



Government of  
Papua New Guinea

# **NATIONAL REDD+ FREE PRIOR AND INFORMED CONSENT GUIDELINES**



Healthy forest. Strong nation. Better world.





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# ABBREVIATIONS

<b>CBO</b>	Community-Based Organisations
<b>CCDA</b>	Climate Change and Development Authority
<b>CCDS</b>	Climate-Compatible Development Strategy
<b>CCMA 2015</b>	Climate Change (Management) Act 2015 (As Amended)
<b>CEDAW</b>	Convention to Eliminate Discrimination Against Women
<b>CEPA</b>	Conservation and Environment Protection Authority
<b>CLLCs</b>	Customary landholders and local communities
<b>COP/MOP</b>	Conference of the Parties, serving as the Meeting of the Parties
<b>CSO</b>	Civil Society Organisations
<b>DAL</b>	Department of Agriculture and Livestock
<b>CEPA</b>	Conservation and Environment Protection Authority
<b>DDA</b>	District Development Authority
<b>DFO</b>	District Forestry Officer
<b>DLPP</b>	Department of Lands & Physical Planning
<b>FAO</b>	Food and Agriculture Organization of the United Nations
<b>FCPF</b>	Forest Carbon Partnership Facility
<b>FPIC</b>	Free, Prior and Informed Consent
<b>FMA</b>	Forest Management Agreement
<b>FP</b>	Focal Point
<b>GDP</b>	Gross Domestic Product
<b>GoPNG</b>	Government of Papua New Guinea
<b>GRM</b>	Grievance Redress Mechanism
<b>ICCPR</b>	International Convention on Civil and Political Rights
<b>ICESCR</b>	International Convention on Economic, Social and Cultural Rights
<b>ILG</b>	Incorporated Land Group
<b>ILO</b>	International Labour Organisation
<b>LLG</b>	Local Level Government
<b>SDGs</b>	Sustainable Development Goals
<b>MRV</b>	Monitoring Measurement Reporting and Verification
<b>MoU</b>	Memorandum of Understanding
<b>NDC</b>	Nationally Determined Contribution



<b>NEC</b>	National Executive Council
<b>NGO</b>	Non-Governmental Organisation
<b>NRS</b>	National REDD+ Strategy
<b>NSO</b>	National Statistical Office
<b>OLPLLG</b>	Organic Law on Provincial and Local Level Governments
<b>PaMs</b>	Policies and Measures
<b>PEC</b>	Provincial Executive Council
<b>PES</b>	Payment for Ecosystem Services
<b>PMT</b>	Provincial Management Team
<b>PNGRIS</b>	PNG Resource Information System
<b>PNGFA</b>	Papua New Guinea Forest Authority
<b>REDD+</b>	Reducing Emissions from Deforestation and forest Degradation and the Role of Conservation, Sustainable Management of Forests and Carbon Stock Enhancement
<b>RFIP</b>	REDD+ Finance and Investment Prospectus
<b>SIS</b>	Safeguards Information System
<b>SOI</b>	Summary of Information
<b>SGS</b>	Societe General de Surveillance
<b>UNDP</b>	United Nations Development Programme
<b>UNDRIP</b>	United Nations Declaration on the Rights of Indigenous Peoples
<b>UN-REDD</b>	United Nations Collaborative Programme on Reducing Emissions from Deforestation and forest Degradation
<b>UNFCCC</b>	United Nations Framework Convention on Climate Change
<b>VCM</b>	Voluntary Carbon Market
<b>VCS</b>	Verified Carbon Standard











# 1

## INTRODUCTION

The Papua New Guinea National REDD+ Strategy (NRS) 2017-2027, aims to ensure that there is joint collaboration in the manner in which forest, land and natural resource development are carried out in a way that global and domestic climate change mitigation goals are implemented effectively. To achieve these goals, various safeguards measures should be established and functioning as the NRS is being implemented ensuring the rights of customary landholders and local communities (CLLCs) are respected. One of these safeguards measures is the design, development, application, and enforcement of the Free, Prior and Informed Consent (FPIC) principle.

Moreover, the *Climate Change (Management) Act 2015 (As Amended)* recognizes the rights of customary landholders through an FPIC process and provides guidance on how to obtain their consent<sup>1</sup>. The initial Guidelines on FPIC for REDD+ in PNG were developed in 2017<sup>2</sup> based on extensive stakeholder consultation and expert reviews over several years. The current National REDD+ FPIC Guidelines ("FPIC Guidelines") build on the initial 2017 Guidelines and includes more details on the procedures related to applying FPIC and further guidance on the different approaches to consultation at various levels.

### 1.1. Objective of the National REDD+ FPIC Guidelines

These FPIC Guidelines will:

- Assist users to identify when FPIC is required, at what level it shall be applied, who gives consent and who seeks consent;
- Provide the procedures for FPIC application under the two main approaches specifically that of the national approach and project approach.
- Ensure all target groups of NRS-related policies, actions, measures, and projects will be well-informed on the meaning and application of FPIC in PNG

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1. Refer to sections 87-89.

2. Guidelines on FPIC for REDD+ in Papua New Guinea (2017)

## 1.2. Defining FPIC

In the context of NRS implementation, FPIC shall be sought before any of the following actions can be taken:

- When making decisions on projects or programs that may take place in or impact the land and the sea, resources or otherwise affect the livelihoods of customary landholders and local communities, including the use of sacred cultural sites, etc.;
- When making decisions on the use of biological materials, traditional medicines and knowledge, including artwork, dance and song;
- When making agreements between the government and the people;
- When creating laws or policies that affect the people; and,
- When undertaking actions that could lead to the forced removal of people from their land.

When considering activities, projects, legislative or administrative measures, and policies that may potentially affect the lands, resources (or livelihoods) of customary landholders and local communities; governments and REDD+ proponents shall provide the potentially affected customary landholders the opportunity to give or withhold their consent. Through mechanisms for consultation and participation outlined in [Sections 4 and 5](#) below, NRS proponents, including voluntary carbon markets project developers, shall negotiate with the affected customary landholders in good faith, without a predetermined outcome before making any decisions regarding the development or project activity.

**Box 1 defines the elements of a common understanding of free, prior and informed consent<sup>3</sup>.**

Box 1	Elements of Free, Prior and Informed Consent	
	<p><b>Free</b> implies no coercion, intimidation or manipulation.</p> <ul style="list-style-type: none"> <li>* Information is transparently and objectively offered at stakeholders' request;</li> <li>* The process is free from coercion, bias, conditions, bribery or rewards;</li> <li>* All community members are free to participate regardless of gender, age or status</li> </ul> <p><b>Prior</b> means that consent has been sought sufficiently in advance of any authorization or commencement of activities and that respect is shown for time requirements of indigenous consultation/consensus processes.</p> <p><b>Informed</b> refers mainly to the nature of the engagement and the type of information that should be provided prior to seeking consent and also as part of the ongoing consent process.</p> <p><i>Information should be:</i></p> <ul style="list-style-type: none"> <li>provided before activities can be initiated, at the beginning or initiation of an activity, process or phase of implementation, including conceptualization, design, proposal, information, execution, and following evaluation;</li> <li>accessible, clear, consistent, accurate, and transparent;</li> <li>delivered in an appropriate language and format (including video, graphics, radio, documentaries, photos, etc.);</li> </ul>	<ul style="list-style-type: none"> <li>given to the landowner communities about their rights as relevant to the project and possible impacts;</li> <li>objective, covering both the positive and negative potential of REDD+ activities and the consequences of giving or withholding consent;</li> <li>complete, covering the spectrum of potential social, financial, political, cultural, and environmental impacts, including scientific information with access to original sources in appropriate language;</li> <li>delivered in a manner that strengthens and does not erode local cultures;</li> <li>delivered by culturally appropriate personnel, in culturally appropriate locations, and include capacity building of local trainers;</li> <li>delivered with sufficient time to be understood and verified;</li> <li>able to reach the most remote, rural customary landholders, women, marginalized and vulnerable groups; and,</li> <li>provided on an ongoing and continuous basis</li> </ul> <p><b>Consent</b> means 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.</p>

3. UN-REDD Guidelines on Free, Prior and Informed Consent. (2013)



### 1.3. Scope of FPIC Application

This FPIC Guideline applies to all aspects of the implementation of NRS-related policies, actions, measures and projects, including voluntary carbon market projects, and compliance with these guidelines is mandatory. The FPIC Guidelines are subject to review once the NRS has been revised, or at a time that Climate Change and Development Authority (CCDA), determines it is necessary for a review. Although the FPIC Guidelines are limited to the scope of NRS implementation, they can be used as a reference tool by other climate change projects outside of the REDD+ that wish to apply best practices in their community engagement and consultations.

### 1.4. When is FPIC required?

An FPIC process is applicable in any NRS activities or projects that may have potential impacts on the lives of the customary landholders that are involved. The greater the impact of the program or activity,

the greater the importance to ensure adequate provisions to seek consent are in place. FPIC is or shall be required for all NRS activities or projects that are developed on customary land which directly or indirectly affect the rights of customary landholders and local communities.

FPIC is most often applied at the community level where the project or activity will happen. However, for any components of the NRS that may affect the rights of customary landholders, such as policies, laws or regulations related to changes in land tenure or benefit sharing also, to some degree of consultation and documented consent will be required, which is detailed in Section 7.

#### Intended Users

The intended users of this FPIC Guideline are:

- NRS implementers, including national and sub-national levels of government,
- Prospective voluntary carbon project developers;
- Non-Governmental Organizations (NGOs), Civil Society Organizations (CSOs) and other independent experts working to support customary landholders and local communities or supporting REDD+ proponents.
- Certifying bodies and independent observers/verifiers.
- Other Climate-related stakeholders

The Guidelines also apply to stakeholders, in particular, customary landholders and local communities in or near NRS project areas who's free, prior and informed consent is sought for the proposed NRS activities. Users need to be aware of the requirements of FPIC and shall follow the Guidelines when implementing NRS activities or projects.

The Guideline will use the term "customary landholders and local communities" to refer to clans and communities who have the customary obligation, and rights to hold and use land and sea resources<sup>4</sup>. It also recognizes those who do not own land but may be accorded user rights over land and resources on the land and sea. Therefore, for the purpose of this guideline, the term will also include other primary users of forests such as women, youth, and marginalized and vulnerable groups who have either a direct or indirect role in forest management and use.

### 1.5. Who seeks consent?

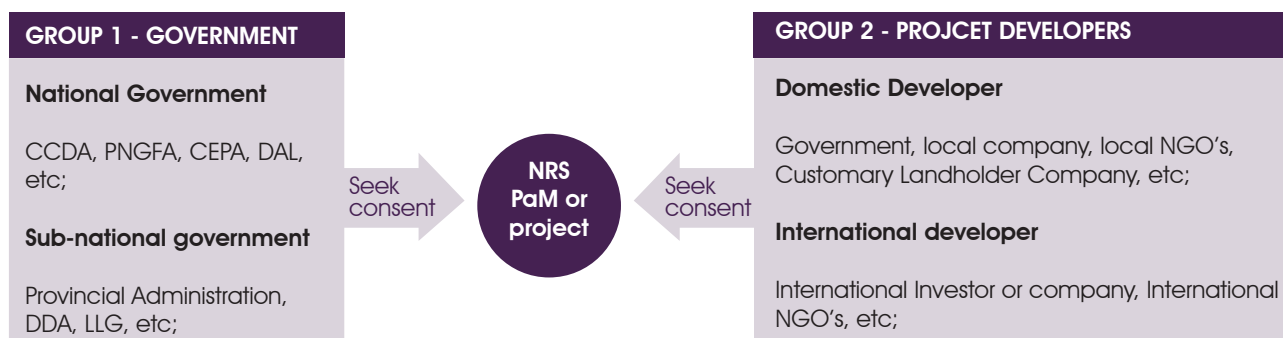


Figure 1. The two main groups that seek consent.

