

Free, Prior & Informed Consent (FPIC) is the inherent right Indigenous communities have to decide “yes” or “no” to mining, forestry, oil, gas, water, or other proposed external activities that would affect their lands, territories, and natural resources.



FPIC

THE RIGHT TO DECIDE

Copyright © 2017
WILFRID LAURIER UNIVERSITY
INDIGENOUS RIGHTS AND RESOURCE
GOVERNANCE RESEARCH GROUP
Director Dr. Terry Mitchell

Please write an email to contact@fpic.info for any enquires about this document and our work.



Unless noted otherwise, this work is licensed under a Creative Commons Attribution-NonCommercial 4.0 International License. Illustrations donated by Eline Schipperen (www.elineschipperen.nl), reproduction without permission is not allowed. Please contact the artist or the research group for any questions.

Eagle and Condor prophecy logo designed by Artie K. Martin.

Design by Pedro Poblete Lasserre (www.pobletelasserre.me), adapted from the online version of this booklet by Hector Pahaut (www.hectorpahaut.com).

This research and booklet was supported by the Social Sciences and Humanities Research Council of Canada and Laurier University.



Social Sciences and Humanities
Research Council of Canada

Conseil de recherches en
sciences humaines du Canada

Canada

Dr. Terry Mitchell,
Balsillie School of International Affairs (BSIA)
67 Erb Street West,
Waterloo, ON,
Canada, N2L 6C2

WWW.FPIC.INFO

Indigenous Peoples in Canada and globally are facing denial, resistance, and increasing levels of risk including the criminalization of Indigenous leaders and the deaths of land and rights defenders. To minimize these risks, meaningful relationships should be the priority to mutually beneficial growth and prosperity. FPIC is a process that supports the building and cultivating of such conversations and relationships.



Indigenous Peoples' rights are inherent. They are grounded in Indigenous law, knowledge, philosophies, land use and stewardship. Indigenous rights to self-determination are granted to them by their Creator; these rights cannot be determined or denied by legislation, or any nation state. However, efforts to mobilize these rights have resulted in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) which affirms inherent rights. UNDRIP declares the minimum standard of human rights and dignity for Indigenous Peoples globally.

Article 32 (2) of the United Nations Declaration on the Rights of Indigenous Peoples asserts that: “States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources”*.

* United Nations General Assembly (2007). *Declaration on the Rights of Indigenous People*.



Free, Prior & Informed Consent is the right of Indigenous Peoples to say “yes” or “no” to all proposed developments that may affect the collective rights of their communities. Consent must be discussed free from threat to individuals or communities; must be sought prior to the beginning of any development which may affect Indigenous lands; and ensure community leaders are able to make informed decisions based on all necessary facts about the known and potential risks and benefits for their communities.

Free means consent must always be obtained without force, coercion, intimidation, manipulation, or pressure from government or industry. No violence, physical intimidation, or financial or social coercion can be used to force decisions in favour of development.

Prior means sufficient time is provided well in advance of any development activity so Indigenous communities can adequately review and consider all relevant information to balance the potential risks and benefits to their communities and territories of all proposed decisions and activities.

Informed means communities must have access to the best scientific, environmental, social, and financial information necessary to determine the risks and benefits of any decision. Communities must also be provided with adequate time to access and consult traditional knowledge holders about the proposed development activities to ensure full understanding of the long-term impact of proposed activities.

Consent means the right to say “yes” or “no”. Consent can be given only by the legitimate chosen authority of Indigenous communities. The highest standard of consent will involve ongoing consultation with confirmation of FPIC being sought before every significant stage of project development.



FPIC is the right to have sufficient time to consider all relevant information in order to make important quality-of-life decisions that are consistent with each Indigenous community's own values, beliefs, customs, needs, and rights in terms of their identified social, cultural and development priorities. If an Indigenous community chooses to provide consent this will reasonably involve the negotiation of shared ownership of business interests and profits with long-term community benefit.

Governments have a responsibility to ensure that Indigenous Peoples' rights to FPIC are respected and protected and have an obligation to honour each community's decision to say "yes" or "no" to any and all proposed external development activities.



For more information about the rights of Indigenous communities and Free, Prior & Informed Consent, please visit our website

WWW.FPIC.INFO



WWW.FPIC.INFO

FPIC.INFO is a product of a research partnership of multiple higher education research institutions, including: Laurier University, Lakehead University, Université Laval, Six Nations Polytechnic, and Universidad Austral in Chile. Our goal is to provide access to high impact knowledge for Indigenous communities on their right to Free, Prior & Informed Consent in industry and government negotiations.

To learn more, please visit our website or write an email to contact@fpic.info.