

UNITED NATIONS DEVELOPMENT PROGRAMME

High-Integrity Carbon Markets Toolkit

Module 2 Part 2

Free, Prior and Informed Consent

Practical considerations for free, prior and informed consent in carbon market activities affecting Indigenous Peoples

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About this publication

This publication was developed with support from the UN-REDD Programme. UN-REDD is the UN knowledge and advisory platform on forest solutions to the climate crisis. It supports nationally-led REDD+ processes and promotes the informed and meaningful involvement of all stakeholders, including Indigenous Peoples and local communities, to mobilize finance for and implement REDD+ activities agreed under the UNFCCC. UN-REDD builds on the convening capacity and technical expertise of FAO, UNDP and UNEP, serving 65 partner countries. UN-REDD is made possible through support from the European Commission and the governments of Denmark, Luxembourg, Norway, Japan, Republic of Korea, Spain, Switzerland and United Kingdom.

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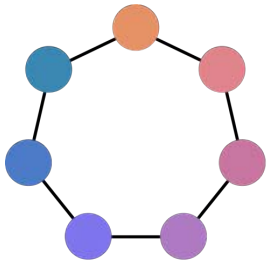
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High-Integrity Carbon Markets Toolkit

The Toolkit serves **supply-side** actors—governments, project developers, companies, NGOs, Indigenous Peoples and local communities—and **demand-side** actors, including investors, corporates and individuals. It equips them to **design, implement and scale** high-integrity carbon market activities that **deliver real and equitable climate outcomes**.

It also supports institutions **that shape and uphold market quality**—including standard-setters, rating agencies, validation and verification bodies, and integrity initiatives—helping to build a **trusted global framework** for carbon markets that deliver lasting benefits for **climate, people and nature**.

The Toolkit **offers flexible, multimedia content**—from webinars and case studies to guidance notes and presentations—for both self-paced and group learning.

Developed with **leading international partners**, the Toolkit focuses first on **social integrity**, an area where UNDP brings deep expertise and global relevance.

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About this guidance

What does this guidance provide?

- Practical considerations for stakeholder engagement across the carbon project/programme cycle. It is grounded in UNDP's Social and Environmental Standards, which are anchored in international human rights law and international environmental law. It also reflects the requirements of carbon crediting standards and integrity initiatives, as well as established practice in stakeholder engagement and social and environmental assessment.
- It sets out what is recommended rather than what is required.

How does the guidance relate to existing frameworks?

- It is designed to be used alongside the framework a project/programme operates under.
- It does not endorse one framework over another.

UNDP's Social and Environmental Standards (SES) apply to UNDP programmes and projects. This guidance draws on them as a reference point for other carbon market activities because they are aligned with international human rights instruments, including UNDRIP, ILO Convention 169 and the core UN human rights covenants, and with multilateral environmental agreements. The SES have been applied across UNDP programming since 2015 and were updated in 2021. They are not binding on activities outside UNDP.

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Chapter 1

What is FPIC?

Chapter 1 **Content**

- **What is FPIC, and why is it needed?**
- **What is the basis for FPIC?**
- **What does free, prior and informed mean?**
- **What does consent mean?**
- **Is FPIC only about obtaining consent?**

What is FPIC, and why is it needed?


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FPIC is a principle and a legal norm developed to protect the collective rights of Indigenous Peoples, and in particular their rights to their lands, territories and resources.

What it is

- FPIC protects Indigenous Peoples' right to self-determination, their right to be consulted, their right to participate in decisions that may affect them, and their rights to their lands and resources.
- In practice it is a process in which Indigenous Peoples who may be affected are meaningfully engaged in design, implementation and decision-making, are fully informed, and are able to grant or withhold consent before activities that may affect them proceed.

Why it is needed

- Indigenous Peoples have commonly experienced discrimination, dispossession of their lands and exclusion from decisions that affect them.
- Indigenous representatives and their advocates have campaigned over decades for recognition of these rights, particularly rights to lands and resources and the right to determine their own development priorities.
- FPIC derives from those rights. It is the safeguard through which they are respected in practice rather than in principle alone.

Sources: UNDP FPIC FAQ Guidance (2022); UNDP SES Standard 6 and its Guidance Note (2022); UN-REDD Programme Guidelines on FPIC (2013).

What is the basis for FPIC?



FPIC derives from Applicable Law: national law and obligations under international law, whichever is the higher standard. The instruments differ in legal standing, and the distinction is noted.

What is the basis for FPIC?


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Binding treaty obligations, ratified by most or many States

- International Covenant on Civil and Political Rights, Article 1 on self-determination and Article 27 on the rights of minorities to enjoy their own culture. The Human Rights Committee has read these as requiring consultation and, in specified circumstances, consent.
- International Covenant on Economic, Social and Cultural Rights, Article 1 on self-determination and Article 15 on cultural rights, read by the Committee on Economic, Social and Cultural Rights as protecting Indigenous Peoples' relationship with their lands and resources.
- International Convention on the Elimination of All Forms of Racial Discrimination, Article 5. The Committee on the Elimination of Racial Discrimination has called on States to ensure that no decisions directly relating to the rights and interests of Indigenous Peoples are taken without their informed consent.
- Convention on the Elimination of All Forms of Discrimination against Women, Articles 7 and 14, on the participation of women, including rural and Indigenous women, in public life and in development planning.
- International Labour Organization Convention 169, Articles 6 and 16. Consultation in good faith through representative institutions with the objective of achieving agreement or consent, and free and informed consent before relocation. Binding on ratifying States, a considerably smaller group than for the covenants above and concentrated in Latin America.

What is the basis for FPIC?



Declarations, regional agreements and frameworks, whose standing varies

- United Nations Declaration on the Rights of Indigenous Peoples, Articles 10, 11, 19 and 32. FPIC before relocation, before taking cultural, intellectual, religious or spiritual property, before adopting measures that may affect Indigenous Peoples, and before approving projects affecting their lands, territories and resources. Adopted by the General Assembly as a declaration, so it is not subject to ratification. It remains the reference point against which the treaty obligations are read.
- American Declaration on the Rights of Indigenous Peoples, Article XXIII. Adopted by the Organization of American States in 2016, with equivalent provisions for the Americas.
- **Regional and national jurisprudence.** Regional human rights courts have found a consent requirement for large-scale projects with major impacts on Indigenous territories, binding on the States concerned and persuasive elsewhere. National courts increasingly apply the same reasoning.
- United Nations Guiding Principles on Business and Human Rights, the corporate responsibility to respect human rights, including meaningful consultation with potentially affected groups as part of due diligence. Endorsed by the Human Rights Council as an authoritative framework.