4. The Lands Act 1996

There are generally two main groups of REDD+ proponents who will be required to seek consent for NRS policies, measures or projects. The first is government agencies, further categorised into national, provincial, district and local levels. The second is project developers (refer to Figure 1) who may be private companies, either domestic or international, NGOs or even government agencies intending to implement projects that have a direct impact at the community/village level. It is the CCDA that is ultimately responsible for ensuring that FPIC has been implemented in the NRS activity or voluntary project. It is the duty and obligation of the national government and a right of the affected customary landholders and local communities (CLLCs).

## 1.6. Who gives consent?

### Village/community/Clan Level

REDD+ programs or activities are expected to take place at the village or community level, mostly on customarily owned land. Consent has to be obtained at both the clan and the community level, as the clan is the landowning entity able to make overall land and resource use-based decisions over their land, but all other affected clans with some form of customary user or settlement rights over the clan's land also need to be informed, consulted and have to consent for as far as the decision affects their customary rights.

The customary landholders and local communities have to be engaged in a culturally appropriate manner, using means and approaches for outreach that are in harmony with their customs, values, sensitivities and ways of life

Where landholders are represented through Incorporated Land Groups (ILGs) or any other body, the group or body shall be formed transparently, with the free and informed consent of clan members, including the free and informed consent of women:

- On the genealogy of the group.
- On the customary rules, norms and values that apply to land and resource rights.
- The written constitution of the group shall reflect their customary rules and laws and may refer to general verbal agreements on these in case of low literacy rates within the group.
- On the appointment of the groups' dispute resolution authority.

If no ILG or other representative body exists, free, prior and informed consent has to be given by all traditionally recognised landowning groups (at the minimum at the clan level representation) through public meetings at the village level. It is important that interviews with customary landholders and local community members at the village level confirm that public meetings have been held at the village level and that free, prior and informed consent was given.

Furthermore, it is understood that in PNG, about three (3) per cent of the land is privately owned while 97 percent is traditionally owned. The latter also owns resources on the land. With exception, some minorities do not own the land that they live or reside in but have user- rights over the land. These minorities may include women, youth, and marginalized and vulnerable groups.

Also, while respecting the norms, values and customs of the customary landholders and local communities involved and the consultation and decision-making methods they utilize<sup>5</sup>, it is strongly encouraged that women from the affected local communities or clans are represented in the decision-making process. PNG's national constitution also proclaims 'Equality and Participation' as one of the country's National Goals and Directive Principles. Gender balance in participation and decision-making is declared in the country's national constitution and therefore it shall be strongly encouraged and followed by all interested stakeholders of REDD+.

However, utmost care shall be taken by REDD+ proponents when facilitating consent from customary landholders or local communities to ensure that urban-based clan/community members do not dominate or steer decision-making processes, as there are many examples of town-based people using their privileged position in terms of education and access to take advantage of their own community/clan members. The preferred process is to point

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5. The traditional different roles and opportunities for men and women in both matrilineal and patrilineal societies in PNG to engage in decision-making processes over land and resource use, have changed due to deals with mining, logging and oil palm companies, which are all made by men, leading to disregard of the roles and opportunities for women, and the need to engage them in these decisions. Being mindful not to imply that gender inequality takes precedence over decision-making, strong consideration should also be given to the local/traditional norms and customs especially within the rural areas where strong ties to customary beliefs and practices remain.

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out the multiple benefits and risks (or pros and cons) of this possibility to the community/clan involved, who can then decide themselves if and how their urban-based community/clan members could best be included in the FPIC process.

FPIC shall be conducted in the local community (project site) for transparency. Where accessibility is an issue project proponents shall not conduct FPIC in urban or nearest accessible centres by bringing in pre-selected community and clan leaders together to discuss the project as this is not a fair representation of the communities and the views of those who will be affected. Community members with substantive rights who may be living away from the community should also be considered for initial consultations, but not in the manner as agreed upon by the resident community members

FPIC in PNG is a process that requires ample time and effort, and project developers, NGOs, and government officials have to be prepared and ready to conduct awareness meetings, discussions and training more than once, whenever requested by the community/clan, or seen as necessary or important. FPIC is not obtained at the end of the first or second or even third awareness meeting on a project.

Awareness and consultation at the community level need to be done over a period of time of six, twelve or even more months so that the people are made aware and understand what a proposed project is about, its benefits, advantages and disadvantages. This is emphasized by the Constitution in the Directive Principles under the Fifth Goal, which provides for promoting and protecting Papua New Guinean ways. PNG ways of meeting and consulting with landowners are required because the proposed project will interfere with and affect people's traditional lifestyle and their customary rights to land and resources. This is why FPIC needs to be obtained by going to the villages and communities to talk to the landowners, their families, clans and tribes, in the language they can understand. If they do not understand English, Tok Pisin or Motu, then interpreters should be used to interpret things in their language. By doing awareness and obtaining FPIC in this manner, people and their cultures will be recognised, acknowledged and respected<sup>6</sup>.

Taking enough time for consultations and understanding of the project with the affected communities will also safeguard the REDD+ activity from future potential grievances that may affect its implementation.

### **National, Provincial and District Levels**

In the implementation of the NRS or Provincial REDD+ strategies, it is possible that policies, laws and regulations may be introduced, revised or terminated. Some of these changes may impact the lives of many customary landholders, whose consent must be sought. To ensure the participation of community representatives at these consultation meetings, the government will work with NGOs and other civil society actors with community contacts to identify, invite and financially support the attendance of at least eight community representatives (4 males plus 4 females) from various provinces and parts of the province.

For national and provincial level policies, laws and regulations public stakeholder consultation meetings shall be held in central locations and venues that allow the best possible access to customary landowning community representatives. For national-level policies, laws and regulations these stakeholder consultations shall be held at the regional level, and for provincial policies, laws and regulations at the District level.

For national and provincial stakeholder consultations the cheapest suitable venues and accommodations shall be selected to allow maximum financial support to go to the attendance of identified community male and female representatives.

Government Organisations (NGOs) and Church-Based Organisations (CBOs). Such NGOs and CBOs may not necessarily have the legal title and the subsequent substantive rights to consent to activities on the customary land; however, their engagement is important as active local participants that would be affected by any potential projects or REDD+ initiatives. Government officers working within any of the tiered government systems (national, provincial, district and local) that are present in the project area and would be affected by the policies, laws or regulations must also be consulted.

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6. Paragraph adapted from the court decision by Justice Gavara-Nanu in *Maniwa vs Malijwi* [2014, PNGC 25; N5687]

Table 1 below provides a summary of “who seeks” and “who gives” consent at all the levels mentioned.

**Table 1:** Summary of Who Seeks and Who Gives Consent

Level	Examples of Consent points	Key proponents responsible to seek consent	Key proponents responsible to give or withhold consent?
National	Policies, laws and regulations related to REDD+ that affect CLLCs	National government through a designated agency such as CCDA, PNGFA, CEPA, DLPP, DAL, etc.	<ul style="list-style-type: none"> <li>- NGOs, and other key civil society actors,</li> <li>- Identified community representatives (male and female)</li> </ul>
Provincial	Policies, laws and regulations related to REDD+ that affect communities, Government planning affecting land use directly or indirectly related to REDD+ that affect customary landholders, for example, provincial forest plan	Provincial government through a designated agency nominated by the Provincial Administrator.	NGOs and other key civil society actors, Identified community representatives (male and female)
District	Government planning affecting land use directly or indirectly related to REDD+	Provincial government through a designated agency nominated by the District Administrator or District Development Authority.	<ul style="list-style-type: none"> <li>- NGOs, CBOs and other key civil society actors,</li> <li>- Identified community representatives (male and female)</li> </ul>
Village/Community/Clan	REDD+ activity	Project developer	Members of all affected Clan, and Village representatives
Village/Community/Clan	Interest to develop REDD+ activity	Village / Clan representatives	All clan members/CCDA after consultation with PNGFA/DAL/DLPP







# 2

## LEGAL AND POLICY FRAMEWORK

### 2.1. International Law

The relevant international policy and legal framework for PNG's REDD+ efforts, which pertain to FPIC, are listed below:

- United Nations Framework Convention on Climate Change (UNFCCC);
- United Nations Convention on Biological Diversity (UNCBD);
- Ramsar Convention on Wetlands of International Importance;
- UN Convention on Climate Change and Desertification (UNCCD);
- Convention on International Trade of Endangered Species (CITES);
- Convention for the Protection of the World Cultural and Natural Heritage (1972);
- The UN Collaborative Programme on REDD+ (UN-REDD);
- International Covenant on Civil and Political Rights;
- International Covenant on Economic, Social and Cultural Rights;
- Convention on The Elimination Of All Forms Of Racial Discrimination (CERD);
- Convention on the Rights of the Child (CRC).

Furthermore, PNG has agreed to the following Conventions below, but these Conventions have not been ratified domestically:

- Convention on the Protection and Promotion of The Diversity of Cultural Expressions
- Convention on the Elimination of all forms of Discrimination against Women (CEDAW);
- ILO Indigenous and Tribal Peoples Convention 169; and
- United Nations Declaration on the Rights of Indigenous Peoples.

## 2.2. National Laws and Policy Frameworks

PNG's National Constitution (Refer to [Annex 7.1](#)) reflects the aspiration to promote sustainable development and to be effective custodians of natural capital. The Constitution shares the same view as the ILO Convention 169 and UNDRIP, with references to basic human rights and democratic good governance process to any form of developments in the country, thereby upholding the right of customary landholders to an informed consultation process before any form of developments can take place. The concept of FPIC is clearly written in the National Constitution of PNG that the rights of people need to be respected through an informed consultation process before any development can take place.

Sections 32-56 of the Constitution comprise Basic Rights<sup>7</sup>, Qualified Rights<sup>8</sup> and Special Rights of Citizens<sup>9</sup>. Particularly Section 51 clearly emphasized the right to freedom of information which is the underlying objective of FPIC. The enforcement of these rights by the Courts and other tribunals are governed by section 57 and 58 of the Constitution. While these sections concentrate on the rights of citizens, Section 255 of the Constitution however talks about having an effective stakeholder consultation process. Section 255 merely emphasized on having a meaningful consultation that will allow for a genuine interchange of information and views between all parties concerned in the project activity<sup>10</sup>. This section is more supportive of the work of free, prior and informed consent, in the sense that it allows for an effective stakeholder consultation process that requires the right of all parties to seek equal consent when establishing a project.

Further, various national laws under the Oil and Gas Act 1998<sup>11</sup>, and Forestry Act 1991 and Forestry (Amendment) Act 1993, 1996, 2000 and 2005 give some emphasis to the principle of free, prior and informed consent, but are more focused on the sectors and the industries (Refer to Annex 7.1). FPIC is fundamental to the rights of participation, consultation, self-determination, indigenous property rights and the right to culture.

## 2.3. The distinction between FPIC at the NRS policy level and NRS-related projects

The obligation to obtain the free, prior informed consent of CLLCs can be described and applied through two main approaches with regards to:

2.3.1. Policy development and dissemination of information at all government levels (national, provincial, district and local government levels) referred to as the 'National Approach'; and

2.3.2. All on-the-ground activities (e.g., carbon trading activities, etc.) which will affect CLLCs are referred to as the 'Project Approach' in Figure 2 below.

The NRS and its associated RFIP cover a broad range of activities. The level at which FPIC consultations will take place will thus need to vary for each activity, according to the context. For example, although a policy proposal at the national level may not necessarily require extensive consultation with local communities it will require consultation with their national-level representatives which will take place in accordance with the National Approach to FPIC (see [Section 4](#)).

In contrast, a proposal to carry out REDD+ activities or voluntary carbon projects in districts will require direct consultation with the local communities concerned. This consultation should take place in accordance with the Project Approach to Community Level FPIC Guidelines (see [Section 5](#)). [Annex 7.2](#) contains a (draft) table showing the proposed consultation methods to apply the FPIC principle to each of the component activities identified in the NRS.

