

Lao People's Democratic Republic  
Peace Independence Democracy Unity Prosperity

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**The guideline**  
**Concerning the process of free prior informed consent (FPIC)**  
**Under**

**Climate Protection through Climate Deforestation (CliPAD) in Houaphan Province**



iv1ay 2017





Lao People's Democratic Republic  
Peace Independence Democracy Unity Prosperity

Houaphan LFNC

Number...../ LFNC

Houaphan Province, date.....

### **The guideline**

### **Concerning the process of free prior informed consent (FPIC)**

### **Under**

### **Climate Protection through Climate Deforestation (CliPAD) in Houaphan Province**

### **Forward**

Climate Protection through Avoided Deforestation (CliPAD) is a development project of Lao government supported by German international cooperation agencies, GIZ and KfW. CliPAD supports Houaphan province to develop Provincial REDD+ program and provide incentives for local communities in order to involve them in the effort to manage and conserve forests by supporting the development in the field of local governance and supporting the strategy for reducing deforestation. CliPAD focuses on the management of village forests by villagers in 70 target villages with reference to the village forest management agreement (VilFoMA) between DAFO and villages. The purpose is to promote sustainable forest management, preservation and conservation.

To fulfill the criteria and requirement of agreement in the process of international REDD+ negotiation under UNFCCC which requires the consent of local communities to implement REDD+ activities without all forms of forcing in order to accept and participate in the implementation of such REDD+ activities which have both positive and/or negative impacts on their livelihood, FPIC in REDD+ is very important in fulfilling the requirement of international agreement on social and environmental safeguards. Another reason is to fulfill the standard of CCBA in order to be eligible to receive the performance based payment from different international funds in the field of climate change or from Carbon credit markets after mitigating greenhouse gas emission.

To fulfill the mentioned criteria, CliPAD has intension to use FPIC (Free, Prior, Informed Consent) consultation process as a standard for social and environmental safeguard in 70 target villages of two districts, Samneua (30 villages) and Houameuang (40 villages), Houaphan province. FPIC process is implemented under the cooperation among three stakeholders namely: the German

international organization, GIZ, the Lao Front for National Construction (LFNC) and **DFRM** based on the MOU dated 24 June 2014. Within that, the LFNC is responsible for developing a guideline on “FPIC process” and a guideline on “grievance process in the village level” so that CliPAD can use these guidelines in the project target areas.

After being developed and piloted for a while, it was evaluated by international experts to check the appropriateness and correctness of the process provided in the guideline and to see whether or not it meets the international criteria and related standards. Such evaluation provided a lot of information which helped improve the guideline to be more international under UNFCC and fit the condition and context of Lao PDR.

The guideline on “FPIC process” can be used for CliPAD project and if it is applicable, it can be used for the REDD+ projects in other places or for other development projects where there are impacts on the livelihood of communities within an area. Of course, it might be necessary to revise the context in the guideline such as the process, procedure and steps in order to make it be coherent with the concept, objectives and targets of that project.

However, this FPIC guideline was written and used for the first time with the projects dealing with the management and conservation of forests. The final aim was to reduce greenhouse gas emission from deforestation and forest degradation (REDD+). Importantly, it may not be able to avoid mistakes in terms of the content, phrases and terms used in this guideline. In this circumstance, we would like to apologize to readers. Apart from that, we would like to express our sincere thanks and welcome all comments from anyone so that they can be reference for improving this guideline in the future.

In addition, we would like to express our sincere thanks to individuals and all stakeholders especially in the local levels, province, districts and villages who efficiently cooperate, support, facilitate and contribute to the development of this guideline.

In Houaphan, date 19 May 2017

Deputy Chair of Provincial LFNC

ViTeng Cheumaiteng

ຫົວພັນ, ວັນທີ 19 ພຶສະພາ 2017

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## **Part I**

### **Introduction**

Lao P.D.R. is a party country of UNFCCC looking for technical or financial assistance under UNFCCC especially related to REDD+. It is an obligation to follow the agreements made in the conference of party countries under UNFCCC. These agreements also cover the provision concerning “the situation” in the party countries under UNFCCC. The conference of party countries decided that for all activities related to REDD+ leading to the change in terms of forest resource management by indigenous people and local communities, it needs to respect the provisions in UN declaration concerning the rights of indigenous people (UNDRIP). UNDRIP declaration has a provision on FPIC (FPIC) which is about the rights over lands and other rights of indigenous people. Lao PDR agreed on the declaration of UNDRIP during the general meeting of United Nations in December 2007.