What does free, prior and informed mean?

The elements build on the common understanding of FPIC endorsed by the UN Permanent Forum on Indigenous Issues in 2005. Consent, the fourth element, follows on the next slide.

Free	Prior	Informed
Consent given voluntarily and absent of coercion, intimidation or manipulation. The process is self-directed by the community, unencumbered by externally imposed expectations or timelines.	Consent is sought sufficiently in advance of any authorization or commencement of activities, at the early stages of a plan rather than when approval is needed.	Refers to the nature of the engagement and the type of information provided before consent is sought and throughout the process.
› Rights-holders determine the process, timeline and decision-making structure. › Information is offered transparently and objectively at their request. › The process is free from coercion, bias, conditions, bribery or rewards. › Meetings and decisions take place at locations, times, languages and formats they determine. › All community members are free to participate regardless of gender, age or standing.	› Time is provided to understand, access and analyse information; how much depends on the rights-holders' own decision-making processes. › Information is provided before activities begin, including at conceptualization, design, proposal and execution. › The decision-making timeline set by the rights-holders is respected.	› Accessible, clear, consistent, accurate and transparent. › In appropriate language and culturally appropriate formats, including radio, video, graphics and oral presentation. › Objective, covering positive and negative potential and the consequences of giving or withholding consent. › Complete, covering social, financial, political, cultural and environmental impacts. › Delivered by culturally appropriate personnel, with time to be understood and verified. › Reaching the most remote communities, women and the marginalized.

Source: UN-REDD Programme Guidelines on Free, Prior and Informed Consent (2013), section 2.1, building on the elements endorsed by the UN Permanent Forum on Indigenous Issues (2005).

What does consent mean?

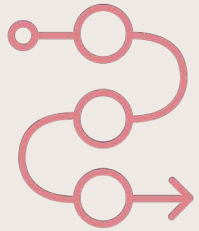
Consent is the collective decision of the rights-holders, reached through their own customary decision-making processes and granted or withheld according to the formal or informal dynamic of each community.

What consent is	What follows if consent is withheld
› A freely given decision that may be yes or no, including the option to reconsider if the proposed activities change or if new information emerges. › Rights-holders may set the terms under which an activity proceeds, granting consent subject to conditions such as benefits continuing to be derived from it or restrictions on access to certain areas. The conditions are documented and put into effect; if they are not met, rights-holders may review and reaffirm or refuse consent. › A collective decision determined by the affected peoples, by consensus, majority or otherwise, in accordance with their own customs and traditions. › The expression of rights: to self-determination, to lands, resources and territories, and to culture. › Given or withheld in phases, over specific periods, for distinct stages of an activity. It is not a one-off process.	› The objective of the process is to reach agreement, but not every FPIC process leads to consent. › At the core of FPIC is the right of the peoples concerned to choose whether to engage, negotiate and grant or withhold consent. › In some circumstances it must be accepted that the activity will not proceed, or that engagement ceases, where the affected peoples decide not to begin or continue negotiations or decide to withhold consent. › What this means in practice for an activity is covered in Chapter 4.

Sources: UN-REDD Programme Guidelines on Free, Prior and Informed Consent (2013), section 2.1; UNDP SES Guidance Note on Standard 6 (2022), section 4.2.

Is FPIC only about obtaining consent?

No. FPIC is both a **process** and an **outcome**.



FPIC as a process

- Full disclosure of information about activities that may affect the peoples concerned.
- Consultation and dialogue, and negotiation over outcomes across the life of the project/programme and at all stages of the cycle.
- Meaningful and effective participation in design and implementation, including benefit sharing and closure.



FPIC as an outcome

- The granting or withholding of consent by the affected Indigenous Peoples on particular activities or components that may affect them.
- Consent is given or withheld in phases for distinct stages and may be reconsidered if activities change or new information emerges.
- Where consent is withheld, the activities concerned cannot proceed.

Sources: UNDP FPIC FAQ Guidance (2022), Q4; UN-REDD Programme Guidelines on FPIC (2013).



Chapter 2

What carbon market frameworks require on FPIC

Chapter 2 **Content**

- **Article 6 of the Paris Agreement**
- **Integrity initiatives and crediting standards**
- **Across the frameworks**

Article 6 of the Paris Agreement

What do Article 6.2 and the Paris Agreement Crediting Mechanism (PACM) require?

The two Article 6 tracks treat FPIC differently. Article 6.2 sets no activity-level procedures; the PACM sets explicit requirements through the Sustainable Development Tool.

Article 6.2 cooperative approaches

- Decision 2/CMA.3 recalls the Paris Agreement's eleventh preambular paragraph on respecting, promoting and considering obligations on human rights, including the rights of Indigenous Peoples and local communities.
- Participating Parties report on how each cooperative approach reflects that paragraph and minimizes and, where possible, avoids negative environmental, economic and social impacts.
- The guidance sets no FPIC procedure. Requirements come from host country law, the terms of the bilateral agreement and authorization, and any standard or programme the underlying activity is credited under.

Paris Agreement Crediting Mechanism (PACM)

- **Element 9 of the A6.4 SD Tool.** Activity participants identify all communities of Indigenous Peoples within the activity boundary that may be affected, approaching them with respect, sensitivity and transparency so they are fully informed and participate voluntarily in the identification process (E9.1).
- **Analysis with participation.** An environmental and social analysis is carried out with their full and effective participation, for which activity participants provide adequate resources (E9.2).
- **Consent.** No relocation takes place without FPIC, and FPIC must be obtained where there are impacts on territory, land or resources, cultural heritage, or places containing sacred elements. Consent is documented in the process and in the agreements reached through good faith dialogue, using local protocols where available (E9.3, E9.5).

Sources: Decision 2/CMA.3 and its annex; Article 6.4 Sustainable Development Tool (A6.4-TOOL-AC-001), Element 9.

Integrity initiatives and crediting standards

What does the ICVCM set out?

The Integrity Council for the Voluntary Carbon Market (ICVCM) sets the Core Carbon Principles, which operate at two levels: programmes are assessed to become CCP-Eligible, and categories of credits, defined by methodology, to become CCP-Approved.