7. The right to freedom, life, freedom from inhuman treatment and the right to protection of the law.

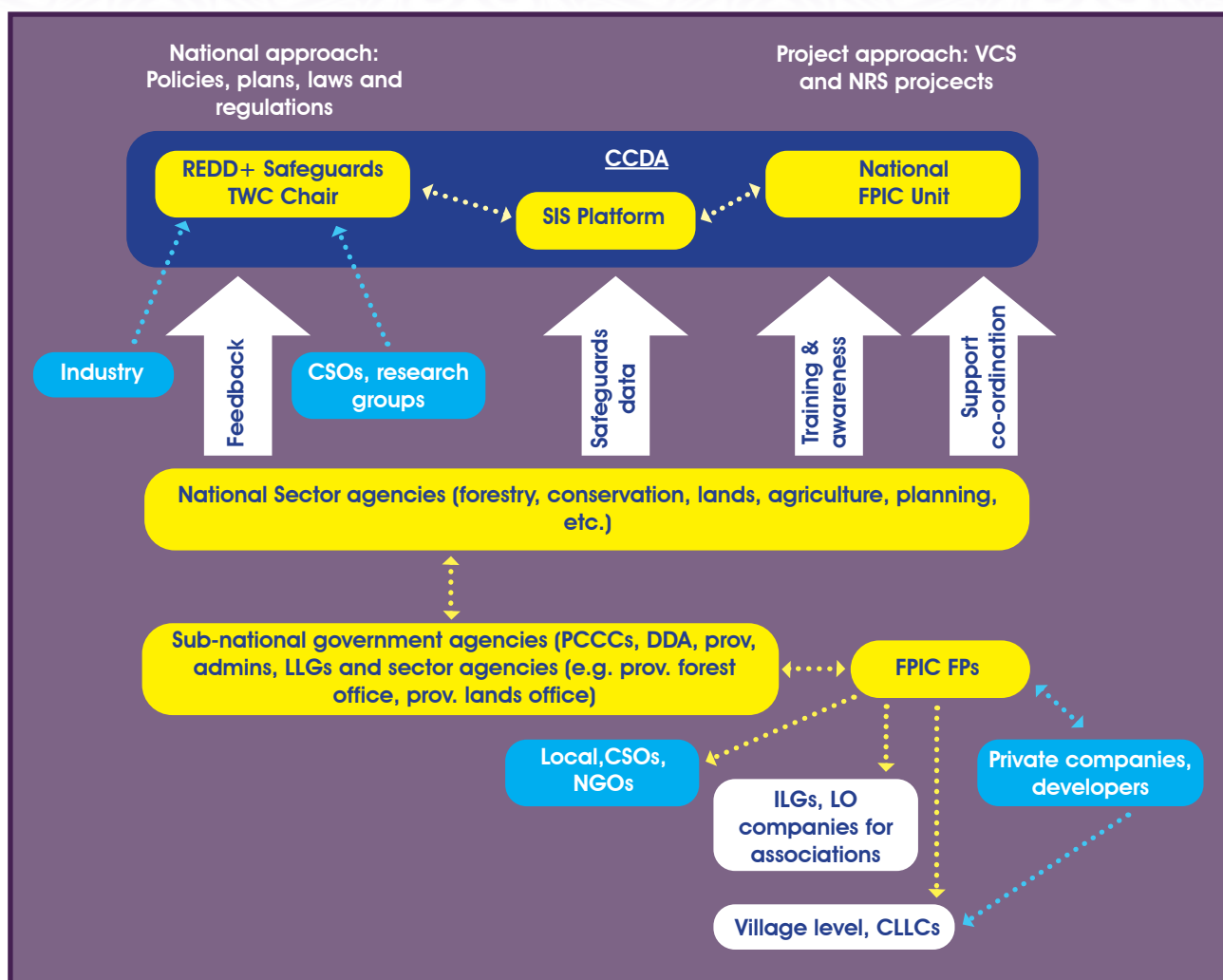
8. Ss. 38-49 – Freedom of the person, freedom from forced Labour, freedom from arbitrary search and arrest, freedom of conscience thought and religion, freedom of expression, freedom of assembly and association, freedom of employment and the right to privacy. These rights are not absolute but qualified by having regard for what affects the general welfare of the nation and public order etc. (ss. 38-41)

9. Ss. 50-56 – The right to participate in the political process and hold real property

10. Section 255 of the Constitution states that: In principle, where a law provides for consultation between persons or bodies, or persons and bodies, the consultation must be meaningful and allow for a genuine interchange and consideration of views

11. Ss 35 Division 5, Section 47 of the Oil and Gas Act, No. 49 of 1998 calls for 'Social Mapping and Landowner Identification Studies' as a condition to the issuance of petroleum prospecting license for participation in Papua New Guinea's oil and gas industry. This section allows for in-depth landowner consultation and agreement before any petroleum licenses are issued for any project developments in the oil and gas sector.





**Figure 2.** The two approaches to implementing FPIC: The national approach on the left and the Project approach on the right





# 3

## INSTITUTIONAL ARRANGEMENTS

This section presents the institutional structure of how FPIC will be applied within the context of NRS implementation. CCDA will be the key national government agency responsible for ensuring that FPIC is applied under the two approaches, namely the [National Approach](#) and the [Project Approach](#). There must be a strong emphasis on collaboration and cooperation between the various sector agencies involved in REDD+ in PNG, from all levels of government, industry and civil society. Additionally, the institutional structure for FPIC oversight within CCDA is intended to be a part of the overall safeguard implementation and monitoring of the REDD+ and Mitigation Division, namely through the SIS Platform. The SIS Platform is anticipated to merge the data and information relating to FPIC, GRM and the Benefit Sharing and Distribution System amongst its other functions. All data and records will be publicly available online.

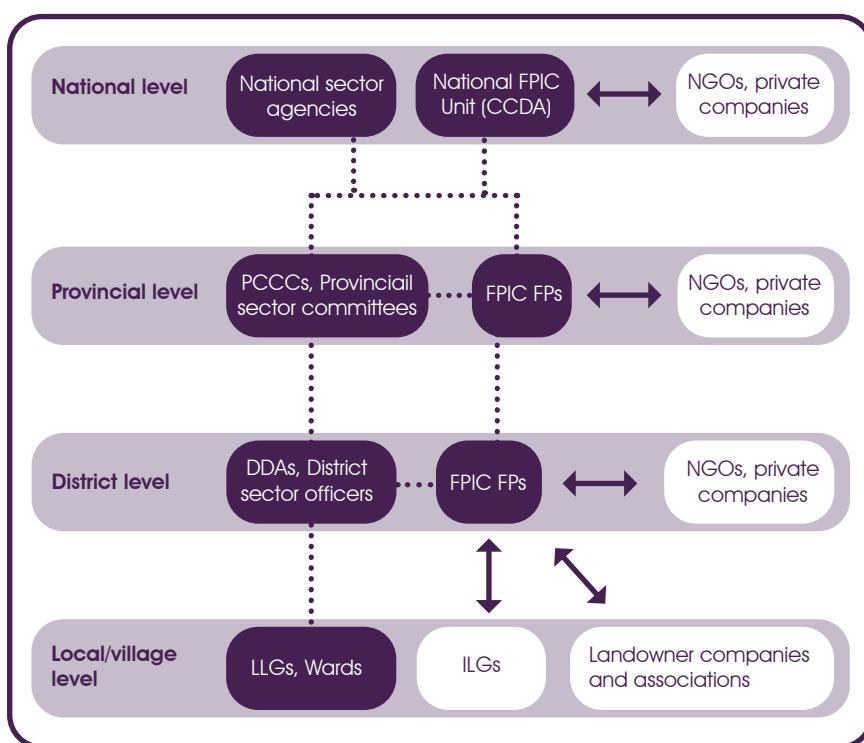


Figure 3. Institutional structures for the REDD+ FPIC Guideline

### 3.1. Focal Points/ FPIC Implementers

The Focal Points (FPs) are the most pivotal links between the national and the subnational level because of their:

- 3.1.1. Position and location on the ground (i.e., within a pilot province or district);
- 3.1.2. Legal mandate as key sector representatives (government/private/NGO) who are established at the subnational level; and
- 3.1.3. Easy access to information/personnel who are able to assist in the FPIC process at the sub-national level.

Due to their critical role all FPs selected by the CCDA will need to have dedicated officers/units nominated in each of the sectoral divisions/programmes, to ensure proper mainstreaming of the FPIC principles across the sectors, and also have access to reliable means of communication (e.g., office landline, mobiles or internet services). It is therefore imperative that the entity or sector agency selected to host an FP possesses these basic requirements prior to its establishment. The selected FPs will undergo safeguards training and capacity-building that is specific to their role, as well as share REDD+ and safeguards knowledge and experience.

The FPIC FPs will be derived from entities that have core mandates, functions and responsibilities in each of the five (5) key REDD+ relevant sectors that are located within the provinces. They should ideally sit within government entities, however, where this is not possible or practical due to various circumstances, industry or civil society organisations may be considered. These unique arrangements will need to be subject to special MOUs/MOAs outlining the powers, functions and responsibilities of these organisations in these situations. It would be ideal to have one (1) focal point to deal with all REDD+ sectors in any particular province.

#### Forestry:

- Public sector forestry agencies, e.g., PNGFA Provincial Offices
- Private sector/Industry agencies e.g., reliable logging companies in the province
- Civil society Organisations e.g., NGOs/CBOs that specialize in forestry, e.g., Forcert, EFF, CELCOR

#### Agriculture & Livestock:

- Public sector agencies e.g., Regional DAL offices, Provincial Government - Agriculture Divisions and any others which fall within this category.
- Private sector/Industry agencies e.g., NBPOL.
- Civil Society e.g., relevant NGOs/CBOs at the subnational level such as Farmer's Associations,
- Women in Business Associations etc.

#### Lands:

- Public sector agencies e.g., Provincial Government - Land Division, District Development Authorities and similar public-sector agencies at the subnational level.
- Private sector/Industry companies dealing with community land issues, e.g., Mining companies with special community land divisions.
- Civil Society e.g., relevant NGOs/CBOs such as EFF, CELCOR and others who assist with land development issues.

#### Mining:

- Public sector agencies e.g., MRA Provincial Offices (if any) or any divisions of the MRA located at the provincial level.
- Private sector agencies e.g., reliable Mining companies e.g., Exxon Mobile or any other appropriate body with a community affairs office.
- Civil Society e.g., relevant NGOs/CBOs such as CELCOR, EFF, Women in Mining or similar organisations involved in mining projects awareness and advocacy.

## Environment and Conservation

- Public sector agencies e.g., Provincial Government – Environment and Conservation Divisions, CEPA counterparts at the provincial level.
- Private sector/Industry agencies e.g., reliable companies or private organisations in the province who have conservation divisions or help fund conservation projects.
- Civil Society e.g., NGOs/CBOs such as TNC, WCS, EFF, WWF, CELCOR, etc.

## Cross-Sectoral Agencies:

- Public sector agencies e.g., Provincial Offices in general or District Development Authorities (DDAs), and any others which fall within this category.
- Community Development Department representatives at the subnational level or other Women's Organisations
- Civil Society e.g., Churches or Faith Based Organisations (FBOs) that address REDD+ related issues, TIPNG (especially as part of its ALAC program).

There should be at most two (2) staff members appointed within each FP designated by the CCDA and the respective REDD+ related sector agencies. They would ideally need to have some basic understanding of REDD+ and the NRS PaMs, however, this is not a prerequisite for appointment as this will be covered by the CCDA REDD+ Division as part of the preliminary capacity-building activities to be carried out as part.

As stated above, the FPs are the key entry points for FPIC implementation at the subnational level. Therefore, the entity must choose to house this FP and possesses the resources, capacity and competency necessary to carry out these basic functions and responsibilities. They will need to be able to effectively record, track and monitor the FPIC process and feed this information up to the National FPIC Unit (within CCDA).

