (FPIC) during the development and implementation of REDD+ projects.

At Cancun, during the UN climate conference (UNFCCC COP 16), parties accepted that all climate change related activities should fully respect human rights. It was further suggested that safeguards for REDD+ that respect the rights and knowledge of indigenous and local communities should be established by taking the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) into account. As part of this UNFCCC REDD+ process, the Government of Cameroon has developed a Readiness Preparation Proposal (RPP) that was approved by the Participants Committee of the Forest Carbon Partnership Facility (FCPF) in February 2013.

In accordance with these international agreements, Cameroon would like to promote FPIC as a key element in the REDD+ implementation process. In this light, Cameroon has taken a political decision to ensure that all REDD+ activities meet strict social safeguard requirements (by obtaining FPIC of relevant communities). It is therefore the responsibility of the state to ensure that project developers and promoters of REDD+ projects obtain the free, prior and informed consent of indigenous and local communities in the course of implementing REDD+ activities. Within this context, the Government of Cameroon under the coordination of the Ministry of Environment, Protection of Nature and Sustainable Development (MINEPDED) has developed, in collaboration with several civil society and non-governmental organizations and international development cooperatives, national FPIC guidelines to be used when consulting the indigenous and local communities before and during the implementation of the REDD+ process and initiatives.

In the 1996 law relating to the environment, MINEPDED provides that the promoter of any project which poses a risk to the environment, by virtue of the nature or impact of its activities on the environment, is required to conduct an impact study so as to assess the direct and indirect impacts of the project on the ecological balance of the location area or any other area, on the framework of the quality of life of the population and the environment in general.

The realization of this environmental impact assessment (EIA) provides for consultation of

stakeholders involved in the project, but the decision as to whether or not the project should be realized rests in the hands of the competent authority, after having received a prior opinion from the Interministerial Committee, as stipulated by the law.

According to national regulations, communities do not have the opportunity to oppose a project which they do not wish to have implemented in their activity zone.

Given the proliferation of REDD+ activities in Cameroon by the private sector, civil society organisations, development partners, conservation organisations, research institutions, government institutions, etc., it is imperative for the implementation of all REDD+ activities in Cameroon to follow and respect a common FPIC standard. The guidelines provided in this document will therefore facilitate a common national level understanding on the FPIC process by providing criteria, indicators, as well as specific guidance.

To keep the document relevant after several years of implementation, the guidelines, with the exception of the fundamental principles, may be revised and improved as appropriate as REDD+ evolves from the preparatory and investment phases to the implementation phase. These national guidelines may also be used for the implementation of other development activities affecting IPLC.

Objective

The aim of this document is to set up, in a participatory manner, an operational framework that REDD+ project developers and promoters in Cameroon will use in seeking FPIC with indigenous and local communities around a potential REDD+ activity or project area before and during the implementation of a REDD+ activity or project.

These guidelines could as well be applied to other non-REDD+ projects such as land use planning and natural resource management.

Methodology for the elaboration of the FPIC guide

The current guide has been developed as a result of a participatory methodology which took into account the views of all the REDD+ stakeholders and has been geographically tested in the five agro-ecological zones. The methodological steps that led to the elaboration of this guide are as follows:

Project Preparation: Following the organization of the workshop to plan for the elaboration of the national REDD+ strategy in March 2013 in Mbalmayo, certain partners¹ opted to assist the Government of Cameroon in elaborating an FPIC guide. These partners organised three initial meetings with the goal of planning the various activities of the project for the elaboration of the FPIC guidelines, to clarify the roles and the responsibilities of each party, adopt a methodology and to prepare terms of references. These elements were elaborated and discussed between the different partners and validated by the National REDD+ Coordination which then designated a body of MINEPDED to follow-up the process.

¹ The partners : MINEPDED, GIZ, WWF and CED

Development of the orientation document: The orientation document was developed over a period of four months. This consisted of conducting a literature review of the national and international legal framework surrounding FPIC and is applicable to Cameroon. After a draft orientation document was developed, the project partners concerted in the course of three meetings organized aimed at finalizing the document and organizing the methodology workshop.

FPIC methodology workshop: This enabled the different stakeholders² to discuss the orientation document and to define a methodology for the involvement of populations in the elaboration process of the FPIC guide and to adopt a participatory approach to be used during consultations. Following this workshop, which took place in Yaoundé, 29th August 2013, the partners met to define a plan for the field visit, adopt the different tools to be used for the consultations and define the composition of the teams.

Field missions: Consultations with local and indigenous populations took place between September and November 2013 in the five agro-ecological zones. This was executed through group discussions, with an aim to obtain the FPIC principles, criteria and indicators in a participatory manner. Five groups of indigenous people were consulted in eight different sites by teams composed of representatives of project partners and local representatives of the Ministry of Social Affairs (MINAS). Following these field projects, the partners organized a debriefing meeting to evaluate the accomplished work and provide orientations for writing the guide.

Drafting of the FPIC guide: Based on results from previous stages, the first draft was written, translated into French, and then discussed between the different stakeholders and project partners. Based on comments received, this document was improved and was again shared amongst the stakeholders for new comments. One hundred and ten people from forty different organizations³ received the two versions of the draft FPIC guide and provided their feedback. Comments received on January 17, 2014 were analyzed by the project partners in the course of four working sessions after which the final FPIC guide was elaborated and submitted to the national validation Workshop.

Validation of the final FPIC guide: The final document, adopted by the partners after the integration of all the different comments and proposals, was submitted to the stakeholders at the national validation workshop in Mbalmayo on 13th and 14th February 2014.

² Key administrations, development partners, civil society organisations, international organisations...

³ MINEPDED, WWF, GIZ, CED, RainForest Foundation UK, UNIQUE, REDD Platform, MINFOF, IUCN, Projet REDD+, REFACOF, CEFAID, CADER, FPP, CIFOR, CIRAD, Reseau Communautaire, MINAS, COMIFAC, World Bank, FAO, ICRAF, JICA, JAFTA, EHCJP, SNV, AFD, University of Buea, WCS, AFDB, CARPE, KFW, USAID, Forest Life, WildLifeWorks, APED, OKANI, MBOSCUDA, USFSE (CBFP), Independent Consultant.

Guideline Users

The primary users of this guide, among others, are :

- The government of Cameroon (through MINEPDED and other sectorial ministries) during the development of the national REDD+ mechanism and the promotion of programmes whose activities are susceptible to affect local and indigenous communities.
- Local and indigenous communities
- Development partners
- Cameroon civil society
- Local elites
- REDD+ initiative promoters
- Local, national and international NGOs
- Other actors involved in the REDD+ process in Cameroon.

This document applies to the REDD+ process.

Phases for Implementing FPIC

Three phases for seeking free, prior and informed consent (FPIC) in the development process of REDD+ strategy, programmes or projects in Cameroon have been proposed within this document. They include:

- 1- Field preparations
- 2- Field implementation and
- 3- Monitoring and evaluation



Field visit to indigenous communities



A stunning attribute of indigenous peoples settlement

Phase 1: Field Preparations

Before the actual FPIC process, the first step must be the preliminary arrangements. The activities to be carried out under this step include the following:

Step 1:

Establishment of a Technical Team for FPIC Implementation

The attitude of the promoter of the initiative: The promoter of the initiative should adopt a responsible, respectful, honest and transparent attitude.

A multidisciplinary team should be established. Some basic guiding questions under this step include:

- Who do we need to carry out the FPIC operation on the ground (including those from nearby communities and associations)?
- What skills do we need?
- What strategy can we employ to get an effective and efficient team?