Lao PDR is a country where there are many ethnic groups in the society. The total number of ethnic groups is 49 living throughout the country and officially recognized by the constitution. In addition, Lao PDR fully respects international agreements and treaties. As there are many ethnic groups, the country promised to revise laws and develop legislations to be consistent with those international agreement and treaties.

The structure and content of this FPIC guideline consist of processes and procedures necessary for the implementation with local communities of all ethnic groups. The guideline consists of 3 parts, a number of points, definition of terms and the important message is used in this guideline. In the guideline, it is understood that laws, regulations and the related socio-economic development plan of government are already and sufficiently disseminated to local people. According to the principle of FPIC, local communities shall have enough time and opportunities to decide whether or not to accept or participate in the implementation of project which may impact on the way to access and control or the capacity to gain benefit from lands and natural resources as well as forest resources.

The guideline is initially developed for the use within CliPAD project areas which consist of technical and financial modules. This guideline shall be applied for all activities related to planning and implementation of CliPAD projects. This could be for both technical and financial modules. There is no need for this guideline to be a perfect but it is a guideline to provide general instruction for conducting FPIC process with local community.

#### **Some important terms used in this document:**

***- Free Prior Informed Consent:***

**Free:** The consent of people shall come up without using power, intimidating or all kinds of forcing. Apart from that, people will not be lured or tempted in order to make them give consent. Ideally, the FPIC facilitator (conductor) should not hold any stakes in the outcome from consultation.

**Prior:** The community shall be informed about the project or activities and have enough time to review before the project activities start.

**Informed:** The information provided has detail reflecting the positive and negative impacts that may happen with project activities (especially all meaning of contract or agreement concerning the current and future rights over the land or over the accessing to resources) and is presented and translated in the language and in the form that is easy to understand and acceptable by many stakeholders in the community.

**Consent:** means the right of community to agree or not agree on the project before starting and also their rights to revoke their consent if the project shows that there are negative impacts on their livelihood during the implementation period.

- **Local community:** A number of Conferences of Party Countries under UNFCCC also mention “local community” in terms of their decision making which is relating to REDD+ in Lao PDR. It might be equivalent to a village with jurisdictional areas including all small villages and people of all ethnic groups living in that area.

- **Ethnic group:** the group of people with different languages, traditions and cultures. In general, they have their own identity in terms of accents which is especially depending the on geographical locations. This term is used in Lao PDR to replace the term *indigenous people* mentioned in the agreement of UNFCCC.

- **Civil Society Organizations (CSOs):** All groups of women or men that are legally established by themselves with common interest or aim for peace but they are outside the organizational structure of the party and government and are not official business entities. These organizations may be unofficial organizations namely: Cooperatives, Non-profit associations and etc.

## **1. Objectives.**

### **1.1. Objectives.**

- The main objective of this guideline is to give an overall picture of an approach and different procedures for consulting with local communities of different ethnic groups in coherence with the FPIC process which is acceptable in the international level. In addition, it also shows the situation within the country of Lao PDR;
- Provide the structure for a consultation process to ensure the efficiency and the meaning for local community. It will make them fully understand its meaning to their livelihood when participating or nor participating in the project so that they can give consent.

- Provide the structure for a process to ensure efficiency and consistency and respect the culture and traditions of different ethnic groups living in local areas and at the same time it needs to respect the constitutions and legislations of Lao PDR and fulfil the obligation under the international treaties and agreements.
- Disseminate policies, legislations, and the socio-economic plan of government to people of all ethnic groups to make them widely understand.

### **1.2. The expected outcome after conducting FPIC process**

- People of all ethnic groups including women and men know and understand their rights in FPIC process, providing that they respect the management of lands and forests;
- People of all ethnic groups including women and men understand the disseminated information related to the project activities namely its objectives, goals, benefit and the impacts that may impact on them;
- People of all ethnic groups including women and men can freely come up with their clear and fair decision making on whether they agree or not agree on different procedures of project implemented in their community and allocated lands;
- People of all ethnic groups including women and men deeply and widely know and understand the policies, legislations and socio-economic development plan of government.