## 3.2. FPIC FPs Main Functions

**Table 2.** Description of the key functions of the FPIC Focal Points

Key Functions	Description of Functions
1. All data and records management to be publicly available online of all PaMs, projects and legal reviews initiated at the sub-national or project level government.	<ul style="list-style-type: none"> <li>• Ensure all comments and feedback provided by stakeholders are captured, stored and easily accessible</li> <li>• Document tracking system</li> <li>• Direct information and data inputs to the SIS Platform, including gender-disaggregated data</li> </ul>
2. Identify stakeholders to be engaged during the consultation process. In consultation with the key stakeholders, agree on the steps and timeline for the consultation process	<ul style="list-style-type: none"> <li>• Conduct searches and/or due diligence to identify the legitimacy of the sub-national representatives of affected customary landholders and local communities</li> </ul>
3. Liaison with and support stakeholders to encourage meaningful participation and representation. <ul style="list-style-type: none"> <li>- Ensuring agreed timeframes are followed or adjusted to allow proper participation, with feedback given on submitted input, circulation of next draft documents, and consideration of stakeholder responses to feedback</li> </ul>	<ul style="list-style-type: none"> <li>• Support to sub-national or project-level stakeholders to ensure their material is in line with these Guidelines, the CKMS and other safeguards policies (e.g. BSDS)</li> <li>• Ensuring the representation and participation of women in stakeholder consultations at the sub-national level</li> </ul>
4. Maintain regular communication with National FPIC Unit	<ul style="list-style-type: none"> <li>• Provide advice and support to the National FPIC Unit on developments within the province and local communities.</li> </ul>
5. Ensure compliance with the procedures pertaining to the National REDD+ community scheme and Project Approach to FPIC	<ul style="list-style-type: none"> <li>• Refer to the procedures outlined in <a href="#">Section 5</a> below.</li> </ul>



### 3.3. Provincial Climate Change Committees

Provincial Climate Change Committees (PCCCs) are located at the subnational level and situated within the main provincial towns. They are established through the National Climate Compatible Development Management Policy (NCCDMP), to ensure that there is a subnational entity to assist in overseeing the implementation of the various climate change-related projects and activities that demonstrate CCDA's presence at that level.

The PCCCs can help to both monitor and support the FPs in the performance of their functions as part of the FPIC by adding another dimension of checks and balances at the subnational level. The PCCCs were selected to perform this role because of their core design, consisting of representatives from the REDD+ relevant sectors who are also represented on the various TWCs within the CCDA at the national level. This provides a strong link between the national and subnational levels as well as between the sectors and the different levels of government.

The PCCCs are quite comprehensive in their composition and extend beyond just the REDD+ related sector representatives, namely with members from the government, private and the CSO sector. Due to this degree of representation at the subnational level, it would be important to include them, as much as possible, in the overall supervision and oversight of the FPs at the subnational level. However, it is also acknowledged that many of the PCCCs that have been established so far are not functional (7 out of the anticipated 22). Those that are functional are limited in their ability to contribute meaningfully to the CCDA's strategies, policies and programs at the subnational level due to shortage of staff, resources and financial support. It is anticipated that this gap may be bridged as part of the NRS PAMs implementation and funding allocated for the NRS project sites.

### 3.4. District Development Authorities

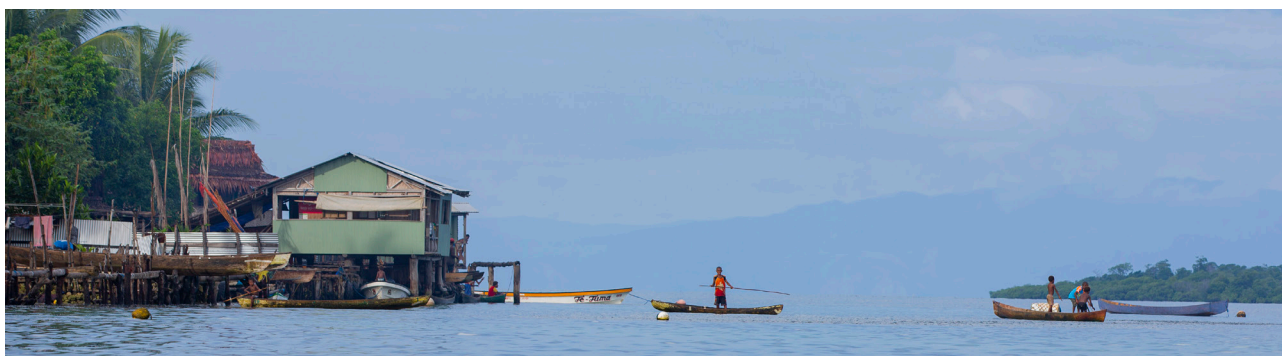
This entity is briefly mentioned to be considered as part of the formal institutional arrangements for FPIC as their role depends on the functionality of each District Development Authority (DDA) within the different provinces. It is anticipated for some of these DDAs to possibly house FPIC FPs, however, it depends on their functionality. It may be worth pursuing this option because of the peculiar advantage these institutions have in being positioned at the subnational level, yet, without being subject to the direction of the Provincial Government, unlike other district offices<sup>12</sup>. The DDA comes under the direct mandate of the DPM & NEC. This gives them direct access to national-level support by virtue of its legal mandate which could be an advantage in linking the various levels and sectors of government as part of the implementation of the NRS PAMs.

### 3.5. REDD+ Safeguards Technical Working Committee (TWC)

The REDD+ Safeguards Technical Working Committee (TWC) is a multi-stakeholder body that is focused on the technical development of SIS and the application of safeguards. It is chaired by the CCDA Manager REDD+ and meets every quarter. The REDD+ Safeguards TWC will take a lead role in the National Approach to Consultation process outlined in section 7.2.1 whereby policies and measures related to the NRS will need to be reviewed by various members of the Committee.

### 3.6. Capacity-Building

The national government, with support from development partners such as UN agencies, will provide training for focal points and the users of the SIS platform.



12. The Organic Law on Provincial Governments and Local Level Governments (District Development Authority) 2013 was passed unanimously by Parliament on the 26th of November 2013. The Bill was drafted to amend the Organic

# 4

## NATIONAL APPROACH TO FPIC

Due to the complexity and broad scope of REDD+, the multiple agencies, institutions and structures involved, these Guidelines aim to provide a simple and user-friendly way to differentiate and connect the various systems, processes, roles and agencies' mandates to support effective FPIC implementation in the context of the NRS. One of the keys to ensuring that this is followed is to have CCDA as the central coordinating agency to both oversee and manage the application of FPIC. While various initiatives and projects may be directed by other national government agencies (e.g. forestry, agriculture, conservation, etc.) or CSOs and NGOs. CCDA can assist these sector agencies and CSO/NGOs concerning safeguards being applied across the initiatives and projects. The following is a summary of the responsibilities and processes that should be taken to ensure that FPIC is applied at the national level concerning the policies and measures related to NRS implementation.

### 4.1. National FPIC Unit

The first part of the national approach is the establishment of the National FPIC Unit ("FPIC Unit") located within the CCDA REDD+ and Mitigation Division. It is the main coordinating entity for the application of FPIC throughout the implementation of the NRS. The FPIC Unit will facilitate the process of ensuring that data and information related to FPIC are captured, recorded, stored and disseminated in a timely and orderly fashion. It will serve as the central unit that liaises with the sub-national stakeholders such as the FPs, PCCC, and DDAs and is anticipated to be one of the core elements of the Safeguards Information System (SIS) platform.

The Unit will be under the direction of the General Manager and consist of the following staff:

- 4.1.1. At most 2 officers in the REDD+ and Mitigation Division
- 4.1.2. Oversight of a Unit Manager (In his/her absence there will need to be a second in command to ensure their respective roles and responsibilities are carried out in their absence)
- 4.1.3. 1 officer from the MRV and National Communications Division
- 4.1.4. Interns and part-time assistance (as and when required)



## 4.2. Specific Functions

**Table 3.** Description of the key functions of the National FPIC Unit.

Key Functions	Description of Functions
1. All data and records to be publicly available online of all PaMs, projects and legal reviews initiated by the national level government.	<ul style="list-style-type: none"> <li>• Include gender-disaggregated data</li> <li>• Ensure all comments and feedback provided by stakeholders are captured, stored and easily accessible</li> <li>• Document tracking system</li> </ul>
2. Identify stakeholders to be engaged during the consultation process, and in consultation with key stakeholders, agree on the steps and timeline for the consultation process	<ul style="list-style-type: none"> <li>• Refer to any relevant General Orders</li> <li>• Conduct searches and/or due diligence to identify the legitimacy of the national representatives of affected customary landholders and local communities</li> </ul>
3. Liaison with and support a diverse range of stakeholders to encourage meaningful participation and representation. <ul style="list-style-type: none"> <li>- Ensuring agreed timeframes are followed or adjusted to allow proper participation, with feedback given on submitted input, circulation of next draft documents, and consideration of stakeholder responses to feedback</li> </ul>	<ul style="list-style-type: none"> <li>• Support to government stakeholders to ensure their material is in line with these Guidelines, the CKMS and other safeguards policies (e.g. BSDS)</li> <li>• Ensuring the representation and participation of women in stakeholder consultations</li> </ul>
4. Maintain regular communication with FPs/FPIC Implementers	<ul style="list-style-type: none"> <li>• Also include administrative support to the FPs in setting up their respective offices, where applicable, and also subject to the MOUs agreed to between CCDA and the FPs</li> </ul>
5. Ensure compliance with the procedures pertaining to the National REDD+ community scheme and the Project Approach to FPIC	<ul style="list-style-type: none"> <li>• Refer to the procedures outlined in <a href="#">Section 5</a> below.</li> </ul>
6. Facilitate training and capacity-building for FPs/FPIC Implementers	<ul style="list-style-type: none"> <li>• This FPIC training will be included in the overall capacity-building package that will be delivered specifically for SIS Platform users and data managers as part of a better understanding of how safeguard information must be recorded.</li> <li>• SIS Platform SOP training is a key output.</li> </ul>
7. Conduct awareness on the FPIC Guidelines for all key NRS stakeholders	<ul style="list-style-type: none"> <li>• NRS stakeholders will need to be well-versed in the key components of these FPIC Guidelines.</li> <li>• It is important to note that general awareness of the Guidelines to NRS stakeholders is different to the specific training noted in function no. 6 above that is targeted towards SIS Platform users.</li> </ul>
8. Provide reports to donors, stakeholders and the general public on the REDD+ FPIC application	<ul style="list-style-type: none"> <li>• Summary of Information (SOI) every 2 years</li> <li>• Other UNFCCC reports</li> </ul>
9. Ensure compliance with the procedures pertaining to the National Approach to Consultation	<ul style="list-style-type: none"> <li>• Refer to the procedures outlined in <a href="#">Section 7.2.1</a> below</li> </ul>

### 4.3. Safeguards Information System Platform

The Safeguards Information System (SIS) is a web platform that will collect, store, analyse and disseminate data and information related to the Cancun safeguards as they are being addressed and respected in PNG. CCDA will have the primary oversight of the SIS Platform, which will contain the databases that capture information relevant to FPIC, GRM, BSDS and other safeguards indicators. The FPIC Unit and users of the SIS Platform must undertake the necessary training to fully understand their respective roles in ensuring the collection, recording and management of the safeguard information required for national and international reporting (e.g. the SOI). Figure 4 illustrates how data and information collected by the National FPIC Unit and other safeguards policies will be embedded in the SIS Platform to demonstrate how the Cancun safeguards are being addressed and respected in PNG.