Criteria on Indigenous Peoples and consent

- **Criterion 7.6, Indigenous Peoples, Local Communities, and cultural heritage**. Programmes require proponents to recognize, respect and promote the protection of their rights in line with applicable international human rights law, UNDRIP and ILO Convention 169; to identify the rights-holders possibly affected, including customary rights; to apply the FPIC process where relevant to circumstances; and not to force eviction or physical or economic displacement, including through access restrictions, unless agreed during the FPIC process.
- **Criterion 7.1, assessment and management of risks**. Programmes require proponents to ensure FPIC processes where applicable and to conduct consultations in a manner that is inclusive, culturally appropriate and respectful of local knowledge (7.1 a) 3)).
- **Criterion 7.7, respect for human rights and stakeholder engagement.** Activities avoid discrimination, respect human rights, and take into account and respond to local stakeholders' views.
- **Level of application.** These criteria, like most safeguards requirements, bind the programme, which in turn imposes obligations on activity proponents. At category level, Criteria 12.1 and 12.2 require activities to meet CORSIA safeguards and sustainable development requirements.

Sources: ICVCM, Core Carbon Principles, Criteria and Procedures, Part 2: Assessment Framework, Criteria 7.1, 7.6, 7.7, 7.10, 12.1 and 12.2; UNFCCC Decision 1/CP.16, Appendix I.

Integrity initiatives and crediting standards

What does the ICVCM set out?

Criterion 7.10, the Cancún safeguards for REDD+

REDD+ activities are additionally assessed against the safeguards agreed in UNFCCC Decision 1/CP.16, Appendix I. Those most relevant to consent are:

- **(c)** Respect for the knowledge and rights of Indigenous Peoples and members of local communities, taking into account relevant international obligations, national circumstances and laws, and noting that the General Assembly has adopted UNDRIP.
- **(d)** The full and effective participation of relevant stakeholders, in particular Indigenous Peoples and local communities.
- **(a) and (b)** Consistency with national forest programmes and international commitments, and transparent and effective national forest governance structures.
- **(e), (f) and (g)** Consistency with conservation of natural forests and biodiversity, and actions to address the risks of reversals and to reduce displacement of emissions.

Sources: ICVCM, Core Carbon Principles, Criteria and Procedures, Part 2: Assessment Framework, Criteria 7.1, 7.6, 7.7, 7.10, 12.1 and 12.2; UNFCCC Decision 1/CP.16, Appendix I.

Integrity initiatives and crediting standards

Where are the ICVCM requirements heading?

The Continuous Improvement Work Program report on Sustainable Development Benefits and Safeguards (October 2025) sets out recommendations that will inform refinements to the Assessment Framework.

On FPIC directly	On rights and participation	What the Indigenous Peoples and Local Communities Engagement Forum* added
Add further FPIC requirements under Criterion 7.6 and consolidate them, to ensure inclusive, ongoing and culturally appropriate consent processes. Define the terms 'meaningful', 'FPIC' and 'consent to displacement' under Criterion 7.4. Integrate FPIC, grievance mechanisms and transparency across all safeguards under Criterion 7.1, alongside project-specific risk categorization, life cycle monitoring and community-based assessments.	Strengthen protections for Indigenous Peoples and local communities by aligning with national and international laws, prohibiting adverse impacts on land and resources, ensuring inclusive engagement and access to legal support, and recognizing gender and minority representation (7.6). Require inclusive, participatory stakeholder engagement, with provisions for traditional knowledge, gender and minority considerations, and access to remedies (7.7). Explicitly prohibit forced displacement and require consent-based resettlement with clear action plans (7.4). Require all REDD+ activities to comply with the ICVCM safeguards (7.10).	Forum members called for standardisation around FPIC and more clarity on the mechanisms the ICVCM uses to validate it, noting that the definition in the recommendations remains open to interpretation and does not clarify the expected level of participation and community engagement. FPIC should not be a one-off activity at the start of a project. It should be a continuous, community-led process that reflects evolving community perspectives and priorities, and allows Indigenous Peoples and local communities to revisit their decisions and withdraw consent where the original conditions have changed. Some critical elements, including benefit-sharing mechanisms, do not currently include FPIC as a requirement.

*The Indigenous Peoples and Local Communities Engagement Forum is an independent, self-governed body, hosted by the ICVCM, that supports the informed, equitable and rights-based participation of Indigenous Peoples and local communities in high-integrity carbon markets. It was established after the CIWP work was completed and was consulted on the recommendations in February and September 2025. See indigenousengagementforum.org.

Source: ICVCM (2025). Continuous Improvement Work Program report: Sustainable Development Benefits and Safeguards.

Integrity initiatives and crediting standards

What does the VCS Standard require?

VCS Standard v5.0, Section 3.17, sets stakeholder engagement requirements for the project proponent, including the conditions under which FPIC applies and the level of engagement owed to each group.

When consent is required

- Consent is obtained from customary rights holders and Indigenous Peoples where they are identified in the project area; where competing claims to land or resource rights involving customary rights are identified; or where risks to their cultural heritage or traditional livelihoods are identified (3.17.11).
- Table 11 sets the level of engagement for each group: empower to co-design, obtain free, prior and informed consent, and maintain ongoing consent for customary rights holders and Indigenous Peoples.
- Stakeholders are identified in partnership with any Indigenous Peoples or local communities present in the project area, with special attention to women, marginalized and vulnerable people (3.17.1).

What is recorded and when

- Where consent applies, a project implementation agreement is signed stating whether consent is granted, conditioned or withheld, and ongoing consent is maintained, with the agreement updated as necessary (3.17.17 to 3.17.19).
- Where the project affects land or resource rights holders, or customary rights holders or Indigenous Peoples are present, the benefit-sharing mechanism is designed jointly with them before the project start date, with a schedule for reporting on its implementation to participants (3.17.12, 3.17.14).
- A stakeholder input tracker records input by source and date and describes how it influenced design or implementation, or why no action was appropriate, and is made publicly available except for confidential information (3.17.6).
- Retaliation, threats and harassment against any stakeholder for withholding consent, submitting grievances or speaking publicly about the project are prevented and prohibited (3.17.4).
- The proponent holds the right to operate and the right to reductions and removals (3.6.1). A land or resource rights analysis is conducted where the activity is likely to affect land or resource rights (3.6.3).