At this point it is important to:

- Identify the criteria and skills for selecting team members according to their competences,
- Determine the size of the team, taking into account the available means and whether or not it's cost-effective
- Clearly explain the mission to the team as well as the roles and responsibilities of each team member.

The initiative promoters are expected to recruit and form a multidisciplinary team of local and non-local facilitators. They will organize a briefing with the facilitators to ensure that they are familiar with the current standards for the FPIC process as well as the anticipated activities and results of the initiative and/or process. The team members are also expected to fully understand and respect national laws, international treaties and agreements ratified by Cameroon pertaining to human rights and REDD+ projects. It is important for the initiative promoter, if possible, to hire community members to be part of the team. These members should have a certain level of acquaintance which will enable them to follow discussions during the technical team meetings.

In the case where a community does not have at its disposal a member with the minimum background required, they can designate a local association to represent them as interlocutors within the promoter's team. These people will be charged with ensuring adequate communication with their communities. They will also be able to ensure that the views of their community are well understood and taken into account by project promoters.

In order for the team to conduct an appropriate and effective FPIC process with the communities, project developers / promoters should prepare all the necessary financial, pedagogic, communication and logistic resources. Project developers / promoters can also decide to reinforce their team by joining forces and entering into effective partnership with specialized institutions to carry out the FPIC process.

Step 2: Analysis of the Physical, Socio-Economic and Legal Context

The identification and analysis of the physical, socio-economic, cultural and legal context is geared towards collecting information on the physical attributes and the social, economic and cultural conditions of communities within the REDD+ initiative implementation zone. These notably include:

- Socio-economic and cultural conditions,
- Constraints and opportunities
- Existing formal and informal institutions
- Customs, traditions (notably collectively endorsed traditional processes)
- The history of the village etc.

It is also imperative to carry out a mapping of actors in the area so as to identify those who are directly concerned with the REDD+ initiative to be implemented, the links and power relations between each other as well as interested parties who can have an influence on the project to be implemented. This will permit the development of a culturally appropriate strategy for the consultation of members of the targeted communities.

The team of the promoter of the REDD+ initiative should also carry out a survey in the future project area so as to identify; the different land use in the area, indigenous and/or local communities in the envisaged project area as well as to map the right holders and the rights of these communities (for example the existing land titles). In the course of the survey exercise, the team should endeavor to identify capacity building needs of the communities involved, which will constitute the basis for developing and implementing necessary training programmes pertaining to the FPIC process.

Project developers and promoters identify dispute settlement structures/procedures existing within the communities in the future project area, or establish a process for the resolution of grievances connected to the project in the course of the project's life cycle. This could be realized by building on existing conflict resolution mechanisms like the use of legal and administrative procedures and structures. At this stage, project developer and promoters together with indigenous and/or local communities carry out a participatory social and environmental assessment which focuses on identifying the likely positive and negative impacts which the project might have from different social, economic, environmental, cultural and human rights stand points.

Analysis of the physical, socio-economic, cultural and legal context focuses on analyzing the opportunities and constraints that the site poses to the population as well as the economic and cultural aspects which the right holders actually stand to gain or lose as a result of the project implementation. This can be carried out by the review of existing literature concerning the area in question (existing maps, written reports on socio-economic surveys carried out in the area). Some basic guiding questions at this stage include;

- Is it a "mixed" community (indigenous and local people)?
- Are there marginalized groups in the community?
- Is there a risk that certain people may be intimidated or threatened whilst expressing their opinion?

- How will the consultation process take this into account?
- How will the initiative benefit the community?
- What are the rights and duties of the communities during implementation of the initiative?
- What will the community lose as a result of the advent of the project?
- What is the decision making process of the community?
- What is the local administrative structure of the community?
- What are the rights, including traditional and modern rights, (such as access to and use of natural resources etc.) and obligations conferred on the community?
- What are the different instruments, habits and customs of the communities within the area? What influence could they have on the REDD+ and FPIC processes?
- What are the different legal instruments that govern the area in which the project is planned?
- What place do these legal instruments occupy in the hierarchy of norms?
- Are these legal instruments in contradiction or in conformity with the envisaged process?
- What could be their influence in the process?
- What are the institutions that are implicated or interested in the process?
- What are the implications of the initiative for the socio-economic life of the populations?

In order to gather this information from communities, the facilitator can use certain tools such as the Participatory Rural Appraisal (PRA) for local communities and the MAPAPPY⁴ for the pygmy populations.

The execution of these analyses should lead to the production of socio-economic and biophysical reports presenting: informal and legal institutional framework, a social cartography of actors, their interactions and points of interest, including constraints, opportunities, strengths and weaknesses of a potential REDD+ project or programme.

Step 3: Development of an Information and Communication Strategy

The information and communication strategy will take into consideration both internal communication, within the technical operational team, and external communication with indigenous and local communities as well as the other stakeholders. It is important to know how communication within the technical team and external communication (government sectors, NGOs, civil society etc.) will be made. It is important to note that before the FPIC process begins, the REDD+ steering committee's accord has been obtained. In order to facilitate internal communication, the local communities should designate facilitators to include in the technical team. In this way they or members of the civil society chosen by the community can represent the community. Basic guiding questions at this stage include:

- How can promoters ensure a good circulation of information between the different actors who are directly or indirectly involved in the process?

⁴ *Participative Method for Approaching Pygmy Populations (MAPAPPY)*

- What necessary or supplementary information is needed by the actors?
- In what language will the information be conveyed to these actors?
- What are the culturally appropriate tools which will be used to convey the information?
- What is the best period to share information?
- What are the most appropriate places to give/transmit information to the different categories of actors?

How will the available information be appropriately tailored to each group of actors?

- What are the barriers to communication and how can these barriers be handled?
- Which local actors are implicated in the communication of this information?

The response to the majority of these questions may be obtained from the communities themselves. An analysis of existing methods may also be undertaken in order to further address these questions and certain forms of communications used by each category of local actors should be made. This can be done by mapping the existing modes of communication in the area. In addition, the state of current and past experiences on issues of participation of implicated stakeholders should be analyzed. Lessons learned from these past experiences will be taken into consideration so as to capitalize on the achievements and to devise a communication strategy to correct any shortcomings.



Phase 2: Field Implementation

In accordance with the REDD+ activities procedure manual, which dictates the conditions for approving pilot projects, REDD+ initiative promoters are obligated to present a preliminary plan in the Project Idea Note (PIN) for consulting with populations, which should be developed when the feasibility study is completed.

This is the phase for researching and seeking the community's consent. Its development is comprised of the following stages:

Step 4: Taking Appointments

This is the exercise of a facilitator going to the project village or town to meet the communities and let them know that they would like to have a discussion about the REDD+ project with them and inquire of their availability to participate in the discussion. Important issues to be considered by the technical team at this stage include:

- the availability of the community
- the place, date and time of the meeting, that are mutually acceptable to all village heads and community representatives
- the practical modalities for holding a meeting
- materials and logistics needed

In order to enable the community members to be present and at ease during the meeting itself, here are some important guiding questions for this step:

- What are the different sociological components in the project area?
- What are the moments, periods and dates best suited for organizing discussions?
- What is the usual process for when people want to discuss with members of the community in question?
- What can be done to ensure that all the points of view of all the sociological components (women, youth, the elderly, the handicapped, farmers, fishermen, traditional healers, hunters etc.) of the village or community are sufficiently taken into account at the meeting? Should all these sociological components be represented at each meeting?
- How can the maximum number of actors from the communities affected by the project be attained?
- For how long will the meeting last- a single or multi-stage meeting?
- What language will be used in the meeting? Or what are the languages, tools and modes of communication available to these vulnerable categories (braille transcripts, sign language, subtitles...) in the diffusion of information used during meetings?
- What are the community and the project developer expected to bring for the meeting (in terms of logistics, modalities, meals)?
- Taking into account all sociological components, what are the suitable locations for these meetings?