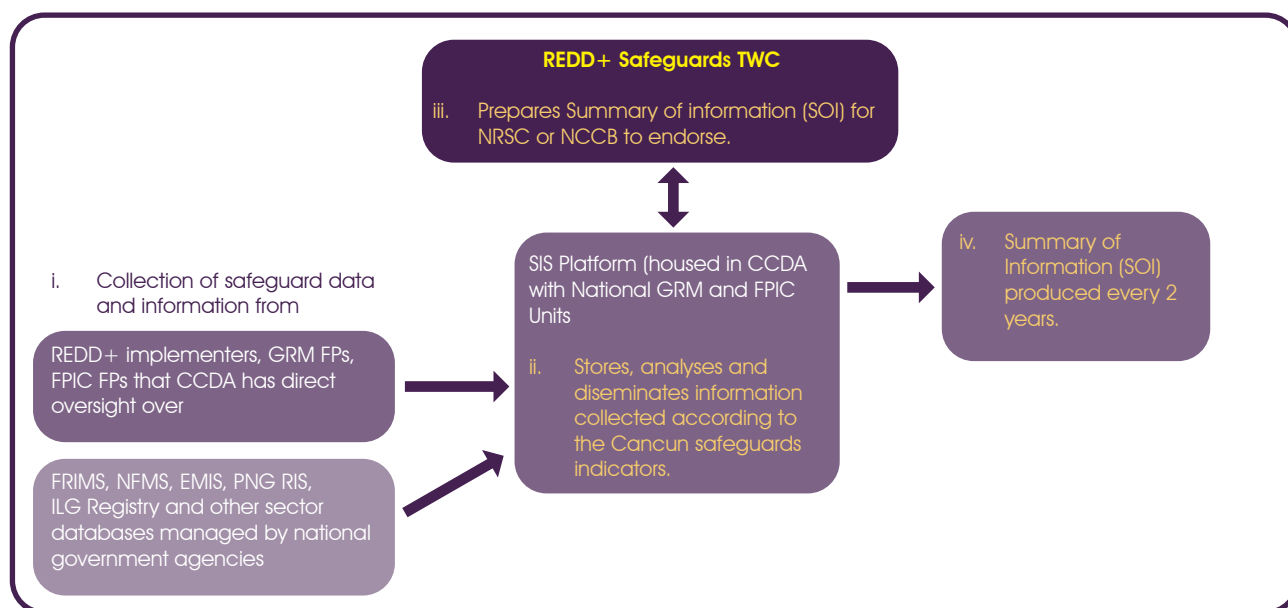


Figure 4. Overview of the SIS Platform

### 4.4. GRM Guidelines

The REDD+ GRM is an informal mechanism created to provide a facilitative approach towards resolving grievances that fail to be addressed as part of stakeholder dialogue and consultation between key REDD+ sectors involved in the implementation of the NRS PAMs. It is the intermediary step between the informal and the formal measures of grievance redress available within the country, such as the courts and should only be used after the initial stakeholder dialogue has been exhausted. As with the National REDD+ FPIC Guidelines, the National REDD+ GRM Guidelines strengthen safeguards implementation in relation to the NRS. The GRM is proposed to address contentious issues, complaints or disputes that arise during the period of its implementation, as part of a necessary national safeguards system in PNG that will ensure social and environmental risks arising from NRS implementation are addressed efficiently, effectively and equitably.

In the event of a complaint with regards to the implementation of FPIC in the context of the NRS, the draft National GRM Guidelines outline the process required to take in a referral and identify the responsible actors in seeking redress of the complaint... Based on these institutional mandates it is proposed that the following GRM entities form the core systems of this mechanism:

#### 4.4.1. National GRM Entities

- i. GRM Unit
- ii. GRM Technical Committee

#### 4.4.2. Subnational GRM Entities

- i. GMR Focal Points
- ii. PCCCs



#### 4.4.3. External GRMs/Entities

- i. Judiciary/Sector Tribunals/Legal Bodies
- ii. Ombudsman Commission
- iii. Police
- iv. Other government agencies at the national/subnational level (not within the REDD+ sector)

Refer to the draft National GRM Guidelines for the specific procedures. Figure 4 also presents the proposed model for how data and information collected and managed by the respective GRM and FPIC Units are integrated into the SIS Platform.

## 4.5. REDD+ Communications and Knowledge Management Strategy

The content of information and the process of dissemination of any REDD+ shall be guided by the REDD+ Communications and Knowledge Management Strategy. The REDD+ Communications and Knowledge Management Strategy (CKMS) focuses on increasing awareness of PNG's REDD+ objectives through enhancing communications and knowledge management and building capacity among all relevant stakeholders. It also outlines the framework for developing key messages to guide REDD+ communication and information. Furthermore, this requires clearly defined messaging and/or information to be developed before conducting consultation events or activities that will obtain the consent of the relevant stakeholders. The CKMS also states that all communication material, particularly that which is employed at the sub-national level, should be translated into Tok Pisin and English at a minimum.

#### 4.5.1. Tailoring information to the needs of local communities

REDD+ awareness in PNG among landholders and the communities is very limited the REDD+ Communication and Knowledge Management Strategy can play an important role in raising awareness and preparing local communities for engagement with REDD+.

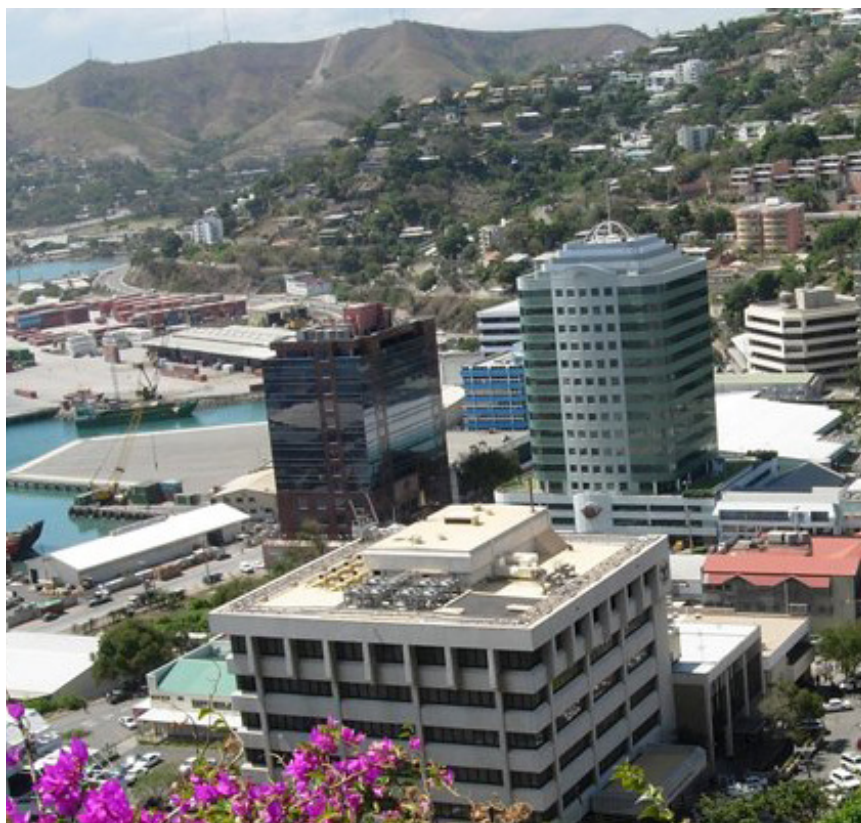




# 5

## PROJECT LEVEL APPROACH TO FPIC

This section focuses on the NRS-related and voluntary carbon projects that are commissioned under either compliance markets or voluntary markets, which have a direct impact on customary landholders and local communities (CLLCs) in PNG. As stated in previous sections, CCDA has regulatory oversight of FPIC implementation in all REDD+ and/or voluntary carbon projects by virtue of the *Climate Change (Management) Act 2015 (As Amended)*, and CCDA already has these powers as per the CCMA. The guidance provided in this section paves a way forward to enable CCDA to perform its responsibilities with regard to FPIC, and the broader Cancun safeguards requirements, being applied in REDD+ and carbon projects that directly involve CLLCs. [Figure 5](#) presents the overall stages for the project approach to applying FPIC.





1 INITIATING CONSULTATION	2 CONSULTATION PROCESS	3 OBTAINING CONSENT	4 VERIFICATION
<ul style="list-style-type: none"> <li>Project proponent informs CCDA of their interest to commence development</li> <li>CCDA reviews the proponent's profile, conducts due diligence</li> <li>If the proponent satisfies CCDA's requirements based on NRG, then FPs can begin facilitating FPIC process.</li> <li>Proponent seeks permission from CLLCs to begin consultations through a public community. FPs assist with liaison and coordination.</li> <li>Complete form (draft) at <a href="#">Annex 7.3</a></li> </ul>	<ul style="list-style-type: none"> <li>Proponents must be guided by the principles outlined in <a href="#">section 5.2</a> of the FPIC Guidelines.</li> <li>Proponents must disclose the risk and benefits of the proposed project/activity, and contracts must be fully explained and translated</li> <li>Final decision-making must be conducted at public community meetings at a site where the project will be implemented.</li> <li>FPs will assist proponents and maintain records of all meetings</li> <li>Land investigation study to be issued.</li> </ul>	<ul style="list-style-type: none"> <li>When all CLLCs in agreement with the proposed project or activity, their consent will be evidenced by a (draft) certificate of consent at <a href="#">Annex 7.4</a></li> <li>When there is one community withholding consent, despite the majority of the communities giving consent, the process outlined in <a href="#">section 5.3.1</a> of the FPIC Guidelines will apply.</li> </ul>	<ul style="list-style-type: none"> <li>An independent audit of FPIC processes may be requested at any stage of an activity or project by government, donors or civil society groups</li> <li>Requests for audits should be made to the National GRM Technical Committee, who will be responsible for considering the request and directing the audit to be carried out.</li> <li>If it is determined that an audit is required, an auditor will be selected by mutual agreement between the project developer and the landowner representatives</li> </ul>
2-4 months	3-6 months	1-2 months	

Figure 5. Steps for applying FPIC under the Project Approach.

## 5.1. Initiating Community Consultations

If a project developer desires to undertake project activities that will involve direct contact with customary landowner communities and access to their land, a community-specific FPIC process should be followed to seek and obtain consent from the relevant communities and initiate consultations with them.

To commence this process, the project proponent should seek and obtain consent from the relevant CLLCs to initiate consultations with them through a public community meeting at a site where the project will be implemented and where the majority of the affected CLLCs reside.

[Annex 7.3](#) contains a form that can be used to record the details of any consent which would be granted. This form will assist in achieving the following objectives:

- 5.1.1. informing local communities about their right to FPIC;
- 5.1.2. establishing a clear basis for future consultations to take place; and
- 5.1.3. providing evidence of FPIC if independent verification is required

Clarification should be given to CLLCs at this stage to ensure that they understand the difference between agreeing to discussions about REDD projects (consent to initiate consultations), and any later the decision as to whether they will actually agree to the activities being carried out (granting consent). CLLCs should be able to choose whether their consent will be granted orally or in writing. Where consent is given verbally, the project developer shall prepare a written record of the consent supported by audio-visual evidence for the project file which sets out the understanding of each of the matters listed in [Annex 7.3](#), which can be signed by the community representative if they so choose.

The project developer must also inform CCDA through written communication (or a process outlined in the NRDG) of their intention to commence a REDD+ activity project to comply with the approval process outlined in the REDD+ Development Guidelines (NRDG).

## 5.2. Guiding Principles for Community-level Consultations

All community-level consultations, whether led by the project developers or government representatives or a combination of both, shall be guided by the following principles:

### 5.2.1. Awareness raising

VCM project developers or NRS implementers must conduct awareness to ensure that CLLCs are fully aware of the proposed project, and understand how it will function, including its advantages and disadvantages. They must also fully understand the terms and conditions of a climate change development agreement (or similar contractual arrangement) between the project developer and the landholding community.

### 5.2.2. Languages/dialects spoken

PNG has the highest linguistic diversity in the world with groups speaking more than 800 languages. Thus, it is necessary to identify the local languages or dialects which are spoken in any target communities.

Preliminary consultation with the relevant provincial, district or local-level governments should assist project developers and national government representatives to identify the languages or dialects spoken in an area or village.

The form in [Annex 7.3](#) for initiating community-level consultation also identifies which language/dialect the CLLCs wish to be addressed. This information should then be collated in the manner set out below:

**Table 4.** Template for identifying and recording the local languages/dialects spoken in a community.

District	LLG	Ward	Village	Clan	Language/dialect
District A	LLG 1				X
					X
	LLG 2				Y
					Y
District B	LLG 3				Z
					X
					X
	LLG 4				Z
					Y


### 5.2.3. Representation, participation and gender

Generally, there are several types of representation of CLLCs with overlapping functions and varying degrees of effectiveness and legitimacy: Incorporated Land Group (ILG), Land Owner Companies (LOC),

Village or Ward Development Committee (WDC) and Business Group. There have been problems with the ILG mechanism, notably concerning the registration of rightful landholders. By the same token, the representation of clans and tribes at the level of LOC is also problematic as it is another step removed from the communities. Given that both the ILG and LOC are legal entities to negotiate and enter into REDD+ agreements with the government or project developers, the issue of misrepresentation has a significant bearing on the design and implementation of benefit-sharing mechanisms specifically, and the FPIC process generally.