Source: Verified Carbon Standard, VCS Standard v5.0, Sections 3.6 and 3.17 and Table 11.

Integrity initiatives and crediting standards

What does the Gold Standard require?

Gold Standard Safeguarding Principles and Requirements, Principle 4.4 on Indigenous Peoples, sets requirements on the project developer.

Identification and analysis

- The project identifies all communities of Indigenous Peoples within the area of influence who may be affected directly or indirectly (P.4.4.1).
- As part of design, an environmental and social analysis of activities that may affect or involve Indigenous Peoples is carried out. It verifies whether Indigenous Peoples reside in the project areas, and whether activities may affect Indigenous Peoples outside them (P.4.4.2).
- Where the activity may affect the rights, lands, resources or territories of Indigenous Peoples, an Indigenous Peoples Plan or Planning Framework is prepared with their effective and meaningful participation (P.4.4.7).

Rights, consent and benefits

- The project does not result in the forced eviction of Indigenous Peoples from their lands and territories (P.4.4.3).
- The developer recognizes and respects collective rights to own, use, develop and control the lands, resources and territories traditionally owned, occupied or otherwise used or acquired, including those for which title is not yet held (P.4.4.4).
- Cultural, intellectual, religious and spiritual property is respected, protected and conserved, and is not taken without FPIC (P.4.4.5).
- Indigenous Peoples are provided with equitable sharing of benefits from the use or commercial development of natural resources on their lands and territories, or from use of their traditional knowledge and practices (P.4.4.6).

Source: Gold Standard for the Global Goals, Safeguarding Principles and Requirements v2.1, Principle 4.4.

Integrity initiatives and crediting standards

What does TREES require of Participants?

TREES 3.0 applies only to jurisdictional REDD+ programmes. Participants are national or subnational governments, not project developers. Conformance is shown through structure and process indicators and outcome indicators, reported in the TREES Registration Document and Monitoring Report.

Rights and consent

- **Theme 3.3.** Participants have in place a legal framework, policies or programmes and the necessary procedures, resources and mechanisms to respect, protect and fulfill the human rights of Indigenous Peoples, Local Communities and Afro-descendant Peoples, or equivalent, in conformity with customary law, institutions and practices.
- **Outcome indicator.** Public institutions have respected, protected and fulfilled those rights, including applicable rights to FPIC for any REDD+ activity that could affect their rights to lands, resources and livelihoods.
- **Relocation and land rights.** REDD+ activities have not caused relocation without FPIC, and have not affected rights to lands, resources and livelihoods without FPIC, as applicable.

Participation and access to justice

- **Theme 4.2.** Participation of Indigenous Peoples, Local Communities and Afro-descendant Peoples in the design and implementation of REDD+ activities, and in decisions on the distribution of benefits, occurs through their respective decision-making structures and processes, under adequate conditions and using culturally appropriate procedures.
- **Representativeness.** Consultation with institutions that are not considered representative by the people they claim to represent may lack legitimacy (Theme 4.2, note 23, citing the ILO Governing Body).
- **Theme 2.4.** Non-discriminatory and non-cost prohibitive dispute resolution mechanisms provide effective recourse and remedies.

Source: ART, The REDD+ Environmental Excellence Standard (TREES) Version 3.0 (June 2026), Section 12.4, Themes 2.4, 3.3 and 4.2.

Integrity initiatives and crediting standards

What does Plan Vivo require?

Plan Vivo Climate Standard, Project Requirements v5.7, section 2.6.

How the process runs

- Projects follow an FPIC process that enables Indigenous Peoples and local communities with statutory or customary rights to land or resources in the project area to negotiate the conditions under which the project is designed, implemented, monitored and evaluated (2.6.1).
- The process meets or exceeds national legislation and legal obligations under international standards safeguarding Indigenous Peoples' rights (2.6.2).
- It follows a decision-making process and timeline defined by the rights holders, who participate through their own freely chosen representatives, while ensuring the involvement of women and marginalized, vulnerable or disadvantaged people (2.6.3).

When consent is sought, and on what

- The process enables a collective decision to grant or withhold consent at key stages: whether to consider the proposed project, whether to engage in design, and whether to implement it (2.6.4).
- Consent is sought before the project or activity takes place, and is re-confirmed periodically (2.6.5).
- Consent is independently decided upon based on accurate, timely and sufficient information provided in a culturally appropriate way, including full details of risks, responsibilities and potential negative impacts (2.6.6).
- All rights holders can raise issues relating to consent at any time through the grievance mechanism (2.6.7).

Source: Plan Vivo Climate Standard, Project Requirements v5.7, section 2.6.

Across the frameworks

Which requirements are common across the frameworks?

Scope, wording and stringency differ between frameworks.
The requirements below recur in some form across those examined here.

1
Identification of rights-holders
Identification of the Indigenous Peoples and rights-holders who may be affected, including customary rights.

2
Participation in impact assessment
Analysis of potential impacts carried out with their participation.

3
Free, prior and informed consent
FPIC obtained where rights, lands, territories, resources or cultural heritage are affected.

4
Engagement through own institutions
Engagement through the peoples' own representatives and decision-making structures.

5
Documentation of consent
Consent and the agreements reached documented, including conditions.

6
Protection from displacement and reprisal
No relocation or displacement without consent, and no retaliation against those who withhold it.

7
Equitable benefit sharing
Equitable sharing of benefits derived from their lands, resources or traditional knowledge.

8
Consent maintained over time
Consent maintained, monitored and re-confirmed through the crediting period.



Chapter 3

When FPIC applies

Chapter 3 **Content**

- **How is it determined whether FPIC is required?**
- **Which activities may require FPIC?**
- **Does FPIC apply to activities intended to have positive impacts, and to community-led activities?**
- **To whom does FPIC apply?**
- **How are Indigenous Peoples identified?**
- **At what level is FPIC applied, and to which activities?**

How is it determined whether FPIC is required?

Social and environmental screening is applied as early as possible, before design decisions are fixed.
The threshold question concerns impacts on rights, lands and livelihoods.

The threshold question

Would the activity potentially involve or lead to impacts, positive or negative, on the human rights, lands, natural resources, territories or traditional livelihoods of Indigenous Peoples?

If yes, FPIC may be required.