## **2. Scope of use**

This FPIC guideline is used by the FPIC team during the implementation of CliPAD project in two districts of Houaphan province, Houameuang and Samneua. However, in the future, it may cover other districts where this project or other project will be implemented. The local consultation concept and approach as provided in this guideline may be also used by other development and investment projects throughout Laos where is applicable.<sup>1</sup>

FPIC consultation process shall be conducted throughout the project timeline starting from planning, implementation and monitoring the project. This starts from collecting information, conducting feasibility study and survey, designing, planning, implementation, monitoring and evaluation. Under the initial concept and objectives of project, the FPIC process should be conducted after completing village participatory land use planning when people participate in the decision making in terms of developing land and resource use plan within their village boundary. They have to respect and together follow the plan in order to respond to the need of livelihood especially the security in terms of their victuals. This kind of land use planning is the duty of government which is operated by related government organizations no matter there is a project or not.

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<sup>1</sup> Apart from that, the consideration should be based on “the implementation handbook on the participation of community” which includes FPIC. It was developed in 2015 under DoF, Ministry of Agriculture and Forestry.

### **3. International treaties and the national policies, legislations and regulations.**

This guideline is based on many sources of international treaties and a number of Lao policies, laws and regulations as following:

#### **3.1 Related national legislations**

- The constitution of Lao PDR;
- Law on the Lao front for national construction;
- Law on the development of legislations;
- Land law;
- Forestry law;
- Water law;
- Law on local administration and guidelines related to what is called “*SamSang*”;
- Decrees concerning the establishment, roles, responsibilities and duties of LFNC, LWU, Ministry of Agriculture and Forestry and Ministry of Natural Resources and Environment;
- Prime-minister decree number 112, concerning the environmental impact assessment;
- Prime-minister decree number 115 concerning the Non-profit associations;
- Prime-minister decree number 136 concerning the cooperatives;
- Prime-minister decree number 192 concerning the compensation for new settlement areas as a result of development projects;
- Prime-minister decree number 46 concerning the solution of grievance in the grassroots level.

#### **3.2 The related international treaties that Lao PDR has adopted.**

- UN declaration concerning the rights of indigenous people;
- The treaty concerning biodiversity;
- The international treaty concerning the eradication of poverty and all kinds of race discrimination;
- The international treaty concerning the eradication of all kinds of gender discrimination;
- The international treaty concerning the rights in terms of economy, social and culture;
- The international treaty concerning the rights of people and political rights;
- UNFCCC.

## **Part II**

### **Implementation**

#### **1. Overall process**

In general, the FPIC process consists of local FPIC team to hold the meeting for disseminating information and consulting with local communities (village) where the project is implemented. It is very important to make sure that the information provided to people is clear and complete so that all participants (women and men) from different ethnic groups who have the risk to get impacts can understand clearly and decide whether or not they will give consent to the project or all kinds of approaches and main project activities. Local communities have the right to request for more information at any time if they have questions or doubt about the planning, implementation and the potential impacts from the proposed project. They also have the rights to request for additional consultation with the project related stakeholders especially the district office of agriculture and forestry.

In principle, this FPIC process implies that local communities will have sufficient time to conduct the consultation by themselves so that they can make decision based on the majority votes (at least two third) of women and men from all ethnic groups living in local community. Local people should not be asked to make decision immediately at the end of information-dissemination meeting or consultation since they need additional time to do the internal consultation among themselves.

The overall process of FPIC is an appropriate grievance mechanism which has to be consulted with the communities and related organizations in local areas so that all people (women and men) of different ethnic groups can know clearly where they can submit their complaint if anyone does not follow the project related agreements. In the case there is conflict or debate within local communities as a result of not following the project related agreement, it is expected that the village mediation team that was already established (according to the prime-minister decree number 46) can solve such case.