It is important to clearly spell out responsibilities of each concerned party at this stage.

Step 5: Information and Sensitization Meetings

Following the socio-economic study, there has been prior identification of what is needed to strengthen the capacities of the community. At this stage of FPIC, the REDD+ initiative promoter will build capacity on issues where gaps have been identified or for which there is a demand from the communities. This initiative aims to build the capacity of local and indigenous communities in the initiative's targeted area, to acquire skills which will enable them to understand the process, participate efficiently in defining REDD+ activities during and after the implementation of the initiative so that they will be able to follow key debates and efficiently represent themselves when the need arises. The promoters of initiative should inform the concerned community that they have the right to give or not give their consent or even opt for a conditional agreement. It is only after the capacity building measures have been taken that the developer may proceed with the information and sensitization meetings.

The information and sensitization meetings aim to inform and discuss the REDD+ initiative with the communities as well as any questions they may have. At this stage, the technical team members should provide information on the initiative.

The information that is transmitted to the community is based on a number of principles including transparency and fairness in the treatment of information. In the course of the information and sensitization meeting and process, the following issues should be addressed;

- The lifestyle of the target populations
- The nature of the initiative
- Impact of the project on their lifestyle
- Compensatory measures and development of a compensatory plan for the population
- Integration of consensus in the implementation of the project
- Legal rights of the community and legal implications of the proposed initiative (for example, the implications for land/resource rights, the state of carbon rights)

The promoter of the initiative should inform the indigenous and/or local communities about the following points:

- The objective of the project
- The nature, size, impact, duration, income, job opportunities and the implementation process of the proposed activity or initiative
- The size of the area affected by the initiative
- The probable positive and negative social, economic, cultural and environmental impact of the initiative (based on the results of a preliminary participative evaluation)
- The eventual limit of the activities within the area affected by the initiative
- The advantages and disadvantages of the initiative for the communities
- The rights and obligations of the different stakeholders
- The rewards or penalties that will be presented based on the results of the initiative

In order to communicate this information to the community, the developers may use diverse communication tools such as: visual tools (posters, images etc.), community radio etc. The facilitator should favor tools which enable communication in local languages and that are culturally adapted.

Step 6: Negotiating with Stakeholders

Once the community is clearly informed and has taken the time to analyze the information received, a date for the negotiation meeting is then fixed with the community. Negotiations are crucial to the process of developing a consensus and facilitators have a pivotal role to play in this process. Facilitators should have the capability of reframing the discussion on values, or needs (not negotiable) so as to focus them on the interests and negotiable positions.

External facilitators or those assisting in the development of the proposed project must be competent and neutral throughout the consent process. The negotiation process should be interactive with sufficient time for all parties involved to take decisions by consensus and it must focus on a specific issue or problem. In this context, if the communities accept REDD+, the negotiation will be based on the specific REDD+ activity proposed on their land. Consultations and negotiations must be conducted in an appropriate place and at a convenient time which is acceptable to all. This should be done in the absence of persons who are capable of influencing the expression of the people.

It should be noted at this stage that there is a clear difference between consensus and consent. Consensus is negotiated when it comes to the details of the initiative, point by point, after which the community may give its consent for the global initiative.

After evaluating gains, losses, risks and advantages, the stakeholders should identify what the project brings as added value, pertaining to the current and future cultural, social, environmental and economic situation. During the negotiation process, parties will generate a list of alternatives with advantages and disadvantages so that they can offset the impact of the project, thereby having a number of options and tradeoffs to consider. Eventually, the options become a choice upon which renegotiation can be carried out until all the parties involved in the negotiation arrive at a consensus.

This process should end with a decision from the community which may take several forms:

- A culturally appropriate accord by all parties agreeing to the initiative, under the condition that certain aspects will be discussed further or excluded under the terms and conditions of the accord
- Unconditional consent to the initiative
- Refusal, with certain conditions which may imply certain details of the initiative may be renegotiated
- A categorical refusal to the initiative

Initiative promoters must ensure that all relevant right holders are involved (through traditionally/culturally appropriate participation) in the negotiation process throughout the

project life cycle of the initiative (from design, through implementation to monitoring and evaluation).

Initiative promoters will have to negotiate and agree with the local and/or indigenous communities on a mechanism that will guarantee a fair, transparent and non-discriminatory sharing of benefits emanating from the project among the relevant right holders.

Negotiations can be carried out on the basis of;

- The habits and customs of the community as a priority, other elements being secondary
- Relevant existing international, regional and national texts which govern the mechanisms of benefit sharing
- Clarification of the groups who will benefit, as well as the level of benefit or the elements to consider in the evaluation of the level of advantage during the sharing of benefits from the initiatives
- Evaluation of losses that will emanate from the project
- Evaluation of the opportunity cost lost (relative to the activities of the populations) due to the initiative
- Costs and revenues generated by the project,
- Social, economic, environmental and cultural needs of the population (hunting permits, logging permits, and recognition of the rights to use and enjoy land as stipulated by the Cameroonian Forestry Law)

During the negotiation process, the facilitation team should allocate sufficient time for the local and/or indigenous communities to amply discuss and establish, using their own methods of doing so, a consensus prior to the conclusion of an agreement between the initiative promoter and the communities. The period of time given should be in accordance with the reasonable availability of the community.

Taking into account the lifestyle of the population of the area affected by the project, the negotiation can be carried out:

- Firstly internally within the community
- Secondly between the community and the project promoter.

If the intervention area of the initiative affects multiple communities, and therefore multiple sociological components which should be addressed separately, it will be necessary to carry out a negotiation process which is specific to each of these components and communities. In case of an accord, the decisions which will be made with each of these should be recorded in the minutes of the negotiation process and coherently included in the final agreements between the parties.

It is important at this stage to note that the duration of the negotiation phase is a function of the time deemed necessary by the community to study the issues raised during the negotiation phase. Therefore, the REDD+ project developer must take this parameter in to account, leaving enough time for the IPLC to make their decision, without infringing on the principle of freedom in decision making which is fundamental to the process.

Step 7: Formalizing Agreements Between Parties

The formalization of agreements is only possible if the community gives their consent to the project. Formalization refers to the form by which the community gives approval or says “yes”. This “yes” can be given in oral form or another customary way which suits the community, but their consent should be formally written for the purpose of record, monitoring and conflict management.

According to their customs, the community agrees on the duration of the agreement and on how they will follow it up. The agreements between the project promoter and the indigenous and/or local communities should contain specific terms and conditions under which consent is given.

This agreement should clearly explain how and through whom conflicts between the parties within the area of the initiative will be managed. The management of conflicts may be developed on the basis of existing mechanisms within the communities or be proposed by the project developer or those from the REDD+ national coordination. It should also include a clear system for appeal.

This agreement may include the following items:

- Description of the area where the project is located, including the ecosystem services
- The right holders and resources
- The costs and constraints of the initiative incurred by the various parties
- The benefits and advantages for the various parties
- The mechanism for sharing benefits
- The roles and responsibilities of each party
- The duration of the agreements and the frequency for renewing the accord as indicated by the community
- The measures for monitoring, verification and independent evaluation of the agreement
- The grievance process and the mechanism for conflict resolution
- Clauses for the withdrawal of consent
- The procedure for the next consultation to obtain consent

If consent is granted by the community, the agreement should be documented, ratified and published in the national register for REDD+ initiatives and, if accepted by both parties, the agreement should be confirmed by a notary public.