What follows from a yes, in a carbon project/programme

- Consultation on design, potential impacts, and on whether and how FPIC will be applied begins during activity design, before commercial commitments and boundaries are fixed.
- Where FPIC is clearly required, the process begins well before the project design document is finalized and submitted for validation, through early engagement with the peoples' designated representatives. Several frameworks require consent to be documented before the project start date.
- **A plan is prepared for how rights will be respected.** Carbon market frameworks use different instruments: Gold Standard requires an Indigenous Peoples Plan or Planning Framework; others rely on the safeguards sections of the project description, the stakeholder engagement plan and the management plan. Not all frameworks require a standalone plan.
- Screening is revisited as design, boundaries or context change materially, and at renewal of the crediting period.

Sources: UNDP FPIC FAQ Guidance (2022), Q5 and Q10; UNDP SES Standard 6 and Guidance Note (2022); UN-REDD Programme Guidelines on FPIC (2013), section 3.2; Gold Standard Safeguarding Principles and Requirements v2.1, P.4.4.7; VCS Standard v5.0, 3.6, 3.17 and 3.18.

Which activities may require FPIC?

The circumstances below derive from UNDRIP. Whether each is relevant depends on the activity. The list is a screening aid, not a checklist to be applied mechanically. These circumstances are not confined to forest and land use activities; any carbon market activity with a significant land footprint can affect the rights, lands and resources of Indigenous Peoples.

1. Relocation, resettlement or removal of an Indigenous population from their lands.
2. Taking, confiscating, removing or damaging cultural, intellectual, religious or spiritual property.
3. Decisions affecting the status of their rights to lands, territories, resources or livelihoods.
4. Commercial use of natural or cultural resources on lands subject to traditional ownership or customary use.
5. Decisions on benefit-sharing arrangements where benefits derive from their lands, territories or resources.
6. Effects on their political, legal, economic, social or cultural institutions or practices.
7. Accessing traditional knowledge, innovations or practices of Indigenous Peoples and local communities.
8. Impacts on the continuance of their relationship with their land or their culture.
9. Adopting or implementing legislative or administrative measures affecting their rights, lands, territories or resources.
10. Natural resource extraction, and development of agro-industrial plantations or similar land conversion, on their lands or territories.

Sources: UNDP SES Standard 6 Guidance Note (2022), Table 3; UN-REDD Programme Guidelines on FPIC (2013), section 3.2, drawing on UNDRIP.

Does FPIC apply to activities intended to have positive impacts, and to community-led activities?

Yes, in both cases. However, what satisfies the requirement differs.

Where impacts are intended to be positive

- The activity still affects Indigenous Peoples' rights, lands and resources, and the affected peoples must have the opportunity to determine whether and how it is implemented.
- An intention to deliver positive impacts rests on a value judgement, which the peoples concerned should shape and ultimately decide on.
- They have the right to give or withhold consent regardless of whether they perceive the impacts as positive or negative.
- Where they expect positive impacts they may be more likely to consent; where they expect negative ones they may withhold consent or seek design changes first.

Where the activity is requested or led by Indigenous Peoples

- FPIC may still be required. All activities with a potential or confirmed impact on rights, lands, territories, resources and traditional livelihoods are assessed for risk and subject to due diligence.
- For small-scale or community-led proposals submitted by the peoples themselves, the written proposal may itself address the requirements, provided it names the community and its nominated representatives.
- Where intermediaries partner on community-led activities, the partnership arrangement is documented. Evidence may include signed documents, workshop reports, video or other culturally appropriate forms of reciprocal agreement.
- Where components are designed by external consultants or experts, increased evidence of due diligence is expected across formulation, inception, implementation and evaluation.

Sources: UNDP FPIC FAQ Guidance (2022), Q6 and Q7.

To whom does FPIC apply?

FPIC is a right held by Indigenous Peoples. Whether a collective is Indigenous is a question of substantive characteristics, not of the label used in national law. (The criteria for identification, and the practical steps used during screening, are set out on the following pages.)

Indigenous Peoples

- FPIC applies where activities may affect the rights, lands, territories, resources or traditional livelihoods of Indigenous Peoples.
- It applies whether or not they hold legal title to the areas concerned, and whether or not the State recognizes them as Indigenous Peoples.
- National terminology varies. Peoples may be described as tribal, hill tribes, aboriginal, first peoples, ethnic minorities or scheduled tribes. What matters is whether the collective satisfies the commonly accepted characteristics.

Communities that meet the criteria

- Some communities not formally described as Indigenous nonetheless meet the defining characteristics, including many Afro-descendant Peoples, traditional and tribal peoples, and communities holding land under customary tenure.
- Where a community meets those characteristics, FPIC applies to it in the same way, regardless of the term used locally.
- Where it does not, the community is engaged through stakeholder consultation and, where applicable, the consent provisions that individual carbon market frameworks extend to customary rights holders and local communities. Several do so: VCS, for example, requires consent from customary rights holders as well as Indigenous Peoples.

Sources: UNDP SES Standard 6, para. 5; UNDP SES Guidance Note on Standard 6 (2022), section 3.1; VCS Standard v5.0, 3.17; VCS Guidance: Right to Operate, Sustainable Development, Stakeholder Engagement, and Safeguards, v5.0.

How are Indigenous Peoples identified?

The term “Indigenous Peoples” refers to distinct collectives who may satisfy any of the commonly accepted definitions of Indigenous Peoples, including whether the collective has:

1	**Self-identification**	Self-identifies as Indigenous Peoples.
2	**Own development path**	Has pursued its own concept and way of human development in a given socio-economic, political and historical context.
3	**Distinct identity and institutions**	Has tried to maintain its distinct group identity, languages, traditional beliefs, customs, laws and institutions, worldviews and ways of life.
4	**Attachment to lands and resources**	Has exercised control and management of the lands, territories and natural resources that it has historically used and occupied, with which it has a special connection, and upon which its physical and cultural survival as Indigenous Peoples typically depends.
5	**Precedence**	Whether its existence pre-dates those that colonized the lands within which it was originally found or of which it was then dispossessed.

Source: UNDP Social and Environmental Standards, Standard 6, para. 5.

How are Indigenous Peoples identified?

The questions, steps and resources below give practical support when seeking to understand whether an activity might affect Indigenous Peoples, and in addressing the questions on Standard 6 in social and environmental screening.

