

# What is Free, Prior and Informed Consent?

Free, Prior and Informed Consent – known as FPIC for short – is a international human rights standard; which Liberia has agreed to follow and respect. In Liberia FPIC is found in the Community Rights Law of 2009. It is also found in various international best practices standards relating to Liberia, such as the UN Food and Agriculture Organisation's Voluntary Guidelines on Land Tenure, and the Principles and Criteria of the Roundtable on Sustainable Palm Oil (RSPO).



FPIC is a right that belongs to the whole community. It means that communities have a right to fully participate in decision-making processes that might affect the lands, forest and resources that they customarily own, live on or use – whether the community has a deed or not. This means that communities must be able to decide for themselves whether and how a project can go ahead if they are approached by government or a company. FPIC requires that communities can negotiate for a fair and legally enforceable agreement, and to say 'no' to any project that does not properly address the community's needs, priorities and concerns. FPIC means communities have a right to decide their own future, and not to have their future decided for them by anyone else.

**Free** means no pressure, intimidation or influence on the community decision-making process, from project planners, government or any other source.

**Prior** means the government or company should have community permission (Consent) far ahead of beginning any project activities, and the community have the time to talk and understand the project before agreement is reached; and this must be respected by all parties.

**Informed** means that all information relating to the activity is provided to communities in advance and that the information is objective, accurate and presented in clear way that the community understand. Important information includes:

- 1 the nature, size, duration, and scope of any proposed project;
- 2 the reason(s) or purpose of the project;
- 3 the location of areas that will be affected;
- 4 the possible economic, social, cultural and environmental impacts on the community and their lands and resources, including potential risks and realistic benefits;
- 5 personnel likely to be involved in the implementation of the project, and;
- 6 the rights that the community has and the procedures that the project may entail.

Communities have a right to benefit from independent advice from a lawyer and other experts and NGOs.

**Consent** means that projects can only go ahead if communities have agreed to an activity or project that concerns them. Communities also have the right to refuse their consent or to give consent but only on conditions that meet their needs, priorities and concerns. Consultation and participation are very important in consent-seeking processes. Consultation must be undertaken in good faith, which, among other things, requires that community views are considered in the process or fair reasons are provided as to why such consideration is not possible. All parties must establish a dialogue allowing them to identify good and workable solutions in an environment of mutual respect and full and equal participation, with enough time to reach decisions. The whole community (men, women, youth and elderly,) must be able to participate in discussions and decisions, including through their own freely chosen representatives and customary or other institutions.

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