Discussions at this stage can be guided by the following basic questions;

- What are the advantages and associated risks?
- What can be done to ensure that this act is taken under the best conditions and recognized by the communities?
- What do the majority of members agree upon?
- How long will the agreement last for?

- What are the measures to be included so as to minimize conflicts and ensure greater cohesion in the process?
- Who are persons designated by parties, authorized to submit proposals to authorities and follow it up?
- What do they need in order to do this?
- What is the guarantee for this long-term investment?

Step 8: Developing a Roadmap

Here, the steps to be followed must be defined by consensus between the promoter and the community. After an agreement has been established, a road map should be developed by mutual agreement. This action plan should clearly explain the activities to be implemented in the allotted time and space, with the roles and responsibilities of everyone clearly defined.

The discussions for implementing the road map will take place in a consensual manner. These discussions should be conducted at a time and in a place convenient to all parties. All the elements of the road map should be agreed upon with the consensus of the communities.

The external facilitators or those who help to elaborate the roadmap should be competent and neutral throughout the process and ensure that all the elements of the roadmap are obtained through consensus.

Phase 3 : Monitoring and Evaluation of the FPIC Process

Step 9: Monitoring

Monitoring is carried out over the course of the implementation of the project. This stage of the FPIC process is actually aimed at ensuring that each party actually proceeds or carries out his functions based on the agreement and the roadmap that was reached or established. There is need for the responsibilities of each party to be clearly defined and a permanent monitoring body to be set up. The monitoring body has the responsibility to follow up on the project implementation phase and to maintain the relationship between both parties through a system of monitoring and evaluation. This body will constantly inform/remind stakeholders of the terms of the agreement that was arrived at, which is the premise for the implementation of the project. The members of this monitoring body should volunteer for this role and exercise their responsibilities without charge.

Basic guiding questions for implementing the initiative at this stage include:

- Should the monitoring body be independent of the parties or external to the process or of the entire process?
- Who will be part of the monitoring and evaluation body (to ensure a good representation of the parties)?
- How may the community choose its own representatives to be part of the monitoring body?
- How may the powers of the community representatives in the monitoring body be ensured?
- How will the promoter choose their representatives for the monitoring body?
- What is the strategy to be put in place so as to ensure that the representatives of the promoter and the communities cooperate with each other within the monitoring body?
- What resources are needed for the monitoring body to function?
- What is the procedure in case the terms of the agreement are not respected?
- Is it necessary to have a third-party in the monitoring body?

Step 10: Verification and Evaluation

At some point, after a few years of implementing the project, which was agreed upon by the parties under an established agreement, a neutral independent third party organization specialized in forest-community interactions, may be contacted for independent verification of the FPIC process. The project developer and the communities are therefore expected to agree on the standards applicable to the verification of the FPIC process.

The elements to be respected in a methodological manner for the monitoring to be effected are presented here in this non-exhaustive list:

- Meeting with the community or their representatives
- A discussion forum with the members of the community which takes into account the different components which constitute;
- The sociological components during the meetings

In addition to the standards to be adopted for the verification process, common means for verification for the different component of FPIC include but are not restricted to the following:

- An in-depth survey conducted by certain members of the community
- The number of meetings organized
- Review of relevant documents and meeting reports
- Review of minutes and attendance sheet of negotiation meetings
- Review of agreement documents or memorandum of understanding
- Photos (with GPS coordinates if possible)
- In certain cases the attendance lists
- Videos
- The roadmap
- The annual activity plans
- The agreement signed by the parties
- The communities conducting rituals or activities
- The documents listing elements of the initiative which relate to the communities
- Training materials and presentations prepared and used by the promoter during the capacity-building stage of the communities

The parties should agree upon the terms of the accord after evaluation, if the terms of the agreement are not respected, certain readjustments should be made and a restructuring plan should be developed and put in place. During subsequent evaluations, if failures reoccur for one or another of the parties and these parties are unable to agree upon another restructuring plan, then they can terminate the agreement. That is to say the community can withdraw their consent or the promoter can disengage from the initiative.

How will compensation be given? If a reforestation initiative is developed and the problem of recurrence arises, who will profit from the investments?

All that is related to such investments will be covered in the agreements developed by the parties.

Obtaining Fpic : Principles, Criteria, Indicators and Guidance



Forests, heritage of indigenous people

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PRINCIPLE 1 : FREE

Absence of Force, Pressure, Unwanted Obligation, Manipulation and Intimidation

Criteria	Indicator / Guidance
<p>1.1 Appointment dates for meeting / consultation should be freely chosen by members of the community without any external influence.</p>	<p>Indicators</p> <p>1.1.1 Information shall be available to confirm that the date, time and venue for the meeting with the project promoter was freely chosen by the community.</p> <p>Guidance:</p> <p>Project developers should allow communities to choose a convenient date and time for meetings. Communities will often require consultation meetings to take place in their chief's palace or in the home of a representative (focal point) of the community. Certain communities are able to better express themselves in a neutral location such as a school, church, meeting room etc.</p> <p>The head of communities, in consultation with elders, choose a date, time and venue for meetings.</p> <p>Avoid organizing meetings during peak farming periods, market days, festive periods etc.</p> <p>The Mbororos are ready for meetings from 10am to 2pm on any day of the week except on market days and during periods of transhumance activities (January to April).</p> <p>The Bedzang are open to meeting freely and choose any day of the week between 6:30am and 11:00am.</p> <p>The Bakas and the Bagyelis are open to meetings in the morning, between 6:00 am and 10:00 am and in the afternoon between 4:00 pm and 5:00 pm on any day of the week. It is difficult for them to make themselves available during the dry season (February and March) as this corresponds to their fishing season and also during the harvest of non-timber products (June and July).</p> <p>In order to organize a meeting it is necessary to use a mediator who is well-trusted by the community or a community leader. Avoid using someone who will wish to negatively influence the decisions of the community.</p>
<p>1.2 Communication/ information dissemination to members of the community should be carried out as culturally prescribed by the community.</p>	<p>Indicators:</p> <p>1.2.1 All the relevant information should be transmitted in languages and formats adequate to the mode of communication of the communities.</p> <p>1.2.2 A strategy shall be put in place to ensure that each sociological component of the community feels free to express their criticism and suggestions on the information that has been passed across to them in the course of a meeting.</p> <p>1.2.3 There should exist a document or report showing that the information was disseminated according to the cultural practices of the community.</p> <p>N.B. The report should be read, approved and presented to the community by the facilitator chosen by the community.</p> <p>Guidance:</p> <p>For 1.2.1</p> <p>The communities prefer the information to be delivered in the maternal languages or local dialects, i.e. Foulfoulde for the Mbororo, Tikar for the Bedzang, Pidgin and English for the Anglophones, French for the Francophones etc.</p> <p>For 1.2.2</p> <p>During meetings, local and indigenous communities will generally express their criticisms or suggestions based on their community's channels.</p> <p>The Bakas will demand the information to be delivered in their local language in order to fully understand all the information and to freely express their critiques/suggestions.</p> <p>The presence of an administrative authority and/or a Bantu can prevent the Bedzangs, Baka and Bagyelis from freely expressing themselves.</p> <p>Separate meetings for Mbororo women are recommended because these women cannot always freely express themselves in the presence of their spouses.</p> <p>For 1.2.3</p> <p>The document or report should have a section or paragraph which describes how the information from the meeting conforms to the cultural practices of the community.</p>

1.3 Community members freely negotiate their advantages and benefits on their own without any external influence.

Indicators:

1.3.1 There shall be evidence that meetings for decision-making were attended by appropriate persons. (Refer to the list of verifiers above)

1.3.2 A strategy shall be in place to enable the community, in certain cases, to be accompanied by an individual or an institution of their choice in the course of the negotiation meeting and also during the phase before and after negotiation.