While the Ward Development Committee (WDC) might be poised to be a probable point of entry, its capacity to function effectively has been questionable. Furthermore, decisions on land and natural resources have to be made by all affected clans, and not the WDC. Although a Business Group presents an alternative option for landholders to enter into agreements, it might require additional training and support to help its Board of Directors or equivalent body to plan, sustain and possibly expand its business operations.





Ensuring legitimate representation, and full and effective participation by the affected traditional landholders in matters related to NRS implementation and beyond, remains a significant undertaking. Consequently, project proponents may choose to assist CLLCs to prepare and register their legal entity for participation in the project, if such a request is made in writing by the CLLCs to the project proponent. This may be an Association, Business Group, LOC or an ILG that is also identified in the form provided in [Annex 7.3](#) in addition to other written correspondence between the CLLC preferred entity and the project proponent. It is crucial that CLLCs have clearly defined which legal entity is appropriate for and accurately representative of them at the outset of the project discussions. Similarly, project developers and NRS implementers need to ensure that proper due diligence is conducted before community-level consultations and that such consultations are documented.

For existing legal entities representing CLLCs a thorough check shall be undertaken by the project developer and NRS implementers on their establishment, functioning and management, to ensure this entity can genuinely function as the representative entity for the CLLCs involved. These checks shall include extensive on-site consultations fully independent of representatives of the legal entity. This check may result in the need and request for major changes to the legal entity functioning and/or structure, or lead to the conclusion that an alternative legal entity needs to be established to represent the CLLCs involved.

Furthermore, in carrying out community-level consultations, project developers should take active steps to ensure the full participation of women by:

- Seeking input from national, provincial and local women's NGOs to identify women's concerns and to develop strategies to address them;
- Holding separate consultations and workshops for women on the proposed project, if required, which are conducted by women; and
- Incorporating women's concerns into the design of the project, e.g. by ensuring that benefit-sharing systems ensure that revenues are shared equitably with women.

#### 5.2.4. Decision-making and documentation

The traditional structure for decision-making in most communities in PNG is generally quite clear and covers a multitude of issues including those related to natural resource and land use management. Where an ILG management committee or equivalent body exists, decisions from the various clans will be presented to this committee prior to the village elders.

At the clan level, discussions may take place separately among the men, women and youths before a collective decision is made. In all these levels, decisions are predominantly made based on consensus. Disagreements are not viewed favorably, generally resolved through more intense rounds of discussions. The time allocated for a decision to be made is dependent on the significance of, and the ability to understand the subject matter. Decisions regarding resource and land use, grievances and disputes may take longer as they affect the communities as a whole.

Typically, community-level decisions, whether made internally or externally, are usually not recorded. Recollection of decisions made in the past is tied to memorable events such as road construction, or a person such as the village Councilor or elder. However, the question related to the consent given to project developers is who and what the point of reference for their decision should be. This is particularly significant since the affected CLLCs will need to monitor and evaluate whether the project developer or NRS implementer is complying with the conditions in which the CLLCs gave their consent. Due to the nuances and local dynamics in cultural and/or political leadership at the community level, it is mandatory that all awareness, clarification and negotiations on the project conditions are done in public meetings at the site where the proposed project shall be implemented. If multiple communities are involved in the project, it may be necessary to have public meetings at multiple locations to allow access and inclusion to all community members, in particular women. Preparation of awareness, clarification and negotiations meetings may be done with identified CLLC's representative committees, but shall always be conducted on-site, with all discussion and decision-making as it relates to CLLCs directly impacted by proposed projects, to be done in public meetings at the site where the proposed project shall be implemented.

### 5.2.5. Land tenure and governance

Once a location is identified as being suitable for REDD+ activities, a landowner investigation process should be conducted in collaboration with the Department of Lands and Physical Planning (DLPP), Provincial Lands Office and District Lands Office. This is a crucial step for project developers and NRS implementers to consider as the most serious abuse in the acquisition of SABLs<sup>13</sup> was during the land investigation process. A land boundary inspection for the proposed area may be carried out and clearly demarcated by a surveyor from DLPP. Physical inspection of the boundary should also be conducted by the DLPP officers and the customary landholders, which should also include landholders from the adjacent land that shares a common boundary to ensure that there is no encroachment onto the other land. Once it is established that there is no dispute over the land proposed by the project by the adjoining landowning clans, the Provincial Lands Officer may then issue the relevant certificate that declares and recognizes this fact.

Additionally, a Land Investigation Study (LIS) should be prepared which can be used to further guide the implementation of the FPIC process. The LIS is vital to the granting of a REDD+/VCS permit and the project agreement. Where relevant to the proposed REDD+ activity, the LIS should:

- State the name, location and type of land;
- Identify the customary landholders (genealogy);
- Describe the area/size of land (a survey plan) covered by the proposed project agreement and/or VCS permit;
- identify any logging concessions, petroleum licenses, mining leases, wildlife permits or other pending disputes or restrictions over the land;
- map and document the customary systems of land use, including identifying traditional uses of the forest for food, medicine and fuel wood, and identifying any sacred or cultural sites;
- describe the types of rights enjoyed by clan members on the land;
- describe the customary decision-making and governance structures, and identify any practical obstacles to implementing FPIC in the community (e.g. exclusion of women from the decision-making processes);
- review whether the customary representatives who have been nominated to represent local communities have the authority to give consent on their behalf;
- identify, in so far as possible, whether there are any pre-existing conflicts within the communities that may affect the consent process;
- identify any customary dispute resolution mechanisms; and
- describe the proposed type of business activities to be conducted over the land with details of the project developer's industry expertise.

All information from the LIS should be shared and disseminated within the communities affected.

## 5.3. Obtaining Consent

Before any project activities proceed, consent should be obtained from CLLCs. Annex 7.4 contains the (draft) form to be used as evidence of consent, which will be valid for a period of time. This Certificate of Consent must be issued at the conclusion of the land investigation process and upon completion of the LIS. The (draft) form has the following purposes:

- To provide a formal method by which a local community can indicate whether it does or does not consent to the proposed project activities over their land;
- To provide local communities with an additional opportunity to give feedback to CCDA, make recommendations for improvements and requests for assistance with capacity-building; and
- To provide a record of consultation activities that can be independently verified (or audited) at a later date, if required.

The form will be translated into Tok Pisin and into any relevant local languages, as required.

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13. Briefly explain the context of SABL and its consequential breach of human/customary landowner rights due to the lack of proper FPIC application. Also, insert a hyperlink to the SABL COI

---



### 5.3.1. Interpretation of FPIC results

If the result of community consultation is generally supportive<sup>14</sup> of a proposed REDD+ project, the activity can proceed as planned. However, there may be situations where one community or clan indicates that it does not support an activity or project, despite the majority of other communities or clans agreeing to proceed with the activity or project. In this instance, CCDA and the FPIC FPs will adopt the process outlined below, which will also feed into the GRM mechanism briefly described in [Section 4.4](#). This process documents the concerns raised by one or more villages and/or communities that choose to withhold consent to a particular activity or project.

The conclusion of the process can still be that the proposed activities continue, but excluding the community/ clan(s) that do not consent, with a clear demarcation of the related land area to be excluded.

**Table 5.** When one or more community/village withholds consent to a project or activity on their land.

Nature of Activity	Examples of Activities	CCDA Response/Actions
Activities not directly involving CLLCs (i.e. not involving land use or access to land)	<ul style="list-style-type: none"> <li>training of local, district or provincial government officials</li> </ul>	<p>Any negative comments will be noted.</p> <p>If such comments are rare and/or minor, the activities will proceed as planned.</p> <p>If the complaints are serious and consistent, CCDA will follow the GRM Guidelines approach and enter into dialogue with the communities concerned to determine whether the concerns can be resolved in a mutually satisfactory manner.</p>
Activities involving CLLCs: a. will take place on community land; b. where a collective commitment is not required	<ul style="list-style-type: none"> <li>training</li> <li>awareness raising</li> </ul>	Activities will proceed only in those villages and communities which gave consent.
Activities requiring access to or use of land and forest for which collective commitment is required	<ul style="list-style-type: none"> <li>village-based capacity building</li> </ul>	<p>The basis for withholding consent will be analysed by FPs and if there are serious and consistent concerns, then the GRM process will be applied.</p> <p>The proposed activities or project will be redesigned in light of the withholding of consent.</p>
		<p>CCDA FPs will enter into a dialogue with the communities concerned with a view to identifying a mutually acceptable solution to the problem.</p> <p>The process of obtaining consent will be repeated.</p> <p>If consent is still refused, the activity will not proceed.</p>

14. Section 89 of the *Climate Change (Management) Act 2015 (As Amended)* states that 85% of the adult members residing on the land of each land group have given consent

## 5.4. Independent Verification

All FPIC processes under the REDD+ implementation should be designed so that they can be verified by an independent third-party auditor if required. The purpose of independent verification is to check whether the FPIC process has taken place in accordance with these guidelines and to identify any improvements which can be made to the FPIC process. The following procedure is adopted for verifying FPIC:

- 5.4.1. An independent audit of FPIC processes may be requested at any stage of an activity or project by the government, donors or civil society groups. For example, verification may be requested to satisfy policy or legislative requirements, to meet funding conditions, or in response to community concerns.
- 5.4.2. Requests for independent audits should be made to the National REDD+ Technical Committee, which will be responsible for considering the request and directing the audit to be carried out.
- 5.4.3. If it is determined that an audit is required, an auditor will be selected by mutual agreement between the project developer and the landowner representatives. The auditor will review the documentation and interview the people concerned to determine whether free, prior and informed consent was given.
- 5.4.4. The costs of the audit will be met by CCDA, or by an independent third party if funding can be secured.

The results of any independent audit will be made publicly available on the CCDA REDD+ website and the SIS platform, and copies will be given to the local communities involved, and also presented to them, preferably in Tok Pisin.







## CONCLUSION

CCDA recognizes that some of the measures in these FPIC Guidelines may be implemented immediately while others will require more time to realize. The unique design adopted in this document, as is the approach recommended by the GRM Guidelines, is reflective of the NRS in that it requires the involvement of more than one key sector to achieve its objectives, i.e., the involvement of climate change, forestry, lands, agriculture, planning and others. It is imperative that the FPIC Guidelines and all associated safeguards policies and plans (such as the GRM, BSDS, and RFIP) aim to strengthen and improve the application of safeguards through NRS implementation. When all sectors and responsible entities have the same understanding of the FPIC Guidelines, and the broader safeguard policies and measures, they can better perform their role in ensuring that CLLCs' rights are protected.

Moving forward, an appropriate FPIC SOP will be developed by the CCDA as part of an internal review process and planning strategy. The SOP will be finalized in tandem with the final stages of the SIS Platform operationalization. Subsequently, capacity-building activities with national and subnational agencies will commence as will the engagement with selected organisations or national agencies towards the arrangements for FPs.











# 7

## ANNEXES

### **7.1. Summary of National Laws and Policies regarding FPIC, REDD+ and Land Tenure.**

#### **CONSTITUTION**

The Constitution of Papua New Guinea entered into force on 16 September 1975. It is one of the few unique constitutions around the world that contains almost all the rights and freedoms enshrined in the United Nations Charter and the Universal Declaration of Human Rights 1948. The Constitution contains many civil and political rights that can be enforced by the judiciary. These include the right to freedom (Section 32); right to life (Section 35); freedom from inhuman treatment (Section 36); freedom from conscience, thought and religion (Section 45); freedom of expression (Section 46) and the right to vote and stand for public office (Section 50). Thus Section 32-56 of the Constitution comprises Basic Rights, Qualified Rights and Special Rights of Citizens. Further enforcement of these rights by the Courts and other tribunals is governed by Sections 57 and 58 of the Constitution. Economic, social and cultural rights are not included in the constitution and are instead provided for in the National Goals and Directive Principles. These remain as Guidelines and are non-justiciable.