1	**Does IWGIA identify any Indigenous Peoples in that country?**	References include the IWGIA country pages and its resources page. IWGIA provides broad global coverage, but it does not include information on all countries, and additional resources may need to be consulted.
2	**Have other organizations or academics written about Indigenous Peoples in that country or region?**	As a secondary set of resources, check other multilateral organizations, human rights or civil society organizations, and academics. Africa: African Development Bank (2016), African Commission Working Group, IPACC. Asia and the Pacific: ILO, The Rights of Indigenous Peoples in Asia (2017), ASEAN's Indigenous Peoples, Asia Indigenous Peoples Pact, UNPFII, The Pacific Region. Latin America and the Caribbean: FAO, Who are the Indigenous and Tribal Peoples of Latin America and the Caribbean, Congressional Research Service (2021), LANIC.
3	**Does state and national legislation recognize the presence of Indigenous Peoples and address their customary rights over lands and territories?**	References include national laws or policies relating to Indigenous Peoples, census data, and constitutional recognition. Recognition varies, and any gap between the status of rights in the country and the applicable standard is assessed.

How are Indigenous Peoples identified?

The questions, steps and resources below give practical support when seeking to understand whether an activity might affect Indigenous Peoples, and in addressing the questions on Standard 6 in social and environmental screening.

4	**Have Indigenous Peoples' lands been formally titled, is customary ownership widely acknowledged, or are claims being laid?**	LandMark maps lands collectively held and used by Indigenous Peoples and local communities, and the Land Portal curates land governance information. Both remain works in progress: the absence of data does not indicate the absence of Indigenous or community land.
5	**Are there Indigenous Peoples who self-identify as Indigenous in the activity area?**	And are there political organizations at national, regional or local level representing them? Self-identification is a key criterion, often denoted by the presence of representative organizations. The IWGIA Global Network is a starting point.
6	**Where doubt remains**	A contextual assessment is carried out with the support of an external expert, taking into consideration all the potential defining characteristics and the extent to which they apply to the collective in question, based on the historical context.

At what level is FPIC applied, and to which activities?

Consent is given or withheld collectively, so FPIC is most often applied at community level. The scope follows the potential impacts of the activities concerned.

At what level

- **Community level**. An FPIC process usually concerns a specific proposed activity affecting a specific community, and consent is given collectively, so this is where FPIC most often applies.
- **Jurisdictional, national or regional level.** Where an activity involves developing or revising legislative or administrative measures affecting Indigenous Peoples' rights, such as a national REDD+ strategy, a benefit-sharing framework or a carbon registry, a consultation process is developed with national and regional representative organizations.
- **Then back to the community.** Consent at jurisdictional level does not substitute for consent at community level. Where a jurisdictional programme reaches specific sites and communities, a plan is developed for further consultation and consent on those aspects.

To which activities

- FPIC requirements are determined by the potential impacts of the activities, individually and collectively (slide 28).
- Where one activity requires FPIC, it does not follow that FPIC is required for the whole project or programme or for every component.
- Where all components are located on Indigenous Peoples' lands, FPIC is likely to be required for the project or programme as a whole.

Sources: UNDP FPIC FAQ Guidance (2022), Q11 and Q18; UN-REDD Programme Guidelines on FPIC (2013), sections 3.3 and 3.4; UNDP SES Standard 6.



Chapter 4

Applying FPIC

Chapter 4 **Content**

- **Designing the process**
- **Documenting FPIC**
- **Common challenges**

Designing the process

Who seeks FPIC, and from whom?

Who seeks consent

- **States.** Under international law, States have a duty to protect the rights of Indigenous Peoples, including through FPIC in the context of applicable activities.
- **Project developers.** Developers are obligated through national law giving effect to those obligations; through the conditions of host country approval and authorization; and through the frameworks they register under.
- **In practice.** The developer leads the process, often with local partners who have established relationships in the territories. Early consultations inform design ahead of an agreed FPIC process; once implementation begins, the developer, local partners and where applicable, government counterparts carry it out.

From whom consent is sought

- From the self-determined representatives of the Indigenous Peoples who may be affected. Engagement may begin with regional organizations, move to more local representatives as detail emerges, and then to the communities themselves.
- The governance structures, norms, values and customs of the peoples concerned, and the consultation and decision-making methods they use, are respected.
- All customary and formal rights-holders are represented in decision-making, especially women, and no affected community is excluded or overlooked.

Sources: UNDP FPIC FAQ Guidance (2022), Q8, Q9 and Q12; UNDP Social and Environmental Standards (2021); UN-REDD Programme Guidelines on FPIC (2013), sections 3.4 and 3.5.

Designing the process

How are representation and community protocols established?

Both the process and the outcome are context specific, so the process is designed in partnership with the peoples concerned, including identifying exactly from whom consent will be sought.

Understanding how decisions are made

- Some communities have established leadership structures in which a few are designated to decide on behalf of the community. Others have practices and customary laws requiring consensual decision-making at community level.
- The aim of the early consultation phase is to understand these norms and practices, so that the process and its outcomes comply with them.
- Where an activity affects multiple communities, a single approach will not work.
- Only the community can determine who its members are, and therefore who is eligible to take part in its decision-making.

Community protocols

- Indigenous representative organizations increasingly develop consultation or FPIC protocols setting out how they expect developers to engage with them and seek their consent.
- Where such protocols exist, they are followed.
- Where they do not, the project supports communities to clarify how they wish to be consulted.
- Territorial governance instruments can serve the same purpose, setting strategic direction in advance so that consultations can focus on implementation.

Sources: UNDP FPIC FAQ Guidance (2022), Q9 and Q20; UNDP case studies on Brazil and Ecuador (HICM Toolkit Module 2, 2026).

Designing the process

How are representation and community protocols established?


© UNDP Ecuador

From practice

In **Brazil**, local projects under Floresta+ followed community FPIC protocols and existing territorial and environmental management plans where these existed.

See Insights from Brazil.

In **Ecuador**, Life Plans performed the same function.

See Insights from Ecuador.

Designing the process

What is the role of an independent facilitator?

If agreed by the communities that are party to the FPIC process, a facilitator with appropriate experience, knowledge and cultural sensitivity may be engaged. The role has real limits, and it is not a substitute for advice that is accountable to the community.