1.3.3 There should be evidence to certify that the communities are made aware of the implications of restrictions following the implementation of the initiative as well as their participation (Refer to the list of verifiers above).

Guidance:

For 1.3.1

The community themselves chooses their representatives. They can be accompanied by a person or NGO of their choice.

For 1.3.2

Certain communities will prefer to be accompanied to negotiation meetings either by a local, trusted NGO or by one or multiple educated members who have knowledge on the negotiation subject.

For 1.3.3

The restrictions and the previously identified advantages which have been negotiated should be documented and validated.

1.4 Ratification of the agreement and the elaboration of a road map should be carried out in a manner appropriate to the community.

Indicator:

1.4.1 An agreement exists which has been accepted by the community following methods recognized by them.

Guidance:

Generally, communities will engage in the establishment of a formal agreement which is written, read, approved and signed by the project developer and community representative(s).

In order to ratify the agreement and outside of any written form of the accord, the Mbororos will pray and make a sacrifice ("Sadaka") characterized by the sharing of items including but not limited to biscuits and sweets to the entire community. The Bakas will normally sing, dance, applaud and accept gifts offered to them as a sign of their acceptance of the agreement. The Bedzangs, just like many other local communities will accept the terms of an agreement by a solemn "yes" by all in a chorus followed by handshake and/or an embrace with the different stakeholders. Sometimes, this is followed by some form of celebration with drinks and food.

1.5 The formation/ composition of the monitoring body should take in to consideration the views of the community.

Indicators:

1.5.1 A strategy shall be in place to ensure that the constitution of the monitoring body is appealing to the community.

1.5.2 Selection of appropriate members of the community (by the community) to be represented in the monitoring body shall be carried out by the community.

Guidance:

Community members envisaged to be represented in the monitoring body should be designated and chosen according to the criteria set out by the community.

1.5.2

The community may choose to be represented by a person of their choice.



Un atribution signifianta a dezvoltării comunității autochtone

Mbororo Indigenous women after FPIC consultation workshop

PRINCIPLE 2 : PRIOR Provision of REDD+ Activities and Programmes Sufficiently in Advance

Criteria	Indicator / Guidance
<p>2.1 Appointments for consultation meetings with communities are taken well ahead of time as deemed appropriate by the communities.</p>	<p>Indicators: 2.1.1 Evidence shall exist to prove that appointment dates with communities was taken beforehand and through the designated contact person of the community.</p> <p>Guidance: For indigenous and local communities, contact their chief or the focal person. Appointment dates should be taken 1-2 weeks beforehand for the Mbororos, Bedzangs, Baka, Bakolas and Bagyelis, while for many other communities it can be taken 1-4 weeks in advance. For urgent issues, appointments can be taken with the Mbororos between 3 days and one week in advance of the meeting.</p>
<p>2.2 The necessary formalities are met before information is disseminated to the community.</p>	<p>Indicators: 2.1.2 Justification for having met with the due conditions prior to information dissemination shall be demonstrated.</p> <p>Guidance: A facilitator needs to contact the chief or head of local and indigenous communities either by mail (letter), physically, by phone or through local NGOs. The subject and the objective(s) of the said information must be spelled out to the chief. For the Bakas, the right holders must have been informed and be present before the information is passed across to the wider community and they will also need to know all the stakeholders involved in the project.</p>
<p>2.3 The community carries out their required rites/ activities before the start of negotiations.</p>	<p>Indicators: 2.3.1 The holding of rituals/activities required by the communities (including consultations and exchanging ideas, analyzing the information provided); 2.3.3 The oral confirmation and/or minutes of the meetings as required (support organisations or representatives to be informed) have been received before the beginning of negotiation proceedings.</p> <p>Guidance: Most indigenous and local communities need a period of time such as a week or even longer to prepare for negotiations on an issue which is of interest to them. The Mbororos will need a month to do this if the REDD+ initiative will be of long duration and of great importance, but it will be for them to judge its importance. Communities will require all information related to the project be disclosed to them in an appropriate format, determined by them, before the negotiation exercise can commence. The Mbororos will pray before they engage in negotiations. The Bakas, just like many other communities will require a third party to build their capacity before the start of the negotiation while many communities (for example the Poala at Bangem) will invoke their ancestors with palm wine and cola nut before engaging in the negotiation exercise.</p>
<p>2.4 The community gives its views on the functioning of the organ as well as put up a set of eligibility criteria against which the selection of members of the community to be part of the monitoring body will be based.</p>	<p>Indicators: 2.4.1 Records for the selection of community members to be part of the monitoring body shall be maintained. 2.4.2 There shall be evidence that functioning of the monitoring organ takes into account the views of the community.</p> <p>Guidance: For 2.4.1 Presentation of a verbal declaration, minutes, documents and pictures of meetings validated by communities pertaining to the selection of community members to be part of the monitoring body. For 2.4.2 Indigenous and local communities will expect to get periodic reports on the state of the monitoring of the terms of the agreement. Community representatives should closely follow up the project and the ratified terms of the agreement.</p>



Forests serves as a home to indigenous people

PRINCIPLE 3 : INFORMED

Disclosure of the Full Information About a REDD+ Activity or Project

Criteria	Indicator / Guidance
3.1 All the necessary information required by the community in the course of taking appointments is made available.	<p>Indicators:</p> <p>3.1.1 Evidence shall exist that the project promoter has provided the community with the information that will be required by the latter for their information and during the negotiation process.</p> <p>Guidance:</p> <p>The project promoter should provide indigenous and local communities with detailed information in the form of documents on the proposed activities or project(s). But this information should be provided in the manner and languages as required by the community and as indicated during the stage of appointment taking.</p>
3.2 Information meant for the community is objectively and transparently offered through appropriate communication channels before the start of negotiations.	<p>Indicators:</p> <p>3.2.1 Evidence shall exist to prove that the community received and accepted exhaustive information on the project before negotiating.</p> <p>3.2.2 Evidence shall exist to prove that community members are informed of their rights to give, refuse or withdraw their consent at the beginning or at a later stage of the project prior to a third party verification during the project implementation</p> <p>3.2.3 A strategy shall be in place to ensure that complete information is made accessible and transparent using appropriate communication channels.</p> <p>Guidance:</p> <p>For 3.2.1</p> <p>Project developer should explain and help communities to understand the nature of the proposed initiative, as well as the potential risks and benefits of it at individual, household, community and environmental levels. The Mbororos for example will want to know the links between the project and their livestock and pasture land. The Bakas, Bedzang, Bagyelis and Bakolas would want to know how the project will affect or change their forest and agriculture-based life style etc.</p> <p>For 3.2.2</p> <p>Initiative promoters should explain to indigenous and/or local communities that they have the right to give, withhold or withdraw their consent at any time during the FPIC process, and for the implementation phase of the initiative, they may do so within the fixed limits set out by the established agreement.</p> <p>For 3.2.3</p> <p>Information can be made accessible to communities by handing over the information to be transmitted to the head or chief of the community and/or the designated representative, who will then ensure the diffusion of the information to the entire community using local communication channels such as the beating of drums, use of messengers, local radios etc.</p> <p>To maintain transparency, the initiative promoter should disseminate information in the local language of communities.</p> <p>The community representatives and/or civil society organisations known by the community form part of the facilitation team which is established by the promoter.</p>
3.3 The community is well informed on the implication of the agreement.	<p>Indicators:</p> <p>3.3.1 Measures shall be put in place to ensure that the community is informed of the implication of the agreement and to improve comprehension.</p> <p>3.3.2 The traditional expression by the community for understanding the information provided.</p> <p>3.3.3 The explanations given by the communities on the implications of the initiative.</p> <p>Guidance:</p> <p>Communities' understanding of the implication of the agreement could be enhanced if individuals or an organization (local NGO), chosen by them, read and explain to them the terms of the agreement. Only after they have understood the terms of the agreement can they ratify (sign) it.</p> <p>An analysis of the benefits and losses, the advantages and constraints caused by the implementation of the agreement should be carried out by the communities before it is ratified.</p>
3.4 Information concerning the monitoring body and the third party verification is disclosed to the community.	<p>Indicators:</p> <p>3.4.1 Evidence of information provision to the community concerning the monitoring body shall be available.</p> <p>3.4.2 Evidence of information provision to the community concerning the third party independent verification shall be available.</p> <p>Guidance:</p> <p>For 3.4.1</p> <p>Indigenous and local communities should be informed of the mission of the monitoring body, the composition of the organ and the different positions of responsibilities that the body shall possess.</p> <p>For 3.4.2</p> <p>Initiative promoters will need to inform indigenous and local communities on the basis on which an independent third party verification body will be selected and the role to be played by this independent body.</p>



