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# FREE, PRIOR AND INFORMED CONSENT

These cards are designed to assist communities affected by large-scale development projects such as dams, mines and logging. The cards describe Free, Prior and Informed Consent. They provide information about community rights and how people can have a say about projects which affect them in some way.

Use these cards with the *'Guide to Free, Prior and Informed Consent'*, and the trainer's manual *'Strengthening Community Understanding of Free, Prior and Informed Consent'*

Both resources can be found at:

[www.oxfam.org.au/explore/mining/free-prior-and-informed-consent/](http://www.oxfam.org.au/explore/mining/free-prior-and-informed-consent/)



# FREE, PRIOR AND INFORMED CONSENT



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## What is free, prior and informed consent?

'Free, prior and informed consent' is a right held by Indigenous Peoples. It means that Indigenous Peoples have the right to give or withhold their consent to projects that affect their land, territories and natural resources.

The decision to give or withhold consent must be made free from force, intimidation, manipulation, coercion or pressure.

Consent must be asked for prior to Government allocating land for a particular land use and prior to approval of specific projects.

The decision to give or withhold consent must be an informed decision based on having information about the project that is understood by your community.

For non-Indigenous Peoples, consultation and negotiation in decision-making processes about projects should be guided by these principles. Consultation and negotiation should be undertaken only when you are not forced or pressured to participate, prior to decisions being made and decisions should only be made when you are fully informed of the issues being discussed and negotiated.

The right of Indigenous Peoples to give or withhold their free, prior and informed consent to actions or projects that affect their lands, territories and natural resources is recognised in the United Nations Declaration on the Rights of Indigenous Peoples ([www.un.org/esa/socdev/unpfi/en/declaration.html](http://www.un.org/esa/socdev/unpfi/en/declaration.html)).

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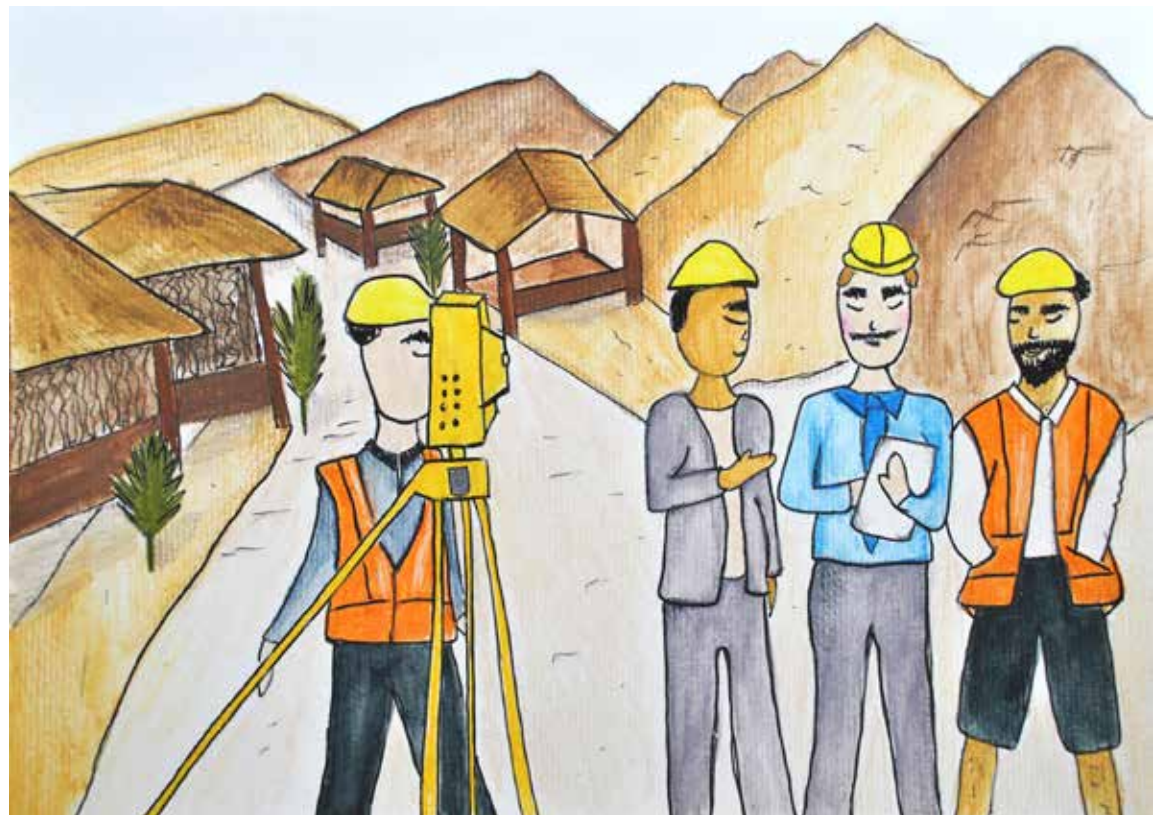
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## STEP 1

### Find out who is developing the proposed project

First, you need to know who is planning or developing the project. Then you will know who should be seeking your consent, who to ask for information and, who you will need to consult and negotiate with.

Large projects usually involve many different organisations. This may include governments, private companies or a bank.



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## STEP 2

### Request information from the project developers

It is important to understand how the project will impact your community. Then you can make an informed decision to give or withhold your consent. Consultation and negotiation should only happen when you understand the issues being discussed.

You can request information from the project developers. This information should be easy to understand and in your own language. You may also have some questions that you would like to ask the project developers.

Do you have this information? If not, do you have a strategy or ideas on how you can get it?



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## STEP 3

### Hold discussions within your community

Everyone in your community should be informed about the project and decide together what is important.

You should take into account the views of all community members. Try to ensure that all community members, including women and young people, are involved in the decision making process. This is important because large projects will affect everyone differently.

Your community may then decide to appoint community representatives to negotiate with the project developers.



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## STEP 4

### Community negotiations with the project developers

You may decide to consult and negotiate with the project developers. You can do this to get more information about the project.

You may also decide to negotiate with the project developers to ensure that your community receives benefits from the project. If you do give your consent to the project, these benefits could become part of the conditions on which you give your consent.

Talking with the developers does not mean that you agree to the project. Giving consent is different to agreeing to consult with the project developers.

Have you been given information about the project? If not, see step 5.



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## STEP 5

### Seek independent advice

You may not understand all the information project developers give you. Negotiating with project developers can be difficult.

You have the right to get independent legal and technical advice to help you make a decision. Remember that your decisions should be informed decisions.

Do you know what lands (or sections of river) will be taken by the project? Have you been given information in your own language?



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## STEP 6

### Make decisions as a community

Free, prior and informed consent is a collective right. Your community must make a decision together in accordance with your own traditional decision-making processes.

If you decide to give your consent to a project you should record your decision in writing. You should also record what benefits you have negotiated with the project developers or the conditions on which your consent is based. Your community may choose to enter into an impact benefit agreement with the project developer.





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## STEP 7

### On-going communications with the project developers

Free, prior and informed consent is an ongoing process. Large projects can take many years to plan and then start. These projects may impact on your community for many years.

You may decide to establish a permanent forum for your community and the project developers to come together for on-going consultation and negotiations.