For CliPAD project, the session for disseminating information and the consultation meeting shall be held at least 3 times per village and it is also possible to organize more sessions depending on the need and the actual circumstance. Every time, the FPIC consultation meeting shall mention the main project activities related to the designing, planning and the management of forest and land use. As mentioned above, “the consultation meeting” will not mix up with “the decision making meeting of local community”. The information and consultation sessions may be held at the same time but if there is no request for additional time from the community, the decision may happen at the same day. Every time, the local community shall have enough time (It depends on the size of community. This may take between 1 and 2 weeks or more) so that they can have internal discussion among themselves and make decision in their own ways. A separate meeting for communal decision making will be held

afterward in order to make a vote and assign the representatives of community to inform the outcome from their internal consultation meeting to the FPIC team.

The session for disseminating information and the 1<sup>st</sup> consultation meeting should be held after completing PLUP when it is officially adopted by the district governor. Such village land use plan should be developed on the ground of consultation and agreement made within the village and the agreement with neighbouring villages and the government land use planning team concerning the location and how the current and future land use are. Thus, the FPIC team will not talk again about the development of village land use plan but if it is necessary, it can refer to such plan during facilitating the consultation of villagers. The 1<sup>st</sup> consultation meeting is to disseminate all project related information to villagers and ask for their comments whether or not they will give consent and accept the project to be implemented in the village. If the villagers need additional time for their own internal consultation, they can do that but it should not delay for more than 2 weeks. In the end of consultation meeting, the FPIC team shall make a minute of consultation describing the key content and agreement as evidence and reference for future procedure.

The 2<sup>nd</sup> consultation meeting will be held after the 5-year village forest management plan and the forestry annual work plan are developed and officially adopted by related offices in the district level. The process to develop the village forest management plan is following the procedures and steps provided in the village forest management manual, providing that villagers participate from the beginning until the end. Specifically, they participate in the design and inventory of forest, the collection of information in the field and the determination of forest management activities. Such process is supposed to spend about 2 to 4 weeks after receiving the consent concerning the project from villagers in the 1<sup>st</sup> consultation. Therefore, it can be said that the villagers receive quite a lot of opportunities to participate in activities and they understand quite well how their forest resources will be managed and used. The main objective of this 2<sup>nd</sup> consultation meeting is to propose the draft-village forest management agreement by the FPIC team in order to make all villagers know, have opportunity to discuss, share ideas and revise the content of agreement where is appropriate and necessary. This is to make sure it is fit to the actual circumstances. In the end of consultation meeting, villagers are asked whether or not they agree and are happy with this agreement? Or it needs more time for their internal consultation. They can do that but it should not take more than 1 week. The minute of 2<sup>nd</sup> consultation meeting shall be written in similarity with the 1<sup>st</sup> consultation meeting.

In case most villagers agree, the 3<sup>rd</sup> consultation meeting can be held in the following day so that the FPIC team will not waste the time before going to other places. The participants of the 3<sup>rd</sup> consultation meeting include elderlies, senior people, Youth Union, Women Union and the village administration authority. They will listen and discuss on the mechanism to solve grievance in the village level before organizing a ceremony for signing the village forest management agreement. At the same time, the minute of the 3<sup>rd</sup> consultation meeting shall be also written as future reference.

The additional meeting to discuss on the provision of information should be organized depending on the need between each consultation meeting especially in the case there may be a request from local community when there are something in doubts, questions or complain concerning the process of implementing the project. At any time, women and men have the right to ask for additional time to deliberate or request for technical assistance or any experts including the one from the project to help explain and provide additional detail for them so that they can know before making decision whether or not to accept the whole or some parts of project activities which are expected to be implemented by themselves.

## **2. The place for organizing FPIC consultation**

For the place to organize the consultation meeting, every time it needs to select the venue within the community. It depends on the condition in that area. It could be the village chief office, a house, a school, the temple or the yard where is appropriate. The main criteria is that the venue can conveniently accommodate a number of participants (Ideally the meeting should be arranged in a circle shape or U shape which is better than in the shape like an official meeting or school). The selected venue shall be acceptable and easily accessible for women and men from all ethnic groups and small villages in the community.