Appointment and standing	Protecting the integrity of the process	Support that is accountable to the community
To avoid bias or the perception of bias, the parties agree the terms of reference in advance and jointly nominate and select the facilitator. Facilitators are mutually accountable to the developer, the project team, government counterparts where applicable and the community. The role is strictly that of facilitator, not mediator, arbiter or decision maker. Facilitators do not speak for communities, and do not determine what counts as a legitimate community position.	Full, accurate information is communicated in an understandable form, in the most appropriate language and medium, including through creative formats. Positive and negative, short- and long-term impacts, risks and benefits are described. Information reaches all community members, consistent with the community's own mechanisms for information sharing, and members are encouraged to seek and verify further information. The decision-making process, its timeline and the language used are determined by the community without interference, and customary laws and practices are respected.	Because the developer usually engages and pays the facilitator, independence can be difficult to maintain in practice, and experience with facilitators is mixed. Communities are given access to independent legal, technical and financial advice that is directly accountable to them and focused on protecting their own interests, with the cost met by the activity. Facilitators support communities to determine and document the collective decision-making process, and to review, monitor and store any agreement reached. Communities are supported to evaluate the process itself and to exchange knowledge with others that have been through FPIC.

Sources: UNDP FPIC FAQ Guidance (2022), Q13; UN-REDD Programme Guidelines on FPIC (2013), Annex V.

Designing the process

What information is provided, and how?

The informed element is often reduced to sharing documents. It concerns the nature of the engagement as much as the content.

What is provided

- The full spectrum of potential social, financial, political, cultural and environmental impacts, including scientific information with access to original sources in appropriate language.
- Both the positive and the negative potential of the activity, and the consequences of giving or withholding consent.
- Information on purpose, nature, scale, duration, and potential risks and impacts, and on the arrangements proposed for benefit sharing.
- Draft assessments and management measures, disclosed before they are finalized, with final versions disclosed in turn.

How it is provided

- Accessible, clear, consistent, accurate and transparent, and provided on a continuous basis throughout the process.
- In appropriate language and culturally appropriate format, including radio, video, graphics, documentaries, photos and oral presentation.
- Delivered by culturally appropriate personnel, in culturally appropriate locations, including capacity-building of Indigenous or local trainers.
- Delivered in a manner that strengthens rather than erodes Indigenous or local cultures, with sufficient time to be understood and verified.
- Reaching the most remote communities, women and the marginalized.

Sources: UN-REDD Programme Guidelines on FPIC (2013), section 2.1; UNDP SES Stakeholder Engagement Guidance Note (2020); UNDP case study on Costa Rica (Module 2, 2026).

Designing the process

What information is provided, and how?



From practice

In **Costa Rica**, a national programme of 150 Indigenous cultural mediators, trained in their peoples' language and worldview, was identified by Indigenous Peoples themselves as necessary for meaningful participation.

See Insights from Costa Rica.

Documenting FPIC

What evidence demonstrates that FPIC was achieved?

The primary evidence is a signed agreement documenting what was agreed. Supporting records show how it was reached.

Primary evidence: the agreement

- A written agreement, such as a memorandum of understanding, project implementation or partnership agreement, or benefit-sharing agreement, documenting exactly what was agreed.
- It records whether consent is granted, conditioned or withheld, any conditions attached, and the responsibilities of each party.
- It is signed by representatives to whom the rights-holders have given valid authority under their own governance.
- Where a community formalizes agreement orally, the decision is also documented in a form useful to all parties, such as a recording of the representative stating it.

Supporting: rights and impacts

- Documentation of legal and customary rights, and evidence that any conflicting claims within the project area have been resolved.
- Documentation of all potential impacts in relevant languages and formats.

Supporting: timing and conduct

- Evidence that consent processes began before any decisions on advancement, and that the timeline was agreed rather than set unilaterally.
- Evidence that no money or goods were offered during consultation, and that no intimidation was used.

Supporting: monitoring and grievance

- Participatory monitoring and evaluation plans setting out the key elements agreed, the indicators, and who verifies independently, together with an agreed grievance mechanism.

Substance over process: Documentation that records only how many meetings were held, where and when, becomes a checkbox exercise. Where FPIC has been achieved, the developer can name the communities' main concerns and point to the specific changes made to the design in response. That is what the evidence should show, and what assessment should look for.

Common challenges

What if the State does not recognize FPIC, or the developer has no way in?

Where the State does not recognize FPIC

- Some States do not recognize the presence of Indigenous Peoples within their borders, or do not accept the requirement of FPIC.
- That does not remove the developer's own obligations. The gap is recorded as a significant risk in screening or other documentation, and the developer either implements an approach that ensures these rights are respected or decides not to proceed.
- Where a developer has several activities in a country, a consistent approach is applied across them.
- Identification of Indigenous Peoples does not depend on State recognition.

Where the developer has no direct channels

- Support can be sought from a government or non-governmental organization, an independent facilitator or expert consultants with a trusted relationship, to help identify the self-determined representatives with whom engagement should begin.
- The developer does not delegate the relationship and remains part of the process throughout.

Source: UNDP FPIC FAQ Guidance (2022), Q12 and Q15.

Common challenges

What if consent is withheld?

Withholding consent is a valid outcome. Where it happens, the activity is revised rather than the decision.

Immediate steps

1) Engage further to understand the basis for the refusal, and whether it concerns the activity as a whole or specific components.
2) Establish whether there are aspects of the design that can be changed to address the concerns, and present those changes to the peoples concerned.
3) Record what was raised and what was offered in response, whether or not agreement follows.
4) Do not treat repeated engagement as a route to reversing the decision. Re-approaching a community that has refused, without a material change to what is proposed, undermines the process.

Where consent is still withheld

- Consider carefully whether the activity can continue while respecting Indigenous Peoples' rights and without affecting their territories as part of the area of influence.
- If it can, the activity is revised so that the components for which consent was not given are removed, with clear justification and evidence that the remaining components will not negatively affect those rights.
- If the activity is located entirely on lands where consent has been refused, it must be reconsidered, redesigned or cancelled.
- Refusal may also be partial or conditional. Consent given subject to conditions is recorded with those conditions, which are then monitored and reported on in the same way as any other commitment.

Source: UNDP FPIC FAQ Guidance (2022), Q17.

Common challenges

What if competing institutions claim to represent a community?