Moreover, it has been observed that the Constitution of Papua New Guinea “is perhaps one of the world’s most prolific constitutional documents”<sup>15</sup> and that it is supported by numerous Organic Laws.”<sup>16</sup> The genesis of the Human Rights provisions of the Constitution is traceable to the Human Rights Act of 1971, which was later to influence the deliberations of the Constitutional Planning Committee in its task of devising an appropriate Constitution for Independent Papua New Guinea.

#### **NATIONAL GOALS AND DIRECTIVE PRINCIPLES**

A paramount attribute of the Constitution is the “National Goals and Directive Principles”. In 1975, Papua New Guinea’s Constitutional Planning Committee (CPC) foresaw the problems of the Western form of economic development. Through the wisdom of the Constitutional Planning Committee the “National Goals and Directive Principles” was developed and entrenched into the National Constitution of Papua New Guinea. Under the National Goals and Directive Principles, five main goals and directive principles were identified by the CPC, which include (i) Integral Human Development, (ii) Equality and Participation, (iii) National Sovereignty and Self-Reliance, (iv) Natural Resources and Environment, and (v) Papua New Guinea Ways.

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15. *ibid.*, 56.

16. *ibid.*, 56.

## RELEVANT LAWS AND POLICIES

**Table 6.** National legal and policy frameworks that are applicable in the context of FPIC principles and implementation.

No.	Legal Frameworks	Responsible Agency	Remark
1.	Papua New Guinea National Constitution		National Goals and Directive Principles; section 32-56 (Basic Rights and Basic Social Obligations, Qualified Rights, and Special Rights of Citizens). Section 57-58 provides for the enforcement of these rights.
2.	Climate Change (Management) Act 2015 (as Amended)	Climate Change and Development Authority (CCDA)	Part 8 - "Recognition of Landholder Rights": Division 1 – Rights of Customary Landholder", Section 87 provides the legal basis for FPIC implementation in the country.
3.	UNFCCC Paris Agreement Implementation Act 2016	CCDA	PNG is among the 134 Parties that signed and ratified the Paris Agreement. The Paris Agreement's central aim is to strengthen the global response to the threat of climate change by keeping the global temperature rise this century well below 2 degrees Celsius above pre-industrial levels and to pursue efforts to limit the temperature increase even further to 1.5 degree Celsius.
4.	National Climate Compatible Development Management Policy 2014	CCDA	Promotes equitable, effective participation of stakeholders through active participation, consultation and engagement at national and subnational levels in climate change programs, incentives and activities.
5.	National Forest Policy (1991)	Papua New Guinea Forest Authority (PNGFA)	Designed as PNG's Forest management policy, and covers the requirements of the forest industry, research needs, forest training and education, and forest organization and administration (forestlegality.org)
6.	The National Forest Plan (1991)	PNGFA	Prepared by Provincial Forest Management Committees, as required by the Forestry Act 1991. Covers all aspects of PNG Forest Policy.
7.	Forestry Act (1991) and its subsequent amendments in 1993, 1996, 2000, 2005 and 2007.	PNGFA	Provides for the development of a National Forest Plan as a precondition for the development of new forestry projects.



No.	Legal Frameworks	Responsible Agency	Remark
8.	The National Forest Development Guidelines (1993)	PNGFA	Provides an implementation guide for elements under the Forestry Act 1991. It highlights sustainable production, domestic processing, forest revenue, training and localization, review of existing projects, forest resource acquisition and allocation and sustainable development.
9.	Logging Code of Practice (1996)	PNGFA	Guides logging operations.
10.	Forestry Regulations (1996)	PNGFA	Covers all facets of the forestry industry procedures and control. They provide the legal status for the implementation of many requirements specified under the Forest Act 1991 (as Amended)
11.	Mining Act 1992	Department of Mining	Regulates law relating to minerals and mining, and for related purposes. Provides guidance under Section 3 on the consultation of stakeholders through a mining development forum. Section 108 provides for the conduct of the wardens' hearing.
12.	Oil and Gas Act, No. 49 1998	Department of Petroleum and Energy	Division 5 - Social Mapping and Landowner Identification Study
13.	Land Act (1996)	Department of Lands and Physical Planning (DLPP)	Division 3 provides for the acquisition of customary land by agreement. Division 4 provides for Special Agriculture and Business Leases.
14.	Environmental Act (2000),	Conservation and Environment Protection Authority (CEPA)	An Act that provides the administrative mechanism for environmental impact assessment and evaluation of activities regulating impacts on the receiving environment through an established environmental approval and permitting system.
15.	Conservation and Environment Protection Authority Act 2014	CEPA	Establishes the Conservation Environment Protection Authority and its governance structure.
16.	Fauna (Protection and Control) Act (1966)	CEPA	This Act provides the mechanism for the protection and control of faunal species involved in international trade activities.
17.	International (Fauna and Flora) Trade Act (1978)	CEPA	This Act provides the mechanism for the control of exportation and importation and the introduction of flora and fauna from the sea, whether dead, alive, their by-products, parts or derivatives.

No.	Legal Frameworks	Responsible Agency	Remark
18.	Crocodile Trade Act (1978)	CEPA	This Act provides the mechanism for the management and control of crocodile exports and other related activities.
19.	Conservation Areas Act (1978)	CEPA	This Act provides the mechanism for the management and control of resources in protected areas including flora and fauna and sites of cultural and historical importance.
20.	Flora and Fauna Act (1968)	CEPA	Provides for the issuing of Wildlife Management Areas.
21.	Land Registration (Customary Land) (Amendment) Act 2009	DLPP	Links customary Group (ILG) to a portion of land.
22.	Land Groups Incorporation (Amendment) Act (2009)	DLPP	Recognizes the corporate nature of customary groups and allows them to hold, manage and deal with land in their customary names, and for related purposes.
23.	Land Disputes Settlement Act (1975)	DLPP	Provides for the settlement of disputes in relation to interests in customary land and for related purposes.





## 7.2. FPIC consultation procedures for NRS implementation

Table 6 refers to three main FPIC consultation modalities to be employed as NRS policies, measures and projects are being implemented. These modalities have been categorized under the two FPIC approaches, however, there may be instances where more than one modality may be applied for a specific activity.

### 7.2.1. National Approach to Consultation

#### I. NATIONAL GOVERNMENT-LEVEL CONSULTATION

- a) Information sharing and awareness raising of proposed policies and measures within the context of NRS.
- b) Consultation events at the national level, receiving inputs from the sector agencies, CSOs and industry representatives. Consultation events shall include, but are not limited to:
  - o Inception workshops
  - o Public stakeholder consultation workshops/periods
  - o REDD+ TWC meetings
  - o Validation workshops
- c) The time provided for stakeholders to review the policy and measures will depend on the length and content of the policy and measures material. However, the timeframes in [Table 6](#) should be used as a guideline with consideration for the stage at which the material is (e.g. New/First draft and Revisions/Updates should be a minimum of 20 working days also for Regulation, Policy, and NRS projects or concept notes, as stakeholder time needed for providing input does not only depend on the length and content of the document, but upon their many other own activities and priorities., etc.).

**Table 7.** Proposed consultation approach to be used by government stakeholders.

Type of Document	New/First draft	Revision/Updates to
Bill or law	20-30 working days	10-20 working days
Regulation	10-20 working days	10-15 working days
Policy	10-20 working days	10-15 working days
NRS project or concept note	5-10 working days	1-5 working days

- d) Stakeholder concerns and feedback must be captured in a summary matrix that is set out in the example in Table 8 below:

**Table 8.** Matrix to capture stakeholder feedback on policies, plans, laws and regulations.

Section/paragraph (page)	Comment	Response by CCDA on dd/mm/yy
Section 9 (75)	Suggest to include the following text:	Included suggested text into the final version of XYZ Policy
Section 29 (158)	Will CCDA also be considering adaptation projects that were completed prior to the review period?	Yes.

- e) If there is significant negative feedback from the majority of stakeholders, then the proposed policies and measures will be reconsidered/revised and the process will be repeated until a consensus can be reached.

Response by CCDA to all stakeholder comments received during stakeholder consultation workshops/periods and the Validation Workshop will be circulated to all identified stakeholders, together with a copy of the revised/next draft of the document, with 20 working days given for stakeholders to respond.

## II. SUB-NATIONAL GOVERNMENT-LEVEL CONSULTATION

- a) Information sharing and awareness raising of proposed policies and measures within the context of NRS at the regional, provincial, district and local government level.
- b) Consultation events at the sub-national level, receiving inputs from the sector agencies, CSOs and industry representatives. Consultation events include, but are not limited to:
  - Courtesy meetings with the respective provincial administrations
  - Regional workshops
  - Provincial inception workshops
- c) The time provided for sub-national stakeholders to review the policy and measures will depend on the length and content of the policy and measures material. However, the timeframes in Table 6 above should be used as a guideline with consideration for the stage at which the material is (e.g., a first draft, revised version, etc.).
- d) Stakeholder concerns and feedback must be captured in a summary matrix that is set out in the example in [Table 7](#) above.
- e) Identification of relevant customary landholders and local communities, with the assistance of sub-national government representatives, may be performed at this stage.
- f) Continued active consultation with sub-national government-level stakeholders to identify, assess, mitigate and monitor key issues and risks.
- g) If there is significant negative feedback from the majority of stakeholders, then the proposed policies and measures will be reconsidered/revised and the process will be repeated until a consensus can be reached.

### 7.2.2. Project Approach to Consultation

## III. COMMUNITY LEVEL CONSULTATION

- a) This refers to community-specific FPIC activities at the project and/or local level. The nature of each consultation and the extent to which consensus can be reached on any particular activity will vary with each community and/or village involved. It is recommended that the process set out in section 5.1 be followed with due consideration for the principles outlined in [section 5.2](#).
- b) The results of the FPIC process will be interpreted in accordance with the process described in [section 5.3](#), and the process itself will be reviewed by the National FPIC Unit with the support of the sub-national focal points.





**Table 9.** Proposed FPIC consultation approach for NRS implementation, based on the draft RFIP.

Policies and Measures	Sub-actions / details	Consultation Approach to FPIC	Means of Verification
<b>Strengthen Coordinated national and subnational land use and development planning</b>			
Establishment of National Sustainable Land Use Planning (NSLUP) Framework	<i>Establishment of National Sustainable Land Use Planning Framework</i> - including policy, legislation and regulations as well as capacity building and awareness raising on the revised framework.	National Sub-national	PLR recommendations include robust FPIC provisions and processes  Minutes of meetings reflect national-level consultation  Minutes of meetings reflect sub-national consultations.
	<i>Development of a National Land Use Information System</i> – Establishment of a central spatial information system that can be utilised to provide information from across sectors and support planning.	National Sub-national	Standard operational procedure/ manual for reporting and verification reflects FPIC principles  Number of sub-national FPIC focal points trained to use the system
Development of spatially explicit subnational development plans	Integration of spatial plans within LLG, District and Provincial development plans.	National Sub-national	Minutes of meetings reflect sub-national consultations.
<b>Strengthening Forest Management and Enforcement Practices</b>			
Strengthen the application of PNG's Timber Legality Standard	Actions include: Awareness raising on standards; Strengthening information management and monitoring systems; Strengthening in field monitoring capacity; Increasing action on forest rehabilitation; Establishing a third-party verification system	National Sub-national	Standard operational procedure/ manual for TLS reflects FPIC principles Number of sub-national FPIC focal points trained on the TLS
Regulation of small-scale timber operations	Actions include: Strengthen regulation of small-scale timber operations; strengthening capacity to monitor small-scale timber production; Capacity building of small-scale operators;	National Sub-national Project	
Strengthen timber supply from planted forests	Actions to support the increase in timber supply include: Development of small-scale woodlots; Undertaking of environmental planting; Development of commercial plantations; Costing based on OPGPD cost estimates	National Sub-national	