The venue for consultation meeting shall be arranged in the atmosphere that makes people feel comfortable so that they feel free to talk, ask questions and give comments. In order to provide enough opportunity for women of all ethnic groups to consult and make understanding of all necessary issues, if possible, the meeting should be organized in 2 sessions separating men and women. Ideally these sessions should be held at the same time. Normally, women have less experience in giving comment or raising questions during the consultation meeting. However, it is expected that they will do better if they are not in front of men and male officers. For the significant contribution by women to the management and preservation forest resources in Lao PDR., it is considered as necessary to make them have all necessary information concerning the planning of forest and land management within their areas.

The District FPIC team or the similar FPIC team shall facilitate the consultation in all aspects under the project. The FPIC team has significant a duty to develop and maintain good atmosphere while widely open for men and women from all ethnic groups to feel free to give comment and share ideas with the facilitators in a cordial and freedom manner so that they can feel free to ask for clarification for any topics being discussed. However, it is not expected that the FPIC team will have knowledge and fully understand about all issues or technical questions being asked. Whenever the team get questions or comments that they cannot answer, they have to note down and tell people that they will ask the appropriate experts to give answer afterwards.

### **3. The preparation of FPIC consultation**

Since this consultation meeting is an important event to contribute to the successful consultation with local communities. It needs to highly pay attention to the readiness of FPIC team. The good preparation in all aspects is the key to make the consultation successful. There are 5 main steps as followings for the preparation.

#### **Step 1: The establishment of FPIC team.**

One FPIC facilitation team consists of 4 people (Ideally there should be two women and two men). It has responsibility for the FPIC consultation process in the local level. This team shall be established. The team shall be well and sufficiently instructed and trained by the FPIC training team. The instruction and training for the team is very important because the team may conduct the consultation without difficulties (Please see step 2 below). The FPIC team may consist of personnel from different stakeholders as below:

- 1) Two people from District LFNC;
- 2) Two people from District Lao Women Union;
- 3) If possible, the appropriate representatives of social organizations, local staff of international organizations for international development, officials or students, senior people from research institutions or technical institutions.

The facilitation team should include at least two people who can communicate fluently in the main language of local community. One of these people shall be female if it cannot find two women as expected.

In most circumstances, it is considered as a good practice in the international level to involve women or men in the FPIC team. They can be people who come from a neutral organization or who have the roles closely related to the protection of rights and benefit of people. When considering the situation within Lao PDR, the mixed-up team consisting of mass organizations and social organizations may be considered as an appropriate option in all cases where LFNC is considered as a leading organization.

#### **Step 2: Instructions and training for the FPIC team.**

The people who are appointed to be in the local FPIC team shall be instructed and trained sufficiently by the FPIC instructor team so that they can know and understand the significance and necessity of overall FPIC process especially the principles, process and content. It is the most important for local team to get trained on both the content and methods for facilitation. The team shall

get trained so that they can understand the project and proposed activities in terms of content, background information, objectives, benefit and impacts in long and short terms.

The FPIC team shall understand a good practice when facilitating in the local level so that there are positive and efficient outcomes. Finally, the team shall understand how the FPIC process and the project concept are coherent with the directions, policies and legislations of government. However, it is not the task of FPIC team to disseminate policies, laws and regulations. It is also not the task of FPIC team to do the awareness raising on the environmental protection, climate changes or other topics. This is an important task and it is necessary to do in different time from FPIC process.

The training should be conducted in many parts namely: the introduction of an approach and the theory may be done in the class. This includes necessary information about the project and the practice in the field of skills to present and facilitate the consultation. The main task of FPIC team is to facilitate women and men of all ethnic groups living in local community to make them understand a number of significant issues e.g. What FPIC means; How important the land use planning and the forest management are; How such planning impacts on the livelihood of people; The purpose of project; Why the project wants to implement in the areas allocated to people; The negative and positive impacts that may happen when accepting particular land use type in the areas already allocated; The possible impacts from the project; and The potential options.

The members of trainer team may come from different organizations but should include people from the project (To explain the concept of project, activities and other things similar to this), LFNC, Social organizations or Non-profit associations that are capable to facilitate or take part in the development and perhaps if possible, they could come from a research or training institution. The main standard for the members of trainer team is that they have to deeply understand the project and be able to explain it easily. They have to deeply understand the forestry and land use planning in Lao PDR and have direct experiences in consultation approach and the gender participatory planning in Lao PDR (It is not expected that one person should meet all of these standards but the whole trainer team shall meet all of these standards).