Forests serves as a home to indigenous people

PRINCIPLE 4 : CONSENT

Community Agrees or Approves Proposed REDD+ Activity

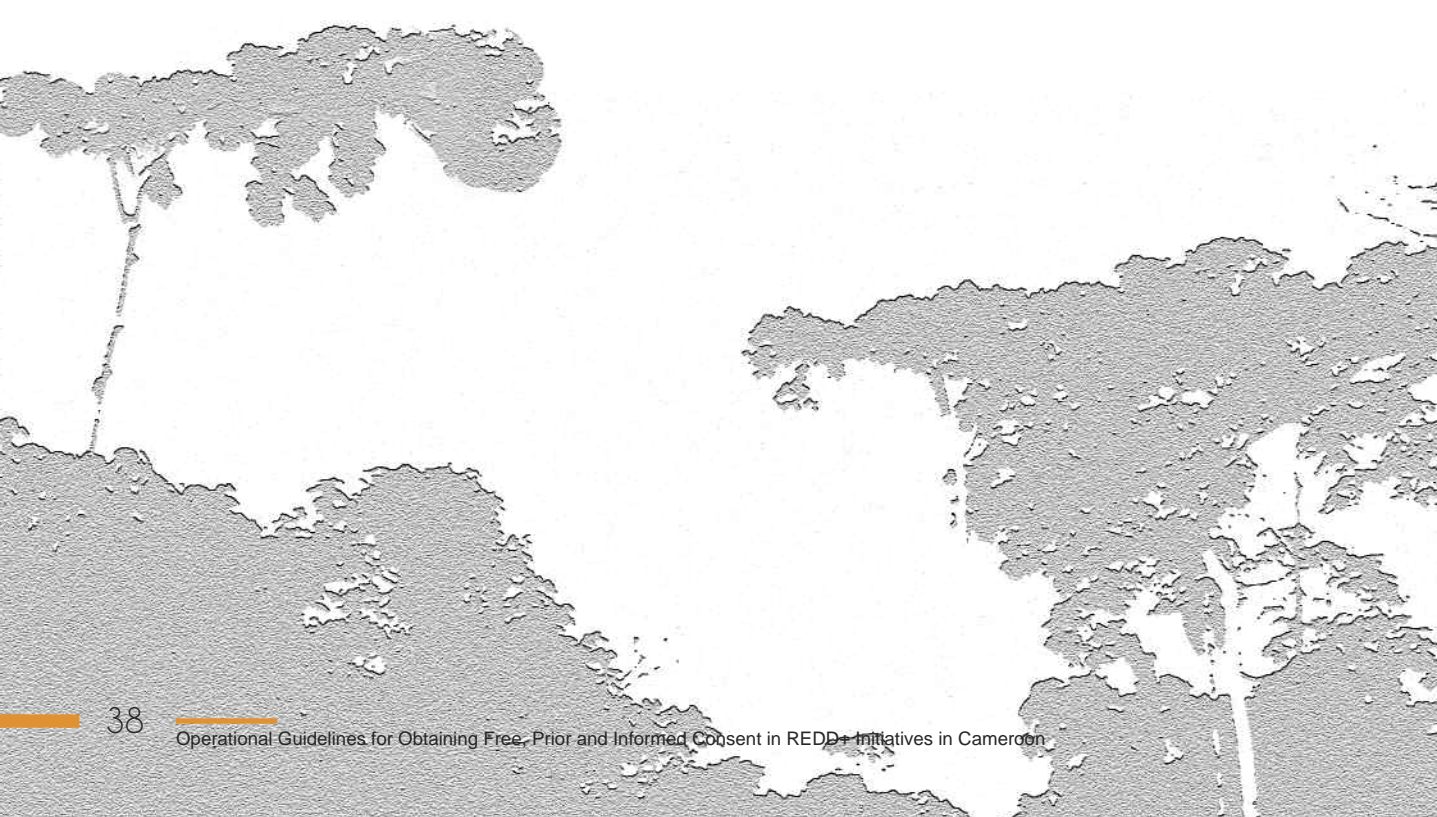
Criteria	Indicator / Guidance
<p>4.1 The community's existing procedure for taking an appointment alongside that for information/communication is followed.</p>	<p>Indicators: 4.1.1 The traditional methods for i. organising a meeting with the community and ii. obtaining the consent of the community to pass across information was followed.</p> <p>Guidance: The initiative promoter must first of all contact the chief or focal point of the community so as to organise a meeting. As per consent for passing across and analysing information, the chief or head of the community contacts his elders, together they discuss and arrive at a decision as to whether to give or withhold consent for the transmission of the information.</p>
<p>4.2 Negotiation over the validity of the initiative should be undertaken in an appropriate and coordinated manner, following the community's traditional and/or official process of decision making.</p>	<p>Indicators: 4.2.1 There shall exist justification that negotiation and collective decision-making by the community was done as stipulated by their traditional and/or official practices. 4.2.2 The verbal process for negotiations.</p> <p>Guidance: The right holders for making decisions in local and indigenous communities are the chiefs/head and his elders (councilors). In many cases, the community gives her perspective after which the chief and his councilors reunite and take the final decision. In some communities, the chief or a designated person will perform rituals to determine whether the negotiation is a good one or not. Some communities will notify the project developer on their readiness to start negotiations either by means of a letter addressed to the project developer or a messenger sent to the project developer to this effect. For the Bakas and other communities, a democratic system is used and the views of the majority adopted. For the Bedzang, the chief convenes his councilors alongside other relevant stakeholders in the negotiation process. They all discuss together and come up with a consensus at the end of the day. The Mbororos will discuss among themselves in Foulfoulde language in the course of the negotiation process. Some designated individuals will leave the negotiation room to discuss further and arrive at a conclusion, after which they will return to the negotiation room and inform the project promoter of their decision. At the end of the negotiations, they will express their satisfaction with the agreement by sharing cola nuts and through prayer. The Bedzang community will utter words of satisfaction and thanks, sing and dance, as well as prepare a meal for the community or divide food items between the entire community. Some communities express their satisfaction of the agreement with a round of applause and at times by singing a traditional song. The spokespeople for the indigenous communities and other populations should know these customary practices in order to understand when consent has been given.</p>
<p>4.3 Members of the community give their accord pertaining to the creation of the monitoring body and the selection of a third party for the verification process.</p>	<p>Indicators: 4.3.1 Evidence shall exist to demonstrate that the creation of the monitoring body and the selection of a third party for the verification process was carried out with due consent of the community. 4.3.2 The presence of community members in the monitoring body.</p> <p>Guidance: The fact that indigenous and local communities propose and nominate members of their community or opt to be part of the monitoring body is enough reason to show that they have given their consent to the creation and existence of the body.</p>

CONCLUSION

The national FPIC guideline document for Cameroon provides useful guidance for REDD+ initiative promoters in Cameroon in the course of seeking free, prior and informed consent with indigenous and/or local communities before and during the implementation of REDD+ projects. This guide provides the most important steps for initiative developers seeking a secured FPIC with communities. For every step, the document offers some guiding questions and possible methods and ways to implement it.