Increased capacity of PNGFA for policy development planning, training and research	Initial costing looks only at elements of policy dialogue	National Sub-national	Minutes of meetings reflect national-level consultation  Minutes of meetings reflect sub-national consultations.
<b>Strengthen Environmental Management enforcement and protection</b>			
Strengthen environmental safeguards	Key sub-actions will include: Increasing awareness of all stakeholders of environmental regulations; Increase the capacity of CEPA, in partnership with other agencies, to manage permitting process (including the development of environmental management	National Sub-national	Workshop reports  Minutes of meetings reflect national-level consultation  Minutes of meetings reflect sub-national consultations.
Strengthen environmental safeguards	Key sub-actions will include: Increasing awareness of all stakeholders of environmental regulations; Increase the capacity of CEPA, in partnership with other agencies, to manage permitting process (including the development of environmental management information system); Build capacity of provincial governments and designate authority for environmental management	National Sub-national	Workshop reports  Minutes of meetings reflect national-level consultation  Minutes of meetings reflect sub-national consultations.  Number of officers trained in FPIC/safeguards
Enhance protected area development and management	Actions guided by the Protected Areas Policy Implementation Plan's (PAPIP) 5 main areas: Governance and Management; Sustainable Livelihoods for Communities; Effective and Adaptive Biodiversity Management; Managing the Protected Areas Network; and Sustainable and Equitable Financing for Protected Areas	National Sub-national Project	Workshop reports  Minutes of meetings reflect national-level consultation  Minutes of meetings reflect sub-national consultations. Number of officers trained in FPIC/safeguards
<b>Development of a sustainable commercial agriculture sector</b>			
Strengthen review of agricultural development proposals	Process to improve the review and monitoring of proposed agricultural leases – the activity would include the establishment of a review panel as well as improved standards and would be implemented in close collaboration with specific sector work.	National Sub-national	PLR recommendations include robust FPIC provisions and processes  Minutes of meetings reflect national-level consultation  Minutes of meetings reflect sub-national consultations.  Workshop reports



Increase sustainable Palm Oil production	Actions include: Establishment of a collaborative framework for sustainable palm oil development; Implementation of enhanced standards for palm oil and agricultural development in PNG; Support to increases in smallholder productivity	National Sub-national	
Increase sustainable cocoa production	Specific actions yet developed		
Conservation commodities	Specific actions yet developed		
<b>Strengthening REDD+ coordination, monitoring, reporting and management</b>			
Strengthening climate change legislation, financing and management	Sub-actions: Establish and strengthen coordination mechanisms (including grievance and redress mechanisms); Integration of climate relevant indicators into the development planning framework; Strengthen management and reporting of emissions from land use and forestry; Establish and Strengthen a Safeguard Information System; Development of a registry of activities linked to forest carbon; Establish a system for management of RBPs	National Sub-national	<p>PLR recommendations include robust FPIC provisions and processes</p> <p>Minutes of meetings reflect national-level consultation</p> <p>Minutes of meetings reflect sub-national consultations. Workshop reports</p> <p>Number of officers trained in FPIC/safeguards</p>

### 7.3. Form for initiating community-level contact

Procedures For Seeking Consent from Community to Begin REDD+ Activities on Land Owned or Occupied By [Insert Name of Village/Peoples]

7.3.1. [INSERT NAME OF REDD+ ACTIVITY OR PROJECT]

7.3.2. Name of Village 1: .....

7.3.3. Village 2: .....

7.3.4. Name of Ward: .....

7.3.5. Name of LLG .....

7.3.6. Name of District: .....

7.3.7. Total adult population: .....

#### 1. Community right to information, consultation and participation

We believe that, by virtue of our significant and long-standing relationship with the lands and other natural resources on the land described below (paragraph 3), we are entitled to make decisions regarding the use of these lands and natural resources.

We believe that these rights should be respected and set out the following procedures to secure respect for our rights in relation to any activities concerning Reduced Emissions from Deforestation and Forest Degradation ("NRS activities").

## **2. Purpose of these procedures**

These procedures:

- (a) describe our community's expectations regarding the behaviour of those people or organizations who wish to consult with us about using, occupying or accessing any part of our land and other natural resources which are occupied or traditionally used by us; and
- (b) provide guidance to people who wish to consult with us about these matters.

## **3. Land area covered by these procedures**

The land area to which these procedures apply are:  
[describe areas of land covered by this agreement].

These areas of land are shown on the map in Attachment A [attach map if available].

## **4. What these procedures apply to**

These procedures apply to the entire decision-making process, including:

- the process of educating our community about REDD+,
- any initial decision regarding the site of any REDD+ activities,
- the design of REDD+ activities, and
- any assessment of the social, environmental, economic or other impacts of those activities.

We must be contacted beforehand and fully informed about the potential REDD+ activities before any decisions are made regarding these matters. [Insert the name of REDD+ implementer or project proponent] must provide additional information about their proposals in response to reasonable requests from our community.

We have the right to give or refuse consent for any NRS activities on or affecting our land, natural resources or livelihoods. Our consent must be evidenced by a Certificate of Consent (see model certificate attached) which is marked or signed by our authorized representatives.

## **5. Our authorized representatives**

### **Authorised groups**

The following indigenous or civil society groups are appointed by us to participate in decision-making activities on REDD+ on our behalf:

- [insert name of Civil Society Organisations].

This group is located at [insert location of office] and can be contacted by [insert how to contact: e.g. email/phone/fax/in person...]

- [insert name of CSO 2, (if more than one group is appointed) etc...]

This group is located at [insert location of office] and can be contacted by [insert how to contact...].

### **Authorized individuals**

The following individuals are appointed by us to participate in decision-making activities on REDD+ on our behalf:

- [Insert name/s of any individuals appointed, e.g. Village Chief, etc].

This person is located at [insert address for contact] and can be contacted by [insert how they can be contacted, e.g. in person, etc]

- [insert name of individual 2, if more than one person is appointed], etc...



## 6. Languages or dialects

Engagement with our community must occur in [insert name of language or dialect spoken in village or community] language. All documents describing or explaining the REDD+ activities should be given to us in Tok Pisin and must be fully explained to the community.

## 7. Cultural Requirements for Engagement

The following traditions of our community must be respected:

- [insert list of traditions, e.g. visitors to our land must contact our Village Chief first before entering the community, all visitors must dress appropriately, visitors should use a respectful means of address].
- [insert tradition 2, etc]

Annexed to this form is an orientation to our community which more fully describes our people, our cultural traditions, their significance to visitors to our community, and any proposed REDD+ activities.

## 8. Timeframes

The number, location and timing of meetings must be agreed upon by our authorized representatives. It is essential that our community is given adequate time to consider and discuss any proposal for any REDD+ activities.

After any meetings with [Insert the name of REDD+ implementer or project proponent], our authorized representatives will seek to reach an agreement with [Insert the name of REDD+ implementer or project proponent] on the timeframe within which our decisions will be made.

## 9. [Insert the name of REDD+ implementer or project proponent] must disclose relationships

[Insert the name of REDD+ implementer or project proponent] must disclose to us its relationships with any person or any institution related to the REDD+ activities, including:

- the organization or company which will be carrying out the activities,
- which government departments will be involved,
- which research institutions will be involved, and
- the names of any consultants.

## 10. Evidence of consent

The only valid evidence of consent is a Certificate of Consent that is marked by our authorized representatives. No other form or evidence of consent is valid. (Attach example of Certificate of Consent).

Signed by: (signature) .....

Print name: .....

At (place): .....

On (date): .....

Witnesses shall each provide a Common Seal. Witnessed by:

[Witness 1].....[sign and print name] Village Magistrate

[Witness 2].....[sign and print name] Women's/ Church Representative

[Witness 3].....[sign and print name] Provincial/ District Representative

[Witness 4].....[sign and print name] CCDA Representative

## 7.4. Certificate of Consent – Village level

[INSERT NAME OF PROJECT]

Name of Village: .....

Name of Ward: .....

Name of LLG .....

Name of District: .....

I ... [insert name] ..., in my capacity as Village Chief of ... [insert name of the village] ... Village, confirm that the aims and proposed [insert proposed project of REDD+ activity], which are listed below, were presented to my village:[insert below the list of activities which were presented]

- [description of activity]
- [description of activity]
- [description of activity]

This/these presentation/s took place on [insert date/s] at [insert place/s].

I also confirm that the villagers named in Annex 1 attended this/these presentation/s.

Since the presentation/s, we have had the opportunity to discuss the aims and proposed activities of the [Insert name of REDD+ implementer or project proponent] and we have reached the following conclusions:

The process by which the aims and proposed activities of the [Insert name of REDD+ implementer or project proponent] have been presented and explained to us [has been/has not been] [delete one] free from coercion, intimidation or manipulation.

The aims and proposed activities of the [Insert name of REDD+ implementer or project proponent] [have /have not] been [delete one] presented and explained to us before the proposed activities started.

We [have been/have not been] [delete one] provided with sufficiently clear and complete information to allow us to reach an agreement.

Based on this/these presentations and other information, [we do/do not] [delete one] consent to the proposed activities taking place.

Our additional comments on each of these points, and the proposed aims and activities of the [Insert name of REDD+ implementer or project proponent], are provided in Annex 2 to this document.

Signed by: (signature) .....

Print name: .....

At (place): .....

On (date): .....

Witnesses shall each provide a Common Seal.

Witnessed by:

[Witness 1].....[sign and print name] Village Magistrate

[Witness 2].....[sign and print name] Women's/ Church Representative

[Witness 3].....[sign and print name] Provincial/ District Representative

[Witness 4].....[sign and print name] CCDA Representative



## Attachment 1: Participants in this agreement

Total Adult Population:.....

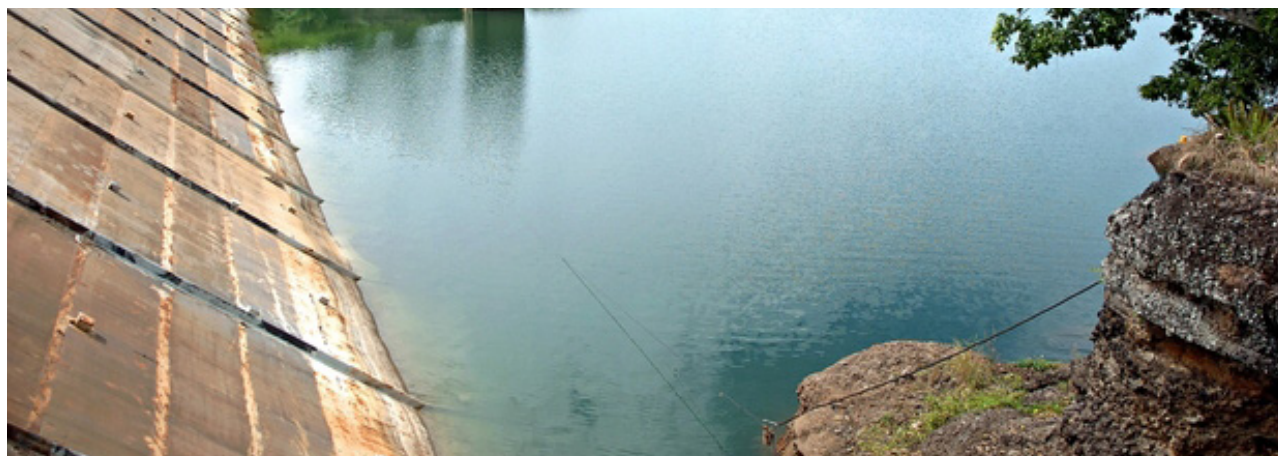
Total Adult Population that gave consent:.....

Name	Age	Gender	Occupation	NID Number	Signature/Mark or Thumbprint

## Attachment 2: Additional comments

[leave answers blank if not relevant]

1. The process was not free of coercion, intimidation or manipulation because (or could have been made freer by.):
2. The information provided was not adequate because (or could have been improved by.):
3. We did/did not [delete one] have enough time to make a decision.
4. We would reconsider our decision to withhold our consent if:
5. We request the following kinds of assistance to help our community in working with the [Insert name of REDD+ implementer or project proponent] in the future (list suggestions for capacity-building):
6. We wish to make the following suggestions concerning the aims and proposed activities of the [Insert name of REDD+ implementer or project proponent]:













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Thanks to our development partners, for their financial and technical support towards the development of the National REDD+ Free Prior and Informed Consent Guidelines.

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