After the FPIC team are sufficiently trained, they are ready to move forward to step 3<sup>2</sup>.

### **Step 3: The preparation of FPIC consultation.**

Step 3 includes the preparation of FPIC consultation with the support by local community and the coordination to arrange the time for consultation. Importantly, it needs to make sure that there are documents and necessary stuff available. Apart from that, it needs to prepare budget and etc. It is

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<sup>2</sup> These guidelines do not cover the detail of training for FPIC team. It should have a separate guideline or manual for this purpose.

expected that the District LFNC will be the main actor responsible for the preparation even though other organizations also take part in the consultation.

To make sure that the preparation continues properly, it needs to allow two to four weeks for preparation (especially for the initial consultation).

### **Coordination:**

The District LFNC shall be responsible for the following coordination:

- Introduce the objective of FPIC consultation meeting to the village administration authority and decide when it is appropriate to organize such organization. For the date and time to organize consultation meeting, it needs to base on the time when most women and men are available (For example: In the agricultural production season when there is a high demand of labours so it should avoid this time period);<sup>3</sup>
- Propose or request the village administration authority to select 2 venues for consultation: One venue is for women and another one is for men. To select the venue, it depends on the appropriateness and what are available in the local area;
- Propose or request the village administration authority to report on appropriate information concerning FPIC consultation to all women and men who are adult. The village administration authority needs to clearly understand that all adults (at least 15 years old) are invited to participate. Women have to be specifically invited. If in the local community, there are many small villages or ethnic groups, all women and men from all small villages and ethnic groups shall be invited to participate;
- Inform the local administration authority to know that for the first FPIC consultation, there shall be women and men covering at least 60% participating in the consultation (including 60% of each ethnic group living in the local community);
- Propose or request the village administration authority and the village women union to appoint somebody to temporarily take care of children on the date when organizing the consultation so that women can comfortably participate the consultation without taking care of children during the consultation going on;
- If the community is in a very remote area, the FPIC team needs to stay overnight in that local community. The District LFNC has to propose the village administration authority to arrange accommodation for the them;
- Make an agenda for FPIC consultation with every FPIC team member; (Remember! Please keep the agenda as unofficial and there should not be a “chairman” or official speech.

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<sup>3</sup> Some ethnic groups have special “holiday” when they do not go to their farms. It is suggested to find out when it is because most people will stay within their houses and village areas on such day.

## **Equipment and facilities**

The District LFNC should make sure that the necessary equipment and the way to transport are prepared and ready for the FPIC consultation in local areas. It is recommended to use least equipment; avoid using electronic equipment if possible. The following list should be available:

- The project related documents, the land use planning report, the legal reference documents and regulations in simple language for supporting consultation with local community;
- The related documents that can be left with the community (For this, it is better to be in the form of hard copy rather than soft copy!);
- Generator (If no electricity) and electric equipment (such as electric cable, lamp, etc.);
- Sound system (Speakers, Microphone, battery and chargers);
- Camera and video camera (If available);
- Big paper sheets;
- Laptops for the FPIC team
- Marker and pens;
- A4 paper
- Folders for keeping documents;
- Brochure providing information in text/picture format that is easy for the community to understand the project;
- Vehicles depending on the need;

The following materials should be considered as they can facilitate the presentation so that people in community can visualize the information. This information should be presented or provided in reasonable manner and not too much. However, it should bring most of necessary information about the project to consult and share with the community in order to make them deeply and widely understand. The most important thing is that it should not make the consultation to become the floor for awareness raising.

- Laptops;
- Printer;
- LCD projector.

The District LFNC shall make sure that if no FPIC members can speak local language well, it needs to hire somebody (Ideally should be one woman and one man) who has capacity to help translate during the FPIC consultation.

**Budget:** (Follow the financial regulation which is revised by Ministry of Finance in different periods of time)

- Per diem;

- Accommodation (If needed);
- Transportation cost;
- Fund for purchasing additional materials, gift for consultation facilitator and etc.

**Other things:** The FPIC team shall have official documents which are needed for travelling and coordination/collaboration according to the regulation.