In order to facilitate the FPIC process and help project developers and promoters obtain FPIC of the indigenous and local communities, the document provides the principles, criteria and indicators for FPIC based mainly on information gathered from field consultations within five different agro-ecological zones of Cameroon- that also include five indigenous community groups (Baka, Bagyeli, Bedzang, Mbororo and Bakola) and some local communities. For an easy follow-up and realization of each indicator by the stakeholders, specific guidance has been provided for local communities and the different indigenous communities' group including the different means of verifying the indicators.

Given Cameroon's highly diverse communities with their individual identities and specific context, it is important to note that the list of options, guiding questions, methods, criteria and indicators, means of verification, etc. outlined in the document is not exhaustive. This means that where and when appropriate, a project developer together with the communities, government institutions, or a third party, can identify additional indicators and propose additional means of verification as long as it will help in demonstrating that the project developer is seeking or implementing FPIC.



ANNEX

Annex I : Definition of FPIC (Source : ONU-REDD 2013)

Free

Free refers to a consent given voluntarily and absent of “coercion, intimidation or manipulation.” Free refers to a process that is self-directed by the community from whom consent is being sought, unencumbered by coercion, expectations or timelines that are externally imposed.

Prior

Prior means “consent is sought sufficiently in advance of any authorization or commencement of activities”. Prior refers to a period of time in advance of an activity or process when consent should be sought, as well as the period between when consent is sought and when consent is given or withheld. Prior means at the early stages of a development or investment plan, not only when the need arises to obtain approval from the community.

Informed

Informed refers mainly to the nature of the engagement and type of information that should be provided prior to seeking consent and also as part of the ongoing consent process.

Consent

Consent refers to the collective decision made by the rights-holders and reached through the customary decision-making processes of the affected peoples or communities. Consent must be sought and granted or withheld according to the unique formal or informal political-administrative dynamic of each community.

Annex II :

International Legal Framework for the participation of populations in natural resource management

In relation to the participation of populations in natural resource management, the Cameroon state is engaged on an international level within many areas such as charters, declarations and conventions. This constitutes the international legal framework. This includes:

1. United Nations Declaration for the Rights of Indigenous Peoples (UNDRIP) ⁵

The FPIC is well articulated in the United Nations Declaration for the Rights of Indigenous Peoples and many international organisations implicated in REDD+, notably UN-REDD, use this declaration as a reference point. Cameroon signed the UNDRIP in 2007. Many of these articles address the need to seek the consent of the community and to respect the procedures that leads to the obtention of consent.

Article 10 raises the necessity to obtain free, prior and informed consent from indigenous populations within the framework of developing projects which risk excluding such people from their land. With this in mind, FPIC is presented as a right for these communities

Articles 11, 12, 13(2), 18, 19, 26, 28, 32 and 34 address actions linked to the consultation, the informing of and the participation of indigenous populations, as well as rights to the land, questions of compensation/damages and the safeguarding of institutional structures and traditional customs.

2. International Covenant on Economic, Social and Cultural Rights ⁶

This covenant, to which Cameroon adheres, establishes FPIC as a right for communities, specifically for economic, social and cultural plans, and it urges states to regulate this right.

Articles 1.1, 1.2, 1.3 focus on the recognition of freedom of determination and use of populations' resources, as well as the necessity for states to enable the realization of the right of people to self-determination.

Article 5 specifies that these rights cannot be excluded or limited in the FPIC.

3. International Covenant on Civil and Political Rights ⁷

On the political and civic level, this covenant consolidates the rights of communities to FPIC, in so far as it recognizes (article 1) the right for people to self-determination and to freely manage their wealth and natural resources, tasking the state with implementing certain mechanisms to support these rights.

⁵This Declaration was adopted at the General Assembly on September 13, 2007 by a majority of 144 states in favour, 4 votes against (Australia, Canada, New Zealand and the United States) and 11 abstentions. Since its adoption, the four votes against changed their minds and ratified the Declaration.

⁶Resolution 2200 A (XXI) of 16 December 1966 entered into force on 3 January 1976.

⁷Resolution 2200 A (XXI) of 16 December 1966 entered into force on 3 January 1976.

4. Rio Declaration on Environment and Development (1992)

The Rio Declaration indicates that all human beings have the right to a healthy and productive life in harmony with nature (Principle 1). It also recognizes the right for communities to protest when their environment is threatened. The Declaration also evokes the necessity for FPIC (Principle 10), by recognizing the importance of the participation of citizens when making decisions related to environmental questions, and engaging states to make all necessary information available to them and reinforce the mechanisms for improved participation at all levels of decision making.

FPIC is also mentioned (Principles 20, 22, 23, and 25) in the recognition of the participation of women and local and indigenous populations in the management of the environment and sustainable development.

5. 1981 African Charter on Human and Peoples' Rights

In Article 21, the African Charter on Human and Peoples' Rights mentions that people are free to manage their wealth and natural resources, and that this right shall be exercised in their exclusive interests.

Under no circumstance may a people be deprived. In the event of dispossession, the dispossessed people have the right to legitimately retrieve their belongings as well as the right to adequate compensation (compensatory measures).

6. 1992 Convention on Biological Diversity (CBD) ⁸

The Convention on Biological Diversity urges the state (Article 8) to preserve local and indigenous communities' knowledge and practices relevant to the conservation and sustainable use of biological diversity. It encourages the application of these principles on a large-scale, along with the agreement and participation of local and indigenous populations, with an equal sharing of the advantages deriving from the use of this knowledge and these practices and innovations.

7. United Nations Charter ⁹

In the introduction, the United Nations Charter puts forth the necessity to develop, between nations, amicable relations based on respect of the principle of equal rights of peoples and the right to self-determination; to develop and encourage the respect of the rights of man and fundamental freedom for all, without racial, sexual, linguistic or religious distinction. This charter represents an opening for indigenous and local populations, for their rights to be respected when threatened.

7. COMIFAC's Convergence Plan, February 2005

In its "strategic axis 7", COMIFAC's Convergence Plan notes the necessity to help populations to participate in the management of resources through, information, sensitization and training, which constitute prerequisite activities in the process of obtaining consent from local and indigenous communities.

In 2010, the members of COMIFAC signed the sub-regional guidelines on the participation of local and indigenous populations and NGOs for sustainable management of the forests of Central Africa. These guidelines should now be incorporated into the legal structures of the COMIFAC member countries.

Annex III defines FPIC as one of the major innovations introduced by these guidelines.

⁸ The Convention on Biological Diversity is a binding treaty that has been ratified by 193 countries from 2011.

⁹ See also: *UN Common Understanding on the Human Rights-Based Approach to Development Cooperation (2003)*.

Annex III :

National Legal Framework for the participation of populations in natural resource management

Numerous texts and laws produced by Cameroon regulate the participation of local and indigenous communities in natural resource management and enable the protection of their rights by improving the consideration of their opinions and wishes.

The following are the principal regulatory texts:

1. 1996 Constitution

In its introduction, the 1996 Constitution of Cameroon indicates that the state ensures the protection of minorities and preserves the rights of indigenous populations who respect the law.

