



Sample Location

Project Name:	Sample Project Name <small>insert project name</small>
Location:	Sample Location <small>insert location</small>
Company Name:	Sample Company <small>insert company name</small>
Project Manager:	Name Surname <small>insert name of project manager</small>

Welcome to the FPIC-360^o Monitoring and Verification Tool

This is a multipronged tool that Indigenous Peoples' communities and project developers can use to implement Free, Prior, and Informed Consent (FPIC) processes. The Tool functions as a project management tool that allows all parties in the FPIC process to track progress, and also provides a portal to a document archive, helping actors in the process organize multi-media evidence relevant to the FPIC process in an easily accessible format. At each step of the FPIC process, the Tool requires that evidence is uploaded as proof of compliance with the given requirement. This evidence may be contributed by either the Indigenous Peoples' community, or the project developer, before being made available to a third party assurance provider to confirm and verify.

Equitable Origin is a registered 501(c)3 non-profit whose mission is to partner with communities, business and government to support transparent, sustainable and equitable development, with a particular focus on activities that strengthen Indigenous Peoples' rights. For more information on EO's work relating to FPIC please visit www.fp360.org.

The Spectrum of Consultation:

There are different levels of engagement, including informal and formal engagement, such as structured consultations, at various points throughout the project life. This Tool outlines the process for structured consultations, including the process for seeking community consent.

Consultation ("FPIC")

Best practice is for project developers to establish enabling conditions and pre-requisites by building a holistic and systematic engagement platform so they are informed of the development needs on the ground. The aim of a consultation is to generate a two-way flow of information that facilitates mutual understanding about potential programming. Engaging with Indigenous communities entails conducting meaningful, ongoing consultations with the community. This process of consultation is described in the Enabling Conditions (tabs 3-13) and FPIC Prerequisites and process steps (tabs 14-16 and 19) in this Tool. As part of the preparation for obtaining FPIC, the first 16 tabs intend to help with conducting, verifying and documenting thorough and meaningful consultations with Indigenous communities.

Consent ("FPIC")

When an project developer does seek to achieve consent, steps 6-7 (tabs 17-18), regarding the willingness of the community to enter into an agreement and negotiating an agreement are the only additional requirements. Reference tab 14. Prerequisite Steps 1-3 for steps to determine when the obligation of consent is triggered. In order to assure compliance, consent must be obtained if there are existing local or legal requirements where the project is being implemented.

Forms of Engagemnt

FPIC includes policies for multi-stakeholder, collaborative program design and robust engagement and consultation, beginning in the co-creation process. Engagement and consultation happen throughout a project and FPIC may be triggered during this process, by law or as a part of a contract. As you go through the FPIC process steps, note that ensuring Consent only requires two additional steps in the broader process of engagement with communities.

FPIC Process

4_Consideration	>	5_Impact_Assessment	>	6_Willingness	>	7_Negotiations	>	Ongoing_Sustainability
X		X		X		X		X
completed: 0/4		completed: 0/13		completed: 0/5		completed: 0/6		completed: 1/12

ENABLING CONDITIONS

Meaningful engagement and a consultation with communities requires understanding of the community. Enabling Conditions are circumstances that should be in place before the FPIC process or consultation begins. Some are relevant to the affected community while others are relevant to the project developer. If you can check each of the questions, below, you are ready to start the consultation process and FPIC process prerequisites.

 Information to be learned from the community	
What is the community's process or procedures for representative decision making and developing or identifying cultural norms?	
<input type="checkbox"/> Community Representation	<input type="checkbox"/> Cross-Cultural Understanding

What is the community's process for consulting with women and marginalized groups?	
<input type="checkbox"/> Gender	<input type="checkbox"/> Marginalized & Vulnerable Groups
<input type="checkbox"/> Does the community have the knowledge and capacity to participate equitably in the consultation process?	
<input type="checkbox"/> What does the community require in order to consult?	

 Enabling Conditions requiring collaborative input
<input type="checkbox"/> Is there a mechanism for community representatives, project developer and other representatives to facilitate diverse and collaborative participation?
<input type="checkbox"/> Does the community have the opportunity to actively participate in the consultation process?

 Enabling Conditions requiring input from the project developer
<input type="checkbox"/> Does the project developer have policies and procedures aligned with PRO-IP and that support Indigenous Peoples' rights?
<input type="checkbox"/> Does the project developer have dedicated and qualified personnel responsible for community engagement and consultation?
<input type="checkbox"/> Does the project developer understand and respect community customary decision-making mechanisms and structures?

PREREQUISITES

The prerequisite steps are the steps where you should understand why may be impacted by the project, whether you are obligated to achieve consent through FPIC (or whether your ongoing consultation process is sufficient) and who the rights-holders are in the case that you should achieve FPIC.

<input type="checkbox"/> What is the geography and predicted impact of the activities?
<input type="checkbox"/> Is there a legal or contractual obligation to achieve FPIC?
<input type="checkbox"/> Who are the rights holders and duty bearers of FPIC and consultation?

FPIC PROCESS

Part of both the consultation and FPIC process consists of understanding the community's willingness to consider the project and ensuring they are aware of both the potential impacts and benefits of the proposed project.

<input type="checkbox"/> How will the project impact the community?
<input type="checkbox"/> Has the community been consulted on the project? Does the community support the project?

Achieving FPIC: In order to assure compliance, consent must be obtained if there are existing local or legal requirements where the project is being implemented. To achieve FPIC beyond consultation requires the element of consent. Gaining the consent of a community relies on two main steps: understanding whether the community is willing to negotiate and coming to an agreement. When an agreement is freely signed after a robust consultation process, FPIC can be considered accomplished. However, the process does not end with an agreement. The steps for following up on the agreement can be found below.

<input type="checkbox"/> Is the community willing to enter into negotiations?
<input type="checkbox"/> Have the community and project developer negotiated an agreement regarding the project?
<input type="checkbox"/> How are dissenting opinions accounted for and incorporated in the agreement?

POST-FPIC FOLLOW UP

Whether a process of consultation or consent was carried out, the project impacts and agreements should be monitored going forward. This includes setting up processes for monitoring and evaluation as well as protocols in case of a grievance.

<input type="checkbox"/> Is there a mechanism for ongoing dialogue and consultation?
<input type="checkbox"/> Is there a participatory mechanism for monitoring and evaluation?
<input type="checkbox"/> Are there additional inclusive development needs/concerns/issues to be considered
<input type="checkbox"/> Has a grievance and remediation mechanism been established collaboratively?