How the conflict arises	How it is addressed
It is not uncommon for several governing institutions, associations or councils to claim to represent the affected community, while only one is recognized in national law as its legal representative.	Consultation and consent are conducted with the representatives designated by the community in accordance with their norms, values and customs.
A governance structure imposed by the State's legal framework may consent on behalf of the community, while many members reject the legitimacy of that consent because they are allied with a competing institution, such as a traditional council of elders. This often leads to sharp divisions.	This may require steps during due diligence to understand the origins of the different structures, the extent to which each legitimately represents the will of the peoples concerned, how inclusive each is, and their respective relationships with the government.
	Analysis and documentation by respected human rights organizations and experts in the area can inform this. In consultation with the community, mutually agreed mechanisms may be needed to accommodate all views and facilitate joint solutions.
	This may mean postponing the FPIC process, while ensuring the activities concerned do not proceed, until the conflict is resolved or the people agree internally how their consent should be sought. It lengthens the process but strengthens the legitimacy and durability of the outcome.

Source: UNDP FPIC FAQ Guidance (2022), Q19.

Common challenges

What if it is contested who is eligible to take part?

How the conflict arises	How it is addressed
Conflicts arise over who counts as a member of the people or community.	Under international law and applicable safeguards, only the community in question can determine who its members are. It is the community that determines who is eligible to take part in consultation and consent.
A people may assert that only members residing in the territory can take part in decisions affecting it, while non-Indigenous residents and members living outside cannot. Those excluded may object.	While complying with international human rights law, a community may limit participation by age or length of residence, or exclude non-member residents living in its territory.
	That a consent process is triggered for a specific community does not mean other people living in or around the territory are not engaged. They are engaged separately, in other fora, as part of the wider stakeholder engagement process.

Source: UNDP FPIC FAQ Guidance (2022), Q20.

Common challenges

What if capacity to engage is constrained?

Representatives may take part minimally, act inconsistently between meetings, or be unaware of agreements reached previously.

Why it arises	How it is addressed
Common causes are a lack of resources to build consensus, limited information sharing, representatives who have limited political support from community members, and no mechanism to ensure prior decisions are known and respected when leadership changes. These challenges often arise from years of discrimination, marginalization, and erosion of the rights of communities to control their natural resources and maintain their own governing institutions. Understanding the cause comes before deciding how to respond.	**Support capacity.** Produce and distribute materials through the community and store them for future representatives. Cover transport to internal deliberations and to meetings with the activity and the government. **Or address the context.** Schedule meetings at times that allow maximal participation, accommodating childcare, harvest seasons and religious observance. Conclude every consultation with a written summary knowingly endorsed by participants and made known to all parties. **Provide advice that is accountable to the community.** Independent legal, technical and financial advice, selected and directed by the community, with the cost met by the activity. **Build it into design and budget.** As far as possible these measures are part of the activity itself, not ad hoc responses once difficulties emerge.

Source: UNDP FPIC FAQ Guidance (2022), Q16.

Common challenges

What if gender equity and traditional governance pull in different directions?

An FPIC process follows the decision-making processes of the peoples concerned. It must also meet standards of inclusiveness, particularly the participation of women. There is no single solution.

How the tension is approached	What it looks like in practice
The developer consults Indigenous representatives, and experts in consultation processes with Indigenous Peoples, to ensure all groups in a community are involved.	Targeted outreach and dedicated sessions for women, youth and elders, held at times and in formats that allow participation.
Support can be sought through parties with a trusted relationship with the communities or their representative organizations.	Women in facilitation and mediation roles, with training and budget attached.
Where customary systems do not allow women or other groups to take part in formal decision-making, documented efforts are made to engage them through other processes, so that their views bear on the outcome.	Participation recorded and reported disaggregated by gender, so that gaps are visible rather than assumed away.
Capacity-building is provided to community members, traditional leaders and decision makers to support more inclusive and equitable engagement and decision-making.	Gender-responsive criteria applied when priorities and benefits are decided, not only when consultations are held.
	Awareness-raising within the community for leaders, decision makers and members on gender equality, inclusive participation and the benefits to the whole community of women's meaningful involvement.

Sources: UNDP FPIC FAQ Guidance (2022), Q21; UNDP SES Stakeholder Engagement Guidance Note (2020).

Common challenges

What if gender equity and traditional governance pull in different directions?



From practice

In **Costa Rica**, 44% of the cultural mediators trained to lead territorial planning were Indigenous women, and 51% of participants across 209 community dialogues were women. In Brazil, gender was a criterion for prioritizing local projects, and 70% of approved projects had women as main beneficiaries or protagonists.

See Insights from Costa Rica.

Key takeaways

Ten points that run across the chapters

1. **FPIC is a right, and also a requirement**. It derives from Indigenous Peoples' collective rights, recognized in international human rights instruments, and so exists independently of any project policy. It is also required of developers through national law, the conditions of host country approval, and the frameworks activities register under.

2. **It is both a process and an outcome.** The process involves disclosure, good faith dialogue and negotiation across the activity. The outcome is consent granted or withheld on particular components.

3. **Screening determines whether it applies.** The threshold question concerns impacts on rights, lands, resources, territories and livelihoods, positive or negative, regardless of legal title or State recognition.

4. **Positive intent does not remove the requirement**. Whether impacts are beneficial is a judgement the peoples concerned are entitled to make for themselves.

5. **Consent is collective and phased.** It is reached through the peoples' own customary decision-making, given or withheld for distinct stages, and may be reconsidered if activities change.

6. **The process is designed with the peoples concerned.** Who is consulted, on what and how often is agreed with their self-determined representatives. Where community protocols exist, they are followed.

7. **Frameworks converge on the same elements.** The ICVCM, VCS, Gold Standard, TREES, Plan Vivo and the PACM differ in depth, but a number of key elements recur.

8. **Start early and resource it.** FPIC cannot be retrofitted. It begins in the earliest stages of formulation and continues through closure, with budget, expertise and time allocated sufficiently.

9. **What the evidence shows.** The primary evidence is a signed agreement setting out what was agreed. Supporting records show how rights-holders were identified, impacts assessed and decisions reached. Where consent has been obtained, the developer can also name the concerns raised and point to what changed in the design as a result.

10. **Refusal of consent is respected.** Where consent is not given, the activities concerned cannot proceed. The activity is revised, reconsidered or cancelled.



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