In Article 57, it indicates that certain members of the regional councils should be representatives of the traditional leadership elected by their peers. This implies the acknowledgement of the responsibilities of traditional power and the right of local communities, who continued to be attached to their traditional institutions, to be consulted and to participate in the management of public affairs. Consultation and participation constitute fundamental elements of FPIC.

2. Forestry Law, 20 January 1994 ¹⁰

The forestry law guarantees for indigenous and tribal peoples to participate in the management of natural resources, which are abundant in their ancestral lands, through “user or customary rights”. These user rights also appear through community forestry, which is not only considered as a mechanism for including populations in the management of forest resources, which they are bordering, but is also presented as a way to improve the living conditions of these populations.

The measures within this law establish the Forestry Royalties Arrangement (RFA). 10% of this RFA is given to the community to aid with development and may be viewed as a compensatory measure from the government for any damages to the forestry communities.

Concerning the participation of the PACL in managing the space, their consent shall be obtained (article 26) in all classification processes ¹¹ of a forestry surface for the exploitation of wood or the establishment of a reserve. In this way, populations should be informed through “the press and notices in the administrative offices, mayor’s offices and other administration offices responsible for the concerned forest areas or through another useful channel”.

¹⁰ Law 94-01 of 20th January 1994 governing forests, wildlife and fish

¹¹ According to article 22, classed or permanent forests should cover at least 30% of the total surface area of the national territory. Through a committee which comprehends local authorities and representatives of communities, the PACL may have their voices heard during the process of classification.

3. Environmental Framework Law of 1996 ¹²

The environmental framework law aims to ensure conservation and sustainable use of environmental resources in Cameroon. Article 17 anticipates that “the promoter or owner of any development, labour, equipment or project which may endanger the environment owing to its dimension, nature or the impact of its activities on the natural environment shall carry out an impact assessment, pursuant to the prescription of the specifications. This assessment shall determine the direct or indirect impact of the said project on the ecological balance of the zone where the plant is located or any other region, the physical environment and quality of life of populations and the impact on the environment in general.”

The implementation of this environmental impact study (EIE) requires consultation with the stakeholders involved in the projects.

Chapter III is dedicated to the Fundamental Principles. Within this, article 9 identifies “the principle of participation, according to which; each citizen should have access to informations related to the environment.” ¹³

Article 20 indicates that “any impact assessment shall give rise to a reasoned decision by the competent administration, after approval by the interministerial committee provided for by this law, under pain of absolute nullity of the said decision.”

In Cameroon, there essentially exist two types of EIE: detailed and summary EIE. As its name suggests, a detailed EIE involves a thorough study of the social, economic, physical and biological aspects susceptible to having both negative and positive effects on the population bordering a given development site and on the environment (Njamnshi et al., 2009).

4. Guideline law for the Organization and Sustainable Development of the Cameroon territory. ¹⁴

This law defines the legal framework for land use planning and how sustainable development should be taken into account during this process. This law applies to all uses of land and development projects. Article 6 of Chapter II describes the “participation of Regional and Local Authorities, public organisms, socio-economic actors and citizens in decision-making on matters of land use planning as well as their implementation and evaluation.

5. National Programme for Participative Development (PNDP) and Forest Environment Sectorial Programme (PSFE)

The PNDP and PSFE have been established within the national political framework for fighting against poverty. This aims to guarantee the participation of local communities in making decisions related to socio-economic development. For example, the PNDP intends to help every community to organize a consultation committee in order to establish a participative communal development plan.

A consultation and participation structure should be put in place in order to enable the community to identify the needs for its development and its potential contribution to achieving this.

¹² Enacted 5th August 1996

¹³ The implementation decree mentioned in Article 7(2) of this law, which should explain the procedures to follow in order to make information publicly available, has not yet been popularised (Njamnshi et al., 2009).

¹⁴ N° 2011/008, 6th May 2011, but this law lacks implementation decrees.

6. APV-FLEGT signed by Cameroon May 6th 2010

The EU FLEGT¹⁵ Action Plan “ensures high levels of participation from stakeholders.¹⁶” The Council of the European Union “instantly demands for the community to enforce effective participation from all actors, notably non-static actors and indigenous peoples in the development and implementation of policies.”¹⁷

7. 13 June 2012 Decree 103/CAB/PM establishing the organization and functioning of the REDD+ Steering Committee (SC)

The REDD+ SC has 17 members, of which 10 fall within sectorial ministries, one is from the Prime Minister’s office, one is from the Presidency of the Republic and one is from the Cameroon National Assembly. One place is reserved for civil society and another for the IP. The two last places are reserved for municipalities and the industrial union of Cameroon.

The function of the SC is to drive the national REDD+ process (Chapter 1) and within this framework to evaluate and submit project ideas received from promoters to the Minister for Environment for approval.

8. REDD+ social and environmental norms

On an international level, many standards exist to ensure REDD+ projects, as well as national REDD+ programmes, make a positive contribution to social development and won’t have a negative impact on the environment. Many regulations exist for certifying REDD+ projects and present conditionalities over the involvement of local communities. These are the standards designed to fit in with the conception and execution of REDD+ programmes in a manner which respects the rights of the IPLC and which leads to important social and environmental advantages.

¹⁵ *Forest Law Enforcement, Governance and Trade (FLEGT)*.

¹⁶ *(COM 2003 (251) final, page 14)*.

¹⁷ *Council Conclusions, Forest Law Enforcement, Governance and Trade (FLEGT) (2003/C 268/01), Official Journal of the European Union, 7.11.2003, page 1.*

Annex IV :

The procedure for submission and approval of pilot projects

(see Procedure and Execution Manual)

In order to approve pilot projects, project promoters should follow the procedure below:

- The project promoter should draft the Project Identification Note (PIN) which is made up of:
 - The context, location, problematic of deforestation and forest degradation , the presentation of strategic option hypotheses
 - Prior plan for consulting with populations
 - Calendar and plan for financing the project
- The project leader submits their PIN and their administrative dossier to the REDD+ Technical Secretariat (ST REDD+) for study and feedback;
 - The ST provides their feedback within a maximum period of 30 calendar days
 - In the case of positive feedback, MINEPDED gives the project promoter authorization to complete a feasibility study.
 - The REDD+ ST will appoint a counterpart to monitor the processes and activities.
- The project promoter will develop and submit the terms of reference for the feasibility study to the ST who will provide feedback within 15 days and notify the project promoter. The terms of reference comprise of:
 - PIN information
 - Details of activities to be carried out
 - The different partners with other stakeholders
 - The methodology to be used
 - The project promoter will carry out a feasibility study according to the jointly approved terms of reference and reconstitute the results to the stakeholders
 - The approved report of the feasibility study will be submitted to the REDD+ ST to be archived
 - The project promoter will develop the project document on the basis of the feasibility study report and submit it to the ST for analysis and submission to the Steering Committee
 - The project promoter and the ST together will develop the Memorandum of Understanding which they send to the legal cell of MINEPDED and then to the Steering Committee along with the project document.
 - The Steering Committee will approve the project based on it conforming to eligibility criteria and authorize the signing of the Memorandum of Understanding

- The ST will record the pilot project in the National REDD+ Register
- The project promoter will implement the pilot project, conforming to the project document approved by the Steering Committee, and submit the technical and bi-annual financial reports on activities to the REDD+ ST.
- The REDD+ ST will undertake project monitoring and evaluation missions at regular intervals which give rise to the capitalization of good results and/or the correction and re-orientation of activities in the case of bad results.

Feedback from the Steering Committee is given according to criteria which takes the following points into account:

1. Social factors
2. Economic factors
3. Environmental factors
4. Political factors
5. Strategic factors
6. Technological/Methodological considerations



A member of the Bedzang Indigenous community



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