### **Notes**

The FPIC team and all project staff should not expect for free food from local community. They have to pay for food. The FPIC team should have budget for lunch or at least for coffee break when snack is available for local community.

## **Step 4: Organizing the FPIC consultation**

### **Prior to the consultation**

- Make sure that the venue is ready and there is enough number of female and male participants.

### **Notes**

No matter what reasons are, if the number of participants is too small, it is necessary to postpone the consultation to another day.

- Look for the consultation venue where there are seats available. Arrange posters, brochure, a registration desk, a table for LCD, screen, paper and etc.
- If necessary, it should request for male or female volunteers from the village to support the consultation (providing that there are some small gift for them);
- Register all women and men participating in the consultation (Based on the attached forms). This include names, sex, age, ethnic groups and the names of small villages where they live (If there are more than one village);

### **The procedure for conducting FPIC consultation**

- The village administration authority gives welcoming remark to all people and roughly introduces the participants from village. It informs the number of people from village organizations including villagers in general and then presents some general and brief information (e.g. the population, the number of small villages, the ethnic groups living there and all kinds of special information such as the nature and culture in the area, the age of village and etc.);
- The appointed FPIC member states the objective of consultation and introduces the FPIC team. Apart from that, such person has to present the agenda and reasons of consultation such as the

need to select representatives of villagers (Please see below) and they may be divided into female and male groups after presenting the initial agenda. The expected time for consultation will be clearly specified. This includes the time when people may take a break, have some snack and do other jobs at the same time.

- At the beginning, the FPIC team shall make clear that local community will make the decision about the project by themselves. This means that the FPIC team should raise different issues clearly (or raise questions) where it is seen as important for the decision making by communities;
- If it is divided into 2 groups, men and women, before doing that, the FPIC team shall ask the participants to select 5 to 7 people to be their representatives (Make sure that there are both men and women and each ethnic group should have its representatives). These “temporary representatives” will sign “the minute of consultation” on behalf of local communities and will be the key people leading the consultation within local communities and consolidating different comments concerning the proposed project. In addition, these representatives will inform the decision made by communities. Therefore, they shall be important people whom are trusted by communities.

### **Notes**

- 1) The FPIC team shall be flexible depending on the actual need in the agenda; However, any changes in the agenda should be noted down by the FPIC team;
  - 2) If the consultation is divided into 2 sessions and organized at the same time, e.g. one session is for women whereas another session is for men, before that, there should be an introduction session for men and women at the same venue. After that, it has to be divided into 2 groups based on the gender difference. The meeting shall be ended after all participants come to gather again to summarize the outcome.
- The FPIC team shall clearly present the project and what the project want to do and operate (types of activities, timeframe and etc.) including the discussion on the outcome from all land use planning activities that were already implemented in the areas. It needs to see whether or not all people know and understand the project well and whether or not they satisfy the outcome from discussion (In the consultation, it may be divided into male and female groups);
  - The FPIC team should encourage the participants to exchange, discuss and raise questions concerning the project (In the consultation meeting that separates men and women);
  - The members of FPIC team, who are assigned, will note down all issues or main questions during the consultation going on. This means that there will be two minutes of meeting per one community. Local people will have one minute for the male consultation meeting and another minute for female consultation meeting if the group is divided;

- In the end of FPIC consultation, women and men should attend the meeting together again. The questions and main issues should be presented to all people so that they can know and see what are discussed between two groups;
- **Very importance** – In the end of FPIC consultation, all participants will be informed that now they have one or two weeks (or more if people say that they need more time) to make decision about the project. The representatives of local community have the duty to continue the consultation within the community in order to come up with the decision about the project with majority votes.

**After FPIC consultation meeting:**

- Every time when holding the FPIC consultation meeting, it needs to make a minute that summarizes different issues being discussed or decided. In order to save the time and avoid organizing the consultation meeting again, every time, the minute of meeting should be completely made within the consultation meeting and read through the meeting so that all participants can know, give additional comments and revise it based on the agreement. The FPIC consultation will close after all stakeholders such as the FPIC team and representatives of local communities sign the minute of meeting.
- In an unavoidable case, for example, when the important representatives of community cannot attend the consultation but it is necessary to conduct the consultation to ask for comment for decision making, the minute of consultation will be left with local community so that they can have internal consultation and agree on the decision. The time for internal consultation within the community should be within one week for each consultation unless the community still have many issues that need to be clarified. Therefore, the project shall help them understand well. This could be technical issue, financial issue or the issue of policies and legislations which may impact on their livelihood. After coming up with decision, the selected community representatives will communicate their decision to the project or propose additional information to the FPIC team that will prepare the final minute for signing.

**Notes:**

All consultations related to FPIC shall be held in a similar manner. Ideally, the representatives of community who were selected during the early FPIC consultation should be the same people who will always attend FPIC consultations. This is to create consistency in the consultation. Essentially, people shall be given enough time so that they can have their own internal consultation and decision making after each consultation meeting depending on their actual need before moving forward to the next consultation meetings.

**Step 5: The development of a summary and lesson learnt report**

Every time after finishing the FPIC consultation, the FPIC team shall make a report summarizing how all of processes are conducted starting from the preparation process until making a minute. This summary report may include advantages, disadvantages, convenience, difficulties and lesson learnt from different steps. The FPIC team should provide instructions or suggestions to the owner of project activities, the administration authority and local communities of where the consultation is taken place, LFNC, Women Union and related stakeholders.

### **Part III**

#### **Monitoring and evaluation**

##### **1. Monitoring the implementation of FPIC agreement**

When the majority of local people (two thirds) give consent, the project may start the implementation based on the agreed plan. To make sure that the implementation follows the agreement made with local people, the agreement needs to be monitored by related stakeholders as following:

- Related administration authorities from different levels: Province, district and village;
- The Lao Front for National Construction from different levels: Province, district and village;
- Women Unions from different levels: Province, district and village.
- Other related stakeholders;
- All people or organizations that are assigned to monitor.

The implementation of agreement is monitored based on the need but it should not be organized less than 1 times per every 6 months. That meeting shall be held in different levels (Mainly in the district level) especially to monitor all irregularities or difficulties after being reported. The discussion during the monitoring meeting will refer to the monitoring report from the village to the district. Thus report should focus on the content that was agreed under the fact that whether or not the FPIC process is respected and implemented in the right way. The report should be sent out regularly but should not be more than one times per quarter because it will create difficulties for local people in terms of writing reports in details. LFNCs of different levels shall make sure that the monitoring reports are sent to the right level, to the project and to the project steering committee.

The people who attend such monitoring meeting may decide to do the checking for collecting additional information or check the information provided in the monitoring report. The checking will be conducted based on the need and joined by project stakeholders in the provincial level.

## **2. Evaluation**

- After using this guideline for one year, there should be some kinds of evaluation in order to see advantages, challenges, lessons learnt and any gaps (something missing) in guideline. Then the solutions can be sought out during the meeting in Houaphan. The purpose of evaluation is to continue improving the guideline to make sure that it responds to the need of users;
- The leading organization responsible for this evaluation is the Provincial Lao Front for National Construction. This organization has to make sure that all related stakeholders from the local level up to the central level participate in the evaluation meeting.

## **3. Implementation methods**

- The District FPIC team are assigned to efficiently implement this guideline;
- In case the implementation of this guideline faces difficulty, it has to procedurally report to Houaphan Provincial LFNC so that the problem can be solved in a timely manner.

**Annexes:**

**Registration form for people who attend the FPIC consultation in the village level**

On date...../...../....., in Village....., District....., Province.....

No.	Names and surnames	Age	Sex	Ethnic group	Occupation	Phone number	Signature/finger print
1.							
2.							
3.							
4.							
5.							
6.							
7.							
8.							
9.							
10.							
11.							
12.							
13.							
14.							
15.							
16.							
17.							
18.							
19.							
20.							
21.							
22.							
23.							
24.							

The sheet summarizing people who attend the consultation No. .... , in village.....,  
 District....., Province.....

Ethnic group	Total number of people attending			Age				Remarks
	Female	Male	Total	15-25	26-35	37-60	>60	
Percentage %			100					
Percentage of participants compared with the total number of villagers:								
Youngest ages:								
Oldest ages:								